

September 27, 1988

Regular Meeting, September 27, 1988

PROCEEDINGS OF COUNCIL

COMMISSIONERS OF PUBLIC WORKS

OFFICE BUILDING

Regular Meeting.

September 27, 1988.

The sixteenth meeting of the City Council of Charleston was held this date convening at 6:00 p.m. at the Commissioners of Public Works Office Building, 103 St. Philip Street.

Notice of this meeting and an agenda were mailed to the local news media September 23, 1988. A notice of this meeting appeared in SATURDAY, September 24, 1988.

PRESENT

The Honorable Joseph P. Riley, Jr., Mayor, and Councilmembers Gaillard, Richardson, Christopher, Scott, Berlin, Ader, Morea, Stephens and Thomas -- 10.

The Mayor welcomed the visitors to this meeting and apologized for the crowded conditions. He explained that renovations to City Hall had not yet been completed and a previously scheduled meeting at Gaillard Auditorium made that facility unavailable. In the past, he said, this room had been sufficient for the number of persons attending. The Mayor asked for a show of hands of the people interested in the three public hearings scheduled for this evening, which indicated the largest number of citizens present were interested in the truck routing in the Peninsula City and next, was the mass transportation program for handicapped persons. Accordingly, the Mayor determined that the public hearing on the truck routing would be held first.

The meeting was opened with prayer by Councilmember Christopher.

The Mayor invited Mr. Frederick Stent who would soon be retiring after twenty-two years of service with the City to join him at the podium. He reviewed Mr. Stent's work history with the City and commended him for a job well done. The Mayor then presented Mr. Stent with a plaque in appreciation for his dedicated services. Mr. Stent thanked the Mayor for the plaque and commented on the changes that had taken place in the City over the past twenty-two years.

Next, Councilmember Stephens introduced the following resolution:

A RESOLUTION

WHEREAS, Harry Bernard Chassereau died September 1, 1988 at the age of seventy-one; and,

WHEREAS, Mr. Chassereau was an Alderman for the City of Charleston, Ward 10, from 1951 until 1955; and,

WHEREAS, he was superintendent of the Charleston Sanitation Department from January, 1960 until his retirement April 15, 1976; and,

WHEREAS, Mr. Chassereau served as a member of the Committee on Bids and Purchases from 1953-1954; on the Committee on Public Charities, 1952-1954; on the Committee on Journals and Vacant Offices, 1952-1954; and on the Board of Public Buildings, 1953-1954; and,

WHEREAS, he was a devoted member of St. John's Episcopal Church and a member of the League of Mercy; and

WHEREAS, he was an executive committeeman for Precinct 23, a member of the Washington Lodge 5, Scottish Rite and Omar Shrine; and

WHEREAS, Mr. Chassereau served his country during World War II and was a valued citizen of this community;

NOW, THEREFORE, BE IT RESOLVED that the members of City Council hereby express their sorrow on the death of Mr. Harry Chassereau and extend to his family the deep sympathy of the City of Charleston.

BE IT FURTHER RESOLVED that this Resolution be entered in the official Journal of Council and that an engrossed copy thereof be transmitted to his family.

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The resolution was adopted on motion of Councilmember Stephens.

Next on the agenda was a public hearing called for by the following advertisement which appeared in The News and Courier, The Evening Post and The Chronicle on September 21, 1988:

PUBLIC NOTICE

The public hereby is advised that the City of Charleston will hold a public hearing beginning at 6:00 p.m., Tuesday, September 27, 1988, at the Commissioners of Public Works Building, 103 St. Philip Street, on the proposal to establish truck routes and restrictions within the Peninsula.

Interested persons are invited to attend the hearings and present their views. Extended presentations should be presented in writing.

MARY R. WRIXON

Clerk of Council

The following memorandum was received:

MEMORANDUM

TO: Mayor Joseph P. Riley, Jr.

FROM: Howard R. Chapman, P.E., Director, Department of Traffic and Transportation

SUBJECT: Truck Routing in the Peninsula City

DATE: August 26, 1988

The Traffic and Transportation Committee reviewed the proposal to establish truck routes within the Peninsula. During that review, a recommendation for a public hearing was received.

Since that time we have met with the Charleston Area Council, Charleston Motor Carriers Association, Hotel and Restaurant Association and other interested parties. We have developed a consensus recommendation which is as follows:

1. Establish a truck route specifically signing for the South Carolina State Ports Authority along I-26, U.S. 17, Morrison Drive, East Bay Street to Charlotte and Concord Street, south of Charlotte.
2. Restrict all vehicles having three axles or more from streets south of the Crosstown other than the designated truck route mentioned above.
3. Restrict delivery vehicles under three axles to delivery times in the Market and on King Street, south of Line to hours other than 11:00 A.M. to 2:00 P.M.

4. Establish a permit process for moving vans and other special deliveries, such as construction sites, south of the Crosstown.
5. Permit unrestricted deliveries to hospitals, schools and other major institutions on routes to be designated.

I am attaching a copy of the recommendations that have been established from the Charleston Area Council to the Board of Directors. These recommendations are similar to those listed above.

Since we have complied with the request of the Traffic and Transportation Committee to establish a consensus for the truck route issue, we would respectfully request that a public hearing be scheduled before City Council on the issue of truck routing and restrictions within the Peninsula City. By copy of this memorandum to Mrs. Wrixon, we are asking that it be placed on the next Council agenda.

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Councilmember Berlin recommended that information and advice be received from the people of the trucking industry and other businessmen in the peninsula but that no action be taken this evening on this issue. He requested the ordinance which had been drafted to establish truck routes and restrictions within the peninsula be revised following a review of the information received at this meeting. Continuing, he said he had talked with two Councilmembers from Detroit who told him when that city initiated a similar ordinance they received many complaints and verbal abuse, but after a few months the problems were worked out, the phone calls ceased, and those who had been complaining were taking credit for the ordinance.

Councilmember Berlin stated he did not believe a hasty decision should be made in this matter and moved that City Council not act on the ordinance this evening, but just receive input from the hearing.

The Mayor stated he had met with representatives of the business community this date who made a number of recommendations they would support. He was confident City Council would be able to shape these recommendations in a manner that would be supportive of the business community and at the same time provide assistance to city residents.

At Councilmember Richardson's request, Councilmember Berlin agreed to withdraw his motion until after the public hearing.

Howard Chapman, Director of Traffic and Transportation, briefed City Council on this public hearing matter. He stated for about two years he had been working with the State Ports Authority and other entities in the Charleston area for the development of a truck route within the peninsula city; also, with the Residential Neighborhood Associations on the problem of trucks going through residential streets. He said he had gone to a meeting of the Committee on Traffic and Transportation with a proposal for a truck route and directional routing to the State Ports Authority which basically was the Crosstown, I-26, Morrison Drive, East Bay Street and Concord Street south of Charlotte Street. In conjunction with that, Mr. Chapman stated the problem of large vehicles within the residential neighborhoods on either side of Meeting and King streets was discussed, as well as the potential for developing restrictions to keep them on specific routes that were conducive to the larger vehicles.

He stated that at that time the committee requested he meet with various groups, including the Charleston Motor Carriers Association, the Hotel/Restaurant Associations, and the Charleston Area Chamber of Commerce. Mr. Chapman stated that coincidentally, the Charleston Area Chamber of Commerce was also looking at the impact of large vehicles on small streets within the peninsula city.

Mr. Chapman explained he had met with these groups over a period of four months and developed the proposed recommendations that were before City Council this evening. These recommendations included: (1) the adoption of a truck routing for the State Ports Authority; (2) the

restriction of all vehicles having three or more axles to streets in this route, which was basically north of the Crosstown; (3) the restriction of deliveries on King Street and in the Market area to hours other than between 11:00 a.m. and 2:00 p.m.; and (4) the establishment of a permit process for moving vans and other special vehicles that needed to get into a construction site or for moving household goods. The recommendations also provided that major institutions such as learning institutions and hospitals have a routing developed for them, so large delivery trucks servicing those organizations could be accommodated.

Mr. Chapman said the purpose of this public hearing was to receive comments on the above-stated recommendations and noted representatives of various organizations concerned were present. He said he had requested the Motor Carriers Association to develop pictures for the Councilmembers to enable them to have a better understanding of the different sizes and types of vehicles being discussed. He distributed these pictures to the Councilmembers.

Councilmember Thomas said his agenda packet did not include an ordinance and he did not understand how Councilmember Berlin had gotten information to make his motion. The Mayor explained there was not an ordinance, but recommendations were included in the packet.

Councilmember Gaillard wanted to know if the recommendations addressed the issues of dumpster pickup and moving vans. Mr. Chapman responded that dumpsters at construction sites and moving vans were specifically addressed under a permit process. Councilmember Gaillard stated he was concerned about other types of dumpsters, such as those used by restaurants. Mr. Chapman stated they would operate under the same permit system.

Councilmember Morea asked if opponents to this proposal had been permitted input before the recommendations were established. Mr. Chapman responded that the recommendations were drafted after his meetings with the Motor Carriers Association, the Hotel/Restaurant Associations and the Charleston Area Council.

Councilmember Richardson asked if consideration had been given to the types of vehicles that delivered materials to construction sites. Mr. Chapman replied affirmatively. He said that in terms of how new development would be addressed the only thing he could suggest would be to revise the streets where larger vehicles would be permitted. He did not believe this would be difficult to do. Furthermore, he said, the purpose of this evening's public hearing was to present to City Council those streets included in the recommendations and to receive comments on those streets which the City might need to add.

There were no further questions from Councilmembers. The Mayor invited comments from those in attendance and stated the normal procedure was to hear proponents followed by opponents, but in this instance, however, there would be no set pattern.

Cheryl Kadane of 25 Archdale Street stated she worked for Lever Foods based in Atlanta. She explained she had one truck to cover the entire city, with eighty percent of her accounts being in downtown Charleston. She was concerned there would not be sufficient time to make all her deliveries if the proposed restrictions were imposed. She further explained her truck came once a week from Atlanta to make deliveries and it could not be rescheduled. She wanted to know if there could be a lifting of restrictions in cases such as hers.

Al Hodge, Executive Vice-President of the Charleston Trident Chamber of Commerce, thanked the Mayor and City Council for this process and public hearing. He believed the community had had good opportunities to provide input. He said he was equally concerned in making certain that the community and the City of Charleston were one, and both the residents and businesses could conduct their business easily.

He commended Mr. Chapman and John Deehan, Director of the Downtown Revitalization Department; who had been very cooperative in receiving the information and had real empathy for the business concerns of the community.

Mr. Hodge stated the Chamber advocated the following:

- 1.) No restrictions on certain roads as designated by the City regarding those to the State Ports Authority.
- 2.) No restrictions on routes to designated hospitals and schools.
- 3.) Vehicles with three axles or more restricted from residential areas on the peninsula except for moving and storage vans.
- 4.) Vehicles with three axles or more restricted from making deliveries south of the crosstown except by special permit.
- 5.) Trucks under three axles being permitted south of the crosstown and the restrictions on Market Street and King Street south of Line Street between 11:00 a.m. and 2:00 p.m., if there could be some extra flexibility.
- 6.) On the operational side, increasing the vigilance of the loading zones with stronger enforcement.
- 7.) On a periodic basis assessing the impact of these restrictions on the businesses as well as on the residential areas.

Mr. Hodge stated the above recommendations had gone through the Charleston Area Council and the Board of Directors which had received input from representatives of a good cross section of selected peninsula businesses.

Councilmember Gaillard asked Mr. Hodge to submit copies of the above recommendations to members of City Council. Mr. Hodge indicated he would be glad to do so.

James Reece of Mister Balloon stated he could understand the need for these regulations and wanted to address one matter directly--the restriction of delivery vehicles under three axles on Market and King streets between 11:00 a.m. and 2:00 p.m. He believed this restriction would include even bicycles. He said he delivered in a normal size van and parked in legal parking spaces. Deliveries, he said, were often made at lunchtime and did not obstruct traffic, and he believed exceptions should be made for this type of delivery.

Karen Prewitt, past President of the Ansonborough Neighborhood Association and current Board member, stated she was surprised to read in the newspaper recently that this proposed truck routing was brought about because of the Ansonborough Neighborhood Association.

She stated the Ansonborough residents' primary concern had been over very large vehicles and they had no intent to disrupt any business. She was an interior designer, she explained, and had to obtain a permit from the City to operate her business in her home. As an interior designer, she said, it would be nice to have furniture deliveries made to her home and she was going against her own best interest to regulate truck traffic on Hasell Street where she lived. She said a tremendous number of eighteen wheelers used Hasell Street with no purpose whatsoever in going through Ansonborough. They were either lost, she said, or were taking a short-cut to Concord Street.

Ms. Prewitt concluded by saying her Association's main concern was for the houses of Ansonborough which were extremely fragile having been built after 1838. The rumbling of large trucks caused slates to fall off roofs and walls to crack. She pointed out that maintaining these houses was very expensive. In addition, she pointed out, both ends of Hasell Street were posted for no trucks, and if the truck drivers had paid attention to the posted routes, there would never have been a need to bring this matter to City Council.

Michael Atwood, representing the Charleston Motor Carriers Association, and an employee of Carolina Freight Carriers of 10003 Trident Street, Hanahan, S.C., stated he had been present at most of the meetings with the Charleston Area Council and could only speak for the regulated common motor carriers. He pointed out that many different types of businesses had trucks making

deliveries. Most of the carriers delivering into the downtown area, he said, endeavored to stay there for a minimal amount of time and to limit deliveries to trucks no larger than absolutely necessary. The recommendations as presented by the Traffic and Transportation Department and the Charleston Area Council, he said, would restrict some companies from making deliveries to this area. There were some companies that did not have vehicles smaller than three axles and he believed this needed to be taken into consideration and revisions made before City Council acted on the recommendations.

Mr. Atwood concluded that if deliveries were restricted there would be congestion and some deliveries might have to be carried over to the next day. He pointed out if additional personnel were then required, the expense would have to be passed on to the public.

Gerald G. Smeltzer, Jr., Vice President of VanSmith Concrete Co. stated his company already had to comply with a permitting process, and he did not see the need for creating another level of paper work in order for his company to make deliveries. He also wanted to know if there would be a fee for the proposed permits.

The Mayor stated he did not know that a fee had been proposed. He added that he concurred with Councilmember Berlin's idea that City Council receive information this evening and that the matter be sent back to committee for further consideration.

Chris Holmes, Chairman of the Market Area Merchants Association, stated she had sat in on most of the meetings that were held on this issue. She proceeded to say that some merchants made deliveries with three-axle vehicles only, and the proposed restrictions would keep them from doing business. She noted also that at this time of year the area was not as congested as other times and suggested the proposed truck routing not be tested until February when the area would be busier, and then only the portion relating to deliveries from large vehicles on North and South Market streets between 11:00 a.m. and 2:00 p.m. She added that the Merchants Association did not believe large vehicles should be restricted from being on the side streets.

Ms. Holmes also stated the Merchants Association would like to see greater enforcement of the prohibition of trucks from the residential streets which were closed to heavy truck traffic. She agreed that the residents had a very serious concern and she felt it was very important that the existing restrictions be enforced.

A Mr. Donovan stated his disagreement with the City placing time and route restrictions on large delivery vehicles as well as requiring the owners of the trucks to pay for a permit to allow their trucks to deliver merchandise to businesses which were contributing to the City of Charleston's tax rolls.

Buddy Ray, a resident on Rutledge Avenue in Wagener Terrace, was concerned that only the area south of the crosstown was being given consideration. He asked City Council to also consider restricting all vehicles with three or more axles from Rutledge Avenue south of Mt. Pleasant Street or from streets south of Mt. Pleasant Street and north of the crosstown expressway, other than on the designated truck route.

Mr. Ray stated that as a resident of Rutledge Avenue, he found that many large tractor/trailer trucks traveled on this street at high rates of speed during the day and night which caused a safety hazard. He ended his remarks by urging City Council to seriously consider his request.

James Pratt, an antique dealer on King Street, stated he made shipments all over the country and used specially equipped trucks for handling valuable paintings, furniture, etc. He explained these trucks came to Charleston once a month and if they were to arrive between 11:00 a.m. and 2:00 p.m., after City Council adopted these regulations, he would not be able to make deliveries that month.

Noel P. Mellen, a resident of 2 Pitt Street, said he represented one half of the Transportation and Tourism Subcommittee of Harleston Village. He was concerned over the regulation restricting three-axle vehicles below the crosstown because a number of businessmen on the peninsula needed them for their deliveries and stocking their stores. He thought a solution might be for the City to set up a permitting system similar to the one which regulated tourism business, with perhaps a permit fee to cover the costs generated by the system. He believed under such a permitting system the City would be better able to regulate the movement of moving vans, contractors' trucks and delivery trucks on City streets, as well as their use of on-street parking spaces. Mr. Mellen thought by using the City's tourism code as a guide, everybody could be somewhat pleased with the results.

Mr. Mellen also expressed concern over the language Mr. Chapman had used in his recommendation, namely, "three axle" vehicles. He stated that ninety-eight percent of the inner city buses were three axle vehicles. He was concerned that businesses would be adversely affected and the residents' taxes would go up if these busses were not allowed along the already regulated perimeter route to get to hotels and other businesses in the lower city.

Deborah Payne, President of the Movers Association of Charleston, stated this Association was opposed to the proposed plan inasmuch as this industry was licensed already by the Public Service Commission. She said it would be virtually impossible for anybody to move if three axle vehicles were banned from the downtown area. Even now, she continued, the moving industry was required to make plans ahead of schedule for such things as obtaining meter bags and making space for the delivery of household goods in the downtown area. Another permit would increase costs which would be passed on to the consumers.

