

BERKELEY COUNTY GOVERNMENT

COUNTY COUNCIL

AGENDA • SEPTEMBER 23, 2019

REGULAR MEETING

Administration Building - Assembly Room

6:02 PM

1003 HIGHWAY 52
MONCKS CORNER, SC 29461



BERKELEY
— COUNTY —
SOUTH CAROLINA

Council Chairman

Johnny Cribb

Vice Chairman

Joshua Whitley

District 1

Kevin Cox

District 3

Phillip Obie

District 4

Tommy Newell

District 5

Brandon Cox

District 6

Jack Schurlknight

District 7

Caldwell Pinckney

District 8

Steve Davis

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

CALL TO ORDER

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

APPROVAL OF MINUTES

1. County Council - Special Meeting - Aug 2, 2019 9:01 AM
2. County Council - Special Meeting - Aug 12, 2019 6:11 PM
3. County Council - Executive Sessions - Aug 26, 2019 5:30 PM
4. County Council - Public Hearing - Aug 26, 2019 6:01 PM
5. County Council - Regular Meeting - Aug 26, 2019 6:02 PM

PUBLIC DISCUSSION

1. Requests to be heard must be made prior to the Call to Order. [Comments on any Public Discussion items will be limited to four (4) minutes per speaker. A total of 30 minutes will be allotted for this Public Discussion period.]

CHAIRMAN OF COUNTY COUNCIL**REPORTS FROM STANDING COMMITTEES****1. Committee on Finance**

Chairman Joshua S. Whitley, District No. 2

- a. Approve Settlement in the Matter of Donmar Sand Mines, LLC v. Berkeley County et. al.

Presenter - John O. Williams

- b. Status of State of Emergency Resolution

- c. BILL NO. 19-42, AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF A FEE AGREEMENT BY AND AMONG A COMPANY KNOWN FOR THE TIME BEING AS "PROJECT MONK", A COMPANY

KNOWN FOR THE TIME BEING AS “PROJECT MONK OWNER”, AND BERKELEY COUNTY, SOUTH CAROLINA, WHEREBY BERKELEY COUNTY WILL ENTER INTO A FEE AGREEMENT WITH PROJECT MONK AND PROJECT MONK DEVELOPER PROVIDING FOR PAYMENT BY PROJECT MONK AND PROJECT DEVELOPER OF CERTAIN FEES IN LIEU OF AD VALOREM TAXES; PROVIDING FOR THE ALLOCATION OF FEES IN LIEU OF TAXES PAYABLE UNDER THE AGREEMENT FOR THE ESTABLISHMENT OF A MULTI-COUNTY INDUSTRIAL/BUSINESS PARK; AND OTHER MATTERS RELATING THERETO.

07/22/19 Finance Committee HELD
 07/22/19 County Council HELD IN COMMITTEE
 08/26/19 Finance Committee DEFEATED
 08/26/19 County Council DEFEATED

2. Committee on Land Use

Chairman Tommy Newell, District No. 4

a. AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO EARTHSOURCE ENGINEERING ON BEHALF OF RONALD FOX FOR TMS #207-00-01-053 (± 2.23 ACRES); LOCATED AT 754 JEDBURG ROAD, IN THE VICINITY OF SUMMERVILLE, SOUTH CAROLINA; FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO GC, GENERAL COMMERCIAL DISTRICT IN COUNTY COUNCIL DISTRICT 7. INTENT: TO REZONE THE PROPERTY TO SUPPORT A RESTAURANT TYPE USE

07/23/19 Planning Commission RECOMMENDATION OF DENIAL
 09/09/19 Land Use Committee DEFEATED

b. AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO EDWARD MEW, ON BEHALF OF ERIC STINNEY & LORI ANN MEW FOR TMS #195-14-00-018 (±2.15 ACRES); LOCATED IN THE GREATER SUMMERVILLE VICINITY ON MCLAURIN AVENUE IN THE FOREST ACRES SUBDIVISION; FROM R-2R(F), MOBILE HOME RURAL FARM RESIDENTIAL DISTRICT TO RNC, RURAL AND NEIGHBORHOOD COMMERCIAL DISTRICT IN COUNCIL DISTRICT 6.

