

December 3, 1991

Regular Meeting, December 3, 1991

PROCEEDINGS OF COUNCIL

Regular meeting.

December 3, 1991.

The ninety-sixth meeting of the City Council of Charleston was held this date convening at 6:00 p.m. in City Hall.

A notice of this meeting and an agenda were mailed to the news media November 29, 1991. A notice of the meeting appeared in SATURDAY, November 30, 1991.

PRESENT

The Honorable Joseph P. Riley, Jr., Mayor, and Councilmembers Gaillard, Kinloch, Richardson, Scott, Ford, Evans, Ader, Shirley, Stephens and Thomas - 11.

The Mayor Informed City Council that Councilmember Christopher was in the hospital and Councilmember Jefferson's brother, who resides away from the City, was very ill and she was home awaiting a call on his condition. Depending on what she heard she would or would not be able to attend this evening's City Council meeting.

The meeting was opened with prayer by Councilmember Scott.

First on the agenda was a public hearing called for by the following advertisement which appeared in The Post and Courier, November 1 and 15, 1991 and in The Chronicle, November 20, 1991:

PUBLIC HEARING

The public hereby is advised that the City Council of Charleston will hold a public hearing at its meeting beginning at 6:00 p.m., Tuesday, December 3, 1991, in City Hall, 80 Broad Street, on the request that the Zoning Ordinance of the City of Charleston be changed in the following respects:

1) To rezone 469 Savannah Highway (TMS# 421-06-00-152) (4,500 sq. ft.) from Single-Family Residential (SR-2) to General Business (GB). The property is owned by Francis W. Cooke.

The Planning and Zoning Commission recommends denial.

2) To zone 2049, 2061 and 2039 Savannah Highway (TMS# 310-08-00-010, 014 and 020) (8.3 acres) General Business (GB) classification. The property is owned by Edens Shoppers Port Partners and was annexed September 24, 1991 (1991-116).

3) To zone 3688 Angel Oak Road (TMS# 279-00-00-116) (2.1 acres) (Angel Oak Park) Conservation (C) classification. The property is owned by the City of Charleston and was annexed October 8, 1991 (1991-122).

4) To zone 1977 Savannah Highway (TMS# 310-18-00-011) (4.9 acres) Business Park (BP) classification. The property is owned by American Storage Limited Partnership and was annexed October 8, 1991 (1991-123).

5) To zone 1747 Clark Hills Circle (TMS# 253-00-00-216) Single-Family Residential (SR-1) classification. The property is owned by Albert C. and Janice I. Knapp and was annexed March 19, 1991 (1991-28).

6) To zone 642 St. Andrews Boulevard (TMS# 418-15-00-266) (.5 acre) General Business (GB) Classification. The property is owned by TOC Retail, Inc. and was annexed September 9, 1991 (1991-

111) Interested parties are invited to attend and express their views. Extended presentations should be made in writing.

MARY R. WRIXON

Clerk of Council

The following is the City Planning and Zoning Commission's report relative to the public hearing matters:

TO THE MAYOR AND COUNCILMEMBERS,

THE CITY COUNCIL OF CHARLESTON:

The City Planning and Zoning Commission has studied the following requests and recommends the following:

REZONING

469 SAVANNAH HIGHWAY (TMS# 421-06-00-152) APP. NO. 9110-16-1 (4,500 SQUARE FEET)

Request a rezoning from SR-2 (Single-Family Residential) to GB (General Business). The property is owned by Francis W. Cooke.

RECOMMENDATION: Denial.

ZONINGS

2049, 2061 AND 2039 SAVANNAH HIGHWAY APP. NO. 9110-16-2 (TMS# 310-08-00-010, 014 AND 020) 8.3 ACRES

Request a zoning of GB (General Business). The property is owned by Eden Shoppers Port Partners. The property was annexed on September 24, 1991 and the County zoning was CC.

RECOMMENDATION: Approval.

3688 ANGEL OAK ROAD (TMS# 279-00-00-116) APP. NO. 9110-16-3, 2.1 ACRES (ANGEL OAK PARK)

Request a zoning of C (Conservation). The property is owned by the City of Charleston and was annexed October 8, 1991. The County zoning was AG.

RECOMMENDATION: Approval.

1977 SAVANNAH HIGHWAY (TMS# 310-18-00-011) APP. NO. 9110-16-4, 4.9 ACRES

Request a zoning of BP (Business Park). The property is owned by American Storage Limited Partnership and was annexed October 8, 1991. The County zoning was CG.

RECOMMENDATION: Approval.

1747 CLARK HILLS CIRCLE (TMS# 253-00-00-216) APP. NO. 919-18-4, 2.5 ACRES

Request a zoning of SR-1 (Single Family Residential). The property was annexed March 19, 1991-28) and is owned by Albert C. and Janice I. Knapp. Jr. The property was zoned RS-10 in the County.

RECOMMENDATION: Approval.

642 SAINT ANDREWS BOULEVARD (TMS# 418-15-00-266) APP. NO. 919-18-5, .5 ACRES

Request a zoning of GB (General Business). The property was annexed September 9, 1991 and is owned by TOC Retail, Incorporated. The property was zoned CC in the County.

RECOMMENDATION: Approval.

Yvonne Fortenberry, Director, Department of Planning and Urban Development, briefed City Council on the public hearing matters.

The first matter to be considered involved a request that 469 Savannah Highway (TMS# 421-06-00-152) be rezoned from SR-2 to GB classification. Ms. Fortenberry explained this property is located one house down from the corner of Wesley Drive and Savannah Highway. There is a residential structure on the property. The property is zoned SR-2. She passed around photographs of the structure so the members of City Council could see what the structure looks like. She noted the lot is small.

Ms. Fortenberry pointed out the property is adjacent to the Old Windermere Subdivision. To the east of the property is an area zoned General Business on which there is a night club. Across from it is the Eckerds shopping center. At the intersection of Wesley Drive and the Savannah Highway there is an Exxon station and an office building, for which City Council rezoned the property CT in 1985. Immediately to the west of this property is a residential structure that is used as a Guest House.

Ms. Fortenberry explained the applicant's request was a GB zoning classification. She stated the property is currently vacant, but the owner has anticipated leasing this property for a nail salon. The planning staff's recommendation was that this rezoning request be denied, based on the following reasons the Charleston 2000 Plan recommended that this area remain residential. It felt this area of the Savannah Highway was still a very viable residential community and should not be further eroded with additional commercial property.

Ms. Fortenberry agreed the lot was on a very busy highway, but stated there were several residential communities in the same situation. She noted there is a divided median in the highway (Savannah Highway) which made access to this particular property very difficult. The staff felt this was an even greater reason not to have a commercial business on this property. Also, because of its small size, she said it would be difficult to keep all of the trees on the property and to maintain the required parking. Rezoning the property would change the character of this particular neighborhood.

Ms. Fortenberry called attention to a copy of a resolution which City Council adopted in 1985 when the corner lot at Wesley Drive and Savannah Highway was rezoned. Basically, she said, in its resolution City Council resolved not to further rezone any of the Savannah Highway, Wesley Drive or Stocker Drive properties. City Council recognized that the integrity of the neighborhood was important and agreed no further rezonings would be supported.

For the above reasons, Ms. Fortenberry stated the planning staff and the City Planning and Zoning Commission recommended the rezoning request be denied.

Ms. Fortenberry proceeded to answer questions asked by the Councilmembers concerning this rezoning matter in response to a question asked by Councilmember Richardson, she estimated there are twenty residential properties within the particular triangular area in which the subject lot is located. She pointed out the lot is part of a much larger residential neighborhood.

Councilmember Richardson asked if "access" was discussed by the City Planning and Zoning Commission. Ms. Fortenberry replied that it was. She believed the owners had talked with the Highway Department about the possibility of a curb cut on the property. She was not sure that was something the City would support if the property got a commercial zoning. She added that anyone entering this property could only get to it going eastbound. One cannot turn in to it going west bound.

Councilmember Richardson asked if there was a lot of opposition to this rezoning request at the City Planning and Zoning Commission's meeting. Ms. Fortenberry replied there was neighborhood opposition from the old Windermere neighborhood and the Moreland neighborhood across the street.

Councilmember Shirley stated he had an opportunity to view this property which was for sale or for rent. He did not feel he would want to be living on the property now because it is overgrown and in "deplorable" condition. He felt if a nice business moved in and "dressed it up", the property would be nicer than it is now. He questioned who would want to have a home there. He pointed out the property is adjacent to what was a night club, cabaret or bar which was very popular several years ago and, he added, someone is probably going to come back in and start up a similar type operation there.