Skip Condon, owner of A. W. Shucks Restaurant and Tommy Condon's Restaurant in the Market area, stated he had no problem with any of the proposals that Mr. Chapman submitted. His concern was Linguard Street which was parallel to Market Street. He pointed out that Linguard Street did not have a sidewalk and said it was almost impossible to get near either of his restaurants because of the trucks parked on the street. He thought if Market Street was banned from 11:00 a.m. to 2:00 p.m., it would mean everybody would park on Linguard Street because there was no place else. The restaurant business, he thought, was undoubtedly the cause for most of the trucks as well as tourists to be downtown. He did not know the solution to the problem, he said, but he was in favor of the proposal thus far. He requested when Mr. Chapman reviewed the proposal that Linguard Street be given some consideration.

Carolyn Torlay, President of Taylor Frozen Food Cold Storage, 24 Wolfe Street, stated her business serviced many downtown restaurants. She explained her business was located just south of the crosstown and stopped many eighteen wheelers from going into the downtown area to deliver goods to the restaurants. The restaurants in turn used small trucks to pick up supplies stored in her warehouse. She stated her business had to use eighteen wheelers because it served hospitals and schools, and had containers going to & from the State Ports Authority. She asked that her business be given consideration, otherwise the proposed regulations would put her out of business, which had been established in the 1940's and she had been operating since 1961.

Brian Borie, representing the Mazyck-Wraggsboro Neighborhood Association, stated his Association was in favor of the proposal. They had noticed that large trucks tended to go through the neighborhood during all hours of the night and the residents believed the step being taken this evening was good downtown management.

J. D. Brown, representing Atlas Van Lines, pointed out that movers did not have a schedule; they came when needed and many came from out of town. If movers were delayed or were required to get certain permits, this waiting time at approximately \$50.00 per hour would be passed on to the customer. This could present a problem and he asked that van lines be exempt from the proposal.

Edward Castillo, manager of the U-Haul Center located at 584 King Street, stated his business was located in a commercial zone with no nearby residences. Tractors and trailers came in and out of his

business on a regular basis, he said, and being included in this proposal would present a problem. There were many businesses on King Street that would be affected by this proposal that would in no way affect private residences. A U-Haul company, which had many large trucks, Mr. Castillo said, had no control on when people moved in and out of neighborhoods.

Sam Kirshtein, owner of a furniture store in operation on King Street for the past fifty years, stated he had served as President of the Uptown Merchants Association and the King Street Merchants Association. He believed he "had a feel for the pulse of the business community as well as anybody", but was speaking specifically on behalf of the furniture dealers. He had sympathy for the downtown residents and expressed confidence that City Council would find a solution to their concerns, but felt strongly that businesses could have no restrictions of any kind on the flow of goods going into or leaving their properties.

Mr. Kirshtein then turned to the topic of revitalization which he felt was needed downtown. He pointed out there was enough competition from businesses outside of the peninsula area and expressed the belief that the downtown businesses did not need any restrictions imposed on them that would further discourage others from locating in the city.

John Deehan, Director of Revitalization, City of Charleston, next addressed City Council. He explained that upon hearing some of the businessmen's concerns over the proposal, he asked the leaders of the merchants associations and the Chamber of Commerce to come together to discuss their concerns. He believed everyone shared the downtown residents' concern, but there was also a concern about putting the peninsula merchants at a competitive disadvantage with other merchants who were not in a restricted area. The goal of great cities, he said, was to nurture all parts of the community.

He proceeded to say that at the meeting the five proposals were reviewed and discussed, after which the group agreed to recommend the following:

- 1) Approve the first proposal which established the truck route but did not restrict anyone.
- 2) Form a committee to include the Chamber of Commerce, Traffic and Transportation Department, Revitalization Department, representation from the residential neighborhoods and from the Central Business District, peninsula business owners and business associations. This committee's responsibility would be to look at the proposals and develop a compromise.
- 3) Put up and enforce signage in residential neighborhoods.

Alice Tellis Creticos of Tellis Pharmacy, suggested the City restudy its loading zones. She complained that on King Street between Queen and Broad streets trucks doubled parked and parked illegally in driveways. She believed the current congestion problem on King Street was due in part to loading zones not being in the appropriate places. She believed, in particular, that the loading zone for Tellis Pharmacy was in the wrong place and asked that the Traffic Department look into relocating it to the proper place. She suggested the proper spot was at the end of King Street in front of the bank.

At this point the Mayor asked for a show of hands of those in favor of and opposed to restrictions on trucks in the peninsula area.

Jay Brown of Wilson Trucking Corporation stated his business used two-axle trucks downtown. It seemed to him the proposed truck routes would resolve the problem the City was attempting to correct. He felt the problem was with the out-of-town truck drivers who got lost on their way to the Ports Authority and drove their trucks through the residential areas, and not with the in-town truck drivers who made local deliveries. He believed most of the problem would be resolved if the City had distinct signs and routes showing truck drivers how they should get to the Ports Authority.

There was no further discussion on the proposed truck routing in the peninsula city. The Mayor declared the public hearing on this matter concluded.



Councilmember Christopher stated he represented the northwest section of the city in which Wagener Terrace, a quiet neighborhood, was located. He explained the residents were concerned about traffic coming off I-26 into Charleston in the afternoons from the military bases in the north area. He pointed out this traffic came off the interstate at Rutledge Avenue and Mt. Pleasant Street and requested plans be included to exclude truck traffic from this residential area. If trucks were not permitted south of the crosstown, he said, they should not be allowed in a residential area north of the crosstown. He asked that this be given consideration.

Councilmember Berlin then reinstated his motion that no action be taken on this matter until Mr. Chapman and the Traffic and Transportation Department reviewed the information received at this meeting and returned with a recommendation. He suggested their recommendation be made known to those who had spoken on this issue so they could have the information and "digest" it prior to City Council's next meeting. Councilmember Richardson seconded the motion.

Councilmember Richardson stated his major concern was for the downtown deliveries and the congestion which the neighborhoods experienced during the hours when people got off work. He suggested Mr. Chapman meet with Chief Greenberg to make sure enforcement was in place especially at loading zones. He observed in particular that cars park in loading zones on the north side of Market Street and the loading zone restrictions were disregarded. He believed some of the problem would be eliminated if existing restrictions were enforced. He stated he was in favor of the truck route concept but was concerned over the impact it would have on certain deliveries that had to be made on the peninsula. He believed the City should meet with the various trucking companies to discuss rerouting trucks or make some arrangements for overnight trucks to make deliveries at a designated location and the local people make deliveries in the downtown area.

Councilmember Thomas stated it was difficult to arrive at a solution when the complete problem had not been presented. He said he became upset when he saw trucks double parked on King Street and asked how many of those opposed to any regulations would condone double parking. He agreed with Councilmember Richardson that his perception of the problem would be addressed in part if the City had proper loading and unloading zones and enforced them as well as its "no double parking" restriction. He also agreed with Councilmember Christopher that large trucks should not be going through residential neighborhoods either on the north or south side of the crosstown.

Councilmember Morea asked if "weight restriction" had been addressed in addition to "axle restriction". Mr. Chapman explained the reason for using the axle restriction as opposed to weight was that there was some "attendant weight" with different size vehicles. Insofar as "enforcement" was concerned, he said, it was much easier to enforce a regulation that had an axle restriction than a weight restriction.

Councilmember Berlin believed the main intention of the proposed truck routing was to have better traffic flow. He thought there would be better traffic movement because it would be easier for the trucks to get in and out of the peninsula, but thought allowances should be made for specific businesses such as Ms. Torlay's. The restriction of large vehicles should commence at Calhoun Street, he believed, rather than the crosstown. His reason for this was his thought that King and Meeting streets were wide enough for truck traffic up to Calhoun Street. He believed correct signage for truck routes was important and also, that no charge should be made for permits.

Councilmember Berlin expressed the opinion that with the input received this evening, the City could come up with something that was workable and better for everyone involved.

Councilmember Berlin's motion carried to return this matter to the Traffic and Transportation Department for review.

Next on the agenda was a public hearing called for by the following advertisement which appeared in The News and Courier and The Evening Post on August 29, 1988 and in The Chronicle on August 31, 1988.

City of Charleston

Notice of Public Hearing and  
Public Comment Period

The City of Charleston will conduct a PUBLIC HEARING on Tuesday, September 27, 1988, at 6:00 P.M. in City Council Chambers at City Hall, 80 Broad Street, Charleston, South Carolina.

The purpose of this public hearing is to receive public comments on the City of Charleston's "Program of Mass Transportation for Handicapped Persons". The Program is a document which describes a proposed system of demand-response paratransit service for persons who, by reason of physical handicap, cannot use regular fixed-route bus service.

Copies of the City of Charleston's Program and applicable Federal regulations may be reviewed at the Transit Administration Office, Control Data Business and Technology Center, 701 East Bay Street, Suite 500, between the hours of 9:00 A.M. and 4:00 P.M., Monday through Friday. A tape of the Program text will also be available for the vision impaired to monitor at the Transit Administration Office.

Persons who are unable to attend the public hearing may provide WRITTEN COMMENTS on any aspect of the Program. Written comments should be addressed to the Transit Administration Office, 180 Lockwood Drive, Charleston, SC 29403, and will be received until 4:00 P.M. on October 28, 1988.

City Hall and the Control Data Business and Technology Center are handicapped accessible.

For more information concerning this PUBLIC HEARING, please call the Transit Administration Office at 724-7420.

PUBLIC NOTICE

The public hearing for the City of Charleston's "Program of Mass Transportation for handicapped Persons" advertised to be held by City Council September 27, 1988, will be held at the Commissioner's of Public Works Building, 103 St. Philip Street, beginning at 6:00 p.m. instead of City Hall.

MARY R. WRIXON

Clerk of Council

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A public hearing was further called for by the following advertisement which appeared in The News and Courier and The Evening Post on September 20, 1988 and in The Chronicle on September 21, 1988:

PUBLIC NOTICE

The public hearing for the City of Charleston's "Program of Mass Transportation for Handicapped Persons" advertised to be held by City Council September 27, 1988, will be held at the Commissioners of Public Works Building, 103 St. Philip Street, beginning at 6:00 p.m., instead of City Hall.

MARY R. WRIXON

Clerk of Council

The Mayor apologized for this public hearing's late start. He explained that three public hearings were scheduled for this evening and because of the large number of persons who had come for each of them, he felt it would be better for the public's comfort to get the largest crowd out first.

At the Mayor's request, Fred Collins, Transit Administrator, Department of Traffic and Transportation, announced that the City of Charleston had written and submitted for public review a proposed "Program of Mass Transportation Services for Handicapped Persons" for the Charleston Metropolitan Area.

He explained the City of Charleston, as the designated recipient for UMTA funds for the Charleston urbanized area, was responsible for the development of a Transportation Plan of Service for the physically handicapped. The Plan of Service was mandated by the Urban Mass Transportation Administration, pursuant to the federal requirements outlined in Section 504 of the Rehabilitation Act, and had to be finalized and approved in order to draw federal transit assistance funds.

Mr. Collins explained the Plan had to address the needs of handicapped persons unable to utilize regular public bus service. He said that SCE&G, the local metropolitan bus operator, could not accommodate many of our physically handicapped citizens. Consequently, the City proposed the initiation of a specialized door-to-door demand/response type service specifically for the physically handicapped.

He illustrated on a map the initial service area which would include the City of Charleston, the City of North Charleston and much of the West Ashley area. The potential boundary for the full metropolitan service area, he said, would include the City of Charleston, the City of North Charleston, St. Andrews Parish, James Island, Folly Beach, Mt. Pleasant, Sullivans Island, Isle of Palms and Hanahan.

He expressed hope that service in the initial service area would commence by March, 1989 and that it would be possible to expand into the full potential service area by January, 1992.

Mr. Collins stated an advisory committee with members from local governments and social service agencies throughout the metropolitan area had been established to review the Plan and to oversee service provisions. He explained if all went well the City would anticipate UMTA approval of the Plan in November, 1988. He added that the City would advertise for and receive bids in December, 1988 and January, 1989, and would negotiate service contracts in February, 1989 and initiate service in March, 1989.

Mr. Collins concluded by saying the City was currently in the public review period and would accept comments until 4:00 p.m. on October 28, 1988. He said he was seeking City Council's concurrence with this program and was presenting the Plan at this hearing for comments and questions.

The Mayor then opened the public hearing for questions and/or comments.

Jessica Kenny, of Wragg Mall, stated she was blind, but had reviewed the entire program on tape and it did not say "door to door" but rather "curb to curb". She believed curb to curb delivery was a cruel hoax for handicapped people, especially blind persons. She said the Agency for the Blind and Social Services considered the blind mobile; therefore, not ill, and not needing assistance. She was explicit that the proposed service had to be provided with an escort that would take the people from the bus to their doors, otherwise there would be accidents.

Ms. Kenny noted that the proposed fare was \$1.00 per direction. Ordinary fare for persons not handicapped, she noted, was \$.50 one direction and asked why the handicapped should have to pay an additional fare. It seemed to her the entire program failed to recognize the fact that this service was long over due. The City of Charleston had good hospitals and good doctors, she said, and asked why it was so difficult to visit a doctor. She said she had paid a taxi fare of \$14.95 to go see her doctor in midtown.

Ms. Kenny said the blind could sit in their homes as prisoners and wait for months to mail a letter, buy a pair of hose, or have something read to them. She concluded by saying Charleston was "a very humane, Christian city but did not get a lot done."

Michael Aloisi stated he would like clarification of the difference between curb service versus the handicapped or blind being "brought to the point that they are out of harms way." Mr. Collins responded this point would definitely be discussed in depth at the final meeting in November with the Advisory Committee. He added that his department's recommendation would be for door-to-door service rather than curb-to-curb service.

Otto Bittner of Campion Hall Road in West Ashley stated that previous to the beginning of 1988 he could call the Senior Citizen Center to obtain transportation to various medical appointments. This service ceased, he said, because the van was no longer usable, but another van was to be available in a month or so. This, he said, did not happen. The Center had a person who was willing to use his personal car to assist the handicapped but he was booked up until November. He stated the only van at the Senior Citizen Center now was for persons confined to wheelchairs. Since he was not confined to a wheelchair, he did not have transportation and had to rely on people who were kind enough to take him to his appointments. Because of these persons' commitments at home and work, he said, they could not be at his "beck and call" all the time. He stated he believed the Senior Citizen Center should have a van to continue the service it had had to discontinue.

Virginia Ramus of the South Carolina Commission for the Blind asked for clarification on the criteria to qualify for service. Her understanding was that one had to be physically unable to ride SCE&G's busses. She asked if the visually impaired fell under that criteria. She pointed out that while the visually impaired might be physically able to get on and off a bus, their lives were endangered because of the bus stops' location. Mr. Collins replied that the visually impaired would be considered eligible for this service. In further response to Ms. Ramus' questions, Mr. Collins said the legally blind would qualify also.

Mr. Bittner stated he lived three-quarters of a mile from the Ashley Plaza Mall where he would have to catch a bus. He was advised to not dare step into Highway 7 or Orange Grove Road, so therefore he could not take the bus. He suggested there be bus service running between Route 17 and Rivers Avenue, which would give persons the opportunity to go to the malls. He thought the reason SCE&G busses were partially empty was because citizens could not get to the busses. He believed the problem should not be ignored and that perhaps the situation could be relieved if the City were to give SCE&G a subsidy.

Ms. Kenny addressed City Council again and said that almost none of the shops and stores in Charleston had delivery service when one ordered by telephone. She said she had a special arrangement with one store to send groceries to her residence. She suggested the City work with the Chamber of Commerce and the merchants to have a telephone ordering and delivery service to handicapped persons and other customers for a small fee. At this time, she said, there was no such service available which she found incredible.

An unidentified gentleman from James Island was concerned about the time frame for implementation, particularly with the area that was within the green line on the map that Mr. Collins had used during his presentation. He pointed out that James Island was already poorly served and many persons lived there. It appeared to him that under the proposed plan the James Island residents, except for those who lived in Riverland Terrace, would continue to be left for the most part without bus transportation. He said his mother, who lived on James Island, was legally blind. At this time, even if she lived near an SCE&G busline, she could not use it because there were no sidewalks and it would be dangerous for her to get to the bus stop. He also asked if any consideration had been given to including the mentally retarded who were unable to manage a complex bus system. He noted this was not part of the proposal which was before City Council this evening.

A lady asked if outlying areas such as Yorges Island and Edisto Island would be included in the mass transportation program for handicapped persons. She pointed out that a number of handicapped individuals lived in those areas and those areas were very difficult to get to. She asked that consideration be given to expanding the area that would be covered under the proposed plan.

Mr. Bittner who had spoken earlier asked why there were so many busses on Meeting Street and so few busses west of the Ashley. West Ashley, he said, did not even have a hospital, only Emergicare. West Ashley had no transportation, he said, and something had to be done to correct the situation at once. He asked why the program could not start until March and what were those who needed this service expected to do until then.

The Mayor explained the City of Charleston was the designated agency for the Urban Mass Transit Administration Funds. He said an even better solution, which had been mentioned earlier, was an overall improved public transit. This would necessitate, he said, the creation of a Regional Transportation Authority, a public agency that would require a referendum. He stated work was going on now to present this referendum to parts of the Trident community to effectuate a much better and more complete system of public transit.

Ms. Kenny suggested some handicapped people be appointed to the commission because all too often a well person had no notion of what went on. She believed a better job should be done of preparing the handicapped to get on and off busses. The Mayor replied he would give her suggestions to the group working on the Regional Transportation Authority and would recommend a handicapped person serve as a member of the commission.

The Mayor pointed out that the City would continue to receive comments until October 28th.