08/27/19 Planning Commission RECOMMENDATION OF DENIAL
 09/09/19 Land Use Committee DEFEATED

3. Committee on Administrative Services

Chairman Brandon Cox, District No. 3

4. Committee on Justice and Public Safety

Chairman Jack Schurlknight, District No. 6

- a. Grant # 1V19019 Berkeley County Sheriff Office Victim Advocate
- b. Berkeley County CAD/RMS/JMS Project Presentation

5. Committee on Public Utilities

Chairman Kevin Cox, District No. 1

- a. Republic Services Update
- b. Tap/Impact Fee Property Lien Discussion
- c. Discussion of Assessing Fines on Out-of-County Waste Haulers

6. Committee on Auxiliary Services

Chairman Phillip Obie, II, District No. 3

7. Committee on Operations

Chairman Caldwell Pinckney, District No. 7

8. Committee on Community Services

Chairman Steve C. Davis, District No. 8

THIRD READING

- 1. BILL NO. 19-01, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO BLESSING INVESTMENTS, LLC TMS #248-00-03-114 (+/- 47.54 ACRES), LOCATED ON HIGHWAY 41 AND CHARITY CHURCH ROAD, IN THE HUGER COMMUNITY, SC; FROM R-2, MANUFACTURED RESIDENTIAL DISTRICT TO FLEX-1, AGRICULTURAL DISTRICT IN COUNCIL DISTRICT 8.

12/13/18	Planning Commission	RECOMMENDATION OF DENIAL	
01/14/19	Land Use Committee	APPROVED AND REFERRED	
01/28/19	County Council	REFERRED	
02/11/19	Land Use Committee	APPROVED AND REFERRED	
02/25/19	County Council	APPROVED AND REFERRED	
04/08/19	Land Use Committee	DEFEATED	
04/22/19	County Council	TABLED	Next: 05/28/19
05/28/19	County Council	TABLED	
06/24/19	County Council	TABLED	Next: 07/22/19
07/22/19	County Council	DEFEATED	

08/12/19 Land Use Committee APPROVED AND REFERRED

2. BILL NO. 19-33, AN ORDINANCE TO AUTHORIZE AND PROVIDE FOR THE ISSUANCE AND SALE BY BERKELEY COUNTY, SOUTH CAROLINA OF NOT EXCEEDING \$35,000,000 PRINCIPAL AMOUNT NEXTON IMPROVEMENT DISTRICT ASSESSMENT REVENUE BONDS, IN ONE OR MORE SERIES, FOR THE PURPOSE OF DEFRAYING THE COSTS OF CERTAIN PUBLIC IMPROVEMENTS WITHIN THE NEXTON IMPROVEMENT DISTRICT; TO LIMIT THE PAYMENT OF THE BONDS SOLELY TO THE ASSESSMENTS IMPOSED ON REAL PROPERTY WITHIN THE NEXTON IMPROVEMENT DISTRICT; TO APPROVE THE FORM OF AND PROVIDE FOR THE EXECUTION AND DELIVERY OF A MASTER TRUST INDENTURE AND ONE OR MORE SUPPLEMENTAL TRUST INDENTURES RELATING TO THE BONDS; TO MAKE AND PROVIDE OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

05/28/19 Finance Committee APPROVED AND REFERRED

05/28/19 County Council REFERRED

06/24/19 Finance Committee APPROVED AND REFERRED

06/24/19 County Council APPROVED AND REFERRED

3. BILL NO. 19-36, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO CYNTHIA GROSSO AND BEN STAPLES FOR TMS #210-00-00-061 (\pm 5.29 ACRES); LOCATED AT 127 FARRELL STREET IN THE VICINITY OF MONCK'S CORNER, FROM R-2, MANUFACTURED RESIDENTIAL DISTRICT TO R-3, MOBILE HOME PARK DISTRICT IN COUNCIL DISTRICT 6.

04/23/19 Planning Commission TABLED Next: 05/30/19

05/30/19 Planning Commission DENIAL RECOMMENDED BY PC

06/10/19 Land Use Committee APPROVED AND REFERRED

06/24/19 County Council REFERRED

07/08/19 Land Use Committee APPROVED AND REFERRED

07/22/19 County Council APPROVED AND REFERRED

09/09/19 Land Use Committee APPROVED AND REFERRED

4. BILL NO. 19-38, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO THOMAS LOWERY FOR TMS #222-11-00-029 (\pm 1.2 acres); LOCATED AT 503 MYERS ROAD, IN THE VICINITY OF GOOSE CREEK, FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO RNC, RURAL AND NEIGHBORHOOD COMMERCIAL DISTRICT IN COUNCIL DISTRICT 4.

