

February 28, 1991

Special, February 28, 1991

PROCEEDINGS OF COUNCIL

COUNCIL CHAMBER

Special Meeting.

February 28, 1991.

The seventy-fifth meeting of the City Council of Charleston was held this date convening at 5:00 p.m., in City Hall.

The news media was notified of this meeting Friday, February 22, 1991.

PRESENT

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

The meeting was opened with prayer by Rev. Edward L. Counts, Pastor of St. John's Lutheran Church, of which Councilmember Stephens is a member.

The Mayor announced the first item on the agenda was a very happy and proud one, which was the official presentation of the proclamation issued at City Council's February 26th meeting proclaiming this day "W.L. Stephens Day" in honor of the thirty years as of today, that Councilmember Stephens had served this community on City Council.

The Mayor invited Councilmember and Mrs. Stephens to join him at the podium. He then read the proclamation, a copy of which is printed in the minutes of City Council's February 26, 1991 meeting.

Upon reading the proclamation, the Mayor noted that during his thirty-year tenure on City Council, Councilmember Stephens had seen remarkable change and progress. During that time, there had been three mayors and over thirty members of City Council. The one constant during that time of great progress in this city, the Mayor said, had been Councilmember Stephens.

The Mayor thanked Councilmember Stephens on behalf of not only his colleagues on City Council and his constituents in District 11, but also on behalf of all the citizens of this City. He congratulated Councilmember Stephens for an exemplary record of public service.

The Mayor recognized former Mayor Arthur B. Schirmer, Jr. and invited Mr. Schirmer to join him and Councilmember and Mrs. Stephens.

The Mayor pointed out that Former Mayor Schirmer served on City Council with Councilmember Stephens.

Mr. Schirmer interjected that he and Councilmember Stephens were elected the same date to serve on City Council and he sat next to him for approximately sixteen years. He then stated he wished to add his congratulations to Councilmember and Mrs. Stephens. He praised Councilmember Stephens for his outstanding service and leadership.

Councilmember Stephens recalled that when former Alderman Schirmer was elected to City Council, he was the youngest Alderman ever elected. He was twenty-eight, "My, how time has taken it toll," Councilmember Stephens observed.

Councilmember Stephens thanked his pastor, Pastor Counts, for his attendance at this meeting. Also he recognized the presence of two " oldtimers" and friends, Jack Budds and Jim Hardee.

The Mayor also recognized Mr. Jack Budds , the former City Controller, and Director of the Department of Administrative Services, and Mr. Jim Hardee, who for many years headed the City's Streets and Sidewalks Division and was an Engineering Inspector for the city. The Mayor welcomed them to this meeting.

The Mayor then announced with pleasure that the Government Finance Officers Association of the United States and Canada had presented an award of financial reporting achievement to Camille Potts, the City's Finance Director. He explained this was very prestigious award for excellence in financial reporting and added, the certificate of achievement was the highest form of recognition in governmental accounting and financial reporting. Its attainment represents a significant accomplishment by a government and its management, the Mayor said. At his invitation, Ms. Potts came forward to receive the award which, he said, brought honor not only to her but also to the City of Charleston. The Mayor praised Ms. Potts for the work that she renders to the city.

The Mayor informed City Council there were two bills up for second reading. The first one was to provide for the annexation of the property known as Daniel Island.

On motion of Councilmember Jefferson, the bill received second reading. It passed second reading on motion of Councilmember Richardson and third reading on motion of Councilmember Ader. On the further motion of Councilmember Thomas, the rules were suspended and the bill was immediately ratified as:

Ratification

Number 1991-25

AN ORDINANCE

TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS DANIEL ISLAND LOCATED IN BERKELEY COUNTY AND CHARLESTON COUNTY (TMS# 275-00-00-025 AND 275-00-00-044), TO THE CITY OF CHARLESTON AND TO MAKE IF A PART OF DISTRICT 4.

BE IT ORDAINED BY MAYOR AND THE 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 4 of the City of Charleston, to wit:

SAID PROPERTY to be annexed, Daniel Island lying partially in Berkeley County and Charleston County and designated by TMS# 275-00-00-025 and 275-00-00-044, on the Berkeley County Tax Maps and including public waters, lowlands and marshlands and any public streets, highways or rights-of-way, if any. All as shown on the amended map of the proposed annexation attached to the Petition

of the Harry Frank Guggenheim Foundation dated December 28, 1990 and executed February 21, 1991, which map is made a part of this ordinance.

Section 3.

This ordinance shall become effective upon ratification.

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Councilmember Gaillard abstained from voting on the above motions.