Councilmember Ader believed there should be a service so anybody could have groceries delivered to their homes, as well as other necessities of life. She believed this concern should be relayed to the Chamber of Commerce and said she would be willing to work with the West Ashley merchants to see that a delivery service was implemented.

Councilmember Morea believed this matter needed to be addressed immediately. If, he said, the City could pay \$49,000 for a study of Calhoun Street, surely funds would be available to help these people in need of transportation. He also thought there was a private pick-up system that did not charge much for these services. He believed City Council could not have its people trapped behind doors and action should be initiated at once to deal with this problem.

Mr. Collins explained the proposed service had to undergo a certain review period to meet UMTA's criteria. UMTA also required the City to go through the bidding process. He stated the issue of speeding up the schedule could be addressed.

Ms. Kenny urged City Council to get the delivery service going without any further delay.

Michelle Madaras stated she had started a door-to-door transportation service, known as Freedom Express, in the downtown area. A minimal fee was charged for this service--\$1.00 each way in the City. She said she tried to make up the difference in fees from sponsorship in the area, which was almost impossible to get. She said the main concerns of the elderly and the handicapped were doctors, hospitals, going to church, and getting groceries. She added it was difficult for them to get on a bus and her service provided someone to assist those who used the van. Her service offered them greater security within a rate they could afford, but it was difficult for her to make up the difference in the fares. She said each day she had to turn people down because she could not afford more vans to help these people at a fee they could afford. She pointed out there was a great need for this type of service and she believed the elderly should be included in the City's program.

Councilmember Berlin believed it was evident that Ms. Kenny had informed City Council of many things and made them cognizant of the needs of the blind and the handicapped. He was sure in this election year, there were many persons who would gladly pick up the blind and the handicapped if they wanted to vote. Ms. Kenny said she had already looked into this and Councilmember Berlin was absolutely right.

Councilmember Berlin said the point he wanted to make was that he thought the key to solving the problem was "organization" and that the Chamber of Commerce was the proper organization to

coordinate this effort. He believed the Chamber could implement a pick-up and delivery service within a short period of time and that there were many businesses in the City of Charleston that did not realize the situation, but would gladly deliver anything a person wanted.

The gentleman from James Island who was concerned about his blind mother, and had addressed City Council earlier, reiterated the need for sidewalks in the city. He pointed out a wheelchair was not beneficial to a handicapped person if there was not a paved surface. He asked if the law required sidewalks within the city limits. The Mayor replied that was not a law; however, City Council had changed the City's building code to require sidewalks in new subdivisions, and the City was trying to add to the sidewalk inventory each year.

There was no further input or discussion on the program of Mass Transportation for Handicapped Persons. The Mayor thanked those present for attending this public hearing as well as for their attention and participation. He then declared this public hearing concluded.

Next on the agenda was a public hearing called for by the following advertisement which appeared in The News and Courier, The Evening Post and The Chronicle on September 21, 1988.

#### PUBLIC NOTICE

The public hereby is advised that the City Council of Charleston will hold a public hearing beginning at 6:00 p.m., Tuesday, September 27, 1988, at the Commissioners of Public Works Building, 103 St. Philip Street, on the proposal for the extension of the Residential Permit Parking District B to include the following streets:

1. Gillon Street
2. The south side of Broad, between Logan and Savage streets
3. Logan Street, south of Broad Street
4. New Street
5. Savage Street
6. Tradd Street, between Legare Street and Lenwood Boulevard

A map of the proposed boundaries may be viewed in the office of Clerk of Council, Gaillard Municipal Auditorium, Monday through Friday, between 8:30 a.m. and 5:00 p.m. Interested persons are invited to attend and express their views. Extended presentations should be made in writing.

MARY R. WRIXON

Clerk of Council

Carl Ahlert, Assistant Director, Department of Traffic and Transportation, was called on for this public hearing matter.

Mr. Ahlert explained that in December, 1987, the Department of Traffic and Transportation began receiving comments on extending the boundaries of Residential Parking District B. As a result the department surveyed an area which included Broad Street, New Street, Savage Street, Logan Street south of Broad Street, and a block of Tradd Street. The department also received comments from Gillon Street residents who asked to be added to the district as well.

As a result of its survey, the department recommended the following streets be added to the Residential Parking District B:

(Gillon Street

(The south side of Broad Street between Logan Street and Savage Street

(Logan Street south of Broad Street

(New Street

(Savage Street

(Tradd Street between Legare Street and Lenwood Boulevard

No questions were asked at this time by the members of City Council. The Mayor invited comments from the public.

Colonel Thomas K. Galleher of 27 New Street, wanted to know why more than one public hearing had been advertised for 6:00 p.m. this evening. Because this public hearing had not started until 8:15 p.m., he said "three-quarters of the people" who wanted to speak on this issue had had to leave. He suggested better planning in the future.

Colonel Galleher stated he had lived in Charleston since retirement and about a year ago noticed a parking problem developing on New Street. People who worked on Broad Street or went shopping, he said, began parking their cars on New Street and leaving them there all day. This created a problem for the residents on that street who were unable to find a place to park when they returned from work, for lunch or from shopping. He asked City Council to act favorably on the request that Residential Parking District B be expanded as outlined by Mr. Ahlert.

Colonel Galleher believed there were two problems that had to be considered in extending this permit district. The first, he said, was Burbage's Grocery Store at 157 Broad Street. He believed Mr. Burbage should be provided with permit stickers if this proposal passed City Council. The second matter of concern to him was temporary permits for house guests who visit for a week or two at a time.

The Mayor apologized for the delay in the starting time for this public hearing. He assured Colonel Galleher the city did not intentionally schedule public hearings at the same time, but there was no way to gauge what kind of interest or participation there would be. He pointed out that many public hearings do not generate such interest as shown this evening and added the City would endeavor to do a better job of scheduling in the future.

Ned Webb of 34 New Street, Charleston, basically echoed Colonel Galleher's comments and expressed support for the proposed expansion of Residential Parking District "B". In addition, he asked City Council if it expanded this residential parking district that it consider giving the merchants who served the neighborhood some relief.

Robert Burbage, owner of Burbage's Self Service Grocery at 157 Broad Street, and Frederick Felder, owner of Lakeside Drugs located at 141 Broad Street, jointly addressed City Council on the permit parking issue. Mr. Burbage believed two-hour parking permits worked in some areas, but he was not in favor of them in the area of his store. He said there were two thirty-minute parking spaces in front of his store where occasionally people who worked on Broad Street parked all day. When this happened, he complained, his customers could not use the spaces all day.

Mr. Burbage explained that although he was a taxpayer and "lived" in his grocery store more than in his home, he was unable to get parking stickers for his two delivery trucks because he was not a resident of the area. He stated he was not in favor of two-hour parking in the vicinity of his store.

Mr. Felder said he was not against the permitting system; rather he was against the fact that he was classified as a businessman like the downtown merchants. He felt his store was a special situation; it was not in a highly congested area. Further, he believed his employees should be given some relief to enable them to get parking permits.

Mr. Felder felt permits were for alleviating congestion. He proceeded to say that on Logan Street between Tradd and Broad streets there were 19 houses and 39 cars. Twenty-three of these cars,

however, were not parked in the residents' available driveways or yards. He pointed out there were 36 spaces in this area. He continued by saying that for the past two years there had been considerable remodeling going on on Logan Street, most of the time on two houses. Now only one house was being remodeled, but six cars or construction trucks were parked on the street all day because of this. He also noted that currently the city was working on sidewalks in this area and the vehicles occupied two parking spaces on Logan Street. He believed much of the congestion on Logan Street would be ended when the remodeling work on this street was completed.

Mr. Felder also thought the residents of the area and businessmen in the area should have the opportunity to vote on this issue.

He stated he had been on Logan Street for 35 years and strongly believed his five employees of long standing, who worked forty hours or more per week, should be issued permits. He said that in the years he had been on Logan Street he had never had trouble parking on Logan Street.

Mr. Felder assured City Council he was not trying to stop the permit process but was trying to get parking permits for his and Mr. Burbage's employees. He believed if the residents used their yards, the area would not have a problem at all.

Councilmember Gaillard stated this matter surfaced when he asked Mr. Chapman to conduct a study in this area, because the neighborhood had requested him to do so. This study apparently indicated the residential parking district should be extended to the areas being discussed. He assured Mr. Felder and Mr. Burbage that the last thing anyone wanted to do was hurt their two businesses.

Councilmember Gaillard explained under the ordinance it was not permitted to issue stickers to non-residents. He asked if it would be helpful to exclude portions of Logan and Savage streets from the district or if the situation would be helped if larger areas were created for business parking.

Mr. Burbage responded he has only one van parked there three or four hours a day, as the other van was always going in and out making deliveries. However, he had two employees and did not know where they would park if the City expanded the residential parking district to Broad and Savage streets. He explained that 85 percent of his business was done over the telephone and delivered by his employees, and without employees who could make deliveries, he would have to cease operating his grocery business.

Councilmember Gaillard pointed out there were other areas, not in the district, that were relatively close to Mr. Burbage's and Mr. Felder's businesses. Mr. Burbage then reviewed streets in the area where parking was possible for his employees. He agreed parking was a problem in this area but he did not have the solution.

Councilmember Richardson wanted to know the distance between the two business locations and the County's parking garage. Mr. Burbage felt the distance was too far for his employees to walk. Councilmember Richardson pointed out that City employees had to walk a distance to get to work and felt it would be difficult for City Council to provide employees with on-street parking in residential areas. He pointed out the City provided public off-street parking facilities for persons who worked downtown and felt if employees left on time, they could walk four or five blocks to get to work.

Mr. Felder wanted to know where the 'free' parking would be for his employees. He said his employees made \$4.00 to \$5.00 per hour and could not afford to pay \$5.00 per day for parking. Councilmember Richardson responded that some City employees were paid less than that per hour and they had to pay for parking.

Elizabeth Bowles of 65 South Battery stated she did not live in a parking district, but was affected in two ways with businesses that could not obtain permits because they did not reside there. She wanted to know if it would be possible to amend the ordinance so people who have businesses that



were grandfathered into these areas could have the same privileges and be entitled to two permits. She thought the City should be able to come up with a solution to this problem.

Mrs. Bowles then responded to Councilmember Richardson's comments about parking in the County Garage. She asked if employees at the local pharmacy and grocery could park in the County Garage, why couldn't the people who parked all day on Broad Street while they were at work park in the County Garage? She believed the answer was that the County Parking Garage was full.

Susan Lewis of 21 Savage Street stated she did not object to the residential parking. She lived near Mr. Burbage's grocery store and commended him for delivering groceries over the years. She thought in Mr. Burbage's case there should be an exception made and he should be given parking stickers. She continued by saying the handicapped who had attended this meeting should be made aware of the service Mr. Burbage had been rendering to the community for years.

Mr. Felder did not believe there was one neighbor on Logan or Savage streets that would object to an ordinance that would allow him and Mr. Burbage to obtain parking stickers.

David Q. Soutter of Logan Street felt the problem that existed on his street stemmed from three different sources. It was caused by persons who worked on Broad Street and parked all day in this area. He agreed the construction taking place on that street had also added to the problem. He continued by saying Mr. Felder normally had four or five cars parked on the street, in addition to cars owned by his tenants which added to the parking problem. He stated he worked for the South Carolina National Bank and the bank did not expect the City to provide parking for its employees. He concluded by expressing support for the expansion of Residential Permit Parking district "B".

Mrs. Elizabeth Cole of 15 Savage Street asked how many stickers each house would be permitted. Mr. Ahlert said two stickers per dwelling unit would be issued. In further response to Mrs. Cole, Mr. Ahlert explained that if a duplex was involved, two stickers would be issued per each dwelling unit. Mrs. Cole was concerned over the fact there were many double lots where people could park off the streets, but they preferred having gardens and parked on the streets. She noted that houses in her area were being broken down into more and more units and asked if there was a limit to the number of stickers the City would issue to any structure. She felt if this was not done, the result would be an overload of parked cars on the streets.

An unidentified gentleman said he understood what the City was up against. He asked, however, if it would be possible to consider (1) grandfathering and (2) taking into account the size of the neighborhood served to provide some relief for small businesses.

Mark Tracy, a resident of Logan Street, believed the problem was not among the residents and/or the neighborhood businesses, but rather the workers on Broad and Meeting streets who parked all day in the neighborhood. He believed the City's efforts should be focused on these people and agreed with Councilmember Richardson that workers should park in the county and/or city parking garages. He said he paid the City for a pass to park in the Concord Street parking garage when he chose to drive to work and thought others should do the same. He ended his remarks by saying he believed some sort of consideration should be given to grandfather the businesses.

Tina Middleton of 14 Logan Street stated there were five automobiles and five drivers at her residence and two stickers would cause a problem for her family. She stated, however, she was for the parking permit district because more often than not she could not park near her home. She said she worked on Broad Street and had to pay to park and thought others should do the same.

The Mayor asked if there were people parking on Savage Street who walked to Broad Street. The response from those in attendance was "yes". The Mayor was surprised this was the case. A gentleman stated as the parking district expanded, people were pushed farther west to park their cars.

The Mayor stated the City of Charleston had helped pioneer residential parking permitting in the country and had no guidelines to follow. The matter of "guests" had been a difficult one to resolve. In any process like this, the Mayor explained, unfortunately, one had to devise a process which took into consideration how ingenious people might be in seeking to get around it. He stated that having family come to visit was part of living in a neighborhood and believed this was something that should be looked into. Mr. Chapman pointed out that the ordinance provided for visitor permits for up to two weeks and a resident could obtain up to two permits for two weeks and these permits could be renewed. He repeated that under the ordinance in-house visitors could be provided permits.

Mrs. Cole stated her son lived at 63 Tradd Street and felt the permit system had worked well for that street. The Mayor agreed it had been a tremendous help and the City was trying to enforce the ordinance.

Colonel Galleher did not believe this could be taken as a separate issue. He said the handicapped citizens of this city faced a terrible problem. He referred to Mr. Burbage's grocery store and Mr. Felder's pharmacy and the excellent service they offered the community. He did not believe these two businesses that help people should be put out of business.

Mr. Tracy did not feel the problem in this area was the residents but rather the non-resident workers. He believed the businesses needed the ability to have one or two vehicles get in and out to make deliveries as well as a reasonable amount of short term customer parking. He felt what needed to be weeded out were the vehicles that parked in the neighborhood all day long free of charge.

There was no further discussion on the proposed expansion of Residential Permit Parking District "B". The Mayor declared the public hearing on this matter concluded.

Councilmember Gaillard stated he generally supported the ordinance, but on the other hand he had sympathy towards the situation Messrs. Felder and Burbage mentioned. He said he did not know what the solution to the problem was but felt certain one could be found. He moved to defer this matter until the next meeting to give Mr. Chapman and him an opportunity to get together with Mr. Felder, Mr. Burbage and other neighbors to come up with a solution. Councilmember Ader seconded the motion.

Councilmember Ader stated she was concerned about people not using their driveways. She believed being in a parking district would help Messrs. Burbage and Felder and stated she was in favor of Messrs. Burbage and Felder being issued parking permits for their businesses.

Councilmember Richardson stated he was in sympathy with the businesses parking problems but also felt the residents should be given some relief. Regarding employee parking, however, he thought there should be a "joint partnership" between employee and employer to share the parking responsibility. He felt the businesses' parking problems would be alleviated if they solved their employees' parking problems. He believed the businesses' delivery services were very essential and that some concession should be made such as issuing special permits for delivery trucks. He pointed out the difficulties that would arise if the City were to give these two businesses' employees special parking privileges and did not do the same for others.

Councilmember Morea noted there was free parking at Colonial Lake which was within four or five blocks from the businesses being discussed. Even more important, he said, was that everybody (residents, workers and the owners of delivery trucks) wanted to be at the same place at the same time. He pointed out this was an impossibility and something would have to give.

Councilmember Thomas thought perhaps the solution to Messrs. Burbage's and Felder's problems was to allow them a loading zone for four, five, six or whatever number of cars seemed reasonable and there be specific stickers for that number of cars. Further, that they use the stickers however they determine. Councilmember Richardson believed if City Council did this for one business, it

would have to do the same for every business in the City. Councilmember Thomas disagreed with him on this point.

Mrs. Middleton noted that Mr. Felder had three 30-minute parking spaces in front of his store which took care of the people who used his pharmacy. She was concerned if these three spaces were left for his use and he was given an additional five spaces on Logan Street, most of the parking spaces on that street would be taken up, leaving the residents with little or no space in which to park on their own street. Mr. Felder stated he had not wanted to get into personalities, but pointed out that Mrs. Middleton had five cars and did not use her yard for parking.

There was no further discussion on Councilmember Gaillard's motion to defer action on the proposed expansion of Residential Permit Parking District "B" to the next meeting of City Council. City Council then voted on his motion. The motion carried.

At this time the Mayor explained that Councilmember Christopher had to leave because he was still recuperating from recent hospitalization, Councilmember Berlin had to leave because of a religious observance, Councilmember Jefferson was ill, Councilmember Kinloch was working and Councilmember Ford had not called in to explain why he would be unable to attend this meeting.

The next matter before City Council was a video presentation by G. W. Bowling on Bridgepoint Townhome Development's drainage problems. Attorney Dan Bowling began the presentation by stating he was addressing City Council on behalf of his father, a resident of Bridgepoint.

He explained that Bridgepoint Townhome Development at Shadowmoss Plantation was new and had experienced severe flooding over Labor Day weekend, 1987. Every house, he said, had water in it, ruining furniture, carpet and so forth. Since that time the residents had become very concerned with drainage problems in the entire Highway 61/Shadowmoss area.