06/25/19 Planning Commission APPROVAL RECOMMENDED BY PC

07/08/19 Land Use Committee APPROVED AND REFERRED

07/22/19 County Council REFERRED

08/12/19 Land Use Committee APPROVED AND REFERRED

08/26/19 County Council APPROVED AND REFERRED
09/09/19 Land Use Committee APPROVED AND REFERRED

5. BILL NO. 19-39, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO CLIFFORD & DIANE BYE FOR TMS NOS. 241-00-00-002, 241-00-00-166, 241-00-00-167, AND 241-00-00-168 (\pm 24.6 acres); LOCATED ALONG CHANCING BYE LANE IN HUGER COMMUNITY; FROM R-2, MANUFACTURED RESIDENTIAL DISTRICT TO FLEX-1, AGRICULTURAL DISTRICT IN COUNCIL DISTRICT 8.

06/25/19 Planning Commission APPROVAL RECOMMENDED BY PC
07/08/19 Land Use Committee APPROVED AND REFERRED
07/22/19 County Council REFERRED
08/12/19 Land Use Committee APPROVED AND REFERRED
08/26/19 County Council APPROVED AND REFERRED
09/09/19 Land Use Committee APPROVED AND REFERRED

6. BILL NO. 19-40, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO CLIFFORD & DIANE BYE ON BEHALF OF CHRISTOPHER AND JANETTE BALDT FOR TMS #241-00-00-169 (\pm 4.5 ACRES); LOCATED AT 115 CHANCING BYE LANE IN THE HUGER COMMUNITY, FROM R-2, MANUFACTURED RESIDENTIAL DISTRICT TO FLEX-1, AGRICULTURAL DISTRICT IN COUNCIL DISTRICT 8.

06/25/19 Planning Commission APPROVAL RECOMMENDED BY PC
07/08/19 Land Use Committee APPROVED AND REFERRED
07/22/19 County Council REFERRED
08/12/19 Land Use Committee APPROVED AND REFERRED
08/26/19 County Council APPROVED AND REFERRED
09/09/19 Land Use Committee APPROVED AND REFERRED

7. BILL NO. 19-41, AN ORDINANCE AMENDING ORDINANCE 15-07-30 TO ADJUST THE ALLOCATION OF REVENUES GENERATED BY ALL JOINT INDUSTRIAL AND BUSINESS PARKS OF WHICH BERKELEY COUNTY IS A PARTY OR A MEMBER.

07/22/19 Finance Committee APPROVED AND REFERRED
07/22/19 County Council REFERRED
08/26/19 Finance Committee APPROVED AND REFERRED
08/26/19 County Council APPROVED AND REFERRED

SECOND READING

1. BILL NO. 19-44, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO DEBORAH HARTER FOR TMS #233-09-02-013 (\pm 3.63 ACRES); LOCATED ALONG TREELAND DRIVE , IN THE VICINITY OF

LADSON, S.C.; FROM R-2, MANUFACTURED RESIDENTIAL DISTRICT TO OI, OFFICE AND INSTITUTIONAL DISTRICT IN COUNCIL DISTRICT 4.

06/25/19 Planning Commission APPROVAL RECOMMENDED BY PC
07/08/19 Land Use Committee TABLED Next: 08/12/19
08/12/19 Land Use Committee APPROVED AND REFERRED
08/26/19 County Council REFERRED
09/09/19 Land Use Committee APPROVED AND REFERRED

2. BILL NO. 19-45, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO CATHY A. ATKINS ON BEHALF OF LESLIE M. NOAH FOR TMS: 233-13-00-031 (\pm 4.18 ACRES); LOCATED AT 1195 LIMEHOUSE LANE, IN THE VICINITY OF LADSON, SOUTH CAROLINA; FROM R-2, MANUFACTURED RESIDENTIAL DISTRICT TO FLEX-1, AGRICULTURAL DISTRICT IN COUNTY COUNCIL DISTRICT 4. *** INTENT: To combine this parcel with a neighboring Flex-1 zoned parcel held under common ownership for Agricultural purposes.

07/23/19 Planning Commission RECOMMENDATION OF APPROVAL
08/12/19 Land Use Committee APPROVED AND REFERRED
08/26/19 County Council REFERRED
09/09/19 Land Use Committee APPROVED AND REFERRED

3. BILL NO. 19-46, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO MAURICE WILDER ON BEHALF OF THOMAS & IRYNA TONEY FOR A +/- 0.514 ACRE PORTION OF TMS #232-00-02-184; LOCATED NEAR SANGAREE PARKWAY, COBBLESTONE BOULEVARD, AND ASHWOOD DRIVE IN THE SANGAREE COMMUNITY LOCATED IN THE VICINITY OF SUMMERVILLE, SOUTH CAROLINA; FROM R-1, SINGLE-FAMILY RESIDENTIAL DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT SMALL-SCALE IN COUNTY COUNCIL DISTRICT 4. *** INTENT: To combine the affected +/- 0.514 portion of the subject parcel into adjacent parcels 232-04-02-021 and 232-04-02-020