Councilmember Ford asked if a three-fourths vote of City Council would be required to rezone the property since the City Planning and Zoning Commission had recommended the rezoning request be denied. Ms. Fortenberry and the Mayor replied in the affirmative. Councilmember Ford pointed out that two Councilmembers were absent this evening. In response to another question asked by Councilmember Ford, Ms. Fortenberry stated the commission's vote on this rezoning request was seven to zero against the rezoning and three City Councilmembers serve on the commission.

No one present indicated a desire to speak in favor of this rezoning request. Col. Infinger representing the Moreland Civic Club said his civic club agreed 469 Savannah Highway should not be rezoned.

Councilmember Ford recalled Councilmember Shirley's description of the property and asked Col. Infinger if his civic club had taken into consideration the fact that the present structure on the property was in a dilapidated condition and had discussed a possible use of the property. Col. Infinger replied it had not. He proceeded to explain that Moreland Subdivision was not in the city and explained its long fight against rezoning properties along Savannah Highway. He stated the civic club is opposed to any interference with the residential nature of that particular area. Councilmember Ford asked if the civic club would continue to take this position even if it meant the property would continue to be dilapidated and run down. Col. Infinger replied he felt the owners of the property should be responsible for making improvements to their property.

Councilmember Shirley expressed concern over the condition of a small garage on the property. Because its windows were out and the door was open, he was concerned that anyone could go into the garage and sleep. He was surprised the civic club would be against the rezoning because the structure would make a nice dentist office, for example, which he felt would build up the integrity of the neighborhood rather than tear it down. He felt the property in its present condition was an eye sore.

Councilmember Richardson asked Col. Infinger what his personal opinion was on the condition of 469 Savannah Highway. Col. Infinger replied he was tired of looking at it.

Councilmember Ford asked Ms. Fortenberry if the City Planning and Zoning Commission had discussed with the owner his making repairs to the building. Ms. Fortenberry replied that her staff had not talked to the owner about repairs and the department felt strongly there should not be any type of commercial use on the property. The building, she said, is a nice building and if it were cleaned up, it would be a very attractive residence.

In response to a question asked by Councilmember Shirley, Ms. Fortenberry stated she had not been inside the building. The staff has been to the property and by the property. Councilmember Shirley said he had been inside of it and, while he is not a contractor, he felt it would take a considerable amount of money to fix it up.

Councilmember Ader stated she had been inside the building and disagreed with the property being rezoned because it was in a state of neglect.

Councilmember Ford felt it was unrealistic to think that Savannah Highway is not going to be commercial in the next five to ten years.

Councilmember Richardson asked if City Council were to grant the requested rezoning what kind of restrictions could City Council impose on the property so it is used as a nail salon which probably would operate from 9:00 a.m. to 5:00 p.m.

Ms. Fortenberry replied if the property was zoned GB a number of different businesses could go there with no restrictions on time. She pointed out that City Council could always propose a different zoning category (Limited Business, General Office or Commercial Transitional) but in the planning staff's opinion, 469 Savannah Highway should not be zoned any of those categories. She added that the City was trying to stay away from restrictive covenants being placed on properties.

Next, the Mayor read a letter from Mrs. Elizabeth B. Petit, 58 Folly Road, in which she expressed her opposition to the rezoning of 469 Savannah Highway.

No one else indicated a desire to speak against the requested rezoning of 469 Savannah Highway. The Mayor declared this portion of the public hearing concluded.

Councilmember Stephens moved to accept the City Planning and Zoning Commission's recommendation. Councilmember Evans seconded the motion.

Councilmember Ford asked Ms. Fortenberry if her staff had offered the owners of the property any suggestions on what uses would be allowed on the property under its current zoning. Ms. Fortenberry believed the real estate agent was the person who came in and talked to the staff about the application. The person who proposed to operate a nail salon on the property did not speak with the staff.

Councilmember Ford said he could understand the neighborhood's opposition to the rezoning, however, he did not believe they could be satisfied with the present condition of the structure.

Ms. Fortenberry replied that her department had not received any complaints about it and she was sure they would prefer to see it occupied residentially.

Councilmember Ford asked if the planning staff was in the habit of advising persons who come to them with an unsuitable plan for a current zoning and if there was a lesser zoning category that would be appropriate for this section of the Savannah Highway that the neighborhood could live with. Ms. Fortenberry replied in the negative.

Councilmember Evans stated that the owners of the property allowed the realtors to put a sign up in front of the building and it was a good time before the property was even up for rezoning. The sign advertised the property as commercial property even though the rezoning request had not yet gone before the City Planning and Zoning Commission. She felt it was a case of the owner trying to sell the property for the most money.

Councilmember Shirley said when he was on the property he was concerned over pulling in and out of the driveway. His problem with the property being commercial, he said, was that it only has one curb cut. He asked if City Council could take the position that the only way the property could be rezoned to General Business (GB) would be if it had two (2) curb cuts.

Ms. Fortenberry replied that regardless of the number of curb cuts, she did not believe the property should be zoned commercial. She questioned whether there should be two (2) curb cuts on the property as she would be concerned over adding more curb cuts in this very congested area.

Howard R. Chapman, Director, Department of Traffic and Transportation, pointed out that under the City's ordinances regarding access to properties, the property owner would have to get a variance because of the property's width. He added that the City's ordinances would take precedence over the State Highway Department's in that case.

City Council then voted on Councilmember Stephens' motion to deny the rezoning of 469 Savannah Highway. The motion carried by a vote of eight "Ayes", two "Nays" and one abstention. Councilmembers Richardson and Shirley voted "Nay" Councilmember Ford abstained from voting.

Next, City Council considered the matter of zoning 2049, 2061 and 2039 Savannah Highway (TMS# 310-08-00-010, 014 and 020) General Business (GB) classification. The Mayor pointed out there is a shopping center on this property.

Ms. Fortenberry added that this is the site of the Shoppers Port Shopping Center which is located at the intersection of Highway 17 (Savannah Highway) and Highway 7. On the site there is a bank and an auto parts business and it is immediately adjacent to other General Business properties and the future Mark Clark Expressway. The planning staff and the City Planning and Zoning Commission recommended it be zoned GB. The County's zoning on the property was commercial.

Councilmember Ford asked Ms. Fortenberry how many blocks on the Savannah Highway did the City plan to keep residential. She replied that basically the residential portion of Savannah Highway runs along Byrnes Downs, Old Windermere, South Windermere -- generally from the City's fire station at Savannah Highway and Nicholson Street east to the property that was previously discussed.

Councilmember Ford asked if both sides of the highway were in the City. Ms. Fortenberry replied that one side of the highway is in the City. Most of the property on the other side is in the County.

Reverting to the matter of zoning Shoppers Port, no further questions were asked by the Councilmembers. No member of the public indicated a desire to address City Council on this matter. The Mayor declared this portion of the public hearing concluded.

On motion of Councilmember Richardson, seconded by Councilmember Ader, City Council voted to adopt the City Planning and Zoning Commission's recommendation and give first reading to a bill to zone 2049, 2061 and 2039 General Business (GB) classification.

The following bill received first reading:

A BILL

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2049, 2061 AND 2039 SAVANNAH HIGHWAY (TMS# 310-08-00-010, 014 AND 020) (8.3 ACRES), ANNEXED INTO THE CITY OF CHARLESTON SEPTEMBER 24, 1991 (#1991-116), 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 zone map thereof so that the below described properties shall become a part thereof.

2049, 2061 and 2039 Savannah Highway (TMS# 310-08-00-010, 014 and 020) (8.3 acres).

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

Section 3. This ordinance shall become effective upon ratification.

Consideration was given next to zoning 3688 Angel Oak Road (TMS# 279-00-00-116) (Angel Oak Park) Conservation classification.

Ms. Fortenberry explained this property was zoned AG in the County and is surrounded by the Comprehensive Care property on which there is a nursing center. Across from Angel Oak Park, she

said, is agricultural land and some residential. The planning staff and the City Planning and Zoning Commission recommend approval of the Conservation (C) zoning for 3688 Angel Oak Road.

Councilmember Gaillard asked if the City operates a gift shop on this property and if so, would the gift shop become a non-conforming use.

Ms. Fortenberry replied that the gift shop comes as part of a park operation and the planning staff would consider the park as the primary use, so the gift shop would be allowed use on the park.

No questions were asked by the Councilmembers. No member of the public indicated a desire to address City Council on this zoning matter. The Mayor declared this portion of the public hearing concluded.

On motion of Councilmember Scott, seconded by Councilmember Richardson, City Council voted to adopt the City Planning and Zoning Commission's recommendation and give first reading to a bill to zone 3688 Angel Park Road "C" classification.