Mr. Bowling stated he was present this evening to request specific action from City Council to help avoid a repeat of the previously mentioned disastrous flood. Mr. G. W. Bowling then ran the video to substantiate the seriousness of the matter.

Mr. Bowling said an investigation by the contractor and engineer, as well as the City Engineer, concluded without any question that the cause of the flooding was the result of the Shadowmoss Golf Course improperly damming a spillway in order to raise their lake levels and make the golf course more attractive. He said the golf course denied this, and the homeowners in Bridgepoint were faced with the possibility of having to bring suit against the golf course without much resolution, or trying to solve the problem in some other way.

Mr. Bowling stated that fortunately the City Engineer, Chuck Jarman, had obtained an easement over the spillway for the City, which it did not have at the time of flooding, and could now keep the spillway open. Unfortunately, however, the spillway had become overgrown and in late August the residents of Bridgepoint almost experienced another flood.

Mr. Bowling continued by saying that members of the Association's Board of Directors contacted Mr. Jarman and George Aull, Director of the Department of Public Service, and the City cleaned up the spillway. He expressed the hope that this had reduced the problem.

Mr. Bowling said the first request was that the spillway be kept open since it was now a city easement. In response to a question from the Mayor, Mr. Bowling said the problem would be reduced substantially by keeping the spillway open, but he understood from Mr. Jarman, other engineers and contractors that it was not a permanent solution. He noted there were three factors that came into play here: 1) increased development, which was of great concern to the residents of Bridgepoint; 2) possible environmental consequences; and, 3) a railroad trestle south of Shadowmoss that had a very inadequate opening in it.

He continued by explaining there were a number of drainage easements that flowed throughout this area and Mr. Jarman had told him the City did not have easements over these drainage

spillways. Therefore, Mr. Bowling said, the second request for action was that the City begin investigating areas where drainage easements were needed and take steps to obtain said easements. He stated the Bridgepoint residents asked the City not to allow additional development in the area without requiring the developers to grant easements. Otherwise, he said, the City could not solve these problems.

Mr. Bowling said the long-range problem was the railroad trestle with one 66-inch pipe. The long-range plan for adequate drainage which was prepared for the City, he said, called for three 72-inch pipes, which meant a tremendous expansion was needed to handle the drainage.

Mr. Bowling said there was not much that could be done for the drainage in the peninsula city but in Shadowmoss on Highway 61 there was considerable vacant land. If nothing was done now as development continued, he said, there would be similar problems all over this area. The expansion of the railroad trestle, he said, was a "Priority Two" on the City's long-range drainage plan and might not occur in the lifetimes of those present. In the meantime, he said, cooperation and support should be sought from the railroad. From Mr. Jarman he had learned that nothing was being done to contact the railroad. From past experience, he said, it sometimes took several months to get the railroad companies to answer a phone call and for that reason, he felt if the City wanted to get some action on this, it should start now.

Mr. Bowling said the third request, in addressing the long-range drainage plan was that the City open the process with the railroad now, that it begin to acquire all needed easements and, if necessary, that City Council pass a new ordinance to require drainage work for any developments in the Highway 61 area. He complained that the developers were not honoring the drainage problems which they were creating by paving over, by having low areas filled in, and so forth.

Mr. Bowling thought City Council should consider a moratorium on building until a drainage plan was developed for this area and there was an effective way of handling it, unless the City installed three 72-inch pipes in the railroad trestle right away. He warned that if the City did so, it was going to have problems with the EPA.

The fourth request for specific action, Mr. Bowling continued, involved the restrictive covenant developed by Shadowmoss to handle its drainage plans and their lakes and ponds in the development. The problem, he said, was that no one enforced keeping those lakes clean. The developers denied they had any responsibility for keeping the lakes clean even though the restrictive covenants required them to. The citizens, he said, were faced with having to gather funds to file a lawsuit to enforce the restrictive covenants and protect drainage which affected the entire area.

Mr. Bowling believed action needed to be taken on the City level uniformly to enforce these restrictive covenants as they applied to drainage. Otherwise, he said, the problem would continue to get worse because developers came in with nice drainage plans with lakes and spillways, but once they were gone, there was nobody but the residents to enforce the restrictive covenants and he did not feel this was an effective way of handling the situation.

In conclusion, Mr. Bowling stated there were approximately twenty concerned citizens from Bridgepoint present. He reiterated the four requests for action he had made: 1) that the City keep the spillway open and clear; 2) that the City begin obtaining drainage easements for the area now so the problems would not continue; 3) that the City address the long-range drainage plan--looking at the railroad trestle and a possible moratorium on development or placing requirements on developers that they not increase the off-site drainage flow before they could get a building permit; and, 4) that the City investigate some procedure or adopt a new ordinance to empower the City to enforce restrictive covenants relating to drainage.

The Mayor thanked Mr. Bowling for the specific and informative presentation. At his request the residents of Bridgepoint rose to be recognized. Mr. Bowling thanked the Mayor and City Council for taking time to view this presentation and commended them for their hard work and dedication.

Councilmember Ader asked Mr. Bowling if the Bridgepoint section of Shadowmoss had been built under the City's jurisdiction and if all the permits for its development were issued by the City. Mr. Bowling responded affirmatively. In further response to Councilmember Ader's questions, Mr. Bowling estimated Bridgepoint was developed around 1985, '86, or '87. He said to make this problem even more peculiar, these houses were not in a flood zone, but because of the inadequate drainage the houses were flooded.

Councilmember Ader stated she recently read a court case that stated in cases of drainage, moratoriums could be taken until such time as the drainage could be corrected. She asked Assistant Corporation Counsel Frances I. Cantwell to look further into this question.

Next on the agenda was the Citizen Participation Period. The Mayor noted there were James Island residents present and he explained to them that the James Island zoning matters which were subject to a public hearing at City Council's last meeting were not up for another public hearing. Therefore, if they wished to be heard on those zoning issues, they should utilize the Citizen Participation Period. The following persons addressed City Council during this portion of the meeting:

1.) Thomas Johnson, Chairman of the James Island Commission, addressed City Council. He referred to the rezoning aspects of the James Island Land Use Plan that were on this evening's agenda, and said "everything that could be said had been said." He requested City Council's total support of this part of the Land Use Plan. He stated the Commission was asking City Council this evening that in making its decision to strongly consider the reasons and need for the downzoning in its entirety which had been stated many times. He added that City Council's decision on this issue would have a major impact on the destiny and future of the James Island community. He ended his remarks by urging City Council to rezone the subject properties from multi-family zoning to single-family residential zoning.

2.) Michael Aloisi suggested an arbitration panel of three persons including a representative of the Mayor and City Council, a representative of the James Island community, and a third person who was totally bipartisan mediate the differences in the James Island Land Use Policy and come up with something everyone could live with.

Mr. Aloisi also suggested that the Mayor and City Council look into a moratorium on all further new developments in the city and outlying areas until research and a study have been made on the "full and thorough complexities of said developments on our environment"--"specifically on our senior citizens, children and general ecology." He expressed the belief that future residents needed to play a greater role in what happened to Charleston and believed the time had arrived when everyone had to be active conservationists.

Mr. Aloisi next commented on preserving America and starting this preservation in Charleston.

No other citizen indicated a desire to address City Council during the Citizens Participation Period. The Mayor declared this portion of the meeting concluded.

At the request of one of the James Island residents, the Mayor invited those who were in support of the James Island Land Use Plan to rise. Approximately fifteen persons rose to be recognized.

Next, on motion of Councilmember Richardson the minutes of City Council's September 13, 1988 meeting were approved as submitted.

The following letter was received from Yvonne Fortenberry, Director of the Department of Planning and Urban Development:

MEMORANDUM

TO: Joseph P. Riley, Jr., Mayor and City Council Members

FROM: Yvonne Fortenberry, Director

SUBJECT: Rezoning of One Stocker Drive

DATE: September 22, 1988

In response to City Council's request, staff of the Department of Planning and Urban Development has reviewed Mr. McGuire's request for rezoning. My recommendation, based on staff findings, is to keep the property at its present zoning of SR-2. This recommendation is based on several factors listed below.

-- Due to the location of this property, rezoning to a commercial zone district would likely cause other owners of residentially zoned property on Stocker Drive, Wesley Drive and Folly Road to request similar rezonings. As shown on the attached map, this property is separated from commercial areas by an abandoned right-of-way and is part of a stable residential neighborhood.

-- A commercial use, even the most restrictive, General Office, would adversely affect adjacent single-family homes.

-- Access to the site would be extremely difficult for any use more intense than residential given the site's locations at a busy intersection.

-- Parking requirements on the site would necessitate removing several large trees and paving most of the backyard. This would adversely affect adjacent residents.

Although I can appreciate Mr. McGuire's concerns, I believe that with additional landscaping or a wall on the property, Mr. McGuire could alleviate the problems he is now experiencing. Furthermore, future construction of a bike path on the 60-foot wide abandoned railroad right-of-way, which lies adjacent to Mr. McGuire's property and separates it from commercial areas, could include landscaping to further provide a buffer.

Enclosure

Ms. Fortenberry explained that at the last City Council meeting, during the Citizen Participation Period, the owner of this property asked City Council to consider rezoning his property. She stated she studied the property owner's request as directed by City Council and then called attention to her above-printed report.

Councilmember Stephens moved to receive Ms. Fortenberry's report as information. Councilmember Gaillard seconded the motion and the motion carried.

The following memorandum was received:

MEMORANDUM

TO: City Council

FROM: William B. Regan, Esquire, Corporation Counsel

RE: Use of City Seal

DATE: September 27, 1988

The City has been chosen as the host city for the 1988 Conference of the National Institute of Municipal Law Officers (NIMLO). We are very excited about the prospect of our fellow City attorneys from all over the nation convening here, and advance registrations indicate that this may be one of the largest, and hopefully most successful, conferences ever sponsored by NIMLO.

NIMLO is planning to utilize a picture of the City on the front page of its program, and would like to utilize the City seal on the back page of the program. Because of our ownership of the seal, I wanted

to bring this matter before you for your consideration and approval. I would respectfully request that you approve the use of the seal on the NIMLO program for its 1988 Conference.

---

In response to a question asked by Councilmember Richardson, Assistant Corporation Counsel Cantwell explained the City of Charleston had all the propriety rights to its Seal and NIMLO (The National Institute of Municipal Law Officers), which was meeting in Charleston at the end of October wanted to use the City Seal on the back of their program. In that City Council had charge of the City Seal, she thought it appropriate for the request to come before City Council to allow NIMLO to use the Seal in a non-commercial manner, for this occasion only.

Councilmember Ader moved to approve NIMLO's use of the City Seal as outlined by Ms. Cantwell. Councilmember Richardson seconded the motion and the motion carried.

The following Committee on Ways and Means report was received:

TO THE MAYOR AND COUNCILMEMBERS,

THE CITY COUNCIL OF CHARLESTON:

The Committee on Ways and Means recommends that City Council act in the following manner on each of the matters listed below:

1. Community Development Contracts: Neighborhood Housing Services, Charleston Trident Community Housing Resource Board, and Charleston Heritage Housing Corporation: On April 24, 1988 the 14th Year Community Development Block Grant (CDBG) Entitlement Objectives were submitted to City Council for approval. The application has been approved by City Council and HUD. The request for the release of funds has also been approved by HUD. A portion of these funds are used to support the three (3) referenced programs. Before any funds can be released to these organizations, a contract agreement must be signed.

The Committee on Ways and Means recommends that City Council authorize the Mayor to execute the contracts with each of the sub-recipients for 14th year Community Development Block Grant Funds in the amount of: \$120,000 for Neighborhood Housing Services; \$7,500 for the Charleston Trident Community Housing Resource Board; and, \$80,000 for the Charleston Heritage Housing Corporation.

2. Leases at Business and Technology Center, 701 East Bay Street for Personnel Division, Building Inspections Division, Business License Division, and Internal Audit Division: Over the past few years efforts have been made to reduce the inconvenience to the public when purchasing a business license and completing the requirements of the Building Inspections office. At present, no contractor can purchase a building permit without first purchasing a business license. This involves the citizen leaving the Building Inspections office at the BTC, and then driving to the Business License Office to purchase a business license.

The specific merits of these two City offices operating out of one building (BTC) are as follows:

(a) By having the Business License Division in the same building as the Building Inspections Division, a "one-stop shopping" location will be created for our citizens to obtain building permits, certificates of occupancy, and business licenses. The Business License Division will also be in a better position to monitor and process business licenses for sub-contractors which will result in additional license revenue.

(b) Since the Business License Division will be solely responsible for collecting license fees and issuing licenses, both the Treasurer's office and the Building Inspections office will be relieved of the excessive workload generated by business license operations.

(c) Many Internal Auditing projects are of a sensitive nature, and the relocation of this division to the BTC will provide the private office space needed to conduct such audits.

(d) The office space at the BTC will include a conference room which can be used for Business License Committee meetings, City Market Advisory Commission meetings, division staff meetings and other suitable purposes.

Other than the monthly rental expenses stipulated in the lease agreement, this relocation of offices will require approximately \$1,500 for the drop ceiling cost.

Based on the Real Estate Committee's recommendation, the Committee on Ways and Means recommends that City Council:

(a) approve a lease agreement with Control Data Properties, Inc. at the Business and Technology Center (BTC) for office space for the Business License and Internal Audit Offices. The space to be leased for the Business License Division consists of approximately 1722 square feet of space, known as Room 115. The annual rent to be paid by the City for this space is \$9,471.90. The space to be leased for the Internal Audit Division consists of approximately 533 square feet of space, known as Room 105. The annual rent to be paid by the City for this space is \$2,931.60.

(b) approve amending the current lease and exercising the City's option to renew the lease agreement with Control Data Properties, Inc. at the Business and Technology Center (BTC) for office space for the Personnel and Building Inspection offices. Copies of the Amendment of Lease for the office space occupied by these two divisions are submitted herewith.

The Committee on Ways and Means recommends that City Council authorize the Mayor to execute the above-mentioned instruments.

3. 1989 Spoleto Festival Banners--Contract with Rosalie Kell: The Spoleto Festival banners have begun to show significant wear and tear. As a result, the City asked Rosalie Kell to submit a proposal for updating and improving the banners for the 1989 Festival. Her proposal is as follows:

Overhanging light poles: 3.75 X 9 ft. swallow tailed, confetti two sides, nylon, 4 colors

169 banners @ \$42.00 ea. \$7,098.00

Intersection: 6 X 4 nylon swallow tailed, confetti 2 sides with logo

40 banners @ \$45.00 ea. \$1,800.00

Short poles: 3 ft. ribbon streamers, 3 colors, 2 per pole

228 pieces @ \$6.00 ea. \$10,266.00

The Committee on Ways and Means recommends approval of this proposal at this time with the provision that it will be paid for out of 1989 Accommodations Tax revenues, and authorize the Mayor to execute the necessary instruments for this work to be done. The reason for doing it ahead of time is that it takes a significant amount of time to construct the banners.

4. Sponsorship--Southern Center for International Studies: As part of the City's sponsorship of the Southern Center for International Studies' Defense Secretaries Conference, the City has offered to pay for the cost of the promotional filming which will go on national television, before the broadcast of the defense conference on September 6. The Committee on Ways and Means sees this as an excellent use of Accommodations Tax funds and a true example of how the City can best promote Charleston with the use of these funds. The committee, therefore, has approved an appropriation of \$5,000 to come from the 1988 Accommodations Tax for this purpose and recommends that City Council endorse the committee's action in this matter.



5. City Hall Improvements Proposed Change Order No. 2: The Committee on Ways and Means submits herewith a proposal submitted by Triad Mechanical Contractors for additional construction required to complete the City Hall Building improvements project. The City's Special Construction and Development Projects officer has reviewed the proposal in detail with the contractor and has negotiated the \$9,888 proposal to \$8,500. The committee concurs with this action and recommends that City Council approved Change Order No. 2 in the amount of \$8,500 for the work set forth in Triad's proposal.

6. Retirement System Service Time--Wilson Ward: The Committee on Ways and Means wishes to report as information that it has approved a request for payment from the South Carolina Retirement System in the amount of \$4,665.24 for Wilson Ward, Police Department, for additional service time. In accordance with the South Carolina Retirement System regulations, the City is required to forward payment for requests of this nature and does not have an option.

7. Agreement with Eagle Skywatch to Perform the Hardware Support for the Auditorium's Computerized Ticketing System: The Committee on Ways and Means has approved on a month-to-month basis an agreement with Eagle Skywatch to perform the hardware support for the new computerized ticketing system. The cost of this service will be \$735.50 per month. This expense will be budgeted in the Auditorium's Operating Budget in Account GF 560-5265. Under this agreement, Eagle Watch will provide for regular monthly cleaning and servicing of the 15 computer terminals and ticket printers, and 7 days a week, 24 hours a day trouble service when necessary, and no additional cost for terminals that may come on line in 1989.

The Auditorium Director is confident this proposal will serve his needs, satisfy the hardware and software companies, and be the most cost effective method of servicing the ticket outlet locations. An alternative would be to hire and train a staff person to visit all 15 terminal locations on a regular basis and to be on call 24 hours a day, 7 days a week. The committee does not feel this would be cost effective when compared with Eagle Watch's proposal. The Committee on Ways and Means recommends that City Council approve the City's entering into an agreement with Eagle Watch on the terms mentions above, and authorize the Mayor to execute the agreement on the City's behalf. The recommended commencement date of this agreement is October 1, 1988.

8. Calhoun/East Bay Street Study Consultant Contract: The City's consultant selection committee has unanimously recommended that the planning and urban design firm of Buckhurst Fish Hutton Katz, Inc. in association with Thomas and Means Associates be selected to conduct the Calhoun/East Bay Streets study. They were chosen as the team most qualified and the one submitting the best proposal for the study out of the eleven original submittals and four groups that were selected to make presentations to the committee.