07/23/19 Planning Commission RECOMMENDATION OF APPROVAL
08/12/19 Land Use Committee APPROVED AND REFERRED
08/26/19 County Council REFERRED
09/09/19 Land Use Committee APPROVED AND REFERRED

4. BILL NO. 19-47, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO EARTHSOURCE ENGINEERING ON BEHALF OF BLAINE E. THOMPSON FOR TMS #263-00-01-003 (\pm 6.84 ACRES); LOCATED ALONG CLEMENTS FERRY ROAD, IN THE VICINITY OF CHARLESTON, SOUTH CAROLINA; FROM R-2, MANUFACTURED RESIDENTIAL DISTRICT TO GC, GENERAL COMMERCIAL DISTRICT IN COUNTY COUNCIL DISTRICT 8. *** INTENT: To develop the property consistent with the surrounding properties in the affected area.

07/23/19 Planning Commission RECOMMENDATION OF APPROVAL
08/12/19 Land Use Committee APPROVED AND REFERRED
08/26/19 County Council REFERRED
09/09/19 Land Use Committee APPROVED AND REFERRED

5. BILL NO. 19-48, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO DOUG RICHARDSON FOR A +/- 3.4-ACRE PORTION OF TMS # 244-06-00-018, LOCATED ALONG LIBERTY HALL RD AT POND RD, IN THE VICINITY OF GOOSE CREEK, SOUTH CAROLINA; FROM R-2, MANUFACTURED RESIDENTIAL DISTRICT TO RNC, RURAL AND NEIGHBORHOOD COMMERCIAL DISTRICT IN COUNTY COUNCIL DISTRICT 3. *** INTENT: To allow buyers other than churches to use the buildings for commercial use.

07/23/19 Planning Commission RECOMMENDATION OF APPROVAL
08/12/19 Land Use Committee APPROVED AND REFERRED
08/26/19 County Council REFERRED
09/09/19 Land Use Committee APPROVED AND REFERRED

6. BILL NO. 19-49, AN ORDINANCE TO MODIFY THE OFFICIAL ZONING AND DEVELOPMENT STANDARDS MAPS OF BERKELEY COUNTY, SOUTH CAROLINA, IN REGARD TO FORREST SHEALY FOR TMS #222-15-00-028 (\pm 1.17 ACRES); LOCATED ALONG WIDE AWAKE CIRCLE AND COLLEGE PARK ROAD, IN THE VICINITY OF LADSON, SOUTH CAROLINA; FROM R-2, MANUFACTURED RESIDENTIAL DISTRICT TO GC, GENERAL COMMERCIAL DISTRICT IN COUNTY COUNCIL DISTRICT 4. *** INTENT: To support the development of an office/warehouse building.

07/23/19 Planning Commission RECOMMENDATION OF APPROVAL
08/12/19 Land Use Committee APPROVED AND REFERRED
08/26/19 County Council REFERRED
09/09/19 Land Use Committee APPROVED AND REFERRED

7. BILL NO. 19-50, AN ORDINANCE TO AMEND §11.7, OFFICE AND INDUSTRIAL USES, OF THE BERKELEY COUNTY ZONING AND DEVELOPMENT STANDARDS ORDINANCE TO ESTABLISH THE STANDARDS FOR THE PLACEMENT OF SMALL WIRELESS FACILITIES IN DESIGNATED COVERED AREAS IN UNINCORPORATED BERKELEY COUNTY, §4.3.1, USE TABLE, AND OTHER MATTERS AS IT RELATES THERETO.

07/23/19 Planning Commission RECOMMENDATION OF APPROVAL
08/12/19 Land Use Committee APPROVED AND REFERRED
08/26/19 County Council REFERRED
09/09/19 Land Use Committee APPROVED AND REFERRED

PROCLAMATION

1. Trident Literacy Month Proclamation - *Added to the Agenda per the Chairman*

NOMINATIONS FOR MEMBERSHIP ON BOARDS AND COMMISSIONS

1. Vacant / Expired Seats

ANNOUNCEMENTS

1. The October 2019 Regular Meeting of Berkeley County Council will be held on Monday, October 28, 2019, immediately following Public Hearings and any scheduled Committee Meetings at 6:00 pm, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, SC.

ADJOURNMENT


Catherine R. Windham, Clerk to Council