The following bill received first reading:

A BILL

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 3688 ANGEL OAK ROAD (TMS# 279-00-00-116) (2.1 ACRES) (ANGEL OAK PARK), ANNEXED INTO THE CITY OF CHARLESTON OCTOBER 8, 1991 (#1991-122), BE ZONED 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 zone map thereof so that the below described property shall become a part thereof 3688 Angel Oak Road (TMS# 279-00-00-116) (2.1 acres) (Angel Oak Park).

Section 2. That the said parcel of land described above shall be zoned Conservation (C) classification.

Section 3. This ordinance shall become effective upon ratification.

Next, City Council considered zoning 1977 Savannah Highway (TMS# 310-18-00-011) Business Park (BP) classification.

Ms. Fortenberry explained this is the location of a mini-storage development (American Storage). The property is immediately next to an automobile dealership and a bowling alley, near Shoppers Port. It was zoned commercial in the County, she said, and because of the mini-warehouse, the property would have to be BP. The Staff and the City Planning and Zoning Commission recommended it be so zoned.

No questions were asked by the Councilmembers. No member of the public indicated a desire to address City Council on this zoning matter. The Mayor declared this portion of the public hearing concluded.

On motion of Councilmember Jefferson, seconded by Councilmember Stephens. City Council voted to adopt the City Planning and Zoning Commission's recommendation and to zone 1977 Savannah Highway BP classification.

The following bill received first reading:

A BILL

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1977 SAVANNAH HIGHWAY (TMS# 310-18-00-011) (4.9 ACRES) ANNEXED INTO THE CITY OF CHARLESTON OCTOBER 8, 1991 (# 1991-123), BE ZONED BUSINESS PARK (BP) 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 that the below described property shall become a part thereof: 1977 Savannah Highway (TMS# 310-18-00-011) (4.9 acres).

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

Section 3. This ordinance shall become effective upon ratification.

The matter of zoning 1747 Clark Hills Circle (TMS# 253-00-00-216) SR-1 classification was considered next.

Ms. Fortenberry explained this property is a residential site in the Churchill Landing Subdivision on Johns Island just off Main Road. It was zoned RS-10 in the County. The planning staff and the City Planning and Zoning Commission recommended it be zoned SR-1.

No questions were asked by the Councilmembers. No member of the public indicated a desire to address City Council on this zoning matter. The Mayor declared this portion of the public hearing concluded.

Councilmember Stephens moved for adoption of the City Planning and Zoning Commission's recommendation and for the bill zoning this property to be given first reading. Councilmember Kinloch seconded the motion. The motion carried.

The following bill received first reading:

A BILL

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1747 CLARK HILLS CIRCLE (TMS# 253-00-00-216), ANNEXED INTO THE CITY OF CHARLESTON MARCH 19, 1991 (#1991-28). 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 zone map thereof so that the below described property shall become a part thereof:

1747 Clark Hills Circle (TMS# 253-00-00-216)

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.

The last item on the public hearing was the matter of zoning 642 St. Andrews Boulevard (TMS# 418-15-00-266) GB classification.

Ms. Fortenberry explained this is commercial property located at the corner of South Colony Drive and St. Andrews Boulevard. It is in an area that is primarily zoned for commercial and general office with a residential area to the south. There is a Majik Mart on this site and it was zoned commercial in the County. The planning staff and the City Planning and Zoning Commission recommended it be zoned General Business (GB) classification.

No questions were asked by the Councilmembers. No member of the public indicated a desire to speak on this zoning matter. The Mayor declared the public hearing concluded.

On motion of Councilmember Richardson, seconded by Councilmember Thomas, City Council voted to adopt the City Planning and Zoning Commission's recommendation and to give first reading to a bill to zone 642 St. Andrews Boulevard GB classification. The following bill received first reading:

A BILL

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 642 ST. ANDREWS BOULEVARD (TMS# 418-15-00-266) (.5 ACRE), ANNEXED INTO THE CITY OF CHARLESTON SEPTEMBER 9, 1991 (# 1991-111), 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 zone map thereof so that the below described property shall become a part thereof:

642 St. Andrews Boulevard (TMS# 418-15-00-266) (.5 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.

The Citizen Participation Period followed. The Mayor noted the presence of Councilmembers-Elect Ligure Ellington and Maurice Washington and welcomed them to this meeting.

Mark Knapp addressed City Council during this portion of the meeting. Mr. Knapp stated he attended the Committee on Ways and Means' meeting the previous week when the bond issue for the Commissioners of Public Works (CPW) was considered and discussed. Following the meeting he did some research and felt he had arrived at some questions that the members of City Council should have answered.

In his remarks, Mr. Knapp stated that city taxes on a \$100,000 home is \$540. The average CPW bill is \$45.00 a month or \$540 a year. He felt there was a lack of interest on the CPW bond issue on the part of City Council.

He expressed concern that the CPW had not accompanied its request with an item-by-item breakdown on how the bond money would be spent. He recalled a Councilmember asking at the said meeting where the impact money goes. He explained "when the impact first came on the scene" in the early 1980's his understanding was that the impact fees would go to improve the facilities as new developments came in. He asked where does the money go. He felt the answer that was given the previous week was that it goes into the general coffers. The Mayor stated this was incorrect. Mr. Knapp said this was something he needed to find out. He asked if it was designated to go to the bonds for capital improvements.

Mr. Knapp continued by questioning the design of a trunk main that started in North Charleston, went across the Ashley River, through Maryville, across the Intercostal Waterway to a new water tank in Stiles Point. He felt a better design would have been for the trunk main to go through the

Clemson Experimental Station area. He continued by questioning the designs and plans of other CPW projects.

Mr. Knapp had questions concerning the \$220,000,000 bond issue. He did not have a problem with the CPW financing its bonds. The problem he had was with the future capital improvements. He did not have a problem, he said, with \$17 million for the Foster Creek Tunnel project. On the other hand, he did have problems with adding the capacity of the Foster Creek Pump Station (\$3 million). He was unprepared to comment on the Fenwick Hall project.

He stated he has been told that the Santee Cooper Consortium is due to be on line September, 1994 and when it occurs, he said, the CPW is going to lose three clients: Berkeley County Water and Sewer, Summerville CPW and Goose Creek. He questioned why the CPW should add to its system's capacity when it was about to lose, he guessed between 5% and 10% of their volume in 1994. He asked why the Charleston CPW was not signing on.

Mr. Knapp understood also that the City of North Charleston is looking at buying its water lines. He estimated the City of North Charleston accounts for 50% of the CPW's usage per day.

His concern was that the CPW was looking at "serious capacity increases" in its Hanahan water plant and at the same time it was looking at a 30% to 70% loss in revenue.

He suggested that the CPW separate its refunding from its capital projects until it sees what North Charleston does. He questioned whether \$27,770,000 of the CPW's capital budget was needed and asked that there not be a major white elephant sitting up in Hanahan" -- Hanahan's pump station producing 100 million gallons of water a day with no place to go.

Mr. Knapp said he could see CPW's rates "sky rocketing" and the majority of people in Charleston cannot afford it. He asked City Council to separate this issue and take a hard look at the information he had provided. He said he planned to go to CPW meetings and ask these questions.

Councilmember Shirley asked Mr. Knapp what his occupation is, Mr. Knapp replied he used to be a water and sewer contractor.

Councilmember Ford asked Steve Kinard, Manager of the Commissioners of Public Works to respond to Mr. Knapp's statements. The Mayor felt the appropriate time for Mr. Kinard to answer City Council's questions was when the bonds came up on the agenda.

Next, City Council heard from Mrs. Jane Theiling, who introduced herself as a candidate for County Council to fill the unexpired term of Betsy Kerrison.

No one else indicated a desire to address City Council during the Citizen Participation Period. The Mayor declared this portion of the meeting concluded.

The minutes of City Council's November 12, 1991 meeting were approved on motion of Councilmember Scott. City Council considered Ligature, Inc.'s request for a color transparency of the City Seal. Ligature explained it was working on a grade 12 government textbook entitled U.S. Government: Democracy in Action and it would like a picture of the city seal to appear inside the book in an editorial feature on U.S. cities.

Councilmember Thomas asked what was involved with sending Ligature a transparency and whether or not the City wanted it returned.

After a brief discussion, City Council agreed to take no action on Ligature's request until its next meeting and asked that Council Chamber Hostess, Lynda Heffley, be asked to give an explanation of the City's policy on approving requests for transparencies.

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 recommends that City Council act on the following matters as stated below:

1) PURCHASE OF PLANT MATERIAL FOR CYPRESS GARDENS: The Committee on Ways and Means has approved the Director of the Department of Administrative Services request for authorization to purchase replacement plant materials for Cypress Gardens. The Manager of Cypress Gardens has not selected the exact varieties of species of plant material yet because availability often changes. She has requested, however, that there be an open purchase order, with a spending cap based on the approved DSR amounts for this activity.

