

May 22, 1990

Regular Meeting, May 22, 1990

PROCEEDINGS OF COUNCIL

FIRE STATION NO. 7

FORT JOHNSON ROAD

Regular Meeting.

May 22, 1990.

The fifty-sixth meeting of the City Council of Charleston was held this date convening at 6:00 p.m. at Fire Station #7, Fort Johnson Road, James Island.

A notice of this meeting and an agenda were mailed to the local news media May 18, 1990. A notice of this meeting appeared in SATURDAY, May 19, and in The News and Courier, May 22, 1990.

PRESENT

The Honorable Joseph P. Riley, Jr., Mayor, and Councilmembers Gaillard, Richardson, Jefferson, Ford, Evans, Ader, Shirley, Stephens and Thomas -- 10.

The Mayor explained that Councilmember Scott was ill and Councilmember Christopher was recovering from minor surgery.

The meeting was opened with prayer by Councilmember Shirley.

The minutes of City Council's May 8, 1990 meeting were approved on motion of Councilmember Ader.

The Citizen Participation Period followed.

Three ladies addressed the meeting on the matter of the James Island Recreation Center which was severely damaged by Hurricane Hugo. Ms. Mary Lou Harmon of Folly Road said they hoped the City of Charleston would be able to help FEMA finance the reconstruction of the facility.

The Mayor thanked the ladies for coming and assured everyone that the renovation of the James Island Recreation was at the top of his priorities. The City acquired this property from the YMCA, he said, to make sure it would remain a recreation facility for the citizens of the James Island area.

Continuing, the Mayor explained the facility was seriously damaged by Hugo and the City has been in the process of negotiating with FEMA on the scope of the damage. The firm of Liollo Associates, Architects, was retained and had delivered their report, the Mayor said, and it was now being determined whether to repair the building or demolish it and rebuild. In the interim, the fields and the lights have been repaired, the pool will be ready with showers rigged, and Harborview Presbyterian Church has been very kind and is letting the City use their facilities for aerobics. A couple of portable classrooms will provide space for day camps and as much as possible, he stated, the programs will continue. Mayor Riley assured them the goal is to end up with a nicer facility than before.

In response to one lady's question, the Mayor stated the facility will be restored, whether FEMA agrees with the City's prices or not. The process with FEMA is that a DSR must be completed with everything included that is to be done. This must be done slowly so as not to leave anything out, the Mayor explained.

Councilmember Thomas reassured the people on James Island that as fine a facility as possible will be built, without cutting any corners.

In answer to another question, the Mayor stated the building had been insured, but the insurance did not cover everything.

Scott Samson of 12 Wycreek Avenue stated that two and a half years ago, he contacted the City about a drainage ditch problem in the back of his neighborhood. The ditch is over twelve feet wide and ten feet deep with water in it. The sides of the ditch have been falling in and eating away the properties. He has a small child and would like to put up a fence but does not want it to fall in the ditch. He asked for assistance in the near future.

Mr. Miles of Country Club Section 2 stated his belief that Mayor Riley has done an excellent job as Mayor. He felt the Marina and the Rice Mill Building, however, were eyesores and the Rice Mill Building seems to just keep going down and down.

The Mayor explained the problem with the Rice Mill Building was a matter of insurance subject to a master lease, FEMA, the rights of the master lease and the City. It is a very complicated issue, he said, but it was in the process of being restored and will be more beautiful than before.

The Marina, the Mayor pointed out, was the most complicated of all FEMA issues. The City had 144 buildings seriously damaged, 54 playgrounds and fifteen years work of debris. The complicated issues take time, but they are working on them.

In reply to Mr. Miles' question, Tom O'Brien, Marina Administrator, said the complete use of three and a half docks had been lost. They are working very closely with the boat owners, however, and with any requests for moving to other slips. He asked for specific names of boaters so they can be moved.

Corporation Counsel William Regan spoke on the Rice Mill Building and asked they keep in mind that the building had been severely damaged by fire six months before the hurricane. Negotiations between the tenant, the fire insurance carrier and the City had been on-going. Now, it has become even more complicated by Hugo.

Rev. Don Day spoke as representing the three hundred persons of the Southport Plantation Homeowners Association. He stated they are concerned about traffic on Old Plantation Road, which is the only entrance into the subdivision. Traffic at excessive speeds is dangerous to people walking or riding bikes in the area, he explained, and they would like two sets of three-way stop signs installed. They were not having any success obtaining them, he said, and traffic signs put up by the City have not helped, nor are any policemen ever seen.

The Mayor took this opportunity to thank Rev. Day and the Harborview Presbyterian Church for their help with the recreational programs on James Island. He asked Rev. Day to speak with Mr. Chapman and Councilmember Thomas about the signs, which he felt they could get.

Mrs. Henrietta Miles, past president of the Country Club #2 Civic Club, said she had two requests. The residents have been trying to get a sign warning drivers they are approaching a stop sign on Fairway and Cheves Drive, as people do not see the stop sign.

Mr. Chapman said that was a State road, and he would need approval for the sign.

Secondly, Mrs. Miles asked if the street sweepers could do something about the dirt and trash along Folly Road and the traffic island there. She said the roses are beautiful, but the streets are dirty.

John Foster responded that the City was working on a streetsweeping program, but right now they were still working on the hurricane debris.

Thomas Johnson complained that funds were needed to upgrade the facility at the Westchester Park and Playground, as there was no water fountain and lighting was needed.

Mr. Johnson also asked for an amendment to the Zoning Ordinance; specifically, the method of notifying residents of changes in zoning or variances. He stated there is a request for a day care

center in Westchester and at present, the process is to post a sign on the property that a variance is being requested. Those persons opposing the change must respond within ten days, and the residents within two hundred feet, if they oppose, must respond within ten days. If there is no opposition expressed in ten days, the administrator has the authority to grant the request.

Mr. Johnson said the problem is that the posting of the sign is insufficient as people do not want to go on to the property to read the sign. Mr. Johnson suggested some type of correspondence be sent the residents about the change.

Ms. Fortenberry pointed out the neighborhood council presidents are sent the agendas of the meetings.

Mr. Johnson said he understood these items were not on the agendas because the administrator had the authority to approve or deny them.

Ms. Fortenberry said this could be either a group day care or just someone wanting to keep children in a home.

The Mayor suggested the City staff look into this matter.

Mrs. Ledlie Bell, president of the Crescent Civic Club, said she would like to make a few brief remarks about the bill up for second reading: Item 7 (b), amending the Road Classification Chart in Article 16, Section 54-111 Landscaping.

Mrs. Bell said any property owner can request a variance. It would seem the change from requiring a 50-foot landscaping area to a 25-foot area is gutting the intent of the ordinance. There is validity to the need for landscaping to mitigate the noise pollution, as well as the air pollution. She asked that City Council consider this.

The Mayor declared this portion of the meeting concluded.

Proceeding with Petitions and Communications, the Mayor called on Councilmember Ford.

Councilmember Ford presented a proposal to save tax payers 2/3 of the millage paid for the County Police Department. In the November election, he said, voters will be asked to vote on a proposal to merge the County Police Department with the Sheriff's Department. He intended asking County Council to discuss another possibility, and he wanted to brief the Mayor and Councilmembers on the proposal.

The proposal to be voted on in November, he felt, would be outdated in ten years. The City, Mt. Pleasant, and North Charleston are continuing annexations, and in ten years, most of the unincorporated land would be part of these municipalities. To create a \$25 million sheriff's department would not benefit the tax payers because it would be obsolete, Councilmember Ford stated.

His proposal, he said, would be to merge the current police department into the three municipalities on an equal basis. For a two year grace period, all tax payers would be paying the current mills to the County government for the operation of the County Police Department, after which, every tax payer would have a two-thirds rollback in County taxes.

This means, Councilmember Ford continued, that the three cities would be mandated to serve not only their own areas, but also the unincorporated areas. The city police department would be able to show the unincorporated areas how beneficial it would be to become a part of the City of Charleston. There would be no need for a sheriff's department with about 500 men, Councilmember Ford said, and he wanted the Charleston community to be aware there was another possibility for police protection.

Councilmember Ford also requested a resolution from the Mayor for WPAL Radio for being the only Charleston station to stay on the air during Hurricane Hugo.

Councilmember Ford said he, had listened to a community service program on WPAL, and in the last five minutes of the program, William Saunders had commented that Charleston County had made a station in Jacksonville the official Hugo station.

Councilmember Ford said those people who stayed in Charleston during the hurricane were able to pick up WPAL, which invited people to call in for information. Many people did so and received accurate answers to their questions, benefitting the entire community. He asked the Mayor to have a resolution drawn up for WPAL and Mr. Saunders.

The Mayor agreed to do so.

A petition was received, signed by Sesville, Inc. by Charles S. Way, Jr., President, West Sucessionville Lake, Inc. by Charles S. Way, Jr., President, and William B. Crews, III, requesting that approximately 66.7 acres located in Fort Lamar Subdivision, James Island, and all adjacent public rights-of-way, be annexed to the City of Charleston.

Councilmember Ader moved for acceptance of this annexation petition and for a bill to annex the property be given first reading. Councilmember Evans seconded the motion. The motion carried.

The following bill received first reading:

A BILL

TO PROVIDE FOR THE ANNEXATION OF 66.7 ACRES (MORE OR LESS) LOCATED IN FORT LAMAR SUBDIVISION, JAMES ISLAND, WITH THE FOLLOWING TAX MAP NUMBERS, TO THE CITY OF CHARLESTON AND TO MAKE IT PART OF DISTRICT 12:

431-02-00-090 THROUGH 097, 120, 121, 131 THROUGH 147, 150, 151, 154 THROUGH 158, 160, 162, 164, 165; 431-03-00-029; 431-06-00-056, 061 THROUGH 071, 074 THROUGH 085, 090, 091, 096, 097, 100 THROUGH 105;

ALSO INCLUDES ALL MARSH AND WATER LYING TO THE NORTH NORTHEAST OF THE PROPERTIES BEARING TMS# 431-02-00-153 THROUGH 158, 160, 161 AND 431-03-00-029; AND SUCH MARSH AND WATER ABUT THE NORTH NORTHEAST BOUNDARIES OF THE AFOREMENTIONED PROPERTIES AND EXTENDS TO THE CURRENT MUNICIPAL BOUNDARIES ALONG THE CENTER LINE OF BACK CREEK, AND ALL ADJACENT PUBLIC RIGHTS-OF-WAY.

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 seventy-five (75%) per cent of the freeholders owning more than seventy-five (75%) per cent of the assessed valuation of real property 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 seventy-five (75%) per cent of the freeholders owning more than seventy-five (75%) per cent of the assessed valuation of real property 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, (1976) as amended, the following described property be and hereby is annexed to and made a part of the present District 12 of the City of Charleston to wit:

SAID PROPERTY to be annexed (66.7 acres, more or less, Fort Lamar Subdivision) is on James Island, in Charleston County and is identified by the County Assessor's Office as:

TMS# 431-02-00-090 through 097, 120, 121, 131 through 147, 150, 151, 154 through 158, 160, 162, 164, 165; 431-03-00-029; 431-06-00-056, 061 through 071, 074 through 085, 090, 091, 096, 097, 100 through 105;

Also includes all marsh and water lying to the north northeast of the properties bearing TMS#'s 431-02-00-153 through 158-160, 161 and 431-03-00-029; as such marsh and water abut the north northeast boundaries of the aforementioned properties and extends to the current municipal boundaries along the center line of Back Creek, and all adjacent public rights-of-way (see attached map).

Section 3.

This Ordinance shall become effective upon ratification.

Next, City Council received an annexation petition submitted by the Exxon Corporation. In the petition, City Council was asked to annex into the City of Charleston property at 484 Savannah Highway consisting of approximately 0.5 acre, identified by the Charleston County Assessor's Office as TMS# 421-03-00-001 and all adjacent public rights-of-way.

On motion of Councilmember Ader, seconded by Councilmember Jefferson, City Council voted to accept the annexation petition and to give first reading to a bill to annex the subject 0.5 acre parcel.

The following bill received first reading:

A BILL

TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 484 SAVANNAH HIGHWAY, (0.5 ACRE, MORE OR LESS) ST. ANDREWS PARISH TMS# 421-03-00-001) TO THE CITY OF CHARLESTON AND TO MAKE IT PART OF DISTRICT 8.

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, (1976) 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 8 of the City of Charleston, to wit:

SAID PROPERTY to be annexed (484 Savannah Highway 0.5 acre, more or less) is in St. Andrews Parish, Charleston County and is identified by the County Assessor's Office as:

TMS# 421-03-00-001 (see attached map) and all adjacent public rights-of-way.

Section 3.

This Ordinance shall become effective upon ratification.

Next, as information, the Mayor announced the resignation of Mark Blatchford as Director of the Department of Recreation. He stated that Mr. Blatchford's decision was based on his desire, after nearly ten years as the City's Recreation Director, to seek new challenges.

The Mayor expressed his great regret over Mr. Blatchford's resignation. He stated he had begun to search for a new director, but in the interim, the department's division heads would report directly to his office.

No objection was expressed to two (2) items being added to the agenda.

The first item was an update on the Inter-Local Agreement pertaining to the creation of a Regional Transportation Authority. This item was added to the agenda at Councilmember Evans' request.

Howard R. Chapman, Director of the Department of Traffic and Transportation, presented some minor revisions to the said agreement which had been recommended to the Charleston Area Transportation Study's Transit Committee. The recommendation changes were minor and technical, he said. They tightened the ability to change the agreement and also required a vote by the general public for any increase in the vehicle registration fee which exceeded ten percent (10%) during the budget year.

Mr. Chapman informed City Council the amendments had been approved by Charleston County Council's Finance Committee as well as by the Town of Mount Pleasant and Klawah Island, and they would be taken to the City of North Charleston Thursday evening. He recommended the agreement, as amended, be approved.

Councilmember Thomas asked if a change in the make-up of the governing body was being proposed. He recalled that very early on certain numbers were assigned to various municipalities.

Mr. Chapman replied that the number of individuals who would be part of the governing board had not changed. It remained "two times the number of governments involved and three members appointed by the Delegation." He added the agreement actually strengthened the fact that the members had to be appointed proportionate to population within the authority's service area. It also designated that the representatives appointed by the Delegation would have to be from the three largest governing governments. In that respect, he said, it strengthened the largest governments' position.

Mr. Chapman added that previously the agreement had required at least one representative from each governmental entity regardless of population.

The Mayor strongly urged that City Council agree to be a signatory to the Inter-Local Agreement, as it did previously. He believed the changes were of a technical nature and they were good. He felt most strongly that City Council should give the citizens of the community an opportunity to vote on the issue of a Regional Transportation Authority. He expressed the hope that the community would approve it as he believed a Regional Transportation Authority would be in everyone's best interest.

For those who routinely use public transportation, he continued, it will mean a convenience. For the motoring public, he felt perhaps it would mean they will alternate between personal automobiles and public transportation, which will put fewer automobiles on the bridges and at intersections. People will be able to move throughout the community more efficiently. There will be less automobile pollution. It will also mean economic development, he felt, because increasingly, employers are looking at the totality of a community's transportation system -- good roads, bridges and good public transportation.

On the vehicle registration fees. Councilmember Gaillard said he understood there could not be an increase in these fees in excess of ten percent (10%) without a vote of the electors. He thought this seemed inconsistent with a provision in Section 2(j) of the agreement, which appeared to give the Authority the right to increase the fees up to fifty percent (50%).

Mr. Chapman explained that Article I, Section 2(j) addressed many different fees, fares and other charges. The fifty percent (50%) referred to in this section referred to fare box costs, fees that could be charged at parking facilities, and other charges.

Article IV, Section 5, he explained, specifically addressed vehicle registration fees.

He explained a question similar to Councilmember Gaillard's had been raised and for that reason, the attorneys who helped to work out some of the amendments to the Inter-Local Agreement suggested there be a specific section which addressed the vehicle registration fee and it provide that vehicle registration fees could not be changed more than ten percent (10%) without going back to the voters.

Mr. Chapman further stated that under the terms of the agreement any change in the vehicle registration fees will also have to go to the Delegation, and annually the budget for the Regional Transportation Authority will have to go back to each of the local governments for approval.

There were no further questions or comments pertaining to the proposed Inter-Local Agreement, as amended. The Mayor moved for approval of the agreement, as amended. Councilmember Ford seconded the motion. The motion carried. Councilmember Evans abstained.

