

COUNCIL DIRECTIVE

No: 153

DATE: May 16, 2007
TO: County Administrator
FROM: Clerk of Council
RE: Greenbelt Bank Ordinance - Ordinance 3rd Reading

At a regular meeting of County Council held on May 15, 2007 Council approved and gave third reading to an Ordinance amending The Greenbelt Bank Ordinance #1424.

**COUNCIL DIRECTIVE
FROM THE OFFICE OF THE COUNTY ADMINISTRATOR**

DATE: 5/18/07

ACTION REQUIRED

FOR INFORMATION ONLY

To: ✓ Keith Bustraan
✓ Corine Altenhein
✓ Kurt Taylor
✓ Walt Smalls
✓ Bob Stewart
Other: *Don Pennick*
Cathy Ruff

Staff: Action taken

Date completed _____

Department _____

9

Ord # _____

Adopted _____

AN ORDINANCE

AMENDING CHARLESTON COUNTY ORDINANCE 1424 TO FACILITATE THE ACCOMPLISHMENT OF THE GOALS OF THE GREENBELT BANK AND THE COMPREHENSIVE GREENBELT PLAN

WHEREAS, on December 20, 2005 Charleston County Council ("County Council") adopted Ordinance number 1424, creating the Charleston County Greenbelt Bank and establishing its powers and duties; and

WHEREAS, on June 6, 2006, County Council adopted the Comprehensive Greenbelt Plan, which addresses a number of issues regarding procedures for the expenditure of Transportation Sales Tax funds for greenbelts. This Plan was also made a part of the County's Comprehensive Land Use Plan by council action on January 9, 2007; and

WHEREAS, the Greenbelt Bank Board has requested other amendments to the Ordinance to facilitate the accomplishment of the goals of the Greenbelt Bank and the Comprehensive Greenbelt Plan,

NOW, THEREFORE, pursuant to the authority granted to the County Council for Charleston County under the Constitution, statutes, and laws of the State of South Carolina, BE IT ORDAINED by the Charleston County Council, in meeting duly assembled, the following:

1. Section Two A(1)a is amended to read as follows:
 - a. Eligible Greenbelt Fund Recipient means: Charleston County or a municipality in Charleston County; any agency, commission, or instrumentality of the County or municipality within Charleston County; a not-for-profit charitable corporation or trust authorized to do business in this State and organized and operated for natural resource conservation, land conservation, or historic preservation purposes, and having tax-exempt status as a public charity under the Internal Revenue Code of 1986, and having the power to acquire, hold, and maintain interests in land for these purposes; an agency or instrumentality of the United States Government; and any other entities as may be approved at the discretion of County Council on a case-by-case basis.

2. Section Five is amended to add an additional subsection J to read as follows:
 - J. Grants of Greenbelt Funds are intended to facilitate the acquisition

of interests in lands contemporaneously with the approval of the grant application. Therefore, it is not intended that applications will be approved for reimbursement of costs for the prior purchase of interests in land. However, where exigent or special circumstances arise which cause a need to acquire an interest in land after the submittal of an application for Greenbelt Funds, but prior to approval of an application by County Council, this purchase will not be automatically disqualified from receiving a grant of Greenbelt Funds. In order to avoid disqualification, the applicant(s) must demonstrate, to the satisfaction of County Council in its sole discretion, that circumstances arose which made the purchase necessary prior to grant approval.

3. This Ordinance shall take effect immediately upon approval following third reading. If any provision of this ordinance or its application to any circumstances is held by a court of competent jurisdiction to be invalid for any reason, this holding does not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this ordinance are severable.

ADOPTED and APPROVED in meeting duly assembled this ____ day of _____, 2007.

CHARLESTON COUNTY COUNCIL

By: _____
Timothy E. Scott
Chairman

ATTEST:

By: _____
Beverly T. Craven
Clerk of Council