The plant material to be purchased will be azaleas, shrubs and trees based on the best bids from one of the following vendors; Brownswood Road Nursery, Tom Dodd Carolina, E. G. and Company, Wildwood Nurseries and Cherry Lake Tree Farms.

The committee recommends that City Council endorse the committee's action in this matter and authorize the Mayor to execute the necessary instruments to purchase the subject plant materials for Cypress Gardens.

2) GEORGE M. LOCKWOOD MUNICIPAL MARINA - MASTER PLAN PREPARATION AND PERMITTING: The Public Service Department received a proposal from Moffatt and Nichol for completion of the Lockwood Municipal Marina Master Plan and all associated permit applications. The cost for this consultant work is \$68,000. Approval of this contract will allow the department to have everything in place including permitting and necessary approvals for the renovation of the Marina. The department has reviewed the proposal and found it to be in order. Based on the department's recommendation, the Committee on Ways and Means recommends that the City enter into an agreement with Moffatt and Nichol for this work and that the Mayor be authorized to execute the agreement on the City's behalf. Funds for this expenditure will come from line item 380-5265.

3) REVISED FEE SCHEDULE FOR THE DEPARTMENT OF PLANNING AND URBAN DEVELOPMENT: The Department of Planning and Urban Development submitted a proposed fee schedule for review and approval. The proposed fee increases reflect the increased advertising and staff costs for providing these services. Also, several new fees have been added to account for newly adopted ordinances. The fee schedule was last revised and approved by City Council in January of 1988. The planning staff estimates that the proposed fees will generate a 15% increase in total revenues in 1992 for the department. Based on the staff's recommendation, the Committee on Ways and Means recommends that City Council approve the Planning Department's proposed fee schedule and that it become effective January 1, 1992.

4) REVISED FEE SCHEDULE FOR BUILDING PERMITS: The Department of Public Service has submitted a revised fee schedule for Building Permits as published and approved by Southern Building Code Congress International (SBCCI). After comparing this fee schedule to the fees charged by other jurisdictions in the State, the Director of the Public Service Department has recommended that the City of Charleston implement this fee schedule effective January 1, 1992. The Committee on Ways and Means recommends that City Council adopt the Director's recommendation.

5) CONTRACTORS AND GAS INSTALLERS TO DISPLAY A LICENSE IDENTIFICATION DECAL ON ALL WORK VEHICLES: The Committee on Public Works and Utilities has submitted a proposed ordinance which would require the display of a license identification decal on all work vehicles of general contractors, electrical contractors, roofing contractors, master plumbers, plumbing contractors, HVAC contractors, and gas installers; and to amend Section 7-27 of the City Code to provide for building permit schedule changes. Based on the committee's recommendation, the Committee on Ways and Means recommends that City Council give the bill first reading this evening and ratify it the earliest date feasible.

6) EASEMENTS AT MUNICIPAL GOLF COURSE: At a joint meeting of the committees on Real Estate and Public Works and Utilities approval was given to the City granting two easements at the Municipal Golf Course. The easement requests were from the following:

(a) the Commissioners of Public Works which asked permission to install and maintain a six-inch water line from the water tank on the Golf Course on the 8th green back to the new maintenance building and fire hydrant., This new service line will service the area behind the golf course and will improve water service to an adjacent subdivision.

(b) Southern Bell which is planning installation of new and expanded telecommunication services within the James Island area. Southern Bell's request was that the City grant it a 25-foot by 25-foot easement at the northwest corner of the intersection of Swinton Street and Riverland Drive, also described as the southeast corner of Hole No. 17 of the Municipal Golf Course. The committees' approval of Southern Bell's request was with the proviso that Southern Bell pay the City a minimum of \$625 (\$1.00 per square foot) for the easement and that it landscape the area. The Committee on Ways and Means endorses the action taken by the joint committees. It recommends that City Council do likewise and that it authorize the Mayor to execute the easements on the City's behalf.

7) USE OF PORTION OF 14 GEORGE STREET FOR A "STAGING AREA" BY THOMAS BLAZER, MENOTTI STREET DEVELOPER: The Committee on Real Estate considered Thomas Blazer's request for permission to use a portion of 14 George Street as a "staging area" while his development on Menotti Street is under construction. The area to be used as a staging area will be south of and adjacent to Mr. Blazer's development. Based on the committee's recommendation, the Committee on Ways and Means recommends that the City lease the subject space at 14 George Street to Mr. Blazer for the sum of \$1,00 for the period commencing January 1, 1992 through December 31, 1993 or upon the completion of the construction of his project, whichever is sooner. The committee submits herewith a bill authorizing the Mayor to execute the necessary documents so that the City may lease the subject area to Mr. Blazer. It recommends that the bill be ratified the earliest date feasible.

8) ACCEPTANCE OF HEALTHSOURCE, INC.'S BID TO PROVIDE HEALTH INSURANCE TO CITY EMPLOYEES: The Human Resources Committee received bids from eight (8) insurance companies to provide health insurance to City employees. After due deliberations, the committee has recommended that the City accept Healthsource, Inc.'s bid. In addition to providing good health insurance coverage to City employees, acceptance of Healthsource's bid will result in a considerable savings for the City. The Committee on Ways and Means recommends that City Council accept Healthsource's bid and authorize the Mayor to execute a contract with this company on the City's behalf.

9) AMENDMENT TO 1992 BUSINESS LICENSE ORDINANCE: The Business License Committee has met further with the Restaurant Association on the latter's request that the City reduce the business license fee which it charges restaurants that remain open and sell alcoholic beverages after midnight. After considerable discussion on this request, the License Committee has recommended that:

(a) Restaurants which do not sell beer, wine or alcoholic beverages remain under a Class 2 license;

(b) Restaurants which derive thirty-five (35%) percent or more of their gross income from the sale of beer, wine and/or alcoholic beverages and close on or before midnight be classified under Class 2; and,

(c) Restaurants which derive thirty-four (34%) percent or less of their gross income from the sale of beer, wine and/or alcoholic beverages and are open after midnight be charged a twenty (20%) percent higher rate than those restaurants in Class 2 and that they be classified under a newly created SIC number 7-5813(b); and,

(d) Night Clubs, Cabarets, Taverns, Restaurants and other similar establishments which sell or serve beer or wine or permit the consumption of alcoholic beverages on the premises after midnight and

which derive thirty-five (35%) or more of their gross income from the sale of beer, wine and/or alcoholic beverages be placed under a newly created SIC number 7-5813(a).

The Committee on Ways and Means recommends that City Council adopt the License Committee's recommendation, that it give first reading this evening to a bill to amend the 1992 Business License Ordinance as stated above and that the bill be ratified the earliest date feasible.

10) REMOVAL OF ASBESTOS FROM JAMES ISLAND RECREATION CENTER -- CHANGE ORDER NO. 1: The Parks Director has asked for approval of Change Order No. 1 for the subject project for the amount of \$17,181.00. The bulk this Change Order (\$14,212.00) covers the actual cost for asbestos removal by Falcon Associates. This was the lowest of three bids solicited by the General Contractor for this work. An additional \$705.00 reflects the fee from Coastal Engineering Consultants for sample testing and the generation of asbestos removal specifications. The remaining \$700.00 is the lost value of the existing metal roof panels damaged during the removal operation. The General Contractor had planned to salvage these panels for resale. The Parks Department evaluated these costs and believes them to be fair and reasonable.

Based on the department's recommendation, the Committee on Ways and Means recommends that City Council approve Change Order No. 1 and authorize the Mayor to execute it on the City's behalf. Funds to cover this expense will come from the James Island Recreation Center fund.

11) SOUTH CAROLINA 61 EXPRESSWAY AGREEMENT: The Committee on Ways and Means has approved the three-party agreement between the State of South Carolina Department of Highways and Public Transportation, Charleston County and the City of Charleston to coordinate the construction of the SC 61 Expressway. The committee submits herewith a copy of the proposed agreement and recommends that City Council approve it and authorize the Mayor to execute it on its behalf.