The second item added to the agenda was an annexation petition which involved 2,312.5 acres on Johns Island and included the Johns Island Airport. The Mayor commended Ernest Andrade of the Planning Department for his hard work on this annexation matter and expressed the belief that this was a very important annexation for the City and for Johns Island. He stated the City looked forward to being able to provide police, fire and other services to the Johns Island Airport which is becoming increasingly important to this community. The annexation petition also included Stono Point Subdivision and other lands adjacent to the airport. The said properties to be annexed are identified by the Charleston County Assessor's Office as Tax Map Nos. 316-00-00-34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 56, 57 and 106; 317-00-00-001, 02, 04, 06, 08, 11, 17, 18, 19, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 and 71; 319-00-00-02, 03, 04, 05, 06, 07, 09A, 12, and 13, and all adjacent public rights-of-way.

Councilmember Ader moved to accept the subject annexation petition and to give first reading to a bill to annex the 2,312.5 acres. Councilmember Jefferson seconded the motion.

During the period of discussion which ensued, Councilmember Thomas stated he had just been informed that many people on Johns Island had not understood the airport would be a part of this annexation package. He asked for further information on this matter.

Mr. Andrade stated he had some of the property owners with him and explained the annexation of the airport had to be on the petition.

Mr. Miles stated he had spoken with the Airport Director, who he had understood had spoken with most of the people who had interest in the airport, including the fixed base operator. From his conversation with the Airport Director, Mr. Miles understood the Airport Director had written a

letter to the Airport Authority thanking the Authority for not petitioning the airport to be annexed into the City. Mr. Miles said he was under the impression the Airport Authority had indicated they did not want to be part of the annexation.

The Mayor said he talked with members of the Airport Authority as well as with the chief owner of the main fixed base operation, to whom he explained the advantages of being in the City. He had pointed out the City has a police officer stationed on Johns Island twenty-four hours a day, who remains there at all times and is not subject to calls to Wadmalaw Island, James Island or Edisto Island. He had also pointed out the City had a fire engine up the road from the airport, and that coming into the city would cause very minimal changes in taxes. Based on that, the chief owner of the main fixed base operation indicated he would have no objection to the airport coming into the City.

Mr. Miles understood the owner of a crop dusting service on Johns Island, as well as certain farmers, objected to the airport becoming part of the City because they did not want their taxes to go up.

The Mayor stated the change in taxes would be very minimal. And, he added, as with any annexation one might not get 100% of the property owners to petition the annexation. In this case, the annexation petition had been signed by 75% of the freeholders of the mentioned property owning 75% of the assessed valuation. The Mayor elaborated on the belief that it will be a great aid to the airport to have the police protection, as well as the full-time presence of the Fire Department and other services.

Councilmember Shirley stated since the motion was that the bill only be given first reading this evening, he would vote in favor of the motion. He added that between this meeting and City Council's next meeting he would be happy to listen to anyone who wished to make his or her feelings known on this matter.

Councilmember Ford asked Mr. Andrade if he thought a referendum on this issue should be held. Mr. Andrade replied that at this time all he could do was support City Council's directives that he direct his attention to properties being brought into the City. He also asked that two of the property owners who represented the majority of the property to be annexed be allowed to address City Council at this time.

David K. Farr, owner of properties in Stono Point Subdivision (TMS# 317-00-00-17, 55, 56, 57, 60, 62 to 66, 68 and 70) under consideration for annexation, stated he was in favor of this annexation. Whether or not the Johns Island Airport was annexed to the City did not affect his property, he said, but he had been under the impression the airport was going to be part of the annexation. He added that the presentation of this annexation petition to City Council had been unavoidably delayed for a couple of meetings, but in the meantime the City police had been going by Stono Point Subdivision quite regularly, which was a very refreshing change. He told of Police Chief Reuben Greenberg's being in the subdivision on several occasions and of his attendance at a community meeting. He expressed great pleasure over this annexation.

Mr. H.B. Lackey, owner of properties identified as TMS# 317-00-00-02, 04, 06, 08, 11, 19 and 71 and a neighbor of Mr. Farr's, concurred wholeheartedly with what Mr. Farr had said.

There was no further discussion on Councilmember Ader's motion. City Council voted in favor of her motion that City Council accept the petition that the subject 2,312.5 acres on Johns Island be annexed to this City of Charleston and give first reading to effect the annexation of this property.

The following bill received first reading:

A BILL

TO PROVIDE FOR THE ANNEXATION OF 2,312.5 ACRES ON JOHN'S ISLAND, INCLUDING STONO POINT SUBDIVISION, JOHN'S ISLAND AIRPORT AND OTHER LANDS ADJACENT TO THE JOHN'S ISLAND AIRPORT

(TMS# 316-00-00-34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 56, 57 AND 106; 317-00-00-01, 02, 04, 06, 08, 11, 17, 18, 19, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 67, 68, 69, 70 AND 71; 319-00-00-02, 03, 04, 05, 06, 07, 09A, 12 AND 13) CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND TO MAKE IT PART OF DISTRICT 11.

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 seventy-five (75%) percent of the freeholders owning more than seventy-five (75%) per cent of the assessed valuation of real property 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 seventy-five (75%) per cent of the freeholders owning more than seventy-five (75%) per cent of the assessed valuation of real property 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, (1976) 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 11 of the City of Charleston, to wit:

SAID PROPERTY, located on John's Island, 2,312.5 acres on John's Island, including Stono Point Subdivision, John's Island Airport and other lands adjacent to the John's Island Airport, to be annexed is identified by The Charleston County Tax Assessors Office as Tax Map Series Number 316-00-00-034, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 56, 57 and 106; 317-00-00-01, 02, 03, 04, 06, 08, 11, 17, 18, 19, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70 and 71; 319-00-00-02, 03, 04, 05, 06, 07, 09A, 12 and 13, and all adjacent public rights-of-way (see attached map).

Section 3.

This Ordinance shall become effective upon ratification.

The following report of the Committee on Ways and Means was received:

TO THE MAYOR AND COUNCILMEMBERS,

THE CITY COUNCIL OF CHARLESTON

The Committee on Ways and Means after due consideration recommends that City Council act on the following matters in the manner stated below:

1.) VRTC ENTRANCE GATE FABRICATION -- "GATEWAY TO CHARLESTON" -- CONTRACT WITH PHILIP SIMMONS: The Committee on Ways and Means submits herewith a proposed agreement between the City and Mr. Philip Simmons for fabrication of a specially designed hand crafted wrought iron double gate which will be placed at the main entrance (on Wragg Square) to the Visitors Reception and Transportation Center (VRTC). This "Gateway to Charleston", which will be the first welcoming landmark visitors and local residents will encounter at the VRTC, will also serve as a proud introduction to the Charleston experience. The \$32,000 fee plus \$1,600 sales tax obligation for this important work of art will be paid from assets reserved for the VRTC project and no General Funds

subsidy will be required. The Committee recommends that City Council approve this contract and authorize the Mayor to execute it on the City's behalf.

2.) CONSULTANT AGREEMENT FOR VRTC ENTRANCE GATE -- MARY EDNA FRASER: The Committee on Ways and Means submits herewith a proposed agreement between the City and Ms. Mary Edna Fraser who has agreed to serve as a consultant to the City to oversee the design and fabrication of the entrance gate for the Visitors Reception and Transportation Center (VRTC). The \$3,200 fee for this consulting work will be paid from assets reserved for the VRTC project and no General Funds subsidy will be required. The Committee recommends approval of the agreement and that City Council authorize the Mayor to sign it on the City's behalf.

3.) VRTC CHARLESTON COASTLINE MURAL -- "CHARLESTON COASTLINE" -- AGREEMENT WITH MARY EDNA FRASER: Submitted herewith is a proposed agreement between the City and Ms. Mary Fraser for design and fabrication of an important exhibit mural in the new Visitors Information Center (VIC) which will depict the "Charleston Coastline". This specially designed mural will be placed in the first exhibit area of the VIC and will geographically orient the visitor to Charleston and the surrounding coastal area. The \$10,420 fee and \$521 sales tax obligation will be paid from assets reserved for the VRTC project and no General Funds subsidy will be required. The committee recommends that City Council approve this agreement and authorize the Mayor to execute it on the City's behalf.

4.) VRTC CONSTRUCTION MANAGEMENT CONTRACT -- BOHM-NBBJ: The Committee on Ways and Means recommends approval of a proposed agreement between the City and Bohm-NBBJ which provides for construction administration services for remaining VRTC Phase I-B and all of Phase I-C construction. The \$125,000 fee for construction administration services to complete all remaining VRTC Phase I activities will be paid from Urban Mass Transportation Administration (UMTA) Funds, State Transportation Assistance Program (STAP) Funds, and City Transit Funds. No City General Funds will be required. The committee recommends that City Council approve the agreement and authorize the Mayor to execute it on the City's behalf.

5.) REPAIRS TO GARDEN THEATRE -- CHANGE ORDER NO. 1: The Committee on Ways and Means has approved Change Order No. 1 covering additional work performed by N.B.M. Construction Co. as a result of damages caused by Hurricane Hugo to the Garden Theatre, 371 King Street. This change order addresses repairs to the stage rigging hemp system. Based on the Office of Cultural Affairs' recommendation, the committee recommends that City Council also approve this change order, which is in the amount of \$25,851.00, and authorize the Mayor to sign it on the City's behalf. This change order does not change the contract time set forth in the original contract. The new contract sum including this Change Order will be \$753,277.00.

6.) REBUILDING OF CYPRESS GARDENS STRUCTURES -- WORLD WIDE ROTOR AND WING AVIATION, INC.: The Committee on Ways and Means has approved an invoice from World Wide Rotor and Wing Aviation, Inc. for \$12,163.00. This invoice is to be charged to DSR's 27063 and 38075. This invoice represents cypress, oak and pine which the City set aside for Cypress Gardens and had flown out of the Gardens by helicopter, in tandem with the City's recent helicopter logging contract. This invoice also represents loading, unloading and hauling seventeen (17) loads of wood to a local saw mill. The wood that has been saved will be used in rebuilding two (2) destroyed buildings at Cypress Gardens. Considering that this wood is sufficient to build two (2) 1,500 square foot structures complete with cypress siding and oak flooring, the committee believes this is an excellent bargain. The committee recommends that City Council endorse its action in this matter.

7.) CYPRESS GARDENS -- SURVEY -- MAIN USE AREA -- ENGINEERING SURVEYING AND PLANNING, INC.: Cypress Gardens suffered severe damage from Hurricane Hugo. The salvage of all marketable timber is now substantially complete. The Parks department is now in the process of removing the remainder of the debris via contract, and hopes to have this work completed shortly. In the meantime, in order to keep the department's opening schedule, an accurate topographic survey and site inventory must be obtained prior to beginning the planning process for rebuilding Cypress Gardens.

The Parks Department solicited bids for survey work for the main use area of Cypress Gardens. Three (3) bids were received in response to that solicitation. The Parks Department has recommended the contract be awarded to the low bidder, Engineering Surveying and Planning, Inc. In the amount of \$12,500.00 and has stated that it will submit these costs to FEMA for reimbursement. The Committee on Ways and Means has adopted the department's recommendation and recommends that City Council do likewise and that it authorize the Mayor to execute the said contract.

8.) MARY UTSEY PLAYGROUND -- FENCE REPAIR BY RAINBOW SERVICES: The fence at Mary Utsey Playground was damaged by Hurricane Hugo and is in need of repair. The Parks Department solicited three proposals for these repairs and has recommended that the contract for this repair work be awarded to the low bidder, Rainbow Services. The low bid was in the amount of \$3,995.00. Funding for this work will be reimbursed by FEMA -- DSR #38509. The Committee on Ways and Means has adopted the Parks Department's recommendation. It recommends that City Council do likewise and authorize the Mayor to execute a contract with Rainbow Services for this work.

9.) TREE PRUNING IN HAMPTON PARK -- VANS TREE SERVICE: There is still much remedial tree care work needed in Hampton Park. There are still many limbs which are broken and hanging from other limbs. Also, each tree in the park needs some extent of therapeutic pruning to insure its survival. To prevent insect and disease infestation each broken or cracked limb should be pruned back to solid wood or be totally removed.

The Parks Department solicited bids from five local tree companies to perform this extensive work. Only two of the five felt they could be substantially complete in time for the Piccolo Spoleto Finale on June 9, Vans Tree Service was the low bidder at \$41,000.00.

The Parks Department has recommended that the City accept Vans Tree Service's bid. Based on the department's recommendation, The Committee on Ways and Means recommends that City Council adopt the department's recommendation and authorize the Mayor to execute a contract with this firm so that the pruning may be commenced at once.

10.) MATCHING GRANT FOR OLD SLAVE MART: The South Carolina Department of Archives and History has awarded the City of Charleston a matching grant for the rehabilitation of the Old Slave Mart Building at #6 Chalmers Street. The grant award is from the S.C. Department of Archives and History's Historic Preservation Development Grants for Buildings and Structures.

The grant award is for \$23,625.00. The City of Charleston has matching funds available from Community Development funds in the amount of \$23,625.00 as required by the dollar for dollar match for the grant.

The Committee on Ways and Means recommends that City Council approve the acceptance of this grant.

11.) WATERFRONT PARK OPENING CONCERT -- CONTRACT WITH CHARLESTON SYMPHONY ORCHESTRA: The Committee on Ways and Means submits herewith for City Council's review and approval a contract between the Charleston Symphony Orchestra Association and the City of Charleston covering the Waterfront Park Opening concert. Under the terms of the contract the City agrees to pay the Symphony Orchestra the sum of \$6,100.00. Payment for this expenditure is to be made from Account 160-52K9.

12.) HAMPTON PARK BANDSTAND REPAIRS -- CONTRACT WITH NBM CONSTRUCTION COMPANY: The Hampton Park Bandstand suffered severe damage as a result of Hurricane Hugo. The entire cupola was blown away and much of the metal roof was peeled off. This is a unique historical structure and special care is required to make the repairs. The Parks Department feels this work can best be accomplished through a design build process and that all plans and construction techniques should be reviewed by the City's Design Review Committee and Preservation Officer.

The Parks Department solicited proposals from several local design build companies and received three (3) qualified proposals for this repair. The firm of NBM Construction Company submitted the lowest bid (\$94,624.00). The Parks Department has worked with NBM on other projects and has found their work to be satisfactory. Based on the department's recommendation, the Committee on Ways and Means recommends that City Council award the contract for this work to NBM and authorize the Mayor to execute the contract on the City's behalf.

13.) REPAIR OF FIRE TOWER ROOF -- 116 MEETING STREET -- CONTRACT WITH GLASGOW ROOFING CO.: The Parks Department has solicited proposals to repair the roof on the Fire Tower behind 116 Meeting Street. The roof was damaged by Hurricane Hugo. The department received three (3) bids. The lowest bid received was from Glasgow Roofing Company in the amount of \$1,710.00. The department has worked with Glasgow Roofing on other city projects and has found their work satisfactory. The Committee on Ways and Means has adopted the Parks Department's recommendation that the contract for this work be awarded to Glasgow Roofing Company. It recommends that City Council endorse its action in this matter and that it authorize the Mayor to execute the contract on the City's behalf. Funding for this work will be reimbursed by FEMA DSR #003169.

14.) DEBRIS REMOVAL CONTRACT WITH MIKE MITCHELL ASSOCIATES -- CYPRESS GARDENS: The Legal Department has received lump sum bids for removal of debris at Cypress Gardens. The bid package was structured such that there were four (4) different methods of removing debris. Mike Mitchell Associates was low bidder on all four debris removal methods, with bids ranging from approximately \$920,000.00 to \$1,200,000.00. The department is currently in the process of attempting to obtain FEMA approval on one of these four methods. Mike Mitchell has done exemplary work for the City in the past.

Because time is becoming of the essence for the City to meet its March, 1991 target for reopening the Gardens, the Legal Department has requested that City Council authorize the City to enter into a contract with Mike Mitchell Associates upon the Legal Department securing FEMA approval of funding for the contract.

As an additional condition of approval, the Legal Department has suggested that Mr. Mitchell also be required to release the City from any claims or damages that he may allege to have as a result of a previous bid on this project which occurred on or about February 27, 1990.

The Committee on Ways and Means has adopted the Legal Department's recommendation and recommends that City Council authorize the Mayor to execute the subject contract on the City's behalf.

15.) TRIDENT COMMUNITY FOUNDATION -- APPLICATION FOR A GRANT FROM THE FORD FOUNDATION AND THE JOHN D. AND CATHERINE T. MacARTHUR FOUNDATION: The Trident Community Foundation is in the process of applying for a grant from the Ford Foundation and the John D. and Catherine T. MacArthur Foundation. If awarded the grant, the work of the Trident Community Foundation will be greatly furthered and enhanced.