Because of the short time frame for completing the study (by December), it is important that this work begin immediately. Because of this, it is requested that City Council approve the execution of a contract with Buckhurst Fish Hutton Katz, Inc. for \$49,700 with the details of the contract to be approved by Corporation Counsel. The City is soliciting funds for this project from the community and has applied for a planning grant from the South Carolina Department of Archives and History. A decision on the grant will be forthcoming later this week. The Committee on Ways and Means recommends that City Council authorize the Mayor to execute the contract on its behalf.

W. L. STEPHENS, JR., Chairman

W. FOSTER GAILLARD

DANIEL L. RICHARDSON

ARTHUR W. CHRISTOPHER

BRENDA C. SCOTT

HENRY BERLIN

MARY R. ADER

WILLIAM F. MOREA

JOHN D. THOMAS, M.D.

JOSEPH P. RILEY, JR., Mayor

The report was adopted on motion of Councilmember Stephens.

The following resolution was adopted on motion of Councilmember Jefferson:

#### A RESOLUTION

RESOLVED, that the Mayor be and he hereby is authorized and directed, for and in behalf of The City Council of Charleston, to execute and deliver under the corporation seal, attested by the Clerk of Council, an Amendment of Lease which shall be substantially as follows:

#### AMENDMENT OF LEASE

This Amendment this 9th day of September, 1988, by and between City of Charleston--Personnel Department hereinafter designated the "TENANT" and, CONTROL DATA PROPERTIES, INC. hereinafter designated "LANDLORD".

Whereas, Landlord and Tenant have entered in a lease dated 08/08/86 for the demised premises known as 1-1-119, located in Control Data Business & Technology Center; and

Whereas, Landlord and Tenant desire to amend said Lease Agreement so as to extend the lease term as follows:

#### 1. TERM.

A. Tenant shall lease the Premises for a term of 5 years, subject nevertheless to paragraph (B) hereof, said lease to begin on 10/01/88. After the 18th month the lease shall increase from the initial rate of \$5.50 to a lease rate of \$7.85. After the 30th month the lease will convert to an annual increase tie to the CPI or 5%, whichever is greater capped at 10%. At the end of the term, September 30, 1993, the lease will be renegotiated to the market rate for an additional five year period.

B. Because Tenant is a public agency whose funding is dependent upon annual appropriations, Tenant shall have, at its option, the right to terminate this Lease without cause, upon furnishing to Landlord written notification of intent within 30 days of the end of Tenant's fiscal year.

Upon providing such notification of termination, Tenant agrees to vacate Premises by the end of Tenant's fiscal year. Such termination of this Lease shall relieve Tenant of all obligations under this Lease, including the payment of rent, subsequent to the end of Tenant's fiscal year.

2. The rent for this space shall be Nine Thousand Six Hundred Forty-one and 40/100 Dollars (\$9,641.40) per year, payable at the rate of Eight Hundred Three and 45/100 Dollars (\$803.45) per month. This increase in rent shall become effective 10/01/88.

3. All other terms and conditions of the subject Lease Agreement dated 08/08/86, as amended, are to run in full force and effect.

4. LATE FEES: Any rent payments over 10 days late will be assessed a 5% late fee. This fee will not permit or override the Landlord's rights and remedies for rent or additional obligation being in default (See Sections 11 and 12 of the Lease Agreement).

IN THE WITNESS WHEREOF, the parties have executed this Amendment as of the date first shown.

TENANT: City of Charleston Personnel Department

BY:LANDLORD:

BY:

WITNESS:Control Data Properties, Inc.

WITNESS:

The following resolution was adopted on motion of Councilmember Scott:

#### A RESOLUTION

RESOLVED, that the Mayor be and he hereby is authorized and directed, for and in behalf of The City Council of Charleston, to execute and deliver under the corporate seal, attested by the Clerk of Council, an Amendment of Lease which shall be substantially as follows:

#### AMENDMENT OF LEASE

This Amendment this 8th day of September, 1988, by and between City of Charleston--Building Inspections hereinafter designated the "TENANT" and, CONTROL DATA PROPERTIES, INC. hereinafter designated "LANDLORD".

Whereas, Landlord and Tenant have entered in a lease dated 08/08/86 for the demised premises known as 1-1-131/141, located in Control Data Business & Technology Center; and

Whereas, Landlord and Tenant desire to amend said Lease Agreement so as to extend the term as follows:

#### 1. TERM.

A. Tenant shall lease the Premises for a term of 5 years, subject nevertheless to paragraph (B) hereof, said lease to begin on 10/01/88. After the 18th month the lease shall increase from the initial rate of \$5.50 to a lease rate of \$7.85. After the 30th month the lease will convert to an annual increase tie to the CPI or 5%, whichever is greater capped at 10%. At the end of the term, September 30, 1993, the lease will be renegotiated to the market rate for an additional five year period.

B. Because Tenant is a public agency whose funding is dependent upon annual appropriations, Tenant shall have, at its option, the right to terminate this Lease without cause, upon furnishing to Landlord written notification of intent within 30 days of the end of Tenant's fiscal year.

Upon providing such notification of termination, Tenant agrees to vacate Premises by the end of Tenant's fiscal year. Such termination of this Lease shall relieve Tenant of all obligations under this Lease, including the payment of rent, subsequent to the end of Tenant's fiscal year.

2. The rent for this space shall be Fifteen Thousand Five Hundred Ten and 00/100 Dollars (\$15,510.00) per year, payable at the rate of One Thousand Two Hundred Ninety-two and 50/100 Dollars (\$1,292.50) per month. This increase in rent shall become effective 10/01/88.

3. All other terms and conditions of the subject Lease Agreement dated 09/21/87, as amended, are to run in full force and effect.

4. LATE FEES: Any rent payments over 10 days late will be assessed a 5% late fee. This fee will not permit or override the Landlord's rights and remedies for rent or additional obligation being in default (See Sections 11 and 12 of the Lease Agreement).

IN THE WITNESS WHEREOF, the parties have executed this Amendment as of the date first shown.

TENANT: City of Charleston--Building Inspections

BY:LANDLORD:

Control Data Properties, Inc.

BY:

WITNESS:

WITNESS:

The following is the proposal submitted by Triad Mechanical Contractors referred to in the above Ways and Means Committee report:

September 20, 1988

City of Charleston

Department of Public Service

116 Meeting St.

Charleston, S.C. 29401

Attn: Mr. Mario Ciappa

Ref: Charleston City Hall

HVAC Renovations

Dear Mr. Ciappa,

Please find outlined below an additional change order proposal as requested by the City.

1. Add 2 X 2 acoustical tile to area under mezzanine at office to right as you enter building . . . + \$460.00

2. All plaster patch, ground level, not included in original contract. This includes all chases in walls created by City personnel for the computer network, telephone, and other devises. Patch additional holes, ground level, first level, and second level, excluding small pin holes which shall be patched by City painters.

Plaster chase cut for electrical conduit at 2nd floor for light switches at Secretaries office.

Create duct chase in closet including all finishing at right of treasurers office . . . + \$6,395.00

3. Rework Fan coil wood panels as per Mr. Porcher's and Mr. Ciappa's directions of 9/19/88 A.M. Include pulls to remove entire front for access to fan coil unit. Panel to be set behind new nosing on jambs to hold in place.

Top will be removable with 2" X 2" wood member on underside to hold panel on back side . . . + \$745.00

4. Existing Corridors in Basement: Provide and install ten 2' X 2' two-lamp fluorescent troffers in lieu of surface mounted fixtures . . . + \$232.00

5. Existing Corridor to Restrooms: Provide and install two 2' X 4' four-lamp troffers and reconfigure outlets and raceways to accommodate their installation . . . + \$203.00

6. First Floor Office (to right of front door): Provide and install five 2' X 4' four-lamp troffers under mezzanine. Remove existing fixtures and reconfigure outlets and raceways to accommodate their installation . . . + \$573.00

7. First Floor Office (Adjacent to Circular Stairs): Provide and install five 2' X 4' four-lamp troffers under mezzanine. Relocate one switch and duplex receptacle and provide as recessed in lieu of

surface mounted type. Remove existing lights and change outlets and raceways to accommodate revised conditions . . . + \$746.00

8. Accounting Office (First floor): Provide for furnishing twelve 2' X 4' fluorescent fixtures (six over and six under mezzanine) in lieu of reinstallation of existing fixtures scheduled to be removed to allow for new tile ceiling placement . . . + \$534.00

TOTAL . . . \$9888.00

The report was adopted on motion of Councilmember Stephens.

Next on the agenda were thirteen (13) bills up for second reading.

On motion of Councilmember Richardson, seven (7) bills received second reading. They passed second reading on motion of Councilmember Ader and third reading on motion of Councilmember Gaillard. On the further motion of Councilmember Scott, the rules were suspended and the seven (7) bills were immediately ratified as:

Ratification

Number 1988-92

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP WHICH IS A PART THEREOF, SO THAT 948 SAVAGE ROAD (.19 ACRE, MORE OR LESS) (TMS# 309-16-00-12) ANNEXED JULY 13, 1988 (1988-58) BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be and the same hereby is amended, by changing the zone map thereof so that the below-described property shall become a part thereof:

948 Savage Road (.19 acre) (TMS# 309-16-00-12)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-1) classification.

Section 3. This ordinance shall become effective upon ratification.

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Ratification

Number 1988-93

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP WHICH IS A PART THEREOF, SO THAT 952 SAVAGE ROAD (.18 ACRE, MORE OR LESS) (TMS# 309-16-00-13) ANNEXED JULY 13, 1988 (1988-58) BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be and the same hereby is amended, by changing the zone map thereof so that the below-described property shall become a part thereof:

952 Savage Road (.18 acre) (TMS# 309-16-00-13)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-1) classification.

Section 3. This ordinance shall become effective upon ratification.

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Ratification

Number 1988-94

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP WHICH IS A PART THEREOF, SO THAT 956 SAVAGE ROAD (.19 ACRE, MORE OR LESS) (TMS# 309-16-00-14) ANNEXED JULY 13, 1988 (1988-58) BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be and the same hereby is amended, by changing the zone map thereof so that the below-described property shall become a part thereof:

956 Savage Road (.19 acre) (TMS# 309-16-00-14)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-1) classification.

Section 3. This ordinance shall become effective upon ratification.

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Ratification

Number 1988-95

AN ORDINANCE

TO PROVIDE FOR THE ANNEXATION OF A 2.1 ACRE (MORE OR LESS) PARCEL OF LAND (TMS# 350-05-00-169) ST. ANDREWS PARISH, IN CHARLESTON COUNTY, LOCATED WEST OF SARAH STREET AND EXTENDING 650 FEET WEST OF STINSON DRIVE, TO THE CITY OF CHARLESTON AND TO MAKE IT PART OF DISTRICT 10.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Findings of Fact

As an incident to the adoption of this Ordinance, City Council of Charleston finds the following facts to exist:

a) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town upon a Petition by all persons owning real estate in the area requesting annexation.

b) The City Council of Charleston has received a Petition requesting that a tract of land in Charleston County hereinafter described be annexed to and made a part of the City of Charleston, which Petition is signed by all persons owning real estate in the area requesting annexation.

c) The area comprising the said property is contiguous to the City of Charleston.

Section 2.

Pursuant to Section 5-3-150, Code of Laws of South Carolina, (1986) as amended, the following described property be and hereby is annexed to and made a part of the City of Charleston and is annexed to and made a part of present District 10 of the City of Charleston, to wit:

SAID PROPERTY to be annexed (2.1 acres, more or less) is located approximately 45 feet west of Sarah Street and extending 650 feet west of Stinson Drive, in St. Andrews Parish in Charleston County, is identified by the County Assessor's Office as TMS# 350-05-00-169 (see attached map) and all adjacent public rights-of-way.

Section 3.

This Ordinance shall become effective upon ratification.

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Ratification

Number 1988-96

AN ORDINANCE

TO PROVIDE FOR THE ANNEXATION OF A 11.5 ACRE (MORE OR LESS) PARCEL OF LAND (TMS# 308-00-00-006) ST. ANDREWS PARISH, IN CHARLESTON COUNTY, LOCATED EAST OF ARLINGTON DRIVE, EXTENDING WEST TO MCCLEOD ROAD, TO THE CITY OF CHARLESTON AND TO MAKE IT PART OF DISTRICT 10.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Findings of Fact

As an incident to the adoption of this Ordinance, City Council of Charleston finds the following facts to exist:

- a) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town upon a Petition by all persons owning real estate in the area requesting annexation.
- b) The City Council of Charleston has received a Petition requesting that a tract of land in Charleston County hereinafter described be annexed to and made a part of the City of Charleston, which Petition is signed by all persons owning real estate in the area requesting annexation.
- c) The area comprising the said property is contiguous to the City of Charleston.

Section 2.

Pursuant to Section 5-3-150, Code of Laws of South Carolina, (1986) as amended, the following described property be and hereby is annexed to and made a part of the City of Charleston and is annexed to and made a part of present District 10 of the City of Charleston, to wit:

SAID PROPERTY to be annexed (11.5 acres, more or less) is located east of Arlington Drive, extending west to McCleod Road, in St. Andrews Parish, in Charleston County, is identified by the County Assessor's Office as TMS# 308-00-00-006 (see attached map) and all adjacent public rights-of-way.

Section 3.

This Ordinance shall become effective upon ratification.

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Ratification

Number 1988-97

AN ORDINANCE

TO PROVIDE FOR THE ANNEXATION OF A 57.8 ACRE (MORE OR LESS) PARCEL OF LAND (TMS# 310-00-00-015), ST. ANDREWS PARISH, IN CHARLESTON COUNTY, EXTENDING FROM MCCLEOD ROAD TO MAIN ROAD, TO THE CITY OF CHARLESTON AND TO MAKE IT PART OF DISTRICT 10.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Findings of Fact

As an incident to the adoption of this Ordinance, City Council of Charleston finds the following facts to exist:

- a) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town upon a Petition by all persons owning real estate in the area requesting annexation.
- b) The City Council of Charleston has received a Petition requesting that a tract of land in Charleston County hereinafter described be annexed to and made a part of the City of Charleston, which Petition is signed by all persons owning real estate in the area requesting annexation.
- c) The area comprising the said property is contiguous to the City of Charleston.

Section 2.

Pursuant to Section 5-3-150, Code of Laws of South Carolina, (1986) as amended, the following described property be and hereby is annexed to and made a part of the City of Charleston and is annexed to and made a part of present District 10 of the City of Charleston, to wit:

SAID PROPERTY to be annexed (57.8 acres, more or less) extends from McCleod Road to Main Road, in St. Andrews Parish in Charleston County, is identified by the County Assessor's Office as TMS# 310-00-00-015 (see attached map) and all adjacent public rights-of-way.

Section 3.

This Ordinance shall become effective upon ratification.

\_\_\_\_\_  
Ratification

Number 1988-98

AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE A QUIT-CLAIM DEED ON BEHALF OF THE CITY OF CHARLESTON CONVEYING A PORTION OF CHERRY STREET, BETWEEN CANNON STREET AND SPRING STREET, HERETOFORE CLOSED AND ABANDONED BY THE CITY, TO SANDRA CHINNIS SANDERS A/K/A SANDRA C. SANDERS.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. The Mayor is hereby authorized to execute a quit-claim deed on behalf of the City, conveying to Sandra Chinnis Sanders a/k/a Sandra C. Sanders, a portion of Cherry Street, between Cannon Street and Spring Street, heretofore closed and abandoned by the City, pursuant to the terms and conditions as are set forth in that certain quit-claim deed attached hereto and made a part hereof.

Section 2. This Ordinance shall become effective upon ratification.

STATE OF SOUTH CAROLINA)



COUNTY OF CHARLESTON)

QUIT-CLAIM DEED

TO ALL WHOM THESE PRESENTS MAY COME:

WHEREAS, at a meeting of the City Council of Charleston, held July 19, 1983, it was resolved that Cherry Street, between Spring Street and Cannon Street, in the City of Charleston be closed and abandoned as a City right-of-way, and it was further resolved that the City of Charleston expressly reserve for itself and its agents any and all existing water, sanitary sewer, storm sewer, or other easements that may run thereon.

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that the City of Charleston in consideration of the premises and also in consideration of the sum of Five (\$5.00) Dollars to it in hand paid at and before the sealing and delivery of these presents by Sarah Chinnis Sanders a/k/a Sarah C. Sanders (the receipt whereof is hereby acknowledged) have remised, released, and forever quit-claimed, and by these presents do remise, release and forever quit-claim unto the said Sarah Chinnis Sanders, a/k/a Sarah C. Sanders, her heirs and assigns, forever, the following described property to wit:

ALL that piece, parcel, or strip of land, situate, lying and being in the City of Charleston, Twenty-five (25') feet in width and extending from Cannon Street on the South to Spring Street on the North and being the Western one-half (1/2) of Cherry Street.

MEASURING AND CONTAINING on the West line One Hundred Seventy-five and 6/10 (175.6') feet; on the East line One Hundred Eighty-one and 5/10 (181.5') feet; on the South line Twenty-five (25') feet; and on the North line Twenty-five (25') feet; be the said dimensions a little more or less.

BUTTING AND BOUNDING to the North on the South R/W line of Spring Street; to the South on the North R/W line of Cannon Street; to the West on property of Grantee herein, Sarah Chinnis Sanders, a/k/a Sarah C. Sanders; and to the East on the remaining one-half (1/2) of Cherry Street.

RESERVING, HOWEVER, UNTO THE GRANTOR HEREIN, City of Charleston, and its agents any and all existing water, sanitary sewer, storm sewer or other easements that may run thereon.