W.L. STEPHENS, JR., Chairman

W. FOSTER GAILLARD

JEROME KINLOCH

DANIEL L. RICHARDSON

BRENDA C. SCOTT

ROBERT FORD

YVONNE D. EVANS

MARY R. ADER

LARRY D. SHIRLEY

JOHN D. THOMAS, MD

JOSEPH P. RILEY, JR., Mayor

The following fee schedule was approved on motion of Councilmember Evans:

CITY OF CHARLESTON - DEPARTMENT OF PLANNING AND URBAN
DEVELOPMENT PROPOSED FEE SCHEDULE EFFECTIVE JANUARY 1, 1992

() Parenthesis indicate current fee

Planning and Zoning

Commission

Rezoning \$75 + \$5 per acre of highland
 (75/lot + 5/acre of highland)

Subdivision

Minor \$30 + \$10 per lot (25 +
5/lot)

Preliminary

75 (50)

100 (75)

125 (100)

> 100 150 (150)

Final Subdivision 10 per lot (5/lot)

Planned Unit Development

Conceptual 0

Master Plan 75 + 1 per highland acre

Major Amendments 75

Board of Architectural Review

Demolition

Minor \$50 (50)

Major 150 (75)

Repairs & Alterations

25 (15)

50 (25)

> \$15,000 75 (50)

Repairs greater than \$50,000
use new construction fee
schedule

New Construction

75 (50)

100 (75)

125 (75)

250 (100)

> \$1,000,000 375 (250)

Paint Color Change 15 (10)

Awning 25 (15)

Appeal of Staff Daniel 50 (50)

Boards of Adjustment

Variations - residential
property with 5 units or less

Setbacks \$30 (25)

Other (except use variance) 40 (35)

Variations - non-residential and
residential property with 6 or
more units (except use
variance)

75 (50)

100 (75)

150 (75)

> \$1,000,000 200 (75)

Use Variance 100 (50)

Special Exception 50 (50)

Appeal or Reconsideration 100 (50)

Property Line Adjustment 30 (25)

Other BOA Reviews 50 (50)

Technical Review Committee

Preliminary review (one-time fee)

Minor & Intermediate \$50 (50)

Major 75 (75)

Final review (charged for each submittal)

Minor 50 (50)

Intermediate 75 (75)

Major 100 (100)

Planned unit development

Site plan 100

Master phasing plan 100

Miscellaneous Fees

Bed and Breakfast \$100 (50)

Sign Permits

25 (15)

> 75 square feet of total sign 50 (15)

area

Notes

*For applications with more than one request, total fee shall be calculated using the largest fee plus \$10 per additional request.

*Fees shall be doubled for after-the-fact requests.

*Nonprofit affordable housing agencies shall be exempt from paying fees.

*All special meetings require a \$200 (100) fee in addition to the application fee.

The following fee schedule was approved on motion of Councilmember Richardson:

APPENDIX B

RECOMMENDED SCHEDULE OF PERMIT FEES B101 PERMIT FEES

Total Valuation Fee

\$1000.00 and less No fee, unless inspection required, in which case a \$15.00 fee for each inspection shall be charged.

\$1001.00 to \$50,000.00 \$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$50,000.00.

\$50,001.00 to \$100,000.00 \$260.00 for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof, to and including \$100,000.00.

\$100,001.00 to \$500,000.00 \$460.00 for the first \$100,000.00 plus \$3.00 for each additional thousand or fraction thereof, to and including \$500,000.00.

\$500,001.00 and up \$1660.00 for the first \$500,000.00 plus \$2.00 for each additional thousand or fraction thereof.

B102 MOVING FEE

For moving of any building structure, the fee shall be \$100,00

B103 DEMOLITION FEE

For the demolition of any building or structures, the fee shall be:

0-100,000 cu ft. \$50.00

100,000 cu ft. and over \$0.50 / 1,000 cu ft.

B104 PENALTIES

Where work for which a permit is required by this Code is started or proceeded prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

B105 PLAN-CHECKING FEES

When the valuation of the proposed construction exceeds \$1000.00 and a plan is required to be submitted by 103.2 a plan-checking fee shall be paid to the Building Official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be equal to one-half of the building permit fee as set forth in 103.7.4. Such plan-checking fee is in addition to the building permit fee.

The report was adopted on motion of Councilmember Stephens.

The following bill received first reading and was ordered for a public hearing at City Council's December 10, 1991 meeting.

A BILL

TO REQUIRE THE DISPLAY OF A LICENSE IDENTIFICATION DECAL ON ALL WORK VEHICLES OF GENERAL CONTRACTORS, ELECTRICAL CONTRACTORS, ROOFING CONTRACTORS, MASTER PLUMBERS, PLUMBING CONTRACTORS, HVAC CONTRACTORS, AND GAS INSTALLERS; AND TO AMEND SECTION 7-27 OF THE CODE OF THE CITY OF CHARLESTON TO PROVIDE FOR BUILDING PERMIT SCHEDULE CHANGES.

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

Section 1. The Code of the City of Charleston is hereby amended by adding a new Section 7-14 concerning general contractor license identification decal display requirements which Section 7-14 shall read as follows:

Section 7-14-General Contractor License Identification Decal Display Requirements

General Contractor license holders shall display a current license identification decal issued by the Charleston County Building Inspection Department or the City of Charleston Building Inspection Department. This decal shall be displayed on the left front door of all work vehicles of the said license holders.

Section 2. The Code of the City of Charleston is hereby amended by adding a new section 12-39 concerning electrical contractor license identification decal display requirements, which Section 12-39 shall read as follows:

Section 12-39-Electrical Contractor License Identification Decal Display Requirements.

Electrical Contractor license holders shall display a current license identification decal issued by the Charleston County Building Inspection Department or the City of Charleston Building Inspection Department. This decal shall be displayed on the left front door of all work vehicles of said license holders.

Section 3. The Code of the City of Charleston is hereby amended by adding a new Section 7-144 concerning Master Plumber, Plumbing Contractor, HVAC Contractor, and Gas Installer license identification decal display requirements, which Section 7-144 shall read as follows:

Section 7-144-Master Plumber, Plumbing Contractor HVAC Contractor and Gas Installer License Identification Decal Display Requirements.

Master Plumber, Plumbing Contractor, HVAC Contractor and Gas Installer license holders shall display a current license identification decal issued by the Charleston County Building Inspection Department or the City of Charleston Building Inspection Department. This decal shall be displayed on the left front door of all work vehicles of the said license holders.

Section 4. The Code of the City of Charleston is hereby amended by adding thereto a new article VIII and a new Section 7-196 therein, which Article and Section shall read as follows:

Article VIII-Roofing

Section 7-196-Roofing Contract or License Identification Decal Display Requirements.

Roofing Contractor license holders shall display a current license identification decal issued by the Charleston County Building Inspection Department of the City of Charleston Building Inspection Department. This decal shall be displayed on the left front door of all work vehicles of the said license holders.

Section 5. The Code of the City of Charleston is hereby amended by adding a sentence to Section 7-27(b) under the sub-heading "Fees", such that Section 7-27, paragraph (b) under the heading "Fees" shall read as follows:

(b) Where work for which a permit is required by this Code is started or proceeded with prior to obtaining such permit, the fees herein specified shall be double but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein. If there would have been no other fee based on the value of construction and the work started prior to obtaining a permit, the minimal fee for the permit shall be \$15.00.

Section 6. The Code of the City of Charleston is hereby amended by deleting Sections 7-27(c) under the sub-heading "Fees" and substituting in its place and stead the following Section 7-27(c), under the sub-heading "Fees", which Section shall read follows:

(c) On all buildings, structures, or alterations requiring a building permit, as set forth in Section A 103.1, fees shall be paid as required at the time of filing application, on a per building basis, except that no fee shall be charged to a home owner who complies with the following conditions:

- (i) the homeowner intends to do all work himself;
- (ii) all work is to be done on the homeowner's dwelling;
- (iii) the total valuation of the work to be done is \$1,000.00 or less;
- (iv) no structural changes are involved;
- (v) no inspection is required; and
- (vi) the work not started or proceeded with prior to obtaining a permit.

A homeowner who complies with these provisions may obtain a Courtesy Permit from the Building Inspector. It shall be unlawful for the homeowner to give false information to obtain a Courtesy Permit. This exception shall not be construed to exempt a homeowner from complying with zoning regulations. All other persons must pay fees in accordance with the schedule established from time to time by the City Council.

Section 7. This Ordinance shall become effective on January 1992.

The following bill received first reading.

A BILL

AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS, LEASING TO THOMAS BLAZER THAT CERTAIN PIECE OF PROPERTY OWNED BY THE CITY, MORE FULLY DEPICTED ON EXHIBIT "A", ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN, IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, FOR THE PURPOSE OF A CONSTRUCTION STAGING AREA.

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

Section 1. The Mayor is hereby authorized to execute the necessary documents attached hereto, leasing to Thomas Blazer that certain piece of property owned by the City, more fully depicted on Exhibit "A", attached hereto and incorporated by reference herein, in the City and County of Charleston, State of South Carolina, for the purpose of a construction staging area.

Section 2. This Ordinance shall become effective upon ratification.

STATE OF SOUTH CAROLINA)

COUNTY OF CHARLESTON)

AGREEMENT

AGREEMENT concluded this _____ day of _____, 1991, by and between the City of Charleston, South Carolina, a municipal corporation (hereinafter the "City") and Thomas Blazer, (hereinafter referred to as the "Developer")

WITNESSETH:

For the sum of One and No/100 (\$1.00) Dollar and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Artist agree as follows:

1. The City agrees to allow the Developer the use of a staging area more fully shown on Exhibit A, attached hereto and incorporated by reference herein, for the purpose of construction need at 101 Anson Street.