To be eligible for the grant, the Trident Community Foundation must be able to demonstrate its having \$3 million in endowment assets. The Trident Community Foundation has approached the City and the Carolina Youth Development Center, as the successor to the Charleston Orphan House, about the possibility of the City's transferring to the Foundation the trust funds currently administered by the City and the Carolina Youth Development Center for the Charleston Orphan House.

The City is currently studying this matter to determine if, legally, such a transfer can be accomplished. If legal requirements can be duly satisfied, the Mayor has requested City Council's consent to consummating the transfer, subject to the consent of the Board of the Carolina Youth Development Center.

If the transfer is accomplished, the trust funds would still be utilized for the benefit of the Charleston Orphan House and the Carolina Youth Development Center. Additionally, the Trident Community Foundation will consult with the Carolina Youth Development Center and the City regarding the disbursements from the trust fund.

The Committee on Ways and Means concurs with the Mayor's belief that the request is reasonable. It will not only enable the Trident Community Foundation to be eligible for grant monies of its own, but it will also continue the purpose and objectives of the bequests that have been heretofore made to the City for the Charleston Orphan House.

The Committee on Ways and Means recommends that City Council approve of the City's going forward with this matter, subject to appropriate legal review.

16.) ROOF REPAIR AT 1069 KING STREET BY GLASGOW ROOFING CO.: Since the City has acquired the United Way Building at 1069 King Street, there is an immediate need to replace the roof. The roof suffered severe damage due to Hurricane Hugo. A major portion of the roof including part of the deck was blown completely off. Each time it rains, the building suffers more interior damage.

The Parks Department has solicited proposals from local roof contractors to repair this roof. Three bidders responded to the department's bid solicitation. The lowest bid received was from Glasgow Roofing Co. in the amount of \$32,451.00. The department has worked with Glasgow Roofing on several other city projects and has found their work satisfactory. Based on the department's recommendation, the Committee on Ways and Means recommends that the contract for this work be awarded to Glasgow Roofing Co. and that the Mayor be authorized to execute the contract on behalf of the City. Funds for this work will come from GF-990-5N32.

17.) ISSUANCE AND SALE OF \$9,500,000 GENERAL OBLIGATION AQUARIUM BONDS OF 1990: Submitted herewith is a proposed ordinance providing for the issuance and sale of \$9,500,000 General Obligation Aquarium Bonds of 1990. Monies from the issuance of the bonds will be used to defray a portion of the cost of acquisition, construction and equipping of The South Carolina Aquarium. The Committee on Ways and Means recommends that City Council give the bill the required readings and ratify it the earliest date possible.

18.) MARKET HEAD HALL -- CITY MARKET: SOIL TESTING AND VIBRATION AND SETTLEMENT MONITORING: A Conditions Analysis was recently completed for the Market Hall building. One of the recommendations was to begin a study of the structural movements of the building, including the bearing characteristics of the supporting soil. On April 25th Soil Consultants, Inc. submitted a proposal which the Committee on Ways and Means has received and approved. The proposal includes soil borings, a crack monitoring/settlement survey and vibration survey/inspection. The vibration survey is necessary to monitor the building during pile driving of two nearby new developments.

The cost for this work will be \$10,492 and will be administered under existing contract with Cummings and McCrady, the primary consultant for this project. Cummings and McCrady was responsible for the conditions report and is preparing the specifications for roof repair and other preliminary work previously approved by City Council. Cummings and McCrady has proposed to provide architectural and engineering services for the monitoring of the structural problems on an hourly basis not to exceed \$5,000.00.

The Committee on Ways and Means has approved up to \$15,492 to be paid out for this above stated work and services. These funds should be funded from the GF555-5317 account. The Committee on Ways and Means recommends that City Council endorse its actions in this matter and authorized the Mayor to execute a contract with Cummings and McCrady covering the above stated work, services and fees.

19.) UNDERGROUND UTILITIES -- VRTC: The South Carolina Electric & Gas Company has submitted an estimate of \$477,905.71 for placing all of the electrical utilities underground at the Visitor

Reception and Transportation Center project. The City's staff is in the process of reviewing the plans for the underground utilities and has recommended that the funds for this work be authorized from funds set aside for the VRTC construction project.

One of the goals at the VRTC is to provide underground utilities as an extension of work already performed at the Charleston Museum.

Based on the Director of the Traffic and Transportation Department's recommendation, the Committee on Ways and Means has approved the requested expenditure and recommends that City Council endorse its actions in this matter.

W.L. STEPHENS, JR., Chairman

W. FOSTER GAILLARD

DANIEL L. RICHARDSON

HILDA HUTCHINSON-JEFFERSON

ROBERT FORD

YVONNE D. EVANS

MARY R. ADER

LARRY D. SHIRLEY

JOHN D. THOMAS, MD

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 corporate seal, attested by the Clerk of Council, an agreement which shall be substantially as follows:

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

COMMISSION AGREEMENT

THIS AGREEMENT, made and entered into this 23rd day of May, 1990, by and between Mr. Philip Simmons (hereinafter "Artist"), residing at 301/2 Blake Street, Charleston, South Carolina 29403, and the City of Charleston (hereinafter "Collector"), residing at Charleston, South Carolina.

1. DESCRIPTION:

The Artist, in consideration of the covenants and agreements herein contained, agrees to design and create a "Gateway to Charleston" (hereinafter "Work") and transfer the Work to the Collector for the price of \$32,000.00.

(a) Approximate size of the finished work shall be 13' wide, 11'8" tall.

(b) Material and construction method: Iron.

(c) Scope of the Artist's work: Execution through installation.

(d) Collector will be responsible for: Installation and fencing on sides.

2. DESIGN AGREEMENT:

Artist agrees to provide reasonable sketch or mockette of the Work to the Collector on April 5, 1990. Upon receipt of the final design, the Collector shall notify Artist to proceed within ten (10) days.

(a) If Collector decides to proceed with creation of the Work pursuant to the design, the first one-third (1/3) progress payment will be paid at that time -- \$10,666.67.

(b) If Collector decides not to proceed with creation of the Work, this Agreement shall be terminated.

(c) It is agreed that all designs are instruments of service and shall remain the property of the Artist. The Artist does acknowledge that the Work will be publicly displayed at the Visitor Reception and Transportation Center and does agree to such display, or such other public display that the Collector may, from time to time, make of the Work. The Collector acknowledges that it shall not make any commercial use of the Work, or any facsimile thereof, without the consent of the Artist.

3. It is hereby understood and agreed that it may not be possible to create the Work exactly as depicted in the design, and the Artist shall only be bound to use his best aesthetic judgment to create the Work according to the style and intent of the design. The Artist is hereby free to make design modifications as the work progress, but shall consult with the Collector to assure that such modifications are consistent with the Collector's contemplated design and use of the Work.

4. FINAL DELIVERY:

The parties agree that final delivery of the Work will be made on or about November 1, 1990. The Artist will make every effort to honor and meet this deadline. It is agreed, however, that this delivery date is an estimate only and that the Artist shall not be responsible for any general, special or consequential damages for failing to deliver by this date. The Artist will immediately notify Collector of any delay occurring or anticipated.

(a) Upon completion of the Work, the Artist will give the Collector ten (10) days advance notice of the specific date of delivery so that the Collector will be ready to receive the Work and make the final payment (\$21,333.33). Any sales tax that may be required by law will be paid at this time (\$1,600.00).

(b) In the event the Artist is unable to finish the Work within sixty (60) days of the estimated delivery date, or is unable to produce the Work for any reason, the Artist shall be liable for no special, general or consequential damages. The Artist shall retain all rights to the concept and design of the work, subject nonetheless to the rights of the Collector as set forth in Paragraph 2 (c) hereof.

5. ADDITIONAL TERMS OF AGREEMENT:

Mr. Joseph Pringle will complete all work and be paid the percentage of the Agreement price that his work bears to the outstanding sum owing hereunder should Mr. Simmons be unable to complete the work.

6. TERMINATION OF AGREEMENT:

If Collector does not find the work as it progresses fulfilling his expectations or needs and therefore wishes to terminate the Agreement, Collector shall immediately notify the Artist of the termination. The Artist shall thereupon be entitled to retain all payments which the Artist has received or was entitled to receive pursuant to his Agreement up to the time of such notification. Further, the Artist

shall retain all rights to the concept, design and Work itself, including the right to complete, exhibit and sell the Work.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this day and year as
aforewritten.

CITY OF CHARLESTON

BY: Joseph P. Riley, Jr.

Mayor

BY: Philip Simmons

ITS: Artist

The following resolution was adopted on motion of Councilmember Richardson:

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 agreement which shall be substantially as follows:

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

AGREEMENT

WHEREAS, the City is contemplating entering into a Commission Agreement with Philip Simmons to fabricate a gate for the City's Visitor Reception and Transportation Center ("VRTC"); and

WHEREAS, Mary Edna Fraser has agreed to serve as a consultant to the City with respect to the Commission Agreement between the City and Philip Simmons.

NOW, THEREFORE, it is agreed, by and between the parties, that in consideration of the sum of \$3,200.00 to be paid by the City to Mary Edna Fraser, Mary Edna Fraser agrees to:

1. assist in arranging the Commission Agreement with Mr. Philip Simmons;
2. assist in the design of the Simmons' Work, with input and approval by the City;
3. provide a scaled sketch of the Simmons' Work by May, 1990;
4. tape record a progression history of the Simmons' Work; and
5. oversee the design, construction and installation of the Simmons Work.

The approximate hours to be expended by Mary Edna Fraser are as follows:

- (1) paper work and phone conference . . . 20 hours;
- (2) City meetings . . . 20 hours;
- (3) Initial design work . . . 20 hours;
- (4) final design work . . . 20 hours;
- (5) construction phase . . . 20 hours;

(6) closing phase . . . 20 hours;

(7) installation . . . 10 hours;

Payment to Mary Edna Fraser shall be pursuant to invoices submitted, up to an upset limit of \$3,200.00.

AGREED this 23rd day of May, 1990.

Mary Edna Fraser

CITY OF CHARLESTON

BY: Joseph P. Riley, Jr.

ITS: Mayor

The following resolution was adopted on motion of Councilmember Stephens:

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 agreement which shall be substantially as follows:

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

AGREEMENT

THIS AGREEMENT, made and entered into this 23rd day of May, 1990, by and between Mary Edna Fraser (hereinafter "Artist"), residing at 681 Folly Road, Charleston, South Carolina 29412, and City of Charleston (hereinafter "Collector"), residing at Charleston, South Carolina.

1. DESCRIPTION:

The Artist, in consideration of the covenants and agreements herein contained, agrees to design and create a "Charleston Coastline" (hereinafter "Work") and transfer the Work to the Collector for the price of \$10,420.00.

(a) Approximate size of the unfinished work shall be 5'6" X 18' X 9".

(b) Material and construction method: Batik on silk.

(c) Scope of the Artist's work: Design through execution.

(d) Artist will be responsible for the installation and framing of the Work consistent with the proposal as outlined in a letter dated April 18, 1990 from Carolina Prints and Frames to the Artist, with the exception that the framing be of metal material.

2. DESIGN AGREEMENT:

Artist agrees to provide reasonable sketch or mockette of the Work to the Collector on April 7, 1990. Upon receipt of the final design, the Collector shall notify Artist to proceed within ten (10) days.

(a) If Collector decides to proceed with creation of the Work pursuant to the design, the first one-third (1/3) progress payment will be paid at that time -- \$2,585.00.

(b) If Collector decides not to proceed with creation of the Work, this Agreement shall be terminated.

(c) It is agreed that all designs are instruments of service and shall remain the property of the Artist. The Artist does acknowledge that the Work will be publicly displayed at the Visitor Reception and Transportation Center and does agree to such display, or such other public display that the Collector may, from time to time, make of the Work. The Collector acknowledges that it shall not make any commercial use of the Work, or any facsimile thereof, without the consent of the Artist.

3. FINAL DELIVERY:

The parties agree that final delivery of the Work will be made on or about November 1, 1990. The Artist will make every effort to honor and meet this deadline. It is agreed, however, that this delivery date is an estimate only and that the Artist shall not be responsible for any general, special or consequential damages for failing to deliver by this date. The Artist will immediately notify Collector of any delay occurring or anticipated.

(a) The Artist shall notify the Collector of the anticipated installation date of the Work at least ten (10) days prior to the anticipated installation date. Upon the Work being installed, the Collector shall make final payment to the Artist (\$7,835.00) and shall also remit applicable sales tax (\$521.00).

(b) In the event the Artist is unable to finish the Work within sixty (60) days of the estimated delivery date, or is unable to produce the Work for any reason, the Artist shall return all payments received by him. The Artist shall retain all rights to the concept and design of the work, subject nonetheless to the rights of the Collector as set forth in Paragraph 2 (c) hereof.

4. TERMINATION OF AGREEMENT:

If Collector does not find the work as it progresses fulfilling his expectations or needs and therefore wishes to terminate the Agreement, Collector shall immediately notify the Artist of the termination. The Artist shall thereupon be entitled to retain all payments which the Artist has received or was entitled to receive pursuant to his Agreement prior to the time of such notification. Further, the Artist shall retain all rights to the concept, design and Work itself, including the right to complete, exhibit and sell the Work.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals this day and year as aforewritten.

CITY OF CHARLESTON

BY: Joseph P. Riley, Jr.

ITS: Mayor

BY: Mary Edna Fraser

ITS: Designer

The following resolution was adopted on motion of Councilmember Thomas:

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 agreement which shall be substantially as follows:

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

AGREEMENT

This agreement entered into this 3rd day of April, 1990, by and between the CHARLESTON SYMPHONY ORCHESTRA ASSOCIATION, a non-profit organization under the laws of the State of South Carolina, (hereinafter referred to as the "Association") and The City of Charleston (hereinafter collectively referred to as "Contract Party").

WITNESSETH

The Association and Contract Party, in consideration of the mutual promises and obligations herein contained agree as follows:

1. The Association and Contract Party hereby agree that Contract Party retains the services of the Charleston Symphony Orchestra for a performance by the orchestra on Thursday, the 11th day of May, 1990 at 7:00 pm at the location described as Waterfront Park.

2. Contract Party shall pay to the Association the sum of \$6,600 (Six thousand six hundred w/D. Stahl) or \$6,100 (Six thousand one hundred w/M. Cedel) by certified check, money order, or bank draft prior to the performance.

3. The music to be performed shall be as follows:

Appropriate for the occasion.

4. Contract Party shall be responsible for all promotion, advertising and printing expenses associated with the performance. Further, all promotional and printed material used and distributed by Contract Party shall prominently list the Charleston Symphony Orchestra and David Stahl as Music Director and Conductor.

5. Contract party will provide at its expense at least four persons fully capable of assisting the Association's Production Manager in unloading equipment, setting the stage for the performance (including the placement of equipment, chairs, lighting, etc.), and following the performance, the striking of the stage leaving it as required by the hall management and reloading equipment as necessary.

6. Contract Party agrees to furnish at its own expense all that is necessary for the proper presentation of the performance, including:

i. the hall or auditorium, heated or air-conditioned with temperatures no higher than 80 degrees nor less than 65 degrees, lighted, clean and in good order; or

ii. for outdoor performances, necessary lighting and sound systems;

iii. a properly tuned piano if necessary for the performance;

iv. all lights, tickets and house programs;

v. all licenses and taxes required by local authorities.

vi. security personnel, ushers, ticket sellers and ticket takers;

vii. stage seating for the orchestra of 60 chairs and music stands;

viii. percussion equipment as follows:

7. The Association and/or the Conductor shall have the right to postpone or cancel the scheduled performance in the event that: (i) the health, safety or welfare of the musicians or any musician is threatened or the physical condition of musical instruments is threatened; (ii) the condition of the physical arrangements for the performance would make the actual performance impossible or

unduly burdensome; or (iii) loud noises, actions of the audience, or other events would prevent or render unduly burdensome the presentation of an orderly, coordinated and professional performance. Payment for the performance as cited in paragraph 2, of this agreement will not be waived if the performance is postponed or cancelled within 30 business days prior to the performance as cited in paragraph 8.

8. Neither the Association, nor any of its agents or employees, shall be liable in any manner whatsoever for any injury to persons or property prior, during or after the performance at the location described in paragraph 1 and Contract Party does hold the Association harmless from any and all claims, including reasonable attorneys' fees, made against or suffered by the Association, its agents, officers or employees as a result of any such injury, unless such injury to personal property results directly from negligence on the part of the Association or its employees or agents.