GRANTEE HEREIN, Sarah Chinnis Sanders, a/k/a Sarah C. Sanders, acquired the property, collectively designated as TMS 460-10-04-014, adjacent to the Western one-half (1/2) of Cherry Street, as hereinabove described and conveyed, by Deeds of Conveyance duly recorded in the Charleston County R.M.C. Office as follows:

- (a) Albert Sottile, dated December 13, 1945, Book V 45, page 621.
- (b) Port Oil Co., dated September 20, 1958, Book H 66, page 653.
- (c) Alma D. Hebrard, dated December 14, 1945, Book V 45, page 623.
- (d) Alma D. Hebrard, dated March 6, 1946, Book Q 44, page 629.
- (e) Caroline T. Moore, dated February 14, 1946, Book F 46, page 471.
- (f) South Carolina State Highway Department, dated September 29, 1965, Book T 88, page 168.
- (g) City of Charleston, dated December \_\_\_\_\_, 1945, Book U 45, page 439.

Grantee's Mailing Address: 949 Lakeview Drive, Mt. Pleasant, SC 29464

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to the said premises belonging or in any wise incident or appertaining

TO HAVE AND TO HOLD all and singular the said premises before mentioned unto the said Sarah Chinnis Sanders, a/k/a Sarah C. Sanders, her heirs and assigns, forever so that neither the said City of Charleston nor its successors or assigns nor any other person or persons, claiming under it or them, shall at any time hereafter by any way or means, have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part or parcel thereof, forever.

WITNESS its Hand and Seal this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord One Thousand Nine Hundred Eighty-eight and in the Two Hundred and Thirteenth year of the Sovereignty and Independence of the United States of America.

\_\_\_\_\_

The Mayor stated a bill up for second reading to zone a 3.9 acre parcel at the southeast corner of Brownswood and Main Road, Johns Island, TMS# 279-00-00-237, Limited Business classification with restrictive covenants would have to be deferred because the executed restrictive covenants had not been received.

City Council next considered giving second reading to a bill providing for the issuance and sale of waterworks and sewer system revenue bonds of not exceeding \$50,000,000 for the Commissioners of Public Works (CPW). On motion of Councilmember Richardson, the bill was given second reading.

Councilmember Ader recalled that two years ago City Council approved a \$60,000,000 bond issue for the Commissioners of Public Works. She understood at the time it would be the last bond issue for some time. She asked that someone from the CPW give City Council an idea as to how far the CPW's plans went. The last time, she said, City Council had been told that bond issue would be the last one for a long time. She complained over the increase in her recent water bills.

Steve Kinard, Manager of the Commissioners of Public Works, responded that the information requested by Councilmember Stephens at the last City Council meeting was attached to a booklet he had distributed at this meeting.

Mr. Kinard explained that the CPW had plans for the water utility bond issue of 1991 to finance \$21 million in capital improvements and in 1993, \$11.5 million for water utility; and, for wastewater utility \$14 million in 1991 and a little more than \$4 million in 1993.

Mr. Kinard continued by saying when the bond issue went before City Council in 1985, he stated the EPA regulations changed constantly and part of the proposed bond issue (\$3 million) was to build a sludge facility at the Hanahan Water Treatment Plant. The total cost of the sludge facility exceeded \$11 million, he added, and explained that Congress at this time was reviewing the EPA's regulations on lead and drinking water. He stated the CPW could be told any time to take up every lead surface it had, and the CPW did not know how many it had. This, he said, could cost the CPW literally millions of dollars.

Mr. Kinard stated the EPA also was reviewing a regulation that would require all public utility water systems to go to carbon treatment. He commented that if this process was mandated by EPA, the CPW would be looking at "tens of millions of dollars". Also, if the EPA required the CPW to go to ozone for disinfectant, the CPW would be looking at "tens of millions of dollars" in capital improvements plus "millions upon millions of dollars" just to operate those facilities.

Councilmember Ader responded she appreciated all this, but what he had listed were "if they do it". Mr. Kinard interjected that he felt they were going to do it. He added that the CPW was spending \$21 million on Plum Island.

Councilmember Ader noted that the CPW was running a water line all the way across West Ashley and asked why huge black pipes had been laid out in front of the Lenevar Subdivision a year ago and nothing ever done with it. She wanted to know what the problem was.

Councilmember Ader then referred to the change from quarterly billing to monthly billing and the fact that water bills had tripled. She believed the monthly billing was responsible for a good share of the increase in operating expenses. She concluded by saying she had received numerous calls from her constituents asking that she not vote in favor of this bond issue, and, that she planned not to vote for it. She said she had asked the constituents who called her to call Mr. Kinard for an explanation on how to control their water bills. Mr. Kinard stated that they had called him.

Councilmember Ader continued by saying she believed the CPW should look into charging developers impact fees. Mr. Kinard stated the developers were paying for all water and sewer lines within their subdivisions. In addition, he said, the CPW charged the developers impact fees in excess of \$1,600. Mr. Kinard further stated that on all of the capital improvement projects that had been done for the last ten years the CPW had "played catch up" and he pointed out that the CPW went for twenty years without a rate increase.

Councilmember Ader expressed the hope that the CPW would try in some way to show the citizens of the City of Charleston that an effort was going to be made to control the water rates. She believed the citizens would understand the necessity for higher water rates if the City had to comply with EPA regulations. She did not believe, however, that they understood the current water rates.

Councilmember Stephens felt instead of saying "if", Mr. Kinard should have said "when". Mr. Kinard agreed and stated all the things he had mentioned were coming.

In response to a question from Councilmember Stephens, Mr. Kinard said St. Andrews Public Service District was in the process of raising their sewer and water rates 300% within the next sixty to ninety days because of their capital improvements program.

In response to a question from the Mayor, Mr. Kinard stated that the St. Andrews PSD was expanding capacity, laying new outfall lines, and upgrading their treatment plants.

Councilmember Ader asked Mr. Kinard if the County went into the sewerage business, what effect would that have on the City of Charleston. Mr. Kinard felt this was a good question. He believed the question was where would the County treat the sewerage. He said there was no place to discharge wastewater except Charleston harbor and this option was basically all tied up. In further response to Councilmember Ader, Mr. Kinard speculated on the County's alternatives if the CPW did not allow the County to come into Plum Island.

In response to another question asked by Councilmember Ader, Mr. Kinard stated there were very few City of Charleston and St. Andrews PSD sewer lines that ran parallel. He also stated the CPW treated more of St. Andrews' wastewater at Plum Island than they treated at their treatment plants. He said the agreement between the City and St. Andrews still existed even though there had been some problems with it. He added the CPW treated 2,900 of St. Andrews' units and they treated no less than 1,000 of the CPW's units.

Mr. Kinard answered another question asked by Councilmember Ader by saying there were no parallel lines on James Island.

Councilmember Thomas observed Charleston had the highest water rates of any major South Carolina city. He noted the rates were "going up in a geometric progression" and asked if there was a way to get out of that mode. He thought this was something that should be worked on.

From information supplied to him on wastewater utility and fresh water service, he noted the CPW was committed to a bonded indebtedness of \$504 million, which did not take into account possible additional federal government regulations in the future, which he understood could easily double that indebtedness. He did not believe the City could afford this but at the same time, did not see how the City could afford not to have fresh water and adequate sewerage treatment. He believed anytime capital improvements were proposed, the question should not be "would it be nice?" but rather "how can we do it and is it absolutely necessary?" and then do it at the least cost.

Councilmember Thomas noted near capacity was being reached at Plum Island, even though the facility was being enlarged. Mr. Kinard said the present capacity should last until the year 2005 if the James Island PSD and St. Andrews PSD kept their treatment plants operating. The next expansion, he said, would last until the year 2020-2025. He elaborated on the plans for expanding the Plum Island facility.

Councilmember Thomas asked if there was any planning for a second treatment plant other than Plum Island. Mr. Kinard responded that was too far in the future to project. He stated when the CPW looked into upgrading the Plum Island facility it also looked at building another treatment plant, but there was no place to put a discharge outfall line in Charleston County other than Charleston Harbor.

Councilmember Thomas asked if Plum Island was hurricane proof. Mr. Kinard said it was "fifteen feet" and there were emergency plans. He added, however, that if a Category 5 hurricane were to hit Charleston at high tide, there would be a serious problem.

Councilmember Thomas repeated his concern over Charleston's high water rates. Mr. Kinard said comparing Charleston with Greenville was not a fair comparison because Greenville did not operate a water treatment plant. Columbia was in the process of building another water treatment plant, he said, which he anticipated was going to increase their water rates considerably. Spartanburg, he added, was doing the same thing.

Councilmember Morea asked for a definition of the impact fees he had mentioned. Mr. Kinard stated \$490 was charged for water, \$610 for waste water, \$375 for a water tap, and \$200 for a sewer tap. He said those were the fees everyone in the City of Charleston paid.

Councilmember Morea said he understood impact fees as being taken in advance and put into a bank account, and were separated by law. This would require some sort of interest be drawn, he said, and asked what happened to that money. The Mayor responded this money was set aside and used for capital expenses. Mr. Kinard said close to \$3 million in impact fees had been collected since 1986 and could only be used exclusively for capital improvements.

There was no further discussion on the bill to authorize the issuance and sale of \$50,000,000 waterworks and sewer system revenue bonds for the CPW. The bill passed second reading on motion of Councilmember Scott and third reading on motion of Councilmember Gaillard. On the further motion of Councilmember Richardson, the rules were suspended and the bill was immediately ratified as:

Ratification

Number 1988-99

AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF A SERIES OF WATERWORKS AND SEWER SYSTEM REVENUE BONDS OF THE CITY OF CHARLESTON TO BE DESIGNATED SERIES 1988 IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING FIFTY MILLION DOLLARS (\$50,000,000) AND OTHER MATTERS RELATING THERETO.

(SERIES ORDINANCE)

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STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

WHEREAS, the City Council of the City of Charleston, South Carolina ("City Council") has made general provision for the issuance of water and sewer system revenue bonds (the "Bonds") of the City of Charleston, South Carolina (the "City") through the means of an ordinance adopted on October 24, 1984, bearing Ratification No. 1984-149, entitled "An Ordinance Providing For The Issuance And Sale Of Waterworks And Sewer System Revenue Bonds Of The City Of Charleston, South Carolina, And Other Matters Relating Thereto" (the "Bond Ordinance"); and

WHEREAS, it is provided in and by the Bond Ordinance that, upon adoption of a "Series Ordinance" there may be issued one or more series of Bonds for the purpose of providing funds for improvements and extensions to the waterworks and sewer system of the City (the "System"); and

WHEREAS, it has been determined that approximately \$50,000,000 should be raised in order to provide funds for the acquisition, construction and installation of certain undertakings described in the Capital Improvement Program developed by the staff of the Commissioners of Public Works as specified in the Official Statement circulated in connection with the issuance of the Bonds (the "Project"); and

WHEREAS, by reason of the foregoing, it has been determined to adopt this ordinance as a "Series Ordinance" in accordance with the terms and provisions of the Bond Ordinance; and

WHEREAS, the aggregate principal amount of not exceeding \$50,000,000 of Series 1988 Bonds to be issued hereunder are to be in the form of fully registered Bonds in the denomination of \$5,000 or any multiple thereof and, together with the Certificate of Authentication, Assignment and certificate of approving opinion to appear thereon, are to be in substantially the following form with necessary and appropriate variations, omissions and insertions as permitted or required by the Bond Ordinance, this ordinance, or by the resolution of the Commissioners authorized herein, to wit:

(FORM OF BOND)

(FACE OF BOND)

CITY OF CHARLESTON, SOUTH CAROLINA

WATERWORKS AND SEWER SYSTEM

REVENUE BOND, SERIES 1988

No. \_\_\_\_\_

Interest Rate    Maturity Date    Date of CUSIP

January 1,            Issue

19\_\_\_\_\_        September 1, 1988

Registered Owner:

Principal Amount: Dollars (\$\_\_\_\_\_)

The CITY OF CHARLESTON, SOUTH CAROLINA (the "City") acknowledges itself indebted and for value received hereby promises to pay, solely from the sources and as hereinafter provided, to the Registered Owner named above or registered assigns, the Principal Amount set forth above on the Maturity Date stated above, unless this Bond be subject to redemption and shall have been redeemed prior thereto as hereinafter provided, upon presentation and surrender of this Bond at the corporate trust office of \_\_\_\_\_ (the "Trustee") in the City of Columbia, South Carolina, and to pay interest on such principal amount at the annual Interest Rate stated above (calculated on the basis of a 360-day year of twelve (12) 30-day months), until the obligation of the City with respect to the payment of such principal amount shall be discharged.

REFERENCE IS MADE TO THE FURTHER PROVISIONS OF THIS BOND SET FORTH ON THE REVERSE HEREOF WHICH SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH HEREIN.

Both the principal of and interest on this Bond, as the same shall become due, are payable solely from the revenues derived from the operation of the System. This Bond shall not in any event constitute an indebtedness of the City within the meaning of any provision, limitation or restriction of the Constitution or statutes of the State of South Carolina (the "State"). The City is not obligated to pay this Bond, or the interest hereon, save and except from revenues derived from the operation of the System.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been duly executed by the Registrar.

IN WITNESS WHEREOF, the CITY OF CHARLESTON, SOUTH CAROLINA, has caused this Bond to be signed by the facsimile signature of its Mayor and the manual signature of its Director of Administrative Services, its corporate seal to be reproduced hereon and the same to be attested by the facsimile signature of the Clerk of the City Council of the City of Charleston, South Carolina.



CITY OF CHARLESTON,

SOUTH CAROLINA

(SEAL)

By Mayor

and By Director of Administrative

Services

Attest:

By Clerk, City Council of the

City of Charleston, South Carolina

CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds of the Series described in the within mentioned Ordinance.

By: TRUSTEE

Authorized Officer

Date:

(BACK OF BOND)

CITY OF CHARLESTON, SOUTH CAROLINA

WATERWORKS AND SEWER SYSTEM

REVENUE BOND, SERIES 1988

Each of the Series 1988 Bonds will bear interest from the later of September 1, 1988, or the date to which interest has been paid immediately preceding the authentication date thereof, unless the authentication date thereof is a January 1 or July 1, in which event, each such Bond will bear interest from the earlier of such authentication date or the date to which interest has last been paid; provided that if the City shall fail to pay interest on January 1, 1989, then each such Bond will bear interest from September 1, 1988. Interest on this Bond is payable on January 1 and July 1 of each year beginning January 1, 1989, at which time interest for four (4) months will be due. The interest so payable on any January 1 or July 1 will be paid to the person in whose name this Bond is registered at the close of business on the December 15 or June 15 immediately preceding such January 1 or July 1 (the "Record Date").

Except as hereinafter provided, interest hereon shall be payable by check or draft mailed at the times provided herein from the office of the Paying Agent to the person in whose name this Bond is registered on the Record Date at the address shown on the registration books. At the written request addressed to the Trustee of any Holder of \$100,000 or more in aggregate principal amount of Series 1988 Bonds, interest on such Bonds will be paid by wire transfer to the bank account number filed by such Holder no later than the Record Date with the Trustee for such purpose. The principal of, redemption premium, if any, and interest on this Bond are payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

This Bond is one of a Series of Bonds in the aggregate principal amount of \_\_\_\_\_ Dollars (\$\_\_\_\_\_) of like tenor, except as to number, rate of interest, date of maturity and redemption provisions, issued pursuant to and in accordance with the Constitution and statutes of the State of South Carolina (the "State"), including particularly Chapter 17, Title 6, inclusive, Code of Laws of

South Carolina 1976, as amended, an ordinance duly adopted by the City Council of the City of Charleston, South Carolina ("City Council") on October 24, 1984, as amended by an ordinance (the "Series Ordinance") duly adopted by City Council on September 13, 1988 (as so amended, the "Bond Ordinance") (the Bond Ordinance and the Series Ordinance are hereinafter collectively referred to as the "Ordinances") and a resolution duly adopted by the Commissioners of Public Works of the City of Charleston (the "Commissioners") for the purpose of obtaining funds to defray the cost of constructing improvements to the waterworks and sewer system of the City (the "System").

Certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Ordinances. Certified copies of the Ordinances are on file in the office of the Trustee and in the office of the Clerk of Court for Charleston County, South Carolina.

The Series 1988 Bonds are on a parity in all respects with the outstanding \$11,135,000.00 City of Charleston, South Carolina, Waterworks and Sewer System Revenue Bonds, Series 1984, the outstanding \$15,950,000 City of Charleston, South Carolina, Waterworks and Sewer System Revenue Bonds, Series 1985, the outstanding \$96,965,000 City of Charleston, South Carolina, Waterworks and Sewer System Refunding Revenue Bonds, Series 1986 and the outstanding \$52,275,000 City of Charleston, South Carolina, Waterworks and Sewer System Refunding Revenue Bonds, Series 1986A.

The Bond Ordinance authorizes the issuance of additional bonds on a parity with the Bonds of this Series which, when issued in accordance with the provisions of the Bond Ordinance, will rank equally and be on a parity therewith.

The City has covenanted to continuously operate and maintain the System and fix and maintain such rates for the services and facilities furnished by the System as shall at all times be sufficient (a) to provide for the payment of the expenses of the administration and operation and such expenses for maintenance of the System as may be necessary to preserve the same in good repair and working order, (b) to provide for the punctual payment of the principal of and interest on the Bonds and all Junior Lien Bonds, (c) to maintain the Debt Service fund and thus provide for the punctual payment of the principal of and interest on the Bonds, (d) to maintain the Debt Service Reserve Fund in the manner therein prescribed, (e) to build and maintain a reserve for depreciation of the system, for contingencies and for improvements, betterments and extensions to the System other than those necessary to maintain the same in good repair and working order, and (f) to discharge all obligations imposed by the Enabling Act and the Ordinance.