2. TERM:

The term of this Agreement shall commence on _____ and expire on _____, 1993 or upon the completion of construction, whichever is sooner.

3. CONDITION:

The Developer agrees to keep the staging area in a neat and clean condition at all times during the term of this Agreement.

4. FENCE:

The Developer agrees to erect and maintain a fence separating the staging area from Lot 1 depicted on Exhibit A.

5. VEHICULAR ACCESS:

Developer agrees that all vehicular access to the staging area shall be via Anson Street and not George Street Vehicular access shall therefore be confined to ingress and egress from Anson Street.

6. INDEMNIFICATION:

The Developer agrees to indemnify the City against personal injury and property damage for claims arising from the use of the said staging area, Anson Street parking area and related rights-of-way.

CITY OF CHARLESTON

By: _____

Its: _____

By: _____

Its: _____

The following fee schedule was approved on motion of Councilmember Shirley:

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:

PIN No: 1476

File No: 10,195A

Project No: MAF-016(83)

AGREEMENT BETWEEN SOUTH CAROLINA DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

AND

CHARLESTON COUNTY

AND

CITY OF CHARLESTON

THIS THREE PARTY AGREEMENT is made and entered into this _____ day of _____, 199_____, by and between the SOUTH CAROLINA DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION, hereinafter designated as the DEPARTMENT, the COUNTY OF CHARLESTON, hereinafter designated as the COUNTY, and the CITY OF CHARLESTON, hereinafter designated as the CITY.

WITNESSETH that:

GENERAL RECITALS:

WHEREAS, the Charleston County Delegation has requested the DEPARTMENT, COUNTY and CITY to work together in the construction of the S.C. Route 61 Expressway (hereinafter referred to as EXPRESSWAY) to better serve the public safety needs; and,

WHEREAS, the parties hereto have agreed to the request of the Charleston County Delegation; and,

WHEREAS, the COUNTY and CITY are bodies politic with all the rights and privileges of such, including the power to enter into contract as necessary; and,

WHEREAS, the DEPARTMENT is an agency of the State of South Carolina with the duty to build and maintain public highways and the authority to enter into contracts necessary for the proper discharge of its functions and duties.

NOW THEREFORE, in consideration of the above recited promises and mutual agreements contained herein, the DEPARTMENT, COUNTY and CITY agree each with the other as follows:

I. PROJECT DESCRIPTION:

The project consists of the design and construction to DEPARTMENT standards of the EXPRESSWAY from Magwood Road (S-1863) to Bees Ferry Road, S-57.

The project is defined as follows:

Phase I: Design and construction to DEPARTMENT standards of a four (4) lane road from Bees Ferry Road (S-57) to Magwood Road (S-1863) for an inclusive distance of approximately 2.5 miles. Also included is the construction of turn lanes at the intersection of Bees Ferry Road and S.C. Route 61. Exhibit A, attached hereto and specifically made a part of this Agreement represents a map of the Phase I project area.

II DEPARTMENT WILL:

- a. Provide its share of the costs for this project as more specifically set out below under Section V FUNDING.
- b. Be responsible for the physical location and establishment of grades and alignment for the project.
- c. Perform all surveys and sub-surface foundation investigation necessary for the project.
- d. Prepare and submit all necessary permits, both Federal and State, as may be necessary to construct the project.
- e. Prepare and secure approval of the environmental assessment and location and design study report from the appropriate agency as may be necessary for the project.
- f. Advertise for and conduct any public hearing considered by the DEPARTMENT to be necessary.
- g. Be responsible for the preparation of preliminary, right-of-way and construction plans, special provisions and specifications.
- h. Prepare and submit the necessary railroad agreements required to cross the RAILROAD rights-of-way.
- i. Be responsible for the checking of all shop plans necessary for the project.
- j. Arrange with the applicable utility companies to make any necessary changes in their facilities when such would be affected by the construction of the project or interfere therewith.
- k. Advertise and award the construction contract to the lowest responsive and responsible bidder, and administer the contract, including engineering inspection during construction of the project. The award of the construction contract may be made within 60 days of receipt of bid.
- l. Perform all testing of materials for the project.
- m. Handle all claims in accordance with established DEPARTMENT procedures.
- n. Arrange for and conduct a final inspection of the completed project with the COUNTY and CITY to determine whether all work has been performed in accordance with contractual requirements and secure written concurrence from the COUNTY and CITY prior to notifying the contractor of the acceptance of the project.
- o. Upon completion and acceptance of all work provided under the terms of the contract, obtain written affidavits from the contractor to the effect that all claims arising by virtue of the contract

have been paid in full with any exceptions listed on the affidavits. One copy of each such affidavit will be furnished to the COUNTY and CITY by the DEPARTMENT if requested.

p. Comply with all requirements in accordance with State, Federal, and DEPARTMENT guidelines as considered appropriate by the DEPARTMENT.

q. After approval and acceptance of the completed project, accept for maintenance the improvements within the DEPARTMENT's right of way in accordance with DEPARTMENT policies.

r. Retain all records dealing with the award and administration of the contract for three (3) years after final payment for construction or until final audit findings have been resolved, whichever is longer and such records will be made available to the COUNTY and CITY upon request.

s. To the extent provided by law, the DEPARTMENT hereby assumes its full responsibility for any and all claims and liability for damages due to any intentional and/or negligent acts of the DEPARTMENT or its employees in connection with the prosecution and completion of the terms and work covered by the Agreement.

III. COUNTY WILL:

a. Provide the COUNTY's cost share for this project as more specifically defined under "FUNDING".

b. Provide all clearing and grubbing of the project right of way in accordance with DEPARTMENT approved plans. The clearing and grubbing will not be unreasonably delayed and will be performed at no cost to the project.

c. To the extent provided by law, the COUNTY hereby assumes its full responsibility for any and all claims and liability for damages due to any intentional and/or negligent acts of the COUNTY or its employees in connection with the prosecution and completion of the terms and work covered by the Agreement.

IV. CITY WILL:

a. Provide its share of the costs for the project as more specifically set out below under Section V FUNDING.

b. Provide to the DEPARTMENT and at no cost to the Phase I project Title to any land considered necessary for the construction of the project. Title shall be in fee simple absolute and have warranty deed unless otherwise authorized by the DEPARTMENT.

c. Provide all right of way necessary for the mitigation of wetlands considered necessary and acceptable by the DEPARTMENT and all other permitting agencies.

d. Retain all records dealing with property acquisition for this project for three (3) years after completion and acceptance, and such records will be made available to the DEPARTMENT upon request.

e. After approval and acceptance of the completed project, accept for maintenance the improvements within the CITY's right of way.

f. To the extent provided by law, the CITY hereby assumes its full responsibility for any and all claims and liability for damages due to any intentional and/or negligent acts of the CITY or its employees in connection with the prosecution and completion of the terms and work covered by the Agreement.

V. FUNDING:

a. The parties hereto estimate the total project cost to be \$5,800,000.00.

b. The DEPARTMENT's funding will be as follows:

1. \$800,000.00 from the "C" Fund program as approved by the Highway Commission on _____ by Item Number _____

2. \$5,000,000.00 from the Primary program as approved by the Highway Commission on by Item Number _____.

c. The COUNTY and CITY will contribute no money directly to the project. The COUNTY and CITY's contribution will be in kind as Indicated in Section III, (b) and Section IV, (b) above, respectively.

VI. GENERAL:

a. In any dispute concerning a question or fact in connection with the work of this Agreement, or compensation thereof, the decision of the DEPARTMENT's State Highway Engineer in the matter shall be, final and conclusive for the parties.

b. It is understood that construction will be in accordance with the DEPARTMENT's Standard Specifications for Highway Construction, 1986 Edition.

c. The parties hereto agree to conform to all State and Federal laws, rules and regulations governing agreements or contracts relative to the acquisition, design, construction, and maintenance of roads and bridges.

d. The CITY and COUNTY or their authorized agent, shall agree to hold consultations with the DEPARTMENT as may be necessary with regard to the execution of supplements to this Agreement during the course of this project for the purpose of resolving any items that may have been unintentionally omitted from this Agreement. Such supplemental agreements shall be subject to the approval and proper execution of the parties hereto. No supplement, amendment, or modification to this Agreement shall be effective or binding on either party unless first agreed to in writing by all three parties.

e. The parties hereto agree to accept their appropriate maintenance responsibilities upon completion and acceptance of the project.

f. Any and all reviews and approvals required of the parties herein shall not be unreasonably denied or withheld.

g. This Agreement may be terminated by any party upon written notice in the event of substantial failure by any other party to perform in accordance with the terms herein through no fault of the terminating party.

h. If the construction is not performed, this Agreement is then terminated and each party to this Agreement is obligated on a quantum merit basis.