9. Notwithstanding anything to the contrary herein contained, the Association shall be responsible only for expenses directly related to its own employees.

10. Contract Party agrees that it will not permit and will prevent the broadcasting by radio, television or recording of the Orchestra's performance, or any part thereof, under this agreement without the Association's prior written consent.

11. In the event that the performance of any of these covenants of this agreement on the part of the Association or Contract Party shall be prevented by act of God, the acts of regulations of public authorities or labor unions, labor difficulties, strike, war, epidemic, interruption or delay of transportation service, or any other causes beyond reasonable control of such party, such party shall be relieved of its obligations hereunder with respect to the performance(s) so prevented on account of such cause.

12. This Agreement shall be binding upon the successors and assigns of the Association and the Contract Party.

13. This Agreement is entered into and shall be construed in accordance with the laws of the State of South Carolina.

IN WITNESS WHEREOF, the undersigned have set their hands and seals this 3rd day of April, 1990.

CHARLESTON SYMPHONY ORCHESTRA ASSOCIATION

BY: Ralph Rizzola

ITS: Executive Director

Mailing address:

14 George Street

Charleston, SC 29401

BY: _____

ITS: _____

Mailing address:

The following bill received first reading;

A BILL

TO PROVIDE FOR THE ISSUANCE AND SALE OF NINE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$9,500,000) GENERAL OBLIGATION AQUARIUM BONDS OF 1990 OF THE CITY OF CHARLESTON, SOUTH

CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO.

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

ARTICLE I

FINDINGS OF FACT

As an incident to the adoption of this Ordinance, and the issuance of the bonds provided for hereby, the City Council of City of Charleston, South Carolina (Council), the governing body of the City of Charleston, South Carolina (the City), finds that the facts set forth in this Article exist, and the statements made with respect thereto are true and correct.

Section 1.01. Recital of Constitutional and Statutory Authorization.

Council is authorized by the provisions of Sections 5-21-210 to 5-21-500, inclusive, Code of Laws of South Carolina, 1976, as amended ("The Municipal Bond Act") (the Enabling Act) to issue general obligation bonds of the City for any corporate purpose of the City. Section 14 of Article X of the Constitution provides that a City may issue general obligation debt for a purpose which is a public purpose and a corporate purpose of the City.

Section 1.02. Use of Proceeds of Bonds

Council has determined that it is appropriate to raise sufficient moneys by the issuance of general obligation bonds to defray a portion of the cost of acquisition, construction and equipping of The South Carolina Aquarium (the Project). The Project is a public and corporate purpose of the City within the meaning of the Municipal Bond Act and Section 14 of Article X of the Constitution (the Enabling Act).

Section 1.03. Recital of Applicable Constitutional Provisions

Section 14 of Article X of the South Carolina Constitution provides that a city may incur general obligation indebtedness without referendum if such indebtedness, together with then outstanding indebtedness subject to the limitation, does not exceed eight percent (8%) of the assessed value of all taxable property in the City. However, pursuant to the provisions of said Section 14 of Article X of the South Carolina Constitution, if general obligation bonds are authorized by a majority vote of the qualified electors of the city voting in a referendum authorized by law, such bonds are not chargeable to the 8% constitutional debt limitation.

Pursuant to the Enabling Act and other applicable statutory provisions a special election was held in the City on November 8, 1988, at which the voters approved by _____ to _____ the issuance of \$9,500,000 of general obligation bonds of the City whose proceeds shall be applied to defray a portion of the costs to be incurred in connection with acquisition, construction and equipping of The South Carolina Aquarium in the City.

Section 1.04. Decision to Issue Bonds

On the basis of the foregoing, Council has determined to issue \$9,500,000 of general obligation bonds of the City, the proceeds of which shall be used to defray the cost of the Project.

Section 1.05. Ability to Meet Requirements of Certain Federal Legislation

In order to comply with any requirements of Section 148(f) of the Internal Revenue Code of 1986 which may apply to the Bonds, the City covenants to establish a separate and segregated Rebate Fund on the first date upon which it is established that rebatable amounts must be set aside for future payment to the U.S. Government. In this connection, the amounts deposited therein shall not be subject to a security interest, pledge or lien in favor of the owner of any Bonds.

The City further covenants to comply with the provisions of Section 148(f) of the Code and applicable Treasury Regulations thereunder pertaining to the permitted purchase price of investments, the time of rebate calculation, the setting aside of necessary amounts in the Rebate Fund and the timely payment to the U.S. Government of all amounts owing thereto. In addition, the City covenants to maintain adequate records and accounting procedures in order to accomplish the foregoing.

The City will take such further action as is necessary to preserve the exclusion from gross income for Federal income tax purposes of interest earned on the Bonds.

ARTICLE II

DEFINITIONS AND CONSTRUCTION

Section 2.01. Definitions

As used in this Ordinance unless the context otherwise requires, the following terms shall have the following respective meanings:

"Authorized Investments" mean and include investments permitted by Section 6-5-10, Code of Laws of South Carolina, 1976, as amended.

"Authorized Officer" means the Mayor, the Director of Administrative Services, the Clerk of City Council and any other officer or employee of the City designated from time to time as an Authorized Officer by ordinance or resolution of Council, and when used with reference to any act or document also means any other person authorized by ordinance or resolution of Council to perform such act or sign such document.

"Bond" or "Bonds" means any of the Bonds of the City authorized by this Ordinance.

"Bondholder" or "Holder" or "Holders of Bonds" or "Owner" or similar term means, when used with respect to a Bond or Bonds, any person who shall be registered as the owner of any Bond Outstanding.

"Bone Payment Date" means each April 1 or October 1 on which Interest on any of the Bonds shall be payable or on which both the Principal Installment and interest shall be payable on any of the Bonds.

"City" means the City of Charleston, South Carolina.

"City Request" means a written request of the City signed by an Authorized Officer.

"Corporate Trust Office", when used with respect to any Paying Agent or Registrar, means the office at which its principal corporate trust business shall be administered.

"Council" means the City Council of the City of Charleston, South Carolina, the governing body of the City or any successor governing body of the City.

"Enabling Act" means Sections 5-21-210 to 5-21-500, inclusive, Code of Laws of South Carolina, 1976, as amended.

"Fiduciary" means the Paying Agent, the Registrar and their successors and assigns.

"Government Obligations" means and includes direct general obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America.

"Ordinance" means this Ordinance as the same may be amended or supplemented from time to time in accordance with the terms hereof.

"Outstanding", when used in this Ordinance with respect to Bonds means as of any date, all Bonds theretofore authenticated and delivered pursuant to this Ordinance except:

- (i) any Bond cancelled or delivered to the Registrar for cancellation on or before such date;
- (ii) any Bond (or any portion thereof) deemed to have been paid in accordance with the provisions of Section 6.01 hereof and;
- (iii) any Bond in lieu of or in exchange for which another Bond shall have been authenticated and delivered pursuant to section 3.11 of the Ordinance.

"Paying Agent" means any bank, trust company or national banking association which is authorized, to pay the principal or Redemption Price of or interest on any Bonds and having the duties, responsibilities and rights provided for in this Ordinance, and its successor or successors and any other corporation or association which at any time may be substituted in its place pursuant to this Ordinance. The institution named as Paying Agent may also act as Registrar.

"Person" means an individual, a partnership, a corporation, a trust, a trustee, an unincorporated organization, or a government or an agency or political subdivision thereof.

"Principal Installment" means, as of any date of calculation, the principal amount of all Bonds due on a specified date.

"Record Date" means the 15th day of the month immediately preceding each Bond Payment Date.

"Registrar" means any bank, trust company, or national banking association which is authorized to maintain an accurate list of those who from time to time shall be the Holders of the Bonds and shall effect the exchange and transfer of Bonds in accordance with the provisions of this Ordinance and having the duties, responsibilities, and rights provided for in this Ordinance and its successor or successors and any other corporation or association which at any time may be substituted in its place pursuant to this Ordinance. The institution named as Registrar may also act as Paying Agent.

Section 2.02. Construction

In this Ordinance, unless the context otherwise requires:

- (a) Articles and Sections referred to by number shall mean the corresponding Articles and Sections of this Ordinance.
- (b) The terms "hereby", "hereto", "hereof", "herein", "hereunder" and any similar terms refer to this Ordinance, and the term "hereafter" shall mean after, and the term "heretofore" shall mean before, the date of adoption of this Ordinance.
- (c) Words of the masculine gender shall mean and include correlative words of the female and neuter genders, and words importing the singular number shall mean and include the plural number and vice versa.
- (d) Words importing the redemption of a Bond or the calling of a Bond for redemption do not include or connote the payment of such Bond at its stated maturity or the purchase of such Bond.
- (e) Any Fiduciary shall be deemed to hold an Authorized Investment in which money is invested pursuant to the provisions of this Ordinance, even though such Authorized Investment is evidenced only by a book entry or similar record of investment.

ARTICLE III

ISSUANCE OF BONDS

Section 3.01. Ordering the Issuance of Bonds

Pursuant to the provisions of the Enabling Act, and for the purpose of obtaining funds to defray the cost of the Project, there shall be issued Nine Million Five Hundred Thousand Dollars (\$9,500,000) of general obligation bonds of the City designated General Obligation Aquarium Bonds of 1990.

Section 3.02. Maturity Schedule of Bonds

The Bonds shall be dated July 1, 1990, and shall mature on the dates and in the principal amounts hereafter set forth. The Bonds shall bear interest at rates determined in the manner prescribed by Section 3.15 hereof. Interest on the Bonds shall be payable semiannually on April 1 and October 1 of each year commencing April 1, 1991, at which time interest for nine months will be due, until payment of the principal thereof.

The Bonds shall mature on April 1 in annual series as follows:

YEAR	PRINCIPAL AMOUNT
1993	\$200,000
1994	200,000
1995	250,000
1996	250,000
1997	300,000
1998	300,000
1999	350,000
2000	350,000
2001	400,000

2002	500,000
2003	600,000
2004	650,000
2005	650,000
2006	700,000
2007	700,000
2008	750,000
2009	750,000
2010	800,000
2011	800,000

Pursuant to the provisions of Section 4.01 hereof, certain Bonds have been made subject to redemption at the option of the City.

Section 3.03. Provision for Payment of Interest on the Bonds

The Bonds shall be authenticated on such dates as they shall, in each case, be delivered. The Bonds shall bear interest from the date to which interest has been paid next preceding the authentication date thereof, unless the authentication date thereof is a Bond Payment Date in which case, from such authentication date, or from the Bond Payment Date to which interest has last been paid, or if dated prior to April 1, 1991, or if the City shall fail to pay interest on said date, then from July 1, 1990. The interest to be paid on any Bond Payment Date shall be paid to the Person in whose name such Bond is registered at the close of business on the Record Date next proceeding such Bond Payment Date.

Section 3.04. Medium of Payment; Form and Denomination of Bonds; Place of Payment of Principal

(a) The Bonds shall be payable as to Principal Installment or Redemption Price and interest at the rates per annum determined in the manner prescribed by Section 3.15 hereof (on the basis of a 360 day year of twelve 30-day months) 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.

(b) The Bonds shall be issued in the form of fully registered Bonds. The Bonds shall be issued in the denomination of \$5,000 or any whole multiple thereof, not exceeding the principal amount of the Bonds maturing in such year. Each Bond shall be identified by a certificate number.

(c) The Principal Installment or Redemption Price of all Bonds shall be payable at the Corporate Trust Office of the Paying Agent and payment of the interest on each Bond shall be made by the Paying Agent to the Person appearing on each Record Date on the registration books of the City, which books shall be held by the Registrar as provided in Section 3.08 hereof, as the registered owner thereof, by check or draft mailed to such registered owner at his address as it appears on such registration books in sufficient time to reach such registered owner on the Bond Payment Date. Payment of the Principal Installment or Redemption Price of all Bonds shall be made upon the presentation and surrender for cancellation of such Bonds as the same shall become due and payable.

Section 3.05. Agreement to Maintain Registrar and Paying Agent

As long as any of the Bonds remain Outstanding there shall be a Registrar and a Paying Agent each of which shall be a financial institution maintaining Corporate Trust Offices where (i) the Bonds may be presented for registration of transfers and exchanges, (ii) notices and demands to or upon the City in respect of the Bonds may be served, and (iii) the Bonds may be presented for payment, exchange and transfer. Initially, the financial institution agreed upon by the City and the successful bidder at the sale of the Bonds shall act as both Paying Agent and Registrar. In the event of a failure to agree, a financial institution maintaining Corporate Trust Offices designated by the Mayor, shall act as Paying Agent and Registrar. The single institution so chosen shall exercise both the functions of the Paying Agent and the Registrar.

Section 3.06. Execution and Authentication

(a) The Bonds shall be executed in the name and on behalf of the City by the manual or facsimile signature of an Authorized Officer or Officers, with its corporate seal (or a facsimile thereof) impressed, imprinted or otherwise reproduced thereon, and attested by the manual or facsimile signature of its City Clerk or other Authorized Officer (other than the officer or officers executing such Bonds). Bonds bearing the manual or facsimile signature of any Person authorized to sign the Bonds at the time such Bonds were so executed shall bind the City notwithstanding the fact that his or her authorization may have ceased prior to the authentication and delivery of such Bonds.

(b) No Bond shall be valid or obligatory for any purpose or shall be entitled to any right or benefit hereunder unless there shall be endorsed on such Bond a certificate of authentication in the form set forth in the Ordinance, duly executed by the manual signature of the Registrar and such certificate of authentication upon any Bond executed on behalf of the City shall be conclusive evidence that the Bond so authenticated has been duly issued hereunder and that the Holder thereof is entitled to the benefit of the terms and provisions of the Ordinance.

Section 3.07. Exchange of Bonds

Bonds, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered Holder or his duly authorized attorney, may, at the option of the registered Holder therefore, be exchanged for an equal aggregate principal amount of Bonds in authorized denominations of the same interest rate, maturity and redemption provisions. So long as any of the Bonds remain Outstanding, the City shall make all necessary provisions to permit the exchange of Bonds at the Corporate Trust Office of the Registrar.

Section 3.08. Transferability and Registry

All Bonds shall at all times, when the same are Outstanding, be payable, both as to Principal Installment, Redemption Price and interest to a Person, and shall be transferable, only in accordance with the provisions for registration and transfer contained in the Ordinance and in the

Bonds. So long as any of the Bonds remain Outstanding, the City shall maintain and keep, at the office of the Registrar, books for the registration and transfer of Bonds, and, upon presentation thereof for such purpose at the Corporate Trust Office of the Registrar, the City shall register or cause to be registered therein, and permit to be transferred thereon, under such reasonable regulations as it or the Registrar may prescribe, any Bond, except that under no circumstances shall any Bond be registered or transferred to bearer. So long as any of the Bonds remain Outstanding, the City shall make all necessary provisions to permit the transfer of Bonds at the Corporate Trust Office of the Registrar.

Section 3.09. Transfer of Bonds

Each Bond shall be transferable only upon the books of the City, which shall be kept for such purpose at the Corporate Trust office of the Registrar which shall be maintained for such purpose by the Registrar, upon presentation and surrender thereof by the Holder of such Bond in person or by his attorney duly authorized in writing, together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered Holder or his duly authorized attorney. Upon surrender for transfer of any such Bond, the City shall execute and the Registrar shall authenticate and deliver, in the name of the Person who is the transferee, one or more new Bonds of the same aggregate principal amount and maturity and rate of interest as the surrendered Bond. All action taken by the Registrar pursuant to this Section shall be deemed to be the action of the City.

Section 3.10. Regulations with Respect to Exchanges and Transfers

All Bonds surrendered in any exchanges or transfers shall forthwith be cancelled by the Registrar. For each such exchange or transfer of Bonds, the City or the Registrar may make a charge sufficient to reimburse it or them for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the Holder requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer. The City shall not be obligated to (i) issue, exchange or transfer any Bond during the 15 days next preceding any Bond Payment Date of the Bonds, (ii) issue, exchange or transfer any Bond during a period beginning at the opening of business 15 days next preceding any selection of Bonds to be redeemed and ending at the close of business on the date of the mailing of notice of such redemption, or (iii) transfer or exchange any Bonds called or being called for redemption in whole or in part.