For the payment of the principal of and interest on this Bond and the Series of which it forms a part, there are hereby irrevocably pledged that portion of the Gross Revenues which remain after paying the cost of the operation and maintenance of the System; and a lien upon such Gross Revenue has been granted thereon to the Holders of the Bonds. The Bond Ordinance provides that, in addition to other remedies, upon a default in payment of principal of or interest on any Bond, the Trustee may, and upon the written request of the Holders of not less than twenty-five percent (25%) in aggregate principal amount of Bonds Outstanding shall declare all Bonds Outstanding immediately due and payable.

This Bond and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments imposed within the State, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate or transfer taxes.

This Bond is transferable, as provided in the Bond Ordinance, only upon the registration books of the City kept for that purpose by the Holder hereof in person or by his duly authorized attorney, upon (a) surrender of this Bond and an assignment with a written instrument of transfer satisfactory to the Trustee or the other Registrar, as the case may be, duly executed by the Holder hereof or his duly authorized attorney and (b) payment of the charges, if any, prescribed in the Bond Ordinance. Thereupon a new Bond or Bonds of the same aggregate principal amount, maturity and interest rate

shall be issued to the transferee in exchange therefor as provided in the Bond Ordinance. The City, the Trustee and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or redemption price hereof and interest due hereon and for all other purposes.

For every exchange or transfer of the Bonds, the City or the Trustee or Registrar, as the case may be, may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer.

The Series 1988 Bonds maturing on January 1, \_\_\_\_\_ and thereafter are subject to redemption prior to maturity, at the option of the City, on and after January 1, \_\_\_\_\_, in whole at any time or in part, on any January 1 or July 1, upon thirty (30) days' notice, at the respective redemption prices set forth below, expressed as a percentage of the principal amount of such Series 1988 Bonds to be so redeemed, plus interest accrued to the redemption date:

Period During Which Redeemed

(both dates inclusive)

Redemption Price

The Series 1988 Bonds maturing on January 1, \_\_\_\_\_, are subject to mandatory sinking fund redemption commencing January 1, \_\_\_\_\_, and will be redeemed (to the extent not previously redeemed), at one hundred percent (100%) of the principal amount, plus interest accrued to the redemption date, on January 1 of each of the following years in the respective principal amounts for each year specified below:

Year Amount Year Amount

The Series 1988 Bonds maturing on January 1, \_\_\_\_\_, are subject to mandatory sinking fund redemption commencing January 1, \_\_\_\_\_, and will be redeemed (to the extent not previously redeemed), at one hundred percent (100%) of the principal amount, plus interest accrued to the redemption date, on January 1 of each of the following years in the respective principal amounts for each year specified below:

Year Amount Year Amount

The amount of the mandatory sinking fund redemption prescribed above shall be reduced to the extent Series 1988 Bonds have been purchased by the City or redeemed by the City pursuant to the optional redemption provisions set forth above, in such manner as the City shall direct, or, absent such direction, on a pro rata basis.

If less than all of the Series 1988 Bonds are to be redeemed, the particular bonds or portions of bonds to be redeemed shall be selected not less than forty-five (45) days prior to the date fixed for redemption by the Trustee by lot. Bonds in a denomination of more than \$5,000 may be redeemed in part from time to time in one or more units of \$5,000 in the manner provided in the Bond Ordinance.

If any of the Series 1988 Bonds, or portions thereof, are called for redemption, the Trustee will give notice to the Paying Agent and Holders of any such Bonds to be redeemed, in the name of the City, of the redemption of such Bonds, or portions thereof, which notice will specify the Bonds to be redeemed, the redemption date and the place or places where amounts due upon such redemption will be payable and, if less than all of the series 1988 Bonds are to be redeemed, the numbers of such Bonds so to be redeemed, and, in the case of Bonds to be redeemed in part only, such notice will also specify the respective portions of the principal amount thereof to be redeemed. Such notice will be given by mailing a copy of the redemption notice by first class mail at least thirty (30) days prior to the date fixed for redemption to the appropriate Paying Agent or Agents and the Holder of each Bond to be redeemed, at the address shown on the registration books; provided, however,

that failure to give such notice by mail, or any defect in the notice mailed to the Holder of any Series 1988 Bond, shall not affect the validity of the proceedings for the redemption of any other bond. Provided funds for their redemption are on deposit with the Paying Agent, all Bonds so called for redemption will cease to bear interest on the specified redemption date.

It is hereby certified and recited that all conditions, acts and things required by the Constitution and statutes of the State to exist, be performed or happen precedent to or in the issuance of this Bond, exist, have been performed and have happened, that the amount of this Bond, together with all other indebtedness of the City, does not exceed any limit prescribed by such Constitution or statutes.

#### ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto

\_\_\_\_\_

(please print or type name and address of Transferee and Social Security or other identifying number of Transferee)

the within Bond and all rights and title thereunder, and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Date: \_\_\_\_\_

Signature Guaranteed:

\_\_\_\_\_

\_\_\_\_\_

#### LEGAL OPINION

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete legal opinion of Sinkler & Boyd, P.A., Charleston, South Carolina, the original of which was manually executed, dated and issued as of the date of delivery of and payment for the Bonds, and a copy of which is on file with the Trustee.

CITY OF CHARLESTON, SOUTH CAROLINA

By Mayor

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLESTON, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

#### ARTICLE I

##### DEFINITIONS AND AUTHORITY

##### Section 1.01. Definitions.

(a) Except as provided in subsection (b) below, all terms which are defined in Section 1.01 of the Bond Ordinance shall have the same meanings in this 1988 Series Ordinance as such terms are prescribed to have in the Bond Ordinance.

(b) As used in this 1988 Series Ordinance, unless the context shall otherwise require, the following terms shall have the following respective meanings:

"Authorized Officer" shall mean the Manager, the Assistant Manager, the Director of Administrative Services, the Director of Engineering or any such other employee or employees of the Commissioners as the Commissioners shall designate.

"Series 1988 Bonds" shall mean the Bonds of the City of the Series authorized by this 1988 Series Ordinance and designated "City of Charleston, South Carolina, Waterworks and Sewer System Revenue Bonds, Series 1988".

"1988 Series Ordinance" shall mean this Ordinance.

"1988 Series Resolution" shall mean the resolution adopted by the Commissioners in accordance with the authorizations herein contained.

Section 1.02. Authority For This 1988 Series Ordinance.

This 1988 Series Ordinance is adopted pursuant to the provisions of the Bond Ordinance.

Section 1.03. Provision Amending Bond Ordinance.

Pursuant to Section 12.01 (AO(4) of the Bond Ordinance and to cure, correct and remove any ambiguity or inconsistent provision contained in the Bond Ordinance as a result of the replacement of the Internal Revenue Code of 1954 with the Internal Revenue Code of 1986, the Bond Ordinance is hereby amended as follows:

(a) The definition of the "Code" contained in Section 2.02 of the Bond Ordinance is hereby deleted and the following is hereby substituted therefor:

"`Code' shall mean the Internal Revenue Code of 1986, as amended, or any successor Internal Revenue Code, and the Treasury Regulations Issued thereunder, in each case, as from time to time in force."

(b) Section 11.01(H) of the Bond Ordinance is hereby deleted and the following is hereby substituted therefor:

"(H) That it will not make any use, and it shall direct the Trustee and each fiduciary not to make any use of the proceeds of any Series Bonds which, if such use had been reasonably expected on the date of the issuance of the Bonds of such Series would have caused such Bonds or any other Bonds to be `arbitrage bonds' within the meaning of Section 148 (or any successor provision) of the Code and will observe and not violate the requirements of Section 148 (or any successor provision) of the Code."

## ARTICLE II

### AUTHORIZATION AND TERMS

#### OF THE SERIES 1988 BONDS

Section 2.01. Determination of the Useful Life of the System.

In accordance with the requirements of Section 6-17-60 of the Enabling Act, the period of usefulness of the System is hereby determined to be not less than forty (40) years.

Section 2.02. Principal Amount; Designation of Series.

Pursuant to the provisions of the Bond Ordinance, a Series of Bonds of the City entitled to the benefits, protection and security of the provisions of the Bond Ordinance is hereby authorized in the aggregate principal amount of not exceeding \$50,000,000. The Series of Bonds so authorized shall be designated "City of Charleston, South Carolina, Waterworks and Sewer System Revenue Bonds, Series 1988". The City anticipates that the Series 1988 Bonds will be issued and delivered on or before December 31, 1988. If for any reason, the Series 1988 Bonds are not issued and delivered

until on or after January 1, 1989, then the Series 1988 Bonds shall be designated "City of Charleston, South Carolina, Waterworks and Sewer System Revenue Bonds, Series 1989" and all references herein to the Series 1988 Bonds shall be deemed to be references to such Bonds. The Series 1988 Bonds shall be issued in fully registered form without coupons and in substantially the form set forth in the recitals hereof.

#### Section 2.03. Purposes.

The Series 1988 Bonds are authorized for the purpose of obtaining funds to defray the costs of acquiring, constructing and installing the Project.

#### Section 2.04. Date; Interest Rate; Maturity; Redemption and Sale.

The Date of Issue of the Series 1988 Bonds shall be September 1, 1988. The Series 1988 Bonds shall bear interest from the Date of Issue, payable on January 1, 1989, and thereafter on each Bond Payment Date until payment of the principal thereof. The maturity schedule setting forth the date of the maturities of the Series 1988 Bonds (which maturities shall not exceed thirty (30) years) and amounts payable on such dates, the rates of interest borne by the Series 1988 Bonds and the amount of Bonds which shall be term Bonds and Serial Bonds shall be fixed by the 1988 Series Resolution and approved by the Mayor. The Series 1988 Bonds shall be subject to optional and/or mandatory redemption at such times, and on such terms and conditions, as shall be established by the Commissioners in the 1988 Series Resolution and approved by the Mayor. The Series 1988 Bonds shall be sold to underwriters selected by the Commissioners under terms and conditions approved by the Commissioners and the Mayor.

#### Section 2.05. Authentication; Payment of Interest.

(a) Each of the Series 1988 Bonds shall be authenticated on such date as it shall be delivered and shall bear interest from the later of the Date of Issue, or the date of which interest has been paid immediately preceding the authentication date thereof, unless the authentication date thereof is a Bond Payment Date, in which event, each such Bond shall bear interest from the earlier of such authentication date, or the date to which interest has been paid; provided that if the City shall fail to pay interest on the Bond Payment Date immediately succeeding the Date of Issue, then each such Bond shall bear interest from the Date of Issue.

(b) Except as hereinafter provided, the interest on all Series 1988 Bonds shall be paid by check or draft mailed from the office of the Trustee to the person in whose name the Bond is registered at the close of business on the Record Date. At the written request addressed to the Trustee of any Holder of \$100,000 or more in aggregate principal amount of Series 1988 Bonds, interest on such Bonds shall be paid by wire transfer to the bank account number filed by such Holder no later than the Record Date with the Trustee for such purpose.

#### Section 2.06. Denomination; Numbering.

The Series 1988 Bond shall be issued in the denomination of \$5,000 or any multiple thereof, not exceeding the principal amount of the Series 1988 Bonds maturing in such year. Each Series 1988 Bond shall be numbered by the Registrar in such a fashion as to reflect the fact that it is one of the Series 1988 Bonds, and to identify the owner thereof on the books kept by the Registrar.

#### Section 2.07. Maintenance of Offices for Payment Transfer, and Exchange of Bonds.

As long as any Series 1988 Bond remains Outstanding, the City shall maintain a Paying Agent and a Registrar therefor. Unless otherwise directed by the Commissioners, the Trustee shall act as Registrar and Paying Agent. Bonds shall be presented for payment and for registration of transfers and exchanges, and notices and demands to or upon the Trustee and the City in respect of the Bonds may be served, at the corporate trust office of the Registrar.

### ARTICLE III

## EXECUTION; NO RECOURSE

### Section 3.01. Execution of the Series 1988 Bonds.

The Series 1988 Bonds shall be executed and authenticated in accordance with the applicable provisions of the Bond Ordinance.

### Section 3.02. No Recourse on the Series 1988 Bonds.

All covenants, stipulations, promises, agreements and obligations of the City contained in the Bond Ordinance or in this 1988 Series Ordinance shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the City and not those of any officer or employee of the City in his or her individual capacity, and no recourse shall be had for the payment of the principal or redemption price of or interest on the Series 1988 Bonds or for any claim based thereon or on the Bond Ordinance or in this 1988 Series Ordinance, either jointly or severally, against any officer or employee of the City or any person executing the Bonds.

## ARTICLE IV

### AUTHORIZATION TO COMMISSIONERS

#### Section 4.01. Authorization.

(a) The Commissioners are hereby authorized and empowered to adopt the 1988 Series Resolution relating to the issuance of Series 1988 Bonds.

(b) The 1988 Series Resolution shall express the approval of the Commissioners to the issuance of the Series 1988 Bonds and agree to abide by all of the terms, provisions and agreements set forth in the Bond Ordinance and in the 1988 Series Ordinance. In addition, the 1988 Series Resolution shall specify and determine:

- (1) The precise principal amount of the Series 1988 Bonds;
- (2) The specific purposes for which the proceeds of the Series 1988 Bonds will be used;
- (3) The manner of numbering and lettering, and the denomination or denominations of the Series 1988 Bonds;
- (4) The date or dates of maturity and the amounts thereof and the issue date of the Series 1988 Bonds;
- (5) The interest rate or rates, or the manner of determining such rate or rates, of the Series 1988 Bonds;
- (6) The time for the payment of interest on the Series 1988 Bonds and the Record Date;
- (7) The redemption price or redemption prices and the redemption date or redemption dates and other terms of redemption (if any) applicable to any of the Series 1988 Bonds for such payments;
- (8) The Registrar for the Series 1988 Bonds if other than the Trustee;
- (9) The portion of the Series 1988 Bonds which are to be serial bonds and the portion which are to be term bonds, if any, including the amount and date of each mandatory redemption or sinking fund installment, if any, required to be paid for the retirement of any Series 1988 Bonds;
- (10) Any other applicable redemption requirement for the Series 1988 Bonds and the method of satisfying the same;
- (11) The manner in which the Series 1988 Bonds are to be sold and provisions for the sale thereof;
- (12) The provision to be made for the applicable Reserve Requirement; and

(13) The disposition of the proceeds of the sale of the Series 1988 Bonds and the manner of their application.

## ARTICLE V

### APPLICATION OF THE SERIES 1988

#### BOND PROCEEDS; REBATE FUND

##### Section 5.01. Creation of the 1988 Construction Fund.

There is hereby created a fund to be known as the "1988 Construction Fund". There shall be paid into the 1988 Construction Fund the sums prescribed by Section 5.02(e) hereof. The 1988 Construction Fund shall be held, maintained and controlled by the Commissioners.

##### Section 5.02. Use and Disposition of Bond Proceeds.

On or upon the delivery of the Series 1988 Bonds and receipt of the proceeds thereof, such proceeds and other available funds shall be disposed of as follows:

- (a) Any sum received by way of accrued interest shall be deposited in the Debt Service Fund.
- (b) That sum prescribed by the 1988 Series Resolution shall be deposited in the Debt Service Fund. It shall be invested and reinvested as prescribed by Section 7.04 of the Bond Ordinance.
- (c) That sum required for the Reserve Requirement shall be deposited in the Debt Service Reserve Fund and shall be invested and disposed of as prescribed by Section 7.05 of the Bond Ordinance.
- (d) The remaining moneys shall be deposited in the 1988 Construction Fund.

##### Section 5.03. Investment of the 1988 Construction Fund.

Moneys in the 1988 Construction Fund shall be invested and reinvested in Authorized Investments. All earnings shall be added to and become a part of the 1988 Construction Fund. Withdrawal from the 1988 Construction Fund shall be made upon the written order of any two Authorized Officers. Any amounts remaining in the Construction Fund following completion of the acquisition and construction of the Project shall be deposited in the Depreciation and Contingent Fund.

##### Section 5.04. Creation of the 1988 Rebate Fund.

- (a) There is hereby created a fund to be known as the "1988 Rebate Fund" which is intended to provide for the payment of any and all sums required to be rebated to the United States of America under the provisions of Section 148(f) (or any successor provision) of the Code with respect to the Series 1988 Bonds. The 1988 Rebate Fund shall be held, maintained and controlled by the Commissioners. Subject to the transfer provisions provided in paragraph (d) below, moneys held in the 1988 Rebate Fund are hereby pledged to secure payments to the United States of America as provided in paragraph (d) below, and neither the City, the Commissioners nor any owner of any Series 1988 Bond shall have any right in or claim to such moneys.
- (b) There shall be deposited to the 1988 Rebate Fund from the General Revenue Fund and/or other available moneys of the Commissioners an amount such that the amount held in the 1988 Rebate Fund after such deposit is equal to the Rebate Amount (defined in the "Letter of Instructions") calculated as of the Calculation Date (defined in the "Letter of Instructions"). Calculations of the Rebate Amount shall be furnished by or on behalf of the Commissioners in accordance with the Letter of Instructions (the "Letter of Instructions") annexed as Exhibit "A" to the Arbitrage Certificate delivered at the time of the issuance and delivery of the Series 1988 Bonds, as the same may be amended or supplemented in accordance with its terms.
- (c) The Commissioners shall invest all amounts held in the 1988 Rebate Fund in Government Obligations. All earnings on investments in the 1988 Rebate Fund shall be retained in the 1988



Rebate Fund. Moneys shall not be transferred from the 1988 Rebate Fund except as provided in paragraph (d) below.