VII. ENTIRE AGREEMENT:

This Agreement with referenced exhibits constitutes the entire agreement between the parties. The contract is to be interpreted under the laws of the State of South Carolina.

VIII. SUCCESSORS AND ASSIGNS:

The DEPARTMENT COUNTY, and CITY each binds himself, his successors, executors, administrators, and assigns to the other party with respect to these requirements, and also agrees that neither party shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the dates indicated below.

Signed, sealed and executed for the County of Charleston.

County of Charleston

By:

(Date)

Signed, sealed and executed for the City of Charleston.

City of Charleston

By:

(Date)

Signed sealed and executed for the DEPARTMENT

ATTEST:

SOUTH CAROLINA DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

_____ By: _____

Secretary-Treasurer Executive Director

_____ _____

(Date) (Date)

RECOMMENDED:

State Highway Engineer

(Date)

Next on the agenda were eight (8) bills up for second reading:

On motion of Councilmember Thomas a bill to quit-claim Myrtle Street to the Highway Department received second reading. The bill passed second reading on motion of Councilmember Ader and third reading on motion of Councilmember Evans. On the further motion of Councilmember Scott, the rules were suspended and the following bill was immediately ratified as.

Ratification

Number 1991-151

AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE A QUIT-CLAIM DEED TO THE SOUTH CAROLINA DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION ON CONVEYING THAT CERTAIN PIECE OF PROPERTY OWNED BY THE CITY, BEING DESIGNATED AS MYRTLE STREET WHICH RUNS A DISTANCE OF 0.004 MILES BETWEEN THE

INTERSECTION OF PRESENT RIGHT-OF-WAY FOR ROAD S-3 (SPRING STREET) EXTENDING TO PRESENT RIGHT-OF-WAY FOR ROAD S-1037 (CANNON STREET), BEING FIFTY (50') FEET WIDE, IN THE CITY AND COUNTY OF CHARLESTON, SOUTH CAROLINA.

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, conveying to the South Carolina Department of Highways and Public Transportation any and all rights, title and interest in and to the following described property:

ALL that certain piece, parcel or strip of land, situate, lying and being in the City of Charleston, County of Charleston, State of South Carolina, being shown as Myrtle Street right-of-way on Plan Sheet No. 5 of the South Carolina Department of Highways and Public Transportation plans for Lockwood/U.S. 17 interchange, File 10.162A, and being more particularly described as follows:

Street in the City of Charleston from intersection of present right-of-way for Road S 3 (Spring Street) extending to present right-of-way for Road S-1037-Cannon Street), for a distance of approximately 0.004 mile, being fifty (50') feet wide and designated as Myrtle Street.

The within conveyance shall be made subject to any and all existing reservations, easements, rights-of-way, zoning ordinances and restrictions or protective covenants that may appear on record or on the premises.

Section 2. This Ordinance shall become effective upon ratification.

Consideration was given next to a bill providing for the issuance and sale of Waterworks and Sewer System Refunding and Capital improvements Revenue Bonds in the principal amount of not exceeding \$220,000,000.

The Mayor pointed out that Steve Kinard, Manager of the Commissioners of Public Works, was present and available to respond to the Councilmembers' questions.

Councilmember Richardson moved that the bill be given second reading. Councilmember Thomas seconded the motion.

A lengthy period of discussion followed. Councilmember Gaillard asked Mr. Kinard to respond to the remarks Mr. Knapp made during the Citizen Participation Period. He stated he was particularly interested in two items; the upgrading of the Foster Creek Pump Station and Mr. Knapp's remark which implied that sometime in the future an additional three or more pump stations were going to be needed.

Mr. Kinard explained that nothing in this bond issue had anything to do with "capacity". The Hanahan water treatment plant is a 118 million-gallons per day facility. The reason to get out of Foster Creek and go to Graham Canal, he said, was because of water quality. He explained the Foster Creek Pump Station is a well water pump station and has only two diesel driven pumps with the capacity of 50 million gallons. "Our" average day demand now is over 50 million gallons, he said. He proceeded to explain the need to build another well water pump station, to put in diesel driven pumps, to make provision for another hurricane, an earthquake and so forth, as well as to help the CPW maintain its ISO insurance rate. He stressed the fact that the CPW is not building clear wells at this time although it may sometime in the future. The clear wells, he said, were to meet government regulations on what the CPW termed "CT time". He explained also the need for the Shipley Pump Station.

Mr. Kinard explained the difference between the CPW's two sets of pump stations. One is a raw water pump station which deals only with raw water. It pumps water through the treatment plant

where it goes through the treatment process. The other is a high service pump station which deals with high pressure -- it pumps the water into the distribution system.

In response to other questions asked by Councilmember Gaillard, Mr. Kinard stated that with the two tunnels (the Edisto/Goose Creek Tunnel and the existing McDowell Tunnel) the CPW has in excess of 200 million gallons per day available at the water treatment plant right now. He added that the hydraulic capabilities of the McDowell Tunnel are now known. He estimated it "is probably good for 120 to 130 million gallons a day." He stated the CPW has existing right now may be up to 250 million gallons of raw water at the water plant today. He believed this was more than adequate and failed to see why the CPW "would want anything else" for the next 50 to 100 years.

Referring to Mr. Knapp's comments concerning the CPW clients who will be breaking away from the CPW, Councilmember Ford asked what percentage they represented. Mr. Kinard replied there are 22,000 accounts out of 77,000 accounts, or roughly about one-fourth of the accounts. Mr. Kinard added that North Charleston knows if they get into the water business, they are going to have to buy the system. They will have to pay the CPW because the system is owned by the people of Charleston. They cannot take it. If they condemn it, they will have to pay for it.

Councilmember Ford asked what impact that will have on the CPW's present customers. Mr. Kinard replied that CPW has done extensive study on this and he thought possibly it might help them. Councilmember Ford asked if the CPW had this research in writing. Mr. Kinard replied it did not.

In further response to Councilmember Ford's questions, Mr. Kinard stated the CPW believes its wholesale customers will leave the CPW. He recalled explaining at the Ways and Means Committee's last meeting that the CPW's 1995 budget anticipates its wholesale customers leaving the CPW. He added that Summerville, basically, has already left the CPW because they own wells. Inclusive of the Berkeley County Water and Sewer authority and the City of Goose Creek, he explained, CPW has extensive retail areas within those three accounts under service area agreements. It has a 40 year service area agreement within Dorchester County and a 25-year service agreement in Berkeley county.

Councilmember Ford asked what would be the impact on CPW's customers if North Charleston were to leave the CPW. Mr. Kinard replied; the CPW does not believe that move will have any impact on its customers. He explained his answer by saying that North Charleston will have to buy the system from the CPW.

The Mayor added that if North Charleston were to pull out, he did not believe anyone would expect that North Charleston would run new water lines down every street in North Charleston and all the mains, which would cost \$150 million or more. He thought what North Charleston would seek to do would be to acquire the present system for \$150 million. If CPW received \$150 million, it would pay off a lot of its bonds and reduce its capital expense. Therefore, the impact to the CPW would not be a negative one. The CPW was not advocating that North Charleston pull out and wonder, upon analysis of the ramifications, why it would be beneficial for North Charleston to pull out. He felt for the CPW to gamble on that and not upgrade its system as required would be an irresponsible thing for them to do.

Councilmember Richardson felt it could possibly have a great impact on North Charleston's customers if they had to pay a higher water rate.

Councilmember Ford asked if the other governments that are CPW customers had the option of buying water from another source, such as from Santee Cooper, Mr. Kinard replied they did not have to buy water from the CPW and could buy it from Santee Cooper. Their option was to buy the system from CPW and in turn buy water from the CPW on a wholesale basis or possibly buy water from Santee Cooper.

Mr. Kinard answered further questions asked by Councilmember Ford by saying he did not know the exact price of the system in North Charleston because it has not been appraised. He pointed out

they would have to issue bonds to buy the CPW's system and would have to pay Santee Cooper for water. He understood they were talking about wanting 40 million gallons capacity and estimated it would cost them approximately \$40 million in addition to purchasing the system from CPW.

The Mayor stated there has never been an industrial, commercial or residential service that North Charleston needed from the CPW that was not provided. He stated CPW and North Charleston have had a splendid working relationship and when new industries, plants, shopping centers, apartment buildings, and so forth went into North Charleston the CPW was always there to provide the water service at the capacity needed. He felt one would wonder upon careful reflection what the real benefits would be for North Charleston to pull away from the CPW when they have a first rate water utility available to them at very competitive rates.