Section 3.11. Mutilated, Destroyed, Lost and Stolen Bonds

(a) If any mutilated Bond is surrendered to the Registrar and the Registrar or the City receive evidence to their satisfaction of the destruction, loss or theft of any Bond, and there is delivered to the Registrar, or the City such security or indemnity as may be required by them to save each of them harmless, then, in the absence of notice that such Bond has been acquired by a bona fide purchaser, the City shall execute, and upon City Request, the Registrar shall authenticate and deliver, in exchange for any such mutilated Bond or in lieu of any such destroyed, lost or stolen Bond, a new Bond of like tenor and principal amount, bearing a number unlike that of a Bond contemporaneously Outstanding, The Registrar shall thereupon cancel any such mutilated Bond so surrendered. In case any such mutilated, destroyed, lost or stolen Bond has become or is to become due and payable within one year, the City in its discretion may, instead of issuing a new Bond, pay such Bond.

(b) Upon the issuance of any new Bond under this Section 3.11, the City may require the payment of a sum sufficient to cover any tax, fee or other governmental charge that may be imposed in relation thereto and any other expenses, including counsel fees or other fees, of the City or the Registrar connected therewith.

(c) Each new Bond issued pursuant to this Section in lieu of any destroyed, lost or stolen Bond, shall constitute an additional contractual obligation of the City, whether or not the destroyed, lost or stolen Bond shall at any time be enforceable by anyone, and shall be entitled to all the benefits

hereof equally and proportionately with any and all other Bonds duly issued pursuant to the Ordinance. All Bonds shall be held and owned upon the express condition that the foregoing provisions are exclusive with respect to the replacement or payment of mutilated, destroyed, lost or stolen Bonds and shall preclude (to the extent lawful) all other rights or remedies with respect to the replacement or payment of mutilated, destroyed, lost or stolen Bonds or securities.

Section 3.12. Holder As Owner of Bond

The City the Registrar and any Paying Agent may treat the Holder of any Bond as the absolute owner thereof, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the Principal Installment or Redemption Price and interest on such Bond and for all other purposes, and payment of the Principal Installment, Redemption Price and interest shall be made only to, or upon the order of, such Holder. All payments to such Holder shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor any Paying Agent shall be affected by any notice to the contrary.

Section 3.13. Cancellation of Bonds

The Registrar shall destroy all Bonds surrendered to it for cancellation and shall deliver a certificate to that effect to the City. No such Bonds shall be deemed Outstanding under the Ordinance and no Bonds shall be issued in lieu thereof.

Section 3.14. Payments Due on Saturdays, Sundays and Holidays

In any case where the Bond Payment Date or the date fixed for redemption of any Bonds shall be a Saturday or Sunday or shall be, at the place designated for payment, a legal holiday or a day on which banking institutions are authorized by law to close, then payment of interest on or Principal Installment or Redemption Price of the Bonds need not be made on such date but may be made on the next succeeding business day not a Saturday, Sunday or a legal holiday or a day upon which banking institutions are authorized by law to close, with the same force and effect as if made on the Bond Payment Date or the date fixed for redemption, and no interest shall accrue for the period after such date.

Section 3.15. Conditions Relating to Naming of Interest Rates

The Bonds shall bear such rate or rates of interest as shall at the sale of such Bonds reflect the lowest net interest cost to the City calculated in the manner hereinafter prescribed in this Section 3.15 at a price of not less than par, but:

- (a) all Bonds of the same maturity shall bear the same rate of interest;
- (b) no rate of interest named shall be more than 2% higher than the lowest rate of interest named;
- (c) each interest rate named shall be a multiple of 1/20th of 1%; and
- (d) any premium offered must be paid in cash as a part of the purchase price.

For the purpose of determining lowest net interest cost, the aggregate of interest on all Bonds from July 1, 1990, until their respective maturities, less any sum named by way of premium, shall be determined on each bid and the smallest amount to be paid by the City shall reflect lowest net interest cost.

Section 3.16. Tax Exemption in South Carolina

Both the Principal Installment and interest on both Bonds shall be exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate or transfer taxes.

Section 3.17. Order of Tax Levy to Pay Principal and Interest of Bonds

For the payment of the Principal Installment and interest on the Bonds as the same respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the City are hereby irrevocably pledged, and there shall be levied and collected annually a tax on all taxable property in the City, sufficient to pay the Principal Installment and interest on such Bonds as they respectively mature, and to create such sinking fund as may be necessary therefor.

Section 3.18. Notice to Finance Director to Levy Tax

The Finance Director of the City shall be notified of this issue of Bonds and directed to levy and collect, respectively, upon all taxable property in the City an annual tax sufficient to meet the payment of the Principal Installment and interest on the Bonds, as the same respectively mature, and to create such sinking fund as may be necessary therefor.

Section 3.19. Form of Bonds

The form of the Bonds, and registration provisions to be endorsed thereon shall be substantially as set forth in Exhibit "A" attached here to and made a part of this Ordinance.

ARTICLE IV

REDEMPTION OR PURCHASE OF BONDS

Section 4.01. Authorization of Redemption

All Bonds maturing subsequent to April 1, 2000 shall be subject to redemption, at the option of the City, in whole at any time or in part on any April 1 or October 1, at the respective redemption prices set forth below, plus accrued interest to the date fixed for redemption:

Period During Which Redeemed (both dates inclusive)	Redemption Price
April 1, 2000 to March 31, 2001	102%
April 1, 2001 to March 31, 2002	101%
April 1, 2002 and thereafter	100%

Section 4.02. City's Election to Redeem

In the event that the City shall, in accordance with the provisions of Section 4.01, elect to redeem Bonds it shall give notice by City Request to the Registrar and Paying Agent, of each optional redemption. Each City Request shall specify the date fixed for redemption and the Bonds which are to be redeemed. Such notice shall be given at least 60 days prior to the date fixed for redemption or such lesser number of days as shall be acceptable to the Registrar.

Section 4.03. Notice of Redemption

(a) When any Bonds are to be redeemed, the Registrar shall give notice of the redemption of the Bonds in the name of the City specifying (i) the Bonds and maturities to be redeemed; (ii) the redemption date; (iii) the Redemption Price; (iv) the numbers and other distinguishing marks of the Bonds to be redeemed unless all of the Bonds Outstanding are to be redeemed; (v) the place or places where amounts due upon such redemption will be payable; and (vi) in the case of Bonds to be redeemed in part only, the respective portions of the principal thereof to be redeemed. Such notice shall further state that on such date there shall become due and payable upon each Bond to be redeemed the Redemption Price thereof, together with interest accrued to the redemption date, and that, from and after such date, interest thereon shall cease to accrue. The Registrar shall mail by registered mail a copy of such notice, postage prepaid, not less than 30 days before the redemption date to the registered Holders of all Bonds or portions of Bonds which are to be redeemed at their addresses which appear upon the registration books, but failure to so mail any such notice to any of such Holders shall not affect the validity of the proceedings for the redemption of Bonds held by Holders to whom written notice has been mailed. The obligation of the Registrar to give the notice required by this Section 4.03 shall not be conditioned upon the prior payment to the Paying Agent of money or the delivery to the Paying Agent of Authorized Investments sufficient to pay the Redemption Price of the Bonds to which such notice relates or the interest thereon to the redemption date. Interest on the Bonds to be redeemed shall cease to accrue from and after the redemption date specified in such notice, unless the City defaults in making due provision for the payment of the redemption price thereof.

(b) Notice of redemption having been given as provided in subsection (a) hereof, the Bonds or portions thereof so to be redeemed shall, on the date fixed for redemption, become due and payable at the Redemption Price specified therein plus accrued interest to the redemption date, and upon presentation and surrender thereof at the place specified in such notice, such Bonds or portions thereof shall be paid at the Redemption Price, plus accrued interest to the redemption date. On and after the redemption date (unless the City shall default in the payment of the Redemption Price and accrued interest), such Bonds shall cease to bear interest, and such Bonds shall no longer be considered as Outstanding hereunder. If money sufficient to pay the Redemption Price and accrued interest has not been made available by the City to the Paying Agent on the redemption date, such Bonds shall continue to bear interest until paid at the same rate as they would have borne, had they not been called for redemption, until the same have been paid.

Section 4.04. Selection by Registrar of Bonds to be Redeemed

(a) If less than all of the Bonds of like maturity are to be redeemed, the particular Bonds or portions of Bonds to be redeemed shall be selected, not less than 45 days prior to the date fixed for redemption, by the Registrar by lot or in such other manner as the Registrar in its discretion may deem fair and appropriate.

(b) In making such selection, the Registrar shall treat each Bond to be redeemed as representing that number of Bonds of the lowest authorized denomination as is obtained by dividing the principal amount of such Bond by such denomination. If any Bond is to be redeemed in part, the portion to be so redeemed shall be in a principal amount of an authorized denomination.

(c) The Registrar shall promptly notify the City in writing of the Bonds so selected for redemption.

Section 4.05. Deposit of Redemption Price

On or before any date fixed for redemption of any Bonds, cash and/or a principal amount of non-callable Government Obligations maturing or redeemable at the option of the Holder thereof not later than the date fixed for redemption which, together with income to be earned on such Government Obligations prior to such date fixed for redemption, will be sufficient to provide cash to pay the Redemption Price of an accrued interest on all Bonds or portions thereof which are to be redeemed on such date, shall be deposited with the Paying Agent unless such amount shall have been previously deposited with the Paying Agent.

Section 4.06. Partial Redemption of Bonds

In the event part but not all of a Bond Outstanding shall be selected for redemption, upon presentation and surrender of such Bond by the Holder thereof or his attorney duly authorized in writing with, if the City or the Paying Agent so requires, due endorsement by, or a written instrument of transfer in form satisfactory to the City and the Registrar duly executed by, the Holder thereof or his attorney duly authorized in writing) to the Registrar, the City shall execute and the Registrar shall authenticate and deliver to or upon the order of such Holder, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of any authorized denomination of like tenor. Bonds so presented and surrendered shall be cancelled in accordance with Section 3.12 hereof.

Section 4.07. Purchases of Bonds Outstanding

Purchases of Bonds Outstanding may be made by the City at any time with money available to it from any source. Upon any such purchase the City shall deliver such Bonds to the Registrar for cancellation.

ARTICLE V

SALE OF BONDS

Section 5.01.

Determination of time to Receive Bids -- Form of Notice of Sale

The Bonds shall be sold at public sale, at not less than par and accrued interest to the date of delivery. Bids shall be received until 12:00 Noon (local time) on a date to be selected by the Mayor. The Bonds shall be advertised for sale in THE STATE, a newspaper published in the City of Columbia; and which shall appear at least once, not less than 10 days before the date set for sale. The form of the Notice, and the conditions of sale, shall be substantially those set forth in Exhibit "B" attached hereto and made a part of parcel hereof.

Section 5.02. Award of Bonds

Upon the receipt of bids for the Bonds, the Mayor shall award the Bonds to the bidder offering the lowest rate of interest. If more than one bidder shall name the lowest rate of interest, then the Bonds shall be awarded to that one of such bidders as shall offer the greatest premium; PROVIDED, that if it shall happen that tie bids are received, the Bonds shall be awarded jointly or in such other fashion as those submitting such tie bids shall determine. The Mayor is further authorized to name the Registrar and Paying Agent of the Bonds. The right is reserved to reject all proposals.

ARTICLE VI

DISPOSITION OF PROCEEDS OF SALE OF BONDS

Section 6.01. Disposition of Bond Proceeds Including Temporary Investments

The proceeds derived from the sale of the Bonds issued pursuant to this Ordinance shall be deposited in a Bond Account Fund for the City, and shall be expended and made use of as follows:

(a) any accrued interest shall be applied to the payment of the first installment of interest to become due on such Bonds;

(b) any premium shall be applied to the payment of the first installment of principal of such Bonds; and

(c) Pending the use of Bond proceeds for the purposes authorized hereby, it shall be lawful for Council to cause such proceeds to be invested in Authorized Investments. Income earned from investments shall, in the discretion of Council, (1) be used to meet the debt service of the Bonds, or (2) be retained by the City and used for the purposes for which the Bonds are issued under this Ordinance or for additional capital improvements of the City; provided, however, if federal law requires a rebate of certain earnings such rebate shall be made.

(d) If any balance remains, it shall be held in a special fund and used to effect the retirement of the Bonds authorized by this Ordinance; provided, however, that neither the purchaser nor any Holder of the Bonds shall be liable for the proper application of the proceeds thereof.

ARTICLE VII

DEFEASANCE OF BONDS

Section 7.01. Discharge of Ordinance -- Where and How Bonds are Deemed to have been Paid and Defeased

If all of the Bonds issued pursuant to this Ordinance, and all interest thereon shall have been paid and discharged, then the obligations of the City under this Ordinance and all other rights granted hereby shall cease and determine. The Bonds shall be deemed to have been paid and discharged within the meaning of this Article under each of the following circumstances, viz.;

(1) The Paying Agent shall hold, at the stated maturities of the Bonds, in trust and irrevocably appropriated thereto, sufficient moneys for the payment of the Principal Installment or Redemption Price and Interest thereof; or

(2) If default in the payment of the principal of the Bonds or the interest thereon shall have occurred on any Bond Payment Date, and thereafter tender of such payment shall have been made, and at such time as the Paying Agent shall hold in trust and irrevocably appropriated thereto, sufficient moneys for the payment thereof to the date of the tender of such payment; or

(3) If the City shall elect to provide for the payment of the Bonds prior to their stated maturities and shall have deposited with the Paying Agent, in an irrevocable trust moneys which shall be sufficient, or Government Obligations, the principal of and interest on which when due will provide moneys, which together with moneys, if any, deposited with the Paying Agent at the same time, shall be sufficient to pay when due the Principal Installment or Redemption Price and interest, due and to become due on the Bonds on and prior to their maturity dates or redemption dates, as the case may be. In the event that the City shall elect to redeem Bonds prior to their stated maturities, the City shall proceed in the manner prescribed by Article IV hereof.

Neither the Government Obligations nor moneys deposited with the Paying Agent pursuant to this Section nor the principal or interest payments thereon shall be withdrawn or used for any purpose other than, and shall be held in trust for, the payment of the Principal Installment of or Redemption Price and interest on the Bonds; provided that any cash received from such principal or interest payments on Government Obligations deposited with the Paying Agent, if not then needed for such purpose, shall to the extent practicable, be invested and reinvested in Government Obligations maturing at times and in amounts sufficient to pay when due the Principal Installment or Redemption Price and interest, to become due on the Bonds on and prior to the redemption date or maturity date thereof, as the case may be, and interest earned from such reinvestments not required for the payment of the Principal Installment or Redemption Price and interest, may be paid over to the City, as received by the Paying Agent, free and clear of any trust, lien or pledge.

ARTICLE VIII

CONCERNING THE FIDUCIARIES

Section 8.01. Fiduciary; Appointment and Acceptance of Duties

The financial institution chosen to act initially as Paying Agent and Registrar hereunder, shall accept the duties and trusts imposed upon it by the Ordinance and shall agree in writing to perform such trusts but only upon the terms and conditions set forth in this Article VIII. Similarly, each financial institution appointed as a successor Registrar or as a successor Paying Agent shall signify its acceptance of the duties and trusts imposed by the Ordinance by a written acceptance.

Section 8.02. Responsibilities of Fiduciaries

The recitals of fact herein and in the Bonds contained shall be taken as the statements of the City and no Fiduciary assumes any responsibility for the correctness of the same except in respect of the authentication certificate of the Registrar endorsed on the Bonds. No Fiduciary makes any representations as to the validity or sufficiency of the ordinance or of any Bonds or as to the security afforded by the Ordinance, and no Fiduciary shall incur any liability in respect thereof. No Fiduciary shall be under any responsibility or duty with respect to the application of any moneys paid to any other Fiduciary. No Fiduciary shall be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in respect hereof or to advance any of its own moneys, unless indemnified to its reasonable satisfaction. No Fiduciary shall be liable in connection with the performance of its duties hereunder except for its own negligence or willful misconduct.

Section 8.03. Evidence on Which Fiduciaries May Act

(a) Each Fiduciary, upon receipt of any notice, ordinance, request, consent order, certificate, report, opinion, bond, or other paper or document furnished to it pursuant to any provision of the Ordinance, shall examine such instrument to determine whether it conforms to the requirements of the Ordinance and shall be protected in acting upon any such instrument believed by it to be genuine and to have been signed or presented by the proper party or parties. Each Fiduciary may consult with counsel, who may or may not be of counsel to the City, and the opinion of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it under the Ordinance in good faith and in accordance therewith.