(d) Upon presentation of the Rebate Instructions (as defined in the Letter of Instructions) required to be prepared in accordance with the Letter of Instructions, the Commissioners shall remit part or all of the balance in the 1988 Rebate Fund to the United States of America as so directed by the Rebate Instructions. In addition, if the Rebate Instructions so indicate, the Commissioners will deposit moneys into or transfer amounts out of the 1988 Rebate Fund from or into such accounts or funds as the Rebate Instructions may specify.

(e) For purposes hereof, all amounts paid into the 1988 Rebate Fund shall be treated as sums required or permitted to be paid to administer and operate the System as provided in Section 7.03(A) of the Bond Ordinance.

(f) The Trustee is hereby designated as the Depository of the 1988 Rebate Fund.

## ARTICLE VI

### MISCELLANEOUS

#### Section 6.01. Severability.

If any one or more of the covenants or agreements provided in this 1988 Series Ordinance on the part of the City or any Fiduciary to be performed should be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this 1988 Series Ordinance.

#### Section 6.02. Table of Contents and Section Headings Not Controlling.

The Table of Contents and the Headings of the several Articles and Sections of this 1988 Series Ordinance have been prepared for convenience of reference only and shall not control, affect the meaning of, or be taken as an interpretation of any provision of this 1988 Series Ordinance.

DONE, RATIFIED AND ADOPTED THIS 27TH day of September, 1988.

(SEAL)

Mayor, City of Charleston,

South Carolina

Attest:Clerk, City Council of the

City of Charleston, South Carolina

Councilmember Ader voted "No" on the above motions.

The Mayor thanked the staff of the Commissioners of Public Works and recognized the presence of Howard Burky and Peggy Hendricks.

The next item up for second reading was the rezoning of 8.6 acres on Dills Bluff Road (TMS# 428-00-00-08) from Diverse Residential (DR-1) classification to Single-Family Residential (SR-1) classification. On motion of Councilmember Ader the bill received second reading. The bill passed second reading on motion of Councilmember Scott and third reading on motion of Councilmember Stephens. On the further motion of Councilmember Morea, the rules were suspended and the bill was immediately ratified as:

Ratification

Number 1988-100

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT AN 8.6 ACRE (MORE OR LESS) PARCEL OF LAND LOCATED ON DILLS BLUFF ROAD (TMS# 428-00-00-08) BE REZONED FROM DIVERSE RESIDENTIAL (DR-1) CLASSIFICATION TO SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from Diverse Residential (DR-1) classification to Single-Family Residential (SR-1) classification.

Section 2. The property to be rezoned is described as follows:

An 8.6 acre parcel of land located on Dills Bluff Road (TMS# 428-00-00-08).

Section 3. This ordinance shall become effective upon ratification.

---

Next up for second reading was a bill to rezone 24.1 acres on Dills Bluff/Harbor Towne Road (TMS# 428-00-00-09) from Diverse Residential (DR-1) classification to Single-Family Residential (SR-1) classification. On motion of Councilmember Richardson, the bill received second reading. It passed second reading on motion of Councilmember Scott and third reading on motion of Councilmember Ader. On the further motion of Councilmember Morea, the rules were suspended and the bill was immediately ratified as:

Ratification

Number 1988-101

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A 24.1 ACRE (MORE OR LESS) PARCEL OF LAND LOCATED ON DILLS BLUFF ROAD/HARBOR TOWNE ROAD (TMS# 428-00-00-09) BE REZONED FROM DIVERSE RESIDENTIAL (DR-1) CLASSIFICATION TO SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from Diverse Residential (DR-1) classification to Single-Family Residential (SR-1) classification.

Section 2. The property to be rezoned is described as follows:

An 24.1 acre parcel of land located on Dills Bluff Road/Harbor Towne Road (TMS# 428-00-00-09).

Section 3. This ordinance shall become effective upon ratification.

---

The rezoning of 12.5 acres on Harbor Towne Road (TMS# 428-00-00-33) from Diverse Residential (DR-1) classification to Single-Family Residential (SR-1) was up next for second reading. The bill passed second reading on motion of Councilmember Scott, and third reading on motion of Councilmember Ader. On the further motion of Councilmember Richardson, the rules were suspended and the bill was immediately ratified as:

Ratification

Number 1988-102

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A 12.5 ACRE (MORE OR LESS) PARCEL OF LAND LOCATED ON HARBOR TOWNE ROAD (TMS# 428-00-00-33) BE REZONED FROM DIVERSE RESIDENTIAL (DR-1) CLASSIFICATION TO SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from Diverse Residential (DR-1) classification to Single-Family Residential (SR-1) classification.

Section 2. The property to be rezoned is described as follows:

A 12.5 acre parcel of land located on Harbor Towne Road (TMS# 428-00-00-33).

Section 3. This ordinance shall become effective upon ratification.

\_\_\_\_\_
The next bill up for second reading was the rezoning of 8.9 acres on Central Park Road (TMS# 340-08-00-07) from Diverse Residential (DR-1) classification to Diverse Residential-Planned Unit Development (DR-6 PUD) classification. The bill received second reading.

The Mayor called attention to the following information which was received from Ms. Fortenberry:

James Island properties zoned 9 + units/acre

City of Charleston

September 22, 1988

Location	Factors considered	Variance from SR-1
1. Secessionville Rd. 425-10-0-249		0
2. Secessionville/Dills	adjacent DR-6 property	21 units



11. Wappoo Creek four-lane road access n/a  
Drive  
424-1-0-98
12. Harborview JI Expressway R.O.W. n/a  
Road  
424-10-0-47
13. Rivers Point vested (subdiv., n/a  
Subdivision improv.)  
425-7-0-1 to 137 four-lane road access
14. Sedge vested (improvements n/a  
Court to site)  
425-11-0-43, 206 to  
208
15. Maplecrest vested (subdivided and n/a  
Drive lots sold)  
425-11-0-270 to 295
16. Lake planned development n/a  
Frances with overall  
426-0-0-10 density  
426-11-0-29, 124 to less than 9 units/acre  
134  
426-11-0-30, 44 to 70,  
98 to 123  
426-11-0-32
17. Maybank four-lane road access n/a  
Highway

343-4-0-21

18. Maybank four-lane road n/a  
Highway  
343-7-0-152 to  
172  
343-0-0-1
19. Folly Road four-lane access n/a  
(Quarterdeck) vested (under const.)  
340-0-0-64, 66

TOTAL 76

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Councilmember Thomas said he had not been present at the last City Council meeting, but wanted to go on record as saying the Planning staff had done a good job. A year ago, he said, the City did not have a plan for James Island, and it was unprecedented for property to be downzoned. He was "amazed that we were able to do this". This particular piece of land (the 8.9 acre tract on Central Park Road), he said, while it was not being zoned SR-1, was being zoned to an appropriate category and he would vote for it.

The bill to zone the subject 8.9 acre tract passed second reading on motion of Councilmember Scott, and third reading on motion of Councilmember Ader. On the further motion of Councilmember Thomas, the rules were suspended and the bill was immediately ratified as:

Ratification

Number 1988-103

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A 8.9 ACRE (MORE OR LESS) PARCEL OF LAND LOCATED ON CENTRAL PARK ROAD (TMS# 340-08-00-07) BE REZONED FROM DIVERSE RESIDENTIAL (DR-1) CLASSIFICATION TO SINGLE-FAMILY RESIDENTIAL-PLANNED UNIT DEVELOPMENT (DR-6 PUD) CLASSIFICATION.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from Diverse Residential (DR-1) classification to Single-Family Residential-Planned Unit Development (DR-6 PUD) classification.

Section 2. The property to be rezoned is described as follows:

A 8.9 acre parcel of land located on Central Park Road (TMS# 340-08-00-07).

Section 3. This ordinance shall become effective upon ratification.

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Councilmember Thomas noted that impact studies had been suggested on these rezoning matters. He said when there is a PUD, an impact study is requested because that is part of the plan also. Any property downzoned to a greater density than SR-1, he said, should be under a PUD designation and would have an impact study.

The Mayor noted this concluded the bills up for second reading. Next on the agenda was the matter of giving first reading to a bill to rezone a 5.3 acre parcel on Secessionville Road (TMS# 425-10-00-249), from DR-12 to SR-1 classification.

The Mayor stated this rezoning was subject to a petition filed by the owners which would require a three-fourths vote of City Council. He pointed out that this vote would not be possible this evening since some of the members of City Council were absent. On motion of Councilmember Richardson, seconded by Councilmember Ader, City Council voted to defer action on this bill until its next meeting.

Councilmember Thomas apologized for not being present at the last City Council meeting and, unfortunately, would be out of the city for the October 13th meeting as well.

At Councilmember Thomas' request action was deferred on this bill and two additional bills up for first reading (to rezone 25 acres on Secessionville and Dills Bluff roads--TMS# 425-15-00-47 from DR-12 to SR-1 and DR-6 PUD; and, to rezone 13.4 acres on Affirmation Boulevard--TMS# 428-00-00-32 from DR-1 to SR-3 PUD) until City Council's second meeting in October. The Mayor pointed out these three rezonings were subject to a petition which required a three-fourths vote of City Council in order for the properties to be downzoned.

City Council next considered giving first reading to a bill to amend Section 19-271 of the Code of the City of Charleston regarding visitor permits in residential parking districts.

Councilmember Gaillard stated he had worked on this matter with Mr. Chapman in response to numerous requests he had received. This proposal would permit one annual visit permit in residential parking districts, and he believed there should be a public hearing on the proposal. Councilmember Gaillard then moved to refer this matter to Traffic and Transportation for a public hearing rather than give first reading to the bill this evening. Councilmember Thomas seconded the motion and the motion carried.

The Mayor called City Council's attention to the following memorandum from Corporation Counsel William B. Regan:

MEMORANDUM

TO: Honorable Joseph P. Riley, Jr. and Members of Council

FROM: William B. Regan, Corporation Counsel

RE: Shadowmoss Subdivision Drainage Easement

DATE: September 27, 1988

Approximately ten years ago, the City obtained drainage easements across a portion of the above subdivision. The developer and the Engineering Department agreed on a relocation of these easements to straighten them out, as appears from the copy of a portion of a plat attached hereto. Our portion of the new easements have been dedicated to the City. In order to abandon the portions no longer needed, quit-claim deeds are required and two Ordinances are attached for that purpose. I would appreciate your considering these at tonight's meeting. Frankly, they were lost in

transit or would have been on the agenda. Time is of the essence as far as the landowner is concerned.

The following two (2) bills received first reading:

A BILL

AUTHORIZING THE MAYOR OF CHARLESTON TO EXECUTE A QUITCLAIM DEED ON BEHALF OF THE CITY OF CHARLESTON CONVEYING PORTIONS OF PROPERTY KNOWN AS TRACT 12, SHADOWMOSS SUBDIVISION, AND A PORTION OF THE GOLF COURSE AT SHADOWMOSS SUBDIVISION FOR THE PURPOSES OF REALIGNING AN EASEMENT HERETOFORE GRANTED TO THE CITY OF CHARLESTON.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. The Mayor is hereby authorized to execute a quitclaim deed from the City of Charleston to Golf Wheels, Inc., conveying properties described in the said deed, a copy of which is attached hereto and made a part of this Ordinance for the purpose of realigning an easement heretofore granted to the City of Charleston, such conveyance to be in accordance with the terms and conditions set forth in such quitclaim deed.

Section 2. This Ordinance shall become effective upon ratification.

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STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

QUIT CLAIM OF DRAINAGE EASEMENT

WHEREAS, The City Council of Charleston, South Carolina, was conveyed by Quit-Claim deed of Protean Investors, Inc., certain drainage easements as set forth in Quit-Claim deed dated October 11, 1979, and recorded in the RMC Office for Charleston County in Book A-122, Page 11; and

WHEREAS, Golf Wheels, Inc. and JAWOL, INC., are adjoining property owners over which a portion of the easement crosses and now desire to relocate the drainage easement running through their adjoining properties so that the center line of the drainage easement, through most of its length, shall run along the property line of the said adjoining property owners, and

WHEREAS, Golf Wheels, Inc. and JAWOL, INC. (TRACT 12) are adjoining property owners as shown on plat by George A. Z. Johnson, Jr., Inc., dated August 31, 1987, which said plat is attached hereto as Exhibit "A", and

WHEREAS, the drainage easement to be relocated is designated on the aforesaid plat, "Existing 50' Drainage Easement", and

WHEREAS, JAWOL, INC. and Golf Wheels, Inc. simultaneously herewith will convey by quit-claim deed an easement of fifty (50') feet designated on the aforesaid plat as, "Relocated 50' Drainage Easement".

KNOW ALL MEN BY THESE PRESENTS, that The City Council of Charleston, South Carolina, for and in consideration of the sum of One (\$1.00) Dollar to it in hand paid and above recital, does hereby quit claim, grant, bargain and sell unto Golf Wheels, Inc., its successors and assigns, all right, title and interest it may have in and to those portions of that certain drainage easement situate, lying and being in the City of Charleston, County of Charleston, St. Andrews Parish, South Carolina, designated, "Existing 50' Drainage Easement", lying to the west of the property line dividing the lands of Golf Wheels, Inc. and Tract 12, Property of JAWOL, INC., as is shown and delineated on a plat thereof of George A. Z. Johnson, Jr., Inc., dated August 31, 1987, copy of which said plat is attached hereto as Exhibit "A".



Said portions of the "Existing 50' Drainage Easement" herein conveyed lying to the West of Tract 12, property of JAWOL, INC., having such size, shape, dimensions and buttings and boundings as will be reference to said plat more fully appear.

IN WITNESS WHEREOF The City Council of Charleston, South Carolina, has caused this instrument to be executed and its seal to be affixed hereto by its duly authorized officers this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

THE CITY COUNCIL OF CHARLESTON,

SOUTH CAROLINA

By

Its:

By

Its:

\_\_\_\_\_

A BILL

AUTHORIZING THE MAYOR OF CHARLESTON TO EXECUTE A QUITCLAIM DEED ON BEHALF OF THE CITY OF CHARLESTON CONVEYING PORTIONS OF PROPERTY KNOWN AS TRACT 12, SHADOWMOSS SUBDIVISION, AND A PORTION OF THE GOLF COURSE AT SHADOWMOSS SUBDIVISION FOR THE PURPOSES OF REALIGNING AN EASEMENT HERETOFORE GRANTED TO THE CITY OF CHARLESTON.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. The Mayor is hereby authorized to execute a quitclaim deed from the City of Charleston to Jawol, Inc., conveying properties described in the said deed, a copy of which is attached hereto and made a part of this Ordinance for the purpose of realigning an easement heretofore granted to the City of Charleston, such conveyance to be in accordance with the terms and conditions set forth in such quitclaim deed.

Section 2. This Ordinance shall become effective upon ratification.

\_\_\_\_\_

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

QUIT CLAIM OF DRAINAGE EASEMENT

WHEREAS, The City Council of Charleston, South Carolina, was conveyed by Quit-Claim deed of Protean Investors, Inc., certain drainage easements as set forth in Quit-Claim deed dated October 11, 1979, and recorded in the RMC Office for Charleston County in Book A-122, Page 11; and

WHEREAS, Golf Wheels, Inc. and JAWOL, INC., are adjoining property owners over which a portion of the easement crosses and now desire to relocate the drainage easement running through their adjoining properties so that the center line of the drainage easement, through most of its length, shall run along the said property line of the adjoining property owners, and

WHEREAS, Golf Wheels, Inc. and JAWOL, INC. (TRACT 12) are adjoining property owners as shown on plat by George A. Z. Johnson, Jr., Inc., dated August 31, 1987, which said plat is attached hereto as Exhibit "A", and

WHEREAS, the drainage easement to be relocated is designated on the aforesaid plat, "Existing 50' Drainage Easement", and

WHEREAS, JAWOL, INC. and Golf Wheels, Inc. simultaneously herewith will convey by quit-claim deed an easement of fifty (50') feet designated on the aforesaid plat as, "Relocated 50' Drainage Easement".

KNOW ALL MEN BY THESE PRESENTS, that The City Council of Charleston, South Carolina, for and in consideration of the sum of One (\$1.00) Dollar to it in hand paid and above recital, does hereby quit claim, grant, bargain and sell unto JAWOL, INC., its successors and assigns, all right, title and interest it may have in and to those portions of that certain drainage easement situate, lying and being in the City of Charleston, County of Charleston, St. Andrews Parish, South Carolina, designated, "Existing 50' Drainage Easement", lying to the east of the property line dividing the lands of Golf Wheels, Inc. and Tract 12, Property of JAWOL, INC., as is shown and delineated on a plat thereof of George A. Z. Johnson, Jr., Inc., dated August 31, 1987, copy of which said plat is attached hereto as Exhibit "A".

Said portions of the "Existing 50' Drainage Easement" herein conveyed lying to the east of property of Golf Wheels, Inc., having such size, shape, dimensions and buttings and boundings as will by reference to said plat more fully appear.

IN WITNESS WHEREOF The City Council of Charleston, South Carolina, has caused this instrument to be executed and its seal to be affixed hereto by its duly authorized officers this \_\_\_\_\_ day of \_\_\_\_\_, 1988.

THE CITY COUNCIL OF CHARLESTON,

SOUTH CAROLINA

By

Its:

By

Its:

\_\_\_\_\_

The Mayor next stated he would be out of the country for the City Council meeting normally scheduled for October 25th and suggested October 27th for the meeting. Councilmember Berlin had a conflict with this date and suggested October 31st. After a brief discussion, City Council voted in favor of the second meeting in October being held on Thursday, October 27th.

There being no further business, the meeting adjourned at 9:45 p.m.

MARY R. WRIXON

Clerk of Council