The Mayor stated that passage of the above-printed ordinance completed the Daniel Island annexation. He explained that a bill to annex Daniel Island received third reading and was ratified at City Council's February 22nd meeting. However, the City's attorneys felt, in an abundance of caution, since City Council had received another petition, that City Council should give the matter additional consideration and passage as one. He added that the previous annexation had already been referred to the City Planning and Zoning Commission and he felt it would be appropriate that the ordinance ratified this date be referred to the City Planning and Zoning Commission as well.

On motion of Councilmember Richardson, seconded by Councilmember Scott, City Council referred the bill to annex Daniel Island to the City Planning and Zoning Commission. Councilmember Gaillard abstained from voting on the motion.

Next, City Council considered a bill authorizing the execution of a quit claim deed on behalf of the City of Charleston for lands on Daniel Island which are the former spoil areas that were once a part of Charleston Harbor.

On motion of Councilmember Ader , the bill received second reading. It passed second reading on motion of Councilmember Stephens and third reading on motion of Councilmember Evans. On the further motion of Councilmember Jefferson the rules were suspended and the bill was immediately ratified as:

Ratification

Number 1991-26

AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE A QUIT CLAIM DEED ON BEHALF OF THE CITY OF CHARLESTON WITH THE HARRY FRANK GUGGENHEIM FOUNDATION ALL MARSHLAND AND HIGHLAND NOW OR HEREINAFTER EXISTING ON DANIEL ISLAND, BERKELEY COUNTY, IN WHICH THE GRANTOR MAY HAVE ANY INTEREST BY REASON OF THE PROVISION OF THE 1836 ACT OF THE SOUTH CAROLINA LEGISLATURE KNOWN AS ACT 2836, 7 SOUTH CAROLINA STATUTES AT LARGE, 151 WHICH WAS CODIFIED AS SECTION 47-1541, CODE OF LAWS OF SOUTH CAROLINA 1962.

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

Section 1. The Mayor is hereby authorized to execute a Quit Claim Deed on behalf of the City with the Harry Frank Guggenheim Foundation for the consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, all marshland and highland now or hereinafter existing on Daniel Island. Berkeley County in which the GRANTOR may have any interest by reason of the provisions of the 1836 act of the South Carolina legislature known as Act 2836, 7 South Carolina Statutes At Large, 151 which was codified as Section 47-1541, Code of Laws of South Carolina 1962, and identified as TMS# 275-00-00-044 and 275-00-00-025.

Section 2. This Ordinance shall become effective upon ratification.

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STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

QUIT-CLAIM DEED

WHEREAS, pursuant to the ordinance of the City Council of the City of Charleston duly adopted on \_\_\_\_\_, 1991 the undersigned officials of the City of Charleston are authorized to execute and deliver the within quitclaim deed:

KNOW ALL MEN BY THESE PRESENTS, that the CITY OF CHARLESTON, a municipal corporation of the State of South Carolina (the "GRANTOR"), in the State aforesaid, in consideration of the premises and also in consideration of the sum of TEN AND NO/100 (\$10,000) DOLLARS, to them, in hand paid at and before the sealing of these presents by THE HARRY FRANK GUGGENHEIM FOUNDATION (the "GRANTEE"), in the State aforesaid, the receipt whereof is hereby acknowledged, have remised, released and forever quit-claimed, and by these Presents do remise, release, and forever quit-claim unto the GRANTEE, its successors and assigns the following described property, to-wit:

ALL marshland and highland now or hereinafter existing on Daniel Island, Berkeley County in which the GRANTOR may have any interest by reason of the provisions of the 1836 act of the South Carolina legislature known as Act 2836, 7 South Carolina Statutes At Large, 151 which was codified as Section 47-1541, Code of Laws of South Carolina 1962.

TMS# 275-00-00-044 & 275-00-00-025

TOGETHER with all and singular, the Rights, Members, Hereditaments and Appurtenances to the said Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned unto the said GRANTEE, its Successors and Assigns forever, so that neither the GRANTOR, nor its Successors, nor any other person or persons, claiming under them, shall at any time hereafter, by any way or means, have, claim or demand any right or title to the aforesaid premises or appurtenances, or any part or parcel thereof, forever.

WITNESS the GRANTOR'S Hand and Seal, this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord one thousand nine hundred ninety one.

CITY OF CHARLESTON

Joseph P. Riley, Jr., Mayor

ATTEST:

Mary R. Wrixon, Clerk of Council

Councilmember Gaillard abstained from voting on the above stated motions.

Consideration was given next to the acceptance of B-C Land Company's petition signed by its President, Robert Rhett Knoth, in which the City was asked to annex Rodent Island (TMS# 272-00-00-001) consisting of approximately 990.0 acres.