(b) Whenever any Fiduciary shall deem it necessary or desirable that a matter to be proved or established prior to taking or suffering any action under the Ordinance, such matter (unless other evidence in respect thereof be therein specifically prescribed) may be deemed to be conclusively approved and established by a certificate of an Authorized Officer, and such certificate shall be full warrant for any action taken or suffered in good faith under the provisions of the ordinance upon the faith thereof; but in its discretion the Fiduciary may in lieu thereof accept other evidence of such fact or matter or may require such further or additional evidence as to it may deem reasonable.

(c) Except as otherwise expressly provided in the Ordinance any request, order, notice or other direction required or permitted to be furnished pursuant to any provision thereof by the City to any Fiduciary shall be sufficiently executed if executed in the name of the City by and Authorized Officer.

Section 8.04. Compensation

The City shall pay to each Fiduciary from time to time reasonable compensation based on the then standard fee schedule of the Fiduciary for all services rendered under the Ordinance, and also all reasonable expenses, charges, counsel fees and other disbursements, including those of its attorneys, agents, and employees, incurred in and about the performance of their powers and duties under the Ordinance. Subject to the provisions of Section 7.02 hereof, the City further agrees

to indemnify and save each Fiduciary harmless against any liabilities which it may incur in the exercise and performance of its powers and duties hereunder and which are not due to its negligence or willful misconduct; provided, however, that any specific agreement between the City and a Fiduciary with respect to the compensation of such Fiduciary shall control the compensation to be paid to such Fiduciary.

Section 8.05. Certain Permitted Acts

Any Fiduciary may become the owner or underwriter of any Bonds, notices or other obligations of the City or conduct any banking activities with respect to the City, with the same rights it would have if it were not a Fiduciary. To the extent permitted by law, any Fiduciary may act as depository for, and permit any of its officers or directors to effect or aid in any reorganization growing out of the enforcement of the Bonds or the Ordinance.

Section 8.06. Resignation of Any Fiduciary

Any Fiduciary may at any time resign and be discharged of the duties and obligations created by the Ordinance by giving not less than 60 days' written notice to the City and not less than 30 days' written notice to the Holders of the Bonds as established by the books of registration prior to the next succeeding Bond Payment Date and such resignation shall take effect upon the date specified in such notice unless previously a successor shall have been appointed by the City pursuant to Section 7.08 hereof in which event such resignation shall take effect immediately on the appointment of such successor. In no event, however, shall such a resignation take effect until a successor has been appointed.

Section 8.07. Removal of Fiduciary

Any Fiduciary may be removed at any time by an instrument or concurrent instruments in writing, filed with the City and such Fiduciary, and signed by the Bondholders representing a majority in principal amount of the Bonds then Outstanding or their attorneys in fact duly authorized, excluding any Bonds held by or for the account of the City.

Section 8.08. Appointment of Successor Fiduciaries

In case any Fiduciary hereunder shall resign or be removed, or be dissolved, or shall be in the course of dissolution or liquidation, or otherwise become incapable of acting hereunder, or in case it shall be taken under the control of any public officer or officers, or of a receiver appointed by a court, a successor shall be appointed by the City. Every such Fiduciary appointed pursuant to the provisions of this Section shall be a trust company or bank organized under the laws of the United States of America or any state thereof and which is in good standing, within or outside the State of South Carolina, having a stockholders' equity of not less than \$25,000,000 if there be such an institution willing, qualified and able to accept the trust upon reasonable and customary terms.

If in a proper case no appointment of a successor Fiduciary shall be made by the City pursuant to the foregoing provisions of this Section within 45 days after any Fiduciary shall have given to the City written notice as provided in Section 7.06 hereof or after a vacancy in the office of such Fiduciary shall have occurred by reason of its removal or inability to act, the former Fiduciary or any Bondholder may apply to any court of competent jurisdiction to appoint a successor. Said court may thereupon, after such notice, if any, as such court may deem proper, appoint a successor.

Section 8.09. Transfer of Rights and Property to Successor

Any successor Fiduciary appointed under the Ordinance shall execute, acknowledge and deliver to its predecessor, and also to the City, an instrument accepting such appointment, and thereupon such successor, without any further act, deed or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties and obligations of such predecessor Fiduciary, with like effect as it originally named in such capacity; but the Fiduciary ceasing to act shall nevertheless, on the written request of the City, or of the successor, execute, acknowledge and

deliver such instruments of conveyance and further assurance and do such other things as may reasonably be required for more fully and certainly vesting and confirming in such successor all the right, title and interest of the predecessor Fiduciary in and to any property held by it under the Ordinance, and shall pay over, assign and deliver to the successor Fiduciary any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance or instrument in writing from the City be required by such successor Fiduciary for more fully and certainly vesting in and confirming to such successor any such estates, rights, powers and duties, any and all such deeds, conveyances and instruments in writing shall, on request, and so far as may be authorized by law, be executed, acknowledged and delivered by the City. Any such successor Fiduciary shall promptly notify the Paying Agent and Depositories, if any, of its appointment as Fiduciary.

Section 8.10. Merger or Consolidation

Any company into which any Fiduciary may be merged or converted or with which it may be consolidated or any company resulting from any merger, conversion or consolidation to which it may be party or any company to which any Fiduciary may sell or transfer all or substantially all of its corporate trust business, provided such company shall be a bank or trust company organized under the laws of any state of the United States or a national banking association, and shall be authorized by law to perform all the duties imposed upon it by the Ordinance, shall be the successor to such Fiduciary without the execution or filing of any paper or the performance of any further act.

Section 8.11. Adoption of Authentication

In case any of the Bonds contemplated to be issued under the Ordinance shall have been authenticated but not delivered, any successor Registrar may adopt the certificate of authentication of any predecessor Registrar so authenticating such Bonds and deliver such Bonds so authenticated. In case any such Bonds shall not have been authenticated, any successor Registrar may authenticate such Bonds in the name of the predecessor Registrar or in the name of the successor Registrar, and in all such cases such certificate shall be of full force and effect.

ARTICLE IX

MISCELLANEOUS

Section 9.01. Failure to Present Bonds

Anything in this Ordinance to the contrary notwithstanding, any money held by the Paying Agent in trust for the payment and discharge of any of the Bonds, or the interest thereon, which remains unclaimed for such period of time, after the date when such Bonds have become due and payable, either at their stated maturity dates or by call for earlier redemption, that the Holder thereof shall no longer be able to enforce the payment thereof, the Paying Agent shall at the written request of the City pay such money to the City as its absolute property and free from trust, and the Paying Agent shall thereupon be released and discharged with respect thereto and the Bondholders shall look only to the City for the payment of such Bonds; provided, however, the Paying Agent shall forward to the City all moneys which remain unclaimed during a period five years from a Bond Payment Date, provided, however, that before being required to make any such payment to the City, the Paying Agent, at the expense of the City, may conduct such investigations as may in the opinion of the Paying Agent be necessary to locate the Holders of those who would take if the Holder shall have died.

Section 9.02. Severability of Invalid Provisions

If any one or more of the covenants or agreements provided in this Ordinance 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 Ordinance.

Section 9.03. Successors

Whenever in this Ordinance the City is named or referred to, it shall be deemed to include any entity, which may succeed to the principal functions and powers of the City, and all the covenants and agreements contained in this Ordinance or by or on behalf of the City shall bind and inure to the benefit of said successor whether so expressed or not.

Section 9.04. Ordinance to Constitute Contract

In consideration of the purchase and acceptance of the Bonds by those who shall purchase and hold the same from time to time, the provisions of this Ordinance shall be deemed to be and shall constitute a contract between the City and the Holder from time to time of the Bonds, and such provisions are covenants and agreements with such holders which the City hereby determined to be necessary and desirable for the security and payment thereof. The pledge hereof and the provisions, covenants, and agreements herein set forth to be performed on behalf of the City shall be for the equal benefit, protection, and security of the Holders of any and all of the Bonds, all of which shall be of equal rank without preference, priority or distinction of any Bonds over any other Bonds.

Section 9.05. Filing of Copies of Ordinance

Copies of this Ordinance shall be filed in the office of Council, the office of the Clerk of Court for Charleston County (as a part of the Transcript of Proceedings) and at the offices of the Paying Agent and Registrar.

DONE IN MEETING DULY ASSEMBLED, this _____ day of June, 1990.

CITY OF CHARLESTON,

SOUTH CAROLINA

(SEAL)

BY _____

Mayor

Attest:

City Clerk

First Reading: May 22, 1990

Second Reading: June _____, 1990

EXHIBIT A

(FORM OF BOND)

REGISTERED

No. _____

REGISTERED

\$ _____

UNITED STATES OF AMERICA

STATE OF SOUTH CAROLINA

CITY OF CHARLESTON

GENERAL OBLIGATION

AQUARIUM BOND OF 1990

INTEREST RATE

ORIGINAL ISSUED DATE

MATURITY DATE

CUSIP

July 1, 1990

REGISTERED HOLDER:

PRINCIPAL AMOUNT: DOLLARS

THE CITY OF CHARLESTON, SOUTH CAROLINA (the "City"), a public body corporate and politic of the State of South Carolina (the "State"), created and existing by virtue of the laws of the State, acknowledges itself indebted and for value received hereby promises to pay, solely as hereinafter provided, to the Registered Holder named above or registered assigns, the Principal Amount stated 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 _____, in the City of _____, State of South Carolina (the "Paying Agent") and to pay interest on such principal sum at the annual Interest Rate stated above (calculated on the basis of a 360-day year of twelve 30-day months), until the City's obligation 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 SIDE HEREOF WHICH SHALL FOR ALL PURPOSES HAVE THE SAME EFFECT AS THOUGH FULLY SET FORTH HEREIN.

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 executed in its name and on its behalf by the facsimile signature of its Mayor and its corporate seal to be hereunto reproduced and attested to by the facsimile signature of its Clerk to City Council.

CITY OF CHARLESTON,

SOUTH CAROLINA

(SEAL)

Mayor

Attest:

Clerk, City of Charleston,

South Carolina

CERTIFICATE OF AUTHENTICATION

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

By: REGISTRAR

DATED:

Authorized Officer

(Reverse of Bond)

CITY OF CHARLESTON GENERAL OBLIGATION AQUARIUM BOND OF 1990

This Bond bears interest from the April 1 or the October 1 (the Bond Payment Dates) to which interest has been paid next preceding the authentication date hereof, unless the authentication date hereof is an April 1 or an October 1, in which event this Bond shall bear interest from the earlier of such authentication date or the date to which interest has last been paid; provided that if the authentication date hereof precedes April 1, 1991, or if the City shall fail to pay interest on April 1, 1991, then this bond shall bear interest from July 1, 1990. Interest on this Bond is payable on April 1 and October 1 of each year beginning April 1, 1991, at which time interest for nine months will be due. The interest so payable on any Bond Payment Date will be paid to the person in whose name this Bond is registered at the close of the record date next preceding such Bond Payment Date.

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 at the address shown on the registration books. 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 an issue of Bonds in the aggregate principal amount of Nine Million Five Hundred Thousand Dollars (\$9,500,000) of like tenor and effect, except as to numbering, date of maturity, rate of interest and redemption provisions, issued for purposes authorized by and pursuant to the Municipal Bond Act (Sections 5-21-210 to 5-21-500, inclusive, Code of Laws of South Carolina, 1976) and an Ordinance duly adopted by the City Council of the City of Charleston (the Ordinance).

Certain capitalized terms used herein and not otherwise defined shall have the meaning ascribed thereto in the Ordinance. Certified copies of the Ordinance are on file in the office of the Registrar, in the office of the Paying Agent, in the office of the Clerk of Court of Charleston County and in the office of the City Clerk.

For the prompt payment hereof, both principal and interest, as the same shall become due, the full faith, credit and taxing power of the City are irrevocably pledged. The Bonds are not subject to redemption prior to their stated maturity.

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

The Bonds are issuable only as fully registered Bonds, in denominations of \$5,000 or any whole multiple thereof not exceeding the principal amount of the Bonds maturing in such year.

This Bond is transferable, as provided in the Ordinance, only upon the books of the City kept for that purpose at the Corporate Trust Office of the Registrar by the registered holder in person or by his duly authorized attorney upon, (i) surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney and (ii) payment of the charges, if any, prescribed in the Ordinance. Thereupon a new fully registered Bond or Bonds of like maturity, interest rate and redemption provisions and in a like

aggregate principal amount shall be issued to the transferee in exchange therefor as provided in the Ordinance. The City, the Paying Agent 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 Amount or Redemption Price hereof and interest due hereon and for all other purposes.

For every exchange or transfer of the Bonds, the city, the Paying Agent, or the Registrar 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 Bonds maturing subsequent to April 1, 2000 are subject to redemption, at the option of the City, in whole at any time or in part on any April 1 or October 1, at the respective redemption prices set forth below, plus accrued interest to the date fixed for redemption:

Period During Which Redeemed (both dates Inclusive)	Redemption Price
April 1, 2000 to March 31, 2001	102%
April 1, 2001 to March 31, 2002	101%
April 1, 2002 and thereafter	100%

If less than all of the Bonds of like maturity are to be redeemed, the particular Bonds or portions of Bonds to be redeemed shall be selected not less than 45 days prior to the date fixed for redemption by the Registrar at random or in such other manner as the Registrar in its discretion may deem fair and appropriate. 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 Resolution.

In the event that any Bonds are to be called for redemption as aforesaid, the Paying Agent shall give notice of the redemption of the Bonds in the name of the City specifying (i) the principal amount and the maturities of the Bonds to be redeemed; (ii) the redemption date; (iii) the Redemption Price; (iv) the numbers and other distinguishing marks of the Bonds to be redeemed unless all of the Bonds Outstanding of the Bonds are to be redeemed; (v) the place or places where amounts due upon such redemption will be payable; and (vi) in the case of Bonds to be redeemed in part only, the respective portions of the principal thereof to be redeemed. Such notice shall further state that on such date there shall become due and payable upon each Bond to be redeemed the Redemption Price thereof, together with interest accrued to the redemption date, and that, from and after such date, interest thereon shall cease to accrue. The Paying Agent shall mail a copy of such notice, postage prepaid, not less than 30 days before the redemption date to the registered owners of any Bonds or portions of Bonds which are to be redeemed at their last addresses appearing upon the registration

books, but failure to so mail any such notice to any one of such registered owners shall not affect the redemption of those registered Bonds to whose owners such notice was mailed.

On the specified redemption date (unless the City shall default in the payment of the Redemption Price and accrued interest), all Bonds so called for redemption shall cease to bear interest, shall no longer be secured by the Resolution and shall no longer be considered as Outstanding. It is hereby certified and recited that all acts, conditions and things required to exist, happen and to be performed precedent to and in the adoption of the Ordinance and in the issuance of the Bonds in order to make the Bonds the legal, valid and binding general obligations of the City in accordance with their terms, do exist, have been done, have happened and have been performed in regular and due form as required by law; and that the issuance of the Bonds does not exceed or violate any constitutional, statutory or other limitation upon the amount of indebtedness prescribed by law.

(FORM OF ASSIGNMENT)

FOR VALUE RECEIVED THE UNDERSIGNED HEREBY SELLS, ASSIGNS AND TRANSFERS UNTO _____ (please print or typewrite 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:

EXHIBIT B

OFFICIAL NOTICE OF SALE

\$9,500,000

GENERAL OBLIGATION

AQUARIUM BONDS OF 1990

OF THE CITY OF CHARLESTON,

SOUTH CAROLINA

SEALED PROPOSALS, addressed to the undersigned, will be received by the City Council of City of Charleston, South Carolina, until 12:00 Noon (local time)

_____, 1990

at which time said proposals will be publicly opened at the _____, Charleston, South Carolina, for the purchase of NINE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$9,500,000) of GENERAL OBLIGATION AQUARIUM BONDS OF 1990 OF THE CITY OF CHARLESTON, SOUTH CAROLINA. The bonds will be issued as fully registered bonds in the denominations of \$5,000 or any whole multiple thereof not exceeding the principal amount maturing in any year. The bonds will initially be dated as of July 1, 1990 and will mature on April 1 in the years and amounts as follows:

YEAR PRINCIPAL AMOUNT

1993 \$200,000

1994 200,000

1995 250,000

1996 250,000

1997 300,000

1998 300,000

1999 350,000

2000 350,000

2001 400,000

2002 500,000

2003 600,000

2004 650,000

2005 650,000

2006 700,000

2007 700,000

2008 750,000

2009 750,000

2010 800,000

2011 800,000

The bonds maturing subsequent to April 1, 2000 will be subject to redemption, at the option of the City, in whole at any time or in part on any April 1 or October 1, at the respective redemption prices set forth below, plus accrued interest to the date fixed for redemption:

Period During Which Redeemed (both dates inclusive)	Redemption Price
April 1, 2000 to March 31, 2001	102%
April 1, 2001 to March 31, 2002	101%
April 1, 2002 and thereafter	100%

The bonds will bear interest from July 1, 1990, at a rate or rates to be named by the bidder, payable on April 1 and October 1 of each year (the Bond Payment Dates) commencing April 1, 1991, at which time interest for nine months will be due. Both principal and interest will be 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.

Interest on the bonds will be paid by check or draft mailed from the Corporate Trust Office of the Paying Agent to the person in whose name the bond is registered on the Record Date next preceding the Bond Payment Date at the address shown by the registration books.

Principal of the bonds when due will be paid upon presentation and surrender of such bonds at the Corporate Trust Office of the Paying Agent. The Paying Agent and the Registrar will be such financial institution as may be agreed upon by the City of Charleston and the successful bidder to act as

Paying Agent and Registrar of the bonds, or, in the event of a failure to agree, at the Corporate Trust Office of a financial institution designated by the Mayor to act in such capacities.

Bidders are invited to name the rate or rates of interest which the bonds are to bear, and unless all bids are rejected, they will be awarded to the bidder offering to purchase them at the lowest net interest cost to the City at a price of not less than par and accrued interest to the date of delivery. Bidders may name any number of rates of interest, in any variations selected by the bidder except that:

- (a) all bonds of the same maturity shall bear the same rate of interest;
- (b) no rate of interest shall be more than 2% higher than the lowest rate of interest named;
- (c) each interest rate named shall be a multiple of 1/20th of 1%; and
- (d) any sum named by way of premium shall be paid in cash as a part of the purchase price.

Interest cost will be determined by deducting premium, if any, from the aggregated of interest on the bonds from July 1, 1990, until their respective maturities. Bidders are requested to present tabulations showing aggregate interest cost in dollars and cents, but such tabulations are not required and will not be regarded as a part of the bid. The right is reserved to reject all proposals, and to waive technicalities, but no auction sale will be conducted.

Bids will be accepted or rejected by 2:00 P.M. (local time) on the day of the sale.

No proposal for the purchase of less than all of the bonds, or, at a price less than par and accrued interest to the date of delivery, will be considered.

Each bid shall be enclosed in a sealed envelope and marked "PROPOSAL FOR \$9,500,000 GENERAL OBLIGATION AQUARIUM BONDS OF 1990 OF THE CITY OF CHARLESTON, SOUTH CAROLINA" and be directed to the undersigned, and must be accompanied by cash or a cashier's or certified check upon an incorporated bank or trust company for One Hundred Ninety Thousand Dollars (\$190,000), payable to the Finance Director of the City of Charleston. The check of the successful bidder will be applied in part payment for the bonds or to secure the City from any loss resulting from the failure of such bidder to comply with the terms of his bid. The good faith deposit will be returned to the successful bidder if the City fails to deliver the bonds. No interest will be allowed on the good faith deposit.

The bonds will be general obligation bonds of the City of Charleston, South Carolina, payable both as to principal and interest from ad valorem taxes imposed upon all taxable property within the City, without limit as to rate or amount.

Purchasers will be furnished with the printed bonds and an opinion on their validity by Sinkler & Boyd, Attorneys & Counselors at Law, a copy of which will be printed on the back of each bond, and with the usual closing proofs, which will include (a) a certificate that there is no litigation threatened or pending to restrain the issuance or sale of said bonds, and (b) certifications by appropriate officials to the effect that the official Statement, as of its date and as of the date of delivery of the bonds does not contain an untrue statement of a material fact and does not omit to state a material fact which should be included therein for the purpose for which the Official Statement is intended to be used, or which is necessary to make the statements contained therein, in the light of the circumstances in which they were made, not misleading.

Persons seeking additional copies of the Official Statement or further fiscal information relative to the City should communicate with Camille Potts, Finance Director, City of Charleston, 80 Broad Street, Charleston, S.C. 29401 (Telephone 803-577-6970).

The successful purchaser will be given 100 copies of the Official Statement.

It is anticipated that CUSIP identification numbers will be printed on said bonds, but neither the failure to print such numbers on any bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for said bonds in accordance with terms of the notice of sale.

The bonds will be delivered to the purchasers in Atlanta, Georgia, Charlotte, North Carolina, Columbia or Charleston, South Carolina, or New York, New York, at the option of the purchaser within 30 days of their award against payment in federal or other immediately available funds.

There is no official bid form. Each bid shall be conditioned in accordance with this Notice of Sale.

Joseph P. Riley, Jr.

Mayor

City of Charleston,

South Carolina

The following report of the Committee on Public Works and Utilities was received:

TO THE MAYOR AND COUNCILMEMBERS,

THE CITY COUNCIL OF CHARLESTON:

The Committee on Public Works and Utilities wishes to report that it has considered Councilmember Richardson's request that the name of "H" Street be changed to Hope Street.

After due consideration, the committee recommends that "H" Street, located between King Street and "F" Street and intersecting with "I" Street, be renamed Hope Street.

W. FOSTER GAILLARD, Chairman

ARTHUR W. CHRISTOPHER

W.L. STEPHENS, JR.

HILDA HUTCHINSON-JEFFERSON

JOSEPH P. RILEY, JR., Mayor

The report was adopted on motion of Councilmember Gaillard.

The following resolution was adopted on motion of Councilmember Richardson:

RESOLUTION

BE IT RESOLVED by the City of Charleston, South Carolina that "H" Street, located between King Street and 'F' Street and intersecting with 'I' Street, shall be and the same is hereby renamed Hope Street.

Councilmember Richardson asked Doug Smits, Director of the Public Service Department, how long it would take to put the name change into effect. Mr. Smits replied that his department would request the signs from the Traffic and Transportation Department's Sign Division.

The Mayor asked Councilmember Richardson when he would like the signs to be placed on the street. Councilmember Richardson replied he would like them up as soon as possible. He believed there would be some more dedications of homes on that street shortly and he wanted the signs to be in place before the home dedications occurred.

Councilmember Thomas pointed out that many street signs were down and felt they should be put back up to avoid confusion.

The Mayor agreed and asked the Councilmembers, if they has specific requests for street signs that should be re-installed, to make this information known to Mr. Chapman.

In response to a question asked by Councilmember Ader, Mr. Chapman stated his department has made a survey of street signs needing to be re-installed. He explained that after the storm his department had concentrated first of all on the regulatory signs (the stop signs, the yield signs, the speed limit signs, the "do not enter" signs). His department was just about finished with those types of signs and was about to start on street name signs. He too urged the Councilmembers to inform him of any specific intersections that were more critical than others that they wanted his department to work on first.

Next on the agenda were eighteen (18) bills up for second reading.

One of the bills up for second reading involved the rezoning of 8.2 acres of the Dotterer Tract (part of TMS# 306-00-00-001). Ms. Yvonne Fortenberry, Director of the Department of Planning and Urban Development, stated that executed restrictive covenants required in connection with this rezoning had not been received. Based on this information, City Council deferred action on the bill to rezone this property.

Councilmember Gaillard recalled that earlier this evening Mrs. Bell had a question about the proposed amendment to the "Road Classification Chart" and had a suggested modification to the proposed amendment. He asked Ms. Fortenberry to comment on the changes Mrs. Bell had requested.

Ms. Fortenberry explained that basically the amendment being proposed was to add the 61 Connector to the "Road Classification Chart" for buffering and landscaping purposes. She explained the Landscaping Ordinance which City Council recently adopted did not specifically specify the 61 Connector on any list. Therefore, if someone were to come in to develop along that area, the planning staff would either have to say (1) it was not included in the ordinance so there were no requirements the developer had to meet, or, (2) the connector would have to be "lumped in" with the James Island Expressway which requires a 50-foot buffer.

In looking at the 61 Connector area, Ms. Fortenberry said, the planning staff felt a 25-foot buffer would be more appropriate and the 61 Connector fell more in line with roads in the Class 3 category, which requires a 25-foot buffer. That, she added, was the purpose of the proposed amendment.

Another thing to consider, Ms. Fortenberry said, was that Albemarle Road has a 25-foot buffer requirement. If a 50-foot buffer were required for the 61 Connector area, she said, property owners would have to have 50 feet on one side of the property and 25 feet on the other side, which would be very restrictive for that area. The planning staff believed 25 feet would be more appropriate for the 61 Connector area and it so recommended.

Councilmember Thomas moved to divide the issue and to separate the bill to amend the "Road Classification Chart" from the other sixteen (16) bills which were up for second reading. Councilmember Jefferson seconded the motion. The motion carried.

On motion of Councilmember Thomas second reading was given to the remaining sixteen (16) bills. The bills passed second reading on motion of Councilmember Shirley and third reading on motion of Councilmember Ader. On the further motion of Councilmember Richardson, the rules were suspended and the sixteen (16) bills were immediately ratified as follows:

Ratification

Number 1990-52

AN ORDINANCE

AMENDING THE ZONING ORDINANCE OF THE CITY OF CHARLESTON SO AS TO ADD A NEW SECTION TO BE KNOWN AS "SECTION 54-13.1 RR-1 RURAL RESIDENTIAL"; AMEND THE "SCHEDULE OF MAJOR HEIGHT AND AREA REGULATIONS" LISTED IN ARTICLE 4, SECTION 54-36 HEIGHT AND AREA REGULATIONS: AND AMEND ARTICLE 8, SECTION 54-55 DESIGN STANDARDS FOR NEW LOTS.

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

Section 1. The Zoning Ordinance of the City of Charleston is hereby amended by adding thereto a new section which shall read as follows:

"Section 54-13.1 RR-1 Rural Residential

In an RR-1 residential zone district, land may be used and buildings may be erected, altered or used for the following permitted uses:

(1) All uses permitted in SR-1 and SR-2 residential districts subject to any review by the Board of Adjustment required for such use in SR-1 and SR-2 districts.

(2) Agricultural and silvicultural uses limited to growing and harvesting various types of crops and timber harvesting.

For the purposes of Section 54-111, (VII) Buffers, RR-1 shall be considered a single-family zone district."

Section 2. Section 54-36 of the Code of the City of Charleston Zoning Ordinance is hereby amended by adding to the table titled "Schedule of Major Height and Area Regulations" standards for the RR-1 zoning district as follows:

Section 3. Section 54-55 of the Code of the City of Charleston Zoning Ordinance is hereby amended by deleting subsection (b) (1) and substituting in its place and stead the following:

(1) For all zone districts except RR-1 (Rural Residential) each new single-family residential lot shall have a minimum lot frontage on a public right-of-way of 50 feet, except for cul-de-sacs which shall be a 30-foot arc. For lots zoned RR-1 (Rural Residential) each new single-family residential lot shall have a minimum lot frontage on a public right-of-way of 70 feet, except for cul-de-sacs which shall be a 45-foot arc. New subdivisions shall be designed such that single-family lots shall not have driveway access to arterial streets. In no case shall residential lots contain less than the minimum areas for a single-family unit as specified in the Schedule of Major Height and Area Regulations. Multi-family residential lots shall be prohibited within the required setback within the district.

The minimum width for business and industrial lots, excluding lots currently having less than 500 feet of frontage as shown on 1979 Tax Assessment Maps, shall be as shown on the Schedule of Business and Industrial Lot Frontage, Driveway Widths and Spacing.

Any lot or parcel with 500 feet of frontage or less, or 200 feet or less in depth as shown on the 1979 Tax Assessment Maps, may be subdivided with curb breaks for access consistent with typical lots within 2,000 feet of the subject property of equivalent zoning.

(SEE SCHEDULE AND FIGURES 1 AND 2 WHICH FOLLOW)

The minimum spacing between two driveways shall be measured from the face of the curb or edge of the pavement of the driveway or their extensions as measured along the property line; figure 2 illustrates this method of driveway width and spacing. Street intersections shall be a minimum distance of 50 feet from the intersection of the right-of-way lines to the edge of driveways, as shown in figures 1 and 2, (No. 1979-74, 10/23/79).

Section 4. This Ordinance shall become effective upon ratification.

ATTACHMENT A

SCHEDULE OF MAJOR HEIGHT AND AREA REGULATIONS⁹

Zone District Multi-Fam. Designation Limits ⁵	Front and Rear Yard - Minimum Depths ¹⁰ Minimum Lot Area per Family in Square Feet - Type Dwelling Unit 13					Side Yards - Minimum Widths Accessory Bldgs. to Residences Set Back Required				
	Total Maximum % Street	Front % Street	Rear Max. Height Dwelling	Total Max. Height Dwelling	Total Max. Height Dwelling	West From Front	South/East From Side	North/1-Fam. Add'l	2-Fam. of Lot	Prin. Buildings
Occ.	Distance from Front Lot Line ⁴									
SR-1 35'/21/2str.	60' 25' 70'	25' 25' 35'	18' 12' Not Allowed	12'	6'	9,000 (4.8)	NA	NA	35%	
SR-2 35'/21/2str.	60' 25' 70'	25' 25' 25'	18' 12' Not Allowed	12'	6'	6,000 (7.3)	NA	NA	50%	
SR-31 50'/3str.	3' NR 70'	3' 12'	18' 100'	12'	6'	6,000 (7.3)	NA	NA	35%	
SR-41 50'/3str.	3' NR 70'	3' 9'	15' 80'	9'	3'	4,000 (10.9)	NA	NA	35%	

SR-51	3'	NR	3'	10'	7'	3'	2,500 (17.4)	NA	NA	35%
50'/3str.		60'	7'	70'						
SRT160'		25'	25'	18'	12'	6'	6,000 (7.3)	4,500 (9.7)		NA
50%	35'/21/2str.		70'	25'	100'					
DR-611/12	--	--	--	--	--	--	--	--		DR-6(6.1)
35%	506/3str.		--	--	--					
DR-911/12	--	--	--	--	--	--	--	--		DR-9(9.1)
50%	506/3str.		--	--	--					
DR-1211/12	--	--	--	--	--	--	--	--		DR-12(12.1)
50%	506/3str.		--	--	--					
RR-1	75'	50'	25'	30'	15'	15'	12,500(3.5)	NA	NA	30%
35'/21/2str.		70'	35'	Not Allowed						

OLD AND HISTORIC -- REFER TO AND APPLY OVERLAPPING ZONE REQUIREMENTS AND REFER TO ARTICLE 3 OF THE ZONING ORDINANCE

Footnotes listed on following page.

Abbreviations: NA -- Not Applicable; NR--Not Required. (No. 1966-12, §3, 8/16/66; amended by No. 1967-12 4 and 5)

Table amended -- 1982-90, 11/23/82; # 1982-162-11/13/84; 1987-21, 2/24/87

Number in () indicate number of units per acre.

Ratification

Number 1990-53

AN ORDINANCE

AMENDING THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY AMENDING ARTICLE 8, SECTION 54-55 DESIGN STANDARDS FOR NEW LOTS TO CLARIFY DRIVEWAY SPACING REQUIREMENTS AND DELETE THE TABLE TITLED, "CITY STREETS CLASSIFIED AS ARTERIALS".

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

Section 1. Section 54-55 Design Standards for New Lots, is hereby amended by deleting the word "downstream" from the table titled "Schedule of Business and Industrial Lot Frontage, Driveway Widths and Spacing" and substituting in its place and stead the word "outbound", as shown on the attached table.

SCHEDULE OF BUSINESS AND INDUSTRIAL LOT FRONTAGE, DRIVEWAY WIDTHS AND SPACING
 (Consult Figures 1 and 2 for location of dimensions A, B, C, D, E as listed in the below table)

	A	B	C	D	E		
Street Speed Limit	Min. Lot Frontage	Min. Lot Driveway Width	Way/Two way	Max. One Way/Two way	Radius Min. Between All Driveways*	Min. Spacing	Min. Setback
20	100	15/30	15	85	0		
25	100	15/30	15	85	20**		
30	100	20/40	20	85	20**		
35	150	20/40	20	115	30**		
40	200	25/50	25	150	40		
45	250	25/50	25	185	50		
50	300	30/60	25	230	60		
55	400	30/60	30	340	70		

* The distance between adjacent one-way driveways with the inbound drive upstream from the outbound drive can be one-half the distance listed above -- see Figure 1.

** Not applicable to the peninsula section of the Old City District.

Section 2. Section 54-55 Design Standards for New Lots, is hereby amended by deleting therefrom "Figure 1" and "Figure 2" and substituting in its place and stead the following new "Figure 1" and new "Figure 2" attached and made a part hereof. (Note: New Figure "1" and new Figure "2" are attached to original ordinance.)