The Mayor explained that Rodent Island was annexed to the City on February 22, 1991 (Ordinance No. 1991-16) and was included in the original petition to annex Daniel Island. He stated the City's attorneys felt, in an abundance of caution, that the City should re-annex Rodent Island. He expressed pride that the B-C Land Company and its President, Robert Knoth agreed to this annexation. He thanked Mr. Knoth and his family for submitting the annexation petition and stated that without Mr. Knoth's petition, the initial annexation of Daniel Island would not have been possible.

Councilmember Ader moved to accept B-C Land Company's annexation petition and for first reading to be given to the bill to annex Rodent Island. Councilmember Thomas seconded the motion. The motion carried. The following bill received first reading:

A BILL

TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS RODENT ISLAND (APPROXIMATELY 990.0 ACRES) (TMS# 272-00-00-001), IN BERKELEY COUNTY, TO THE CITY OF CHARLESTON AND TO MAKE IT PART OF DISTRICT 4.

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(3) Code of Laws of South Carolina provides for the annexation of an area of property which is contiguous to a City by filing with the municipal governing body a petition signed by all persons owning real estate in the area requesting annexation.
- b) The undersigned are 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 4 of the City of Charleston, to wit:

SAID PROPERTY is shown on the map attached hereto and encircled in red and is also known as Rodent Island (approximately 990.0 acres) to be annexed is identified by the Berkeley County Assessors Office as TMS# 272-00-00-001 and all public rights-of-way, creeks and waterways included in said area.

Section 3.

This ordinance shall become effective upon ratification.

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Councilmember Gaillard abstained from voting on the above motion.

No objection was expressed to the Mayor adding an item to the agenda. The Mayor explained that the Charleston Symphony has a proposal for an Armed Forces concert. He stated that the Charleston Symphony has had an extraordinary record in its sixty-plus years and it has recently expanded tremendously to the benefit of this region.

Currently, the Mayor stated, the Charleston Symphony is in financial straights. This is unusual for them, he said, and added that this was a combination of several things, not the least of which was the economy. He stated the City has been working with the Charleston Symphony, which has some tremendous financial needs.

The concert which the Charleston Symphony proposes will be a patriotic music concert at the McAlister Field House, The Citadel, on Saturday, March 16th, at 8:00 p.m.

The Mayor felt the needs of the Symphony are important to this community and therefore, recommended the City assist the Symphony. They have asked that the City and County of Charleston each contribute \$15,000. He stated there was unbudgeted money available in the Accommodations

Tax Fund that could be used for this purpose. This is a one-time special request, he added, and forty-five minutes ago County Council agreed to support this request, if the City was participating as well.

The Mayor believed the citizens of this community would enjoy the opportunity to have a concert of this nature and the Symphony would benefit greatly if the City could help them over this difficult hurdle.

Councilmember Stephens moved to approve the Charleston Symphony's request for a \$15,000 contribution from the City of Charleston, Councilmembers Jefferson and Gaillard seconded the motion.

Councilmember Shirley asked if admission to the concert would be free. The Mayor replied it would not, but it would be modest and the concert would be available to everyone. He believed the Symphony planned to charge \$2.

Councilmember Shirley felt the \$30,000 contribution from the City and County would go for other expenses in addition to the costs related to the mentioned patriotic concert. The Mayor replied that the \$30,000 would help in part for the concert and would also help them financially. He added that the Symphony was also going to seek financial assistance from other governments and if they could receive support from other communities, they might schedule a second concert on Sunday and have it in another part of the County.

In response to another question asked by Councilmember Shirley, the Mayor stated the City's \$15,000 contribution would come from the Accommodations Tax. He explained that the revenue the City receives from the Accommodations Tax varies. Early last year, he said, the revenue was down, however, receipts have picked up somewhat and there is some money in that account which the City did not expect to have.

Also in response to a question asked by Councilmember Shirley, the Mayor stated the County of Charleston has agreed to contribute \$15,000 to the Charleston Symphony.

Councilmember Ader asked if the money received from admissions to the concert would also be used to defray the cost of putting on the concert. Lewis Hudgins, Administrative Assistant, stated the original idea had been for the money made at the gate to go to a support network to assist those who had suffered casualties and their families. He believed the plans still were to submit the monies to the Trident Community Foundation or some other organization that was helping military families.

Councilmember Ader asked the Mayor if he did not feel that City Council would be opening Pandora's Box by contributing the requested additional funds to the Charleston Symphony. The Mayor replied that he did not.

Councilmember Ader expressed concern that the organizations which the City helps to support were all coming back seeking additional funds. The Mayor agreed that a lot of the organizations were coming back with requests for additional funds. He believed City Council was going to have to take the requests one at a time. He felt the Symphony had grown tremendously, with a good Board of Directors and felt it was reasonable to expect the Symphony would not be in this condition again any time soon. He felt theirs was a one-time problem which they were working extra hard to get on top of.