Section 3. Section 54-55 Design Standards for New Lots is hereby amended by deleting therefrom the table titled "City Streets Classified as Arterials."

Section 4. This Ordinance shall become effective upon ratification.

Ratification

Number 1990-54

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 3.3 ACRES ON ASHLEY RIVER ROAD, 494 FEET NORTH OF RICHMOND STREET (TMS# 354-12-00-019) BE REZONED FROM CONSERVATION (C) CLASSIFICATION TO DIVERSE RESIDENTIAL (DR-4) 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 zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from Conservation (C) classification to Diverse Residential (DR-4) classification.

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

3.3 acres on Ashley River Road, 494 feet north of Richmond Street (TMS# 354-12-00-019).

Section 3. This ordinance shall become effective upon ratification.

Ratification

Number 1990-55

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTIES KNOWN AS 1026, 1028-1099 FIAL STREET (TMS# 418-07-00-114 AND 115) (18 ACRES), ANNEXED INTO THE CITY OF CHARLESTON FEBRUARY 27, 1990 (1990-24), BE ZONED AS FOLLOWS: HIGHLAND -- SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION AND MARSH AREAS -- CONSERVATION (C) 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 properties shall become a part thereof:

1026, 1028-1099 Fiall Street (TMS# 418-07-00-114 and 115) (18 acres).

Section 2. That the said parcels of land described above shall be zoned as follows: Highland -- Single-Family (SR-2) Residential classification and marsh areas -- Conservation (C) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratification

Number 1990-56

AN ORDINANCE

A BILL

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTIES KNOWN AS 1005-1009 (ODD NOS. ONLY) JUSTIN AVENUE, 1020 and 1022 MAMIE STREET AND 1018, 1022 AND 1024 JUSTIN AVENUE (TMS# 418-07-00-078 THROUGH 88, 139, 140 AND A PART OF 076) (4.5 ACRES), ANNEXED INTO THE CITY OF CHARLESTON FEBRUARY 27, 1990 (1990-24), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) 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 properties shall become a part thereof:

1005-1009 (odd nos. only) Justin Avenue, 1020 and 1022 Mamie Street and 1018, 1022 and 1024 Justin Avenue (TMS# 418-07-00-078 through 88, 139, 140 and a part of 076) (4.5 acres).

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

Section 3. This ordinance shall become effective upon ratification.

Ratification

Number 1990-57

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY KNOWN AS 840 ST. ANDREWS BOULEVARD (TMS# 418-11-00-008 (1.6 ACRES), ANNEXED INTO THE CITY OF CHARLESTON FEBRUARY 27, 1990 (1990-18), BE ZONED GENERAL BUSINESS (GB) 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 properties shall become a part thereof:

840 St. Andrews Boulevard (TMS# 418-11-00-008) (1.6 acres).

Section 2. That the said parcel of land described above shall be zoned General Business (GB) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratification

Number 1990-58

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTIES KNOWN AS 3037, 3033, 3029, 3035, 3021, 3017 AND 3013 MARLIN ROAD (TMS# 313-14-00-049 THROUGH 055) (1.75 ACRES), ANNEXED INTO THE CITY OF CHARLESTON FEBRUARY 27, 1990 (1990-19), 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 properties shall become a part thereof:

3037, 3033, 3029, 3035, 3021, 3017 and 3013 Marlin Road (TMS# 313-14-00-049 through 055) (1.75 acres).

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

Section 3. This ordinance shall become effective upon ratification.

Ratification

Number 1990-59

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTIES KNOWN AS 2987, 2079, 2075, 2071, 2067, 2063, 2047, 2043, 2039, 2935, 2921, 2934, 2942, 2974, 2984, 2992 BLACKFISH ROAD (TMS# 313-14-00-005, 007 THROUGH 011, 015 THROUGH 020, 022, 024, 025 AND 026) (4.1 ACRES), ANNEXED INTO THE CITY OF CHARLESTON FEBRUARY 17, 1990 (1990-21), 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 properties shall become a part thereof:

2987, 2079, 2075, 2071, 2067, 2063, 2047, 2043, 2039, 2935, 2921, 2934, 2974, 2984, 2992 Blackfish Road (TMS# 313-14-00-005, 007 through 011, 015 through 020, 022, 024, 025 and 026) (4.1 acres).

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

Section 3. This ordinance shall become effective upon ratification.

Ratification

Number 1990-60

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTIES KNOWN AS 1721 AND 1725 SAILFISH DRIVE (TMS# 313-14-00-033 AND 034) (.6 ACRE), ANNEXED INTO THE CITY OF CHARLESTON FEBRUARY 27, 1990 (1990-23), 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 properties shall become a part thereof:

1721 and 1725 Sailfish Drive (TMS# 313-14-00-033 and 034) (.6 acre).

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

Section 3. This ordinance shall become effective upon ratification.

Ratification

Number 1990-61

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY KNOWN AS 1726 BARRACUDA STREET (TMS# 313-14-00-047) (.25 ACRE), ANNEXED INTO THE CITY OF CHARLESTON FEBRUARY 27, 1990 (1990-22), 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 properties shall become a part thereof:

1726 Barracuda Street (TMS# 313-14-00-047) (.25 acre).

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

Section 3. This ordinance shall become effective upon ratification.

Ratification

Number 1990-62

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1701, 1697 AND 1693 SAILFISH DRIVE AND 1706, 1708, 1712 AND 1707 BARRACUDA STREET (TMS# 313-14-00-039 THROUGH 044 AND 069) (1.75 ACRES), ANNEXED INTO THE CITY OF CHARLESTON FEBRUARY 27, 1990 (1990-20), BE ZONED SINGLE-FAMILY (SR-1) RESIDENTIAL 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 properties shall become a part thereof:

1701, 1697 and 1693 Sailfish Drive and 1706, 1708, 1712 and 1707 Barracuda Street (1.75 acres).

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

Section 3. This ordinance shall become effective upon ratification.

Ratification

Number 1990-63

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY KNOWN AS 1740 JERVEY AVENUE (TMS# 352-10-00-020) (.92 ACRE), ANNEXED INTO THE CITY OF CHARLESTON MARCH 12, 1990 (1990-28), 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 properties shall become a part thereof:

1740 Jervey Avenue (TMS# 352-10-00-020) (.92 acre).

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.

Ratification

Number 1990-64

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY KNOWN AS 1386 RIVERFRONT DRIVE (TMS# 352-10-00-058) (.52 ACRE), ANNEXED INTO THE CITY OF CHARLESTON MARCH 12, 1990 (1990-26), BE ZONED DIVERSE RESIDENTIAL (DR-2F) 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 properties shall become a part thereof:

1386 Riverfront Drive (TMS# 352-10-00-058) (.52 acre).

Section 2. That the said parcel of land described above shall be zoned Diverse Residential (DR-2F).

Section 3. This ordinance shall become effective upon ratification.

Ratification

Number 1990-65

AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY KNOWN AS 1980 ASHLEY RIVER ROAD (TMS# 355-13-00-001) (1 ACRE), ANNEXED INTO THE CITY OF CHARLESTON FEBRUARY 13, 1990 (1990-11), BE ZONED GENERAL BUSINESS (GB) 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 properties shall become a part thereof:

1980 Ashley River Road (TMS# 355-13-00-001) (1 acre).

Section 2. That the said parcel of land described above shall be zoned General Business (GB) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratification

Number 1990-66

AN ORDINANCE

TO PROVIDE FOR THE ANNEXATION OF 6.7 ACRES ON ASHLEY HALL ROAD, 227 FEET NORTH OF NORTH PINEBARK LANE AND 34.9 ACRES OF MARSH ADJACENT TO NORTH AND SOUTH PINEBARK LANE, HUTTON PLACE AND ST. HELENA'S POINT (TMS# 353-11-00-49 AND 353-15-00-01), ST. ANDREWS PARISH, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND TO MAKE THEM 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 seventy-five (75%) per cent of the freeholders owning more than seventy-five (75%) per cent of the assessed valuation of real property 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 seventy-five (75%) percent of the freeholders owning more than seventy-five (75%) per cent of the assessed valuation of real property 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, (1976) as amended, the following described properties 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 PROPERTIES to be annexed 6.7 acres on Ashley Hall Road, 227 feet north of North Pinebark Lane and 34.9 acres of marsh adjacent to North and South Pinebark Lane, Hutton Place and St. Helena's Point; St. Andrews Parish is located in Charleston County and is identified by the County Assessor's Office as TMS# 353-11-10-49 and 353-15-00-01 (see attached map) and all adjacent public rights-of-way.

Section 3. This ordinance shall become effective upon ratification.

Ratification

Number 1990-67

AN ORDINANCE

TO PROVIDE FOR THE ANNEXATION OF PROPERTIES KNOWN AS 1175 FOLLY ROAD AND 1170 PITTSFORD CIRCLE (TMS# 337-08-00-002 AND 003) (4.6 ACRES), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND TO MAKE THEM PART OF DISTRICT 12.

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, (1976) as amended, the following described properties 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 12 of the City of Charleston, to wit:

SAID PROPERTIES to be annexed 1175 Folly Road and 1170 Pittsford Circle (4.6 acres), James Island is located in Charleston County and is identified by the County Assessor's Office as TMS# 337-08-00-002 and 003 (see attached map) and all adjacent public rights-of-way.

Section 3. This ordinance shall become effective upon ratification.

Councilmember Thomas moved that City Council disapprove the proposed amendment to the "Road Classification Chart" in Article 16, Section 54-111 Landscaping. Councilmember Stephens seconded the motion.

Councilmember Thomas stated that Mrs. Bell had eloquently presented the situation. As he had pointed out at City Council's last meeting, he could see no reason to single out one section of the

expressway for special consideration. He failed to understand why the one area in Albemarle Point should be given lesser restrictions than all of the many miles of the Mark Clark Expressway and the rest of the James Island Expressway. The subject land, in his opinion, deserved every bit as much, if not more, sensitive consideration because of its environmental ambiance. It is a gateway to the City and can be seen from the river. He felt this area was important enough that it has been considered as possibly being in a "Riverfront" zoning category.

He pointed out that part of the land under discussion, as he understood it, was at ground level. This, it seemed to him, made it even more important that it have a properly, environmentally sensitive buffer. He asked that City Council not relax the protections but in fact retain them. He felt the burden of any exception should be on the developer. If a developer were to come in with a "really great plan" that merited relaxation of the buffer zone, he thought the developer would obtain it. He strongly urged City Council not to "give up on an environmental concern before it is won." He ended his remarks by asking City Council to turn down this proposal and to vote in favor of his motion.

Councilmember Shirley asked Ms. Fortenberry for clarification on the amount of land that would be affected by the proposed ordinance change. She explained that just the area along the Albemarle Road area would be affected and it would not extend beyond the Savannah Highway.

Councilmember Shirley asked who would be affected if City Council were to extend the landscaping area an additional 25 feet. Ms. Fortenberry replied there were numerous property owners with frontage on Albemarle Road and the proposed connector. Also, there are property owners with property on the east side of the connector. Therefore, numerous property owners would be affected by City Council's actions.

Councilmember Shirley asked if any of those property owners who opposed the proposal were present at this meeting. Mrs. Fortenberry replied she did not believe any were at the meeting and she was not sure if they were aware this amendment was being proposed.

The Mayor expressed pride in the downzoning that had been done by the City working with the residents of the Albemarle area. He noted in addition to that, City Council had substantially reduced height in the area, had put the area under the Board of Architectural Review's jurisdiction and had established requirements for setbacks from the marsh. He felt in this instance a 50-foot landscape requirement along the connector and 25 feet along Albemarle Road would be unreasonable and unnecessary, and that a 25-foot buffer could be very handsome and substantial.

Councilmember Ader agreed with the Mayor. She pointed out that some of the lots in this area along the connector were very small. She was concerned that taking 50 feet off the front of the lots and 25 feet off of the rear might make the lots unusable and the City "might be caught with taking the properties there."

Corporate Counsel William B. Regan stated that if a significant portion of a lot is taken for a buffer, it may well be that particular piece of property, depending on its size and width, may be entitled to a variance. He added City Council might be better off with a smaller, uniform buffer than with a buffer that is one width for the length of a piece of property and a different width for another side of the property. If the buffer requirements were going to result in no reasonable use of the property or a hardship on the property owner, he said the Board of Adjustment would have to grant a variance. He repeated that it might be better having a uniform buffer than what might be a "haphazard buffer" along the subject property.

Councilmember Evans, Chairman of the City Planning and Zoning Commission, stated the commission considered this issue at length. The property owners who will be affected by the proposed ordinance, she said, were willing to work with the City and the adjacent neighborhoods to reduce the type of usage they could have on their land. She felt strongly they had given a lot and pointed out that the proposed ordinance was not eliminating the buffer. Also, she expressed the belief that a 25-foot buffer was good. In fairness to the property owners who had worked with the City and the neighborhoods on this issue, she recommended the proposed ordinance be ratified.

Councilmember Gaillard pointed out that site plan approval includes landscaping. It seemed to him, he said, given the fact City Council would be retaining site plan approval on the development of all of the subject properties, that a 25-foot buffer would be sufficient. Particularly given the size and configuration of some of these lots, he felt a 50-foot buffer would be too much and would be unnecessary when site plan approval was a requirement.

Councilmember Shirley asked for Mrs. Bells' reasons for favoring a 50-foot buffer.

Mrs. Bell explained she and her neighbors hear a lot of traffic now. Their concern was, when the James Island Bridge is finished, people will be going to places such as the Ripley Light Marina with large, heavy boats and trucks also will be going there. This will mean a considerable increase in traffic going to that area, she said, and the impact on the surrounding residential properties of even more traffic noise will be significant and they would need as much buffer as possible.

In response to further questions asked by Councilmember Shirley, Mrs. Bell explained where she lives and the proximity of her property to the properties in the Albemarle Road area. She stated she lives in The Crescent and can now look directly at and see the intersection of Ashley Pointe Road and Albemarle Road, which is a distance of a football field from her property. She said that by making the over-all buffer requirement 25 feet, it would mean that whether the buffer was on Albemarle Road or along the 61 Connector only a 25-foot buffer would be required. At this time, she noted, it was not known the number and types of usages that will be in that entire area and she asked City Council to wait and see, on a case-by-case basis, whether or not the buffer should be reduced. She believed persons having a good plan will have no problem getting a variance and persons with a hardship case will have a very strong legal case.

Councilmember Thomas recalled at City Council's last meeting two examples of a nice 25-foot buffer area along Savannah Highway were pointed out. He said he had driven by those areas and was not impressed by them. He felt if what existed there was meant as a buffer, he felt probably a much larger buffer was needed. He pointed out that Albemarle Road and the 61 Connector would not be parallel roads with lots in between, but rather the connector will come into Albemarle Road. He understood the owner of a triangular shaped property in this area might have a little bit of a problem, but believed City Council should not weaken all that had been done. Plans for development in this area should be studied on a case-by-case basis, he stated, and, if in fact there is a hardship, a variance will be granted. By law, he pointed out, one would almost have to be granted. He did not believe, however, that City Council needed to make a blanket exception for the whole portion of the connector in this area.

In response to a question asked by Councilmember Shirley, Councilmember Thomas elaborated briefly on his reasons for believing a 50-foot buffer versus a 25-foot buffer would help the residents in The Crescent.

Councilmember Richardson then moved to table Councilmember Thomas' motion. Councilmember Ader seconded the motion. The motion carried. Councilmember Thomas voted "Nay".

On motion of Councilmember Jefferson the bill to amend the "Road Classification Chart" in Article 16, Section 54-111 Landscaping received second reading. It passed second reading on motion of Councilmember Richardson and third reading on motion of Councilmember Evans. On the further motion of Councilmember Ader, the rules were suspended and the bill was immediately ratified as:

Ratification

Number 1990-68

AN ORDINANCE

AMENDING THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY AMENDING THE "ROAD CLASSIFICATION CHART" IN ARTICLE 16, SECTION 54-111, LANDSCAPING.

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

Section 1. The Zoning Ordinance of the City of Charleston is hereby amended by amending the table in Article 16, Section 54-111 titled "Road Classification Chart" and adding thereto, under the heading "Class III", the following:

"James Island Bridge/Highway 61 Connector"

Section 2. This Ordinance shall become effective upon ratification.

There being no further business, the meeting was adjourned on motion of Councilmember Jefferson.

DOROTHY T. GREEN

Assistant Clerk of Council