Councilmember Ader stated she had heard of a number of organizations that were coming back in for additional funds. Each one had their sympathy story, she said, and then asked where was City Council going to start drawing the line.

The Mayor pointed out that City Council had already drawn a lot of lines and the requests it received had to be handled on a case by case basis. He felt that in addition to the unusual situation in which the Symphony found itself and the pride in the community flowing from the bravery and courage of

our Armed Forces, most recently exhibited, had instilled a desire among the people to contribute to this source.

Also, the Mayor stated that the City would be working with the United Way and the Chamber of Commerce to try to put on a parade to recognize our Armed Forces, particularly those who served in the Persian Gulf. The tentative date of the parade was Sunday, April 7th, and it would give the community the opportunity to come out and pay respect to the men and women in the Armed Forces.

Councilmember Ader asked if there was any possible chance the City could give a special "welcome home" to the Nicholas when it comes in. This ship, she pointed out, played an active part in the Persian Gulf. The Mayor agreed this should be done, too, Councilmember Ader pointed out that not all of the ships stationed in Charleston would return at the same time. She suggested the City work with the Admiral on her proposal.

Howard R. Chapman, Director of the Traffic and Transportation Department, responded to Councilmember Ader's suggestion by saying that at the Mayor's request he had already made contact with the Admiral. The Admiral was working with the City on the issue of the exact dates of when the units would be coming back so the community could pay the members of the Armed Forces the proper respect.

Councilmember Shirley asked why the Symphony was not seeking additional funds from the City of North Charleston. The Mayor replied that they may well might. Councilmember Shirley felt if they did that, it would reduce the amount the City would have to contribute.

The Mayor's understanding was that the Symphony's goal was to raise \$75,000. He believed they would be asking other municipalities for contributions.

In response to a question asked by Councilmember Ader, Mr. Hudgins explained the Symphony had not planned to make the concert a profit maker. It had planned to ask for donations and since the money would be going to a fund to help military families, it was thought that everyone would want to contribute a dollar or two. This effort was a way to help the Symphony, to have a great patriotic program and to help military families all at the same time.

Councilmember Shirley asked how much the Symphony anticipated raising at the concert. It was estimated McAlister Field House can hold 5,000 to 6,000 and the concert could possibly raise \$10,000.

There was no further discussion on Councilmember Stephens' motion to contribute \$15,000 from the Accommodations Tax account to the Charleston Symphony. City Council voted on the motion. The motion carried.

Councilmember Thomas asked the Mayor to comment on a newspaper article that he read this morning on the State Ports Authority (SPA) and its intents on Daniel Island.

The Mayor stated his understanding was that what prompted the Ports Authority's actions was that the City of Charleston had begun the zoning process and they were afraid that might prevent them using areas that are currently being used for spoil on Daniel Island, and might limit their ability to use other lands on Daniel Island for spoil.

There are two spoil areas on Daniel Island, the Mayor said. An old one and a new one. The new one has 829 acres. Those are the ones that if one goes over the bridge, now look like they are in current or recent usage. Then, he said, there is a 711 acre tract that was a spoil area up until about twenty-five years ago when the SPA stopped using it.

The Mayor explained the Guggenheim Foundation would prefer the SPA to build a new terminal on Clutter Island, rather than having it put on Daniel Island. The Clutter Island area is currently a spoil area, so SPA would lose some area and would need land from the Navy, and the Navy would

lose a spoil area as well. So, he said, the SPA was concerned about protecting its need for spoil area well into the future, in order to maintain the harbor to a sufficient depth. That, the Mayor said, was what he understood. He added that he also understood the SPA and the Foundation would be meeting in a week or two.

On another matter, Councilmember Shirley stated that on a talk show this morning it had been suggested that flags be flown and one be placed underneath the Cooper River Bridge when the troops come in. He said he had talked to the host, Dan Moon, and mentioned to him that Charleston City Council had already unanimously adopted a resolution introduced by Councilmember Thomas, that American flags be placed on all City vehicles.

Councilmember Shirley asked when the flags would be installed on the City's vehicles. James W. Etheredge, Director of the Department of Administrative Services, replied the City's order of 3 X 5 decals of the American flag had been received. Mr. Hudgins stated the decals would be placed on the back windshield on the driver's side. Councilmember Ader asked that a decal be furnished to the Councilmembers.

Councilmember Scott reminded the members of the Committee on Traffic and Transportation that a meeting of that committee would be held immediately following this special meeting of City Council.

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

MARY R. WRIXON

Clerk of Council