Councilmember Ader told Mr. Kinard one thing that had everyone on City Council concerned was that, particularly with the monthly meter readings, water and sewer bills had tripled. She believed City Council understood water rates would have to increase sometimes, but complained that the water and sewer rate increases seemed to be never ending. She believed that by going to monthly billing CPW had to triple the number of meter readings, the amount of postage and computer runnings. She felt going to monthly billings was perhaps a way of CPW providing jobs and that was what the increase was for. She felt what the people were looking for is for CPW to level out its water rates and see some effort that CPW is trying to save. She asked if the people had to look forward to their water bills being \$50 and \$100 per month.

In response to Councilmember Ader's last question, Mr. Kinard stated the only rate increases the CPW Board will have in the next three years is the 3% (for waste water) and the 3.5% (for water). That will carry "you" all the way to 1995, he said. That, he added, only pays debt. It does not include anything for operations. He pointed out the CPW has not added employees since 1985. It has added eleven (11) employees over the past twelve (12) years. The system is growing, he pointed out and added that he did not know of any governmental agency or organization that has grown as much as the CPW has grown and added only eleven (11) employees.

Mr. Kinard stated the CPW has done a very extensive job trying to keep costs down and it has been extremely difficult to do so.

On the issue of monthly billing, Mr. Kinard reminded City Council that the monthly billing was paid for when City Council approved a refunding of bonds in 1988. Monthly billing cost the CPW \$750,000 per year on the extraordinary costs, he said, he said. He agreed with Councilmember Ader that it cost computer time, computer paper, meter readers, postage and so forth. The \$750,000 cost is the approximate amount of savings on the refunding bonds of 1988. The CPW reduced annual debt service cost at that time by about \$750,000.

Mr. Kinard could not say where water rates are going to go in the future. He stated that in government publications and other reports, the federal government is saying that a bill of \$150-\$200 just for water is not unreasonable. To meet the new criteria and deregulations of just the 1986 Safe Drinking Water amendments is going to cause water bills to increase.

Councilmember Ader asked Mr. Kinard if he knew of any one who is trying to fight that, Mr. Kinard replied in the affirmative. He stated the American Waterworks Association and the Association of Metropolitan Water agencies are but two associations that have been very involved with that process. He explained the water industry is the heaviest regulated industry in this country today. And, he said, it is getting more so every day. The EPA, for instance, is required every three years to come up with twenty-five (25) new contaminants. No one knows today, he said, what those contaminants are. He anticipated that regulations governing water and sewer treatment as well as advancements in technology will require more stringent and, consequently, more costly tests.

Mr. Kinard added that perhaps at some point in time the situation will change; however, at this time the public is demanding drinking water that is almost literally completely pure water. The CPW just like every other water utility company in the country is trying to meet the public's demands. He

felt the Charleston CPW is very fortunate because it has a very good water source and a new water source that will actually save money and perhaps allow the CPW not to have to spend a lot of dollars to meet the requirements that have been placed on water utility companies.

On the new water source, Mr. Kinard expressed confidence that it is not going to cost \$17 million, but a lot less than that.

Councilmember Shirley asked Mr. Kinard who "really runs the CPW. Mr. Kinard replied that the Board is the elected body and every policy the CPW has and everything it does and every "dime" the CPW spends is approved by the Board. He pointed out that under the ordinance creating the CPW, the Board is required to approve everything the CPW does. In further response to Councilmember Shirley's questions. Mr. Kinard stated that he is appointed on a yearly basis and serves at the Board's discretion.

Mr. Kinard invited the members of City Council to attend CPW meetings' which are held on the second Tuesday of every month.

In response to questions asked by Councilmember Kinloch, Mr. Kinard stated the CPW's total 1992 operating budget is \$48 million.

Councilmember Ford felt it was impossible for the members of City Council to deal in a short space of time with all the information Mr. Kinard supplied at the Ways and Means Committee's November 26th meeting and at City Council's meeting this evening. He believed City Council needed three or four months to deal with it just as any other regulatory agency dealing with rate increases uses to research the information it is provided.

He felt Mr. Kinard's staff had had time to do its research and if City Council had a similar amount of time, it could come up with a better answer on why it should support the proposed bond issue. He felt at this time all City Council had to support its action on the proposed bond issue was by taking Mr. Kinard's and the CPW Board's word that this is "the best thing to do". He felt the members of City Council had a responsibility to look after the interests of the citizens of this City as well as of those persons who receive the CPW's services. He felt it was unfair to ask City Council to act on a matter of this magnitude on the same night it receives information on it because there were too many questions to be answered.

Councilmember Ford ended his remarks by saying the bond issue did not have to be acted on this evening and that City Council needed time to do some research. He felt the CPW had done its job before bringing the matter to City Council and now the members of City Council deserved to have some time to do its job. He believed it was necessary for action on this matter to be postponed to give City Council the opportunity to do its job.

Councilmember Kinloch expressed concern over the proposed rate increases for the next three years. In response to his questions. Mr. Kinard stated if the bond issue is approved the rate increases in 1992, 1993 and 1994 "will carry you through December, 1995." He explained that the per year total increase for the next three years will be 6.5% (3.5% water; 3% wastewater).

Councilmember Kinloch felt strongly this was the wrong time for rate increases because of the difficult economic times that people are experiencing. He ended his remarks by saying he was not going to support the bond issue because he felt it was the same thing as imposing another tax on the consumers.

Councilmember Thomas stated that with the information he had in hand he thought it was in the City's best interest for City Council to approve the proposed bond issue. He believed "it makes good sense to prepare for tomorrow."

There was no further discussion on Councilmember Richardson's motion. City Council voted on the question of giving the bill second reading. The motion carried. Councilmembers Ford and Kinloch voted "Nay". The bill passed second reading on motion of Councilmember Thomas and third reading

on motion of Councilmember Richardson. On the further motion of Councilmember Evans, the rules were suspended and the bill was immediately ratified as:

Ratification

No. 1991-152

AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF A SERIES OF WATERWORKS AND SEWER SYSTEM REFUNDING AND CAPITAL IMPROVEMENT REVENUE BONDS OF THE CITY OF CHARLESTON TO BE DESIGNATED SERIES 1991 IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING TWO HUNDRED TWENTY MILLION DOLLARS (\$220,000,000); FOR THE AMENDMENT OF ORDINANCE BEARING RATIFICATION NO. 1984-149 AND OTHER MATTERS RELATING THERETO.

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Headings Not Controlling

STATE OF SOUTH CAROLINA

WHEREAS, the City Council of the City of Charleston, South Carolina ("City Council") has made general provision for the issuance of water and sewer system revenue bonds (the "Bonds") of the City of Charleston, South Carolina (the "City") through the means of an ordinance adopted October 24, 1984, bearing Ratification No. 1984-149, entitled "AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF WATERWORKS AND SEWER SYSTEM REVENUE BONDS OF THE CITY OF CHARLESTON, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO" as amended (the "Bond Ordinance"); and

WHEREAS, it is proved in and by the Bond Ordinance that, upon adoption of a "Series Ordinance" there may be issued one or more series of Bonds for the purpose of providing funds for improvements and extensions to the waterworks and sewer system of the City (the "System") or to pay and redeem any outstanding bond anticipation notes of the City issued in anticipation of the issuance of Bonds or to refund bonds payable from the revenues of the System; and

WHEREAS, it has been determined to provide the necessary funds to effect the payment of principal of, interest on and redemption premium, if any, of all or a portion of the bonds of the issues set forth below, as determined by the CPW and set forth in a Resolution to be substantially adopted by said Commission on the earlier of the maturity date or first available redemption date therefor:

(a) The outstanding City of Charleston, South Carolina, Waterworks and Sewer System Revenue Bonds, Series 1985, due January 1, 1992 through January 1, 2003, inclusive.

(b) The outstanding City of Charleston, South Carolina, Waterworks and Sewer System Refunding Revenue Bonds, Series 1986, due January 1, 1992 through January 1, 2014, inclusive.

(c) The outstanding City of Charleston, South Carolina, Waterworks and Sewer System Revenue Bonds, Series 1988 due January 1, 1993 through January 1, 2018, inclusive.

WHEREAS, it has been determined that not exceeding \$150,000,000 may be required in order to provide funds for the refunding of the aforementioned bonds; and

WHEREAS, it has been determined that not exceeding \$70,000,000 should be raised in order to provide funds for the acquisition, construction and installation of certain undertakings described in the Capital Improvement Program developed by the staff of the Commissioners of Public Works as specified in the Official Statement circulated in connection with the issuance of the Bonds (the "Project"), and

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

WHEREAS, certain capitalized terms used herein and not otherwise defined shall have the meanings ascribed thereto in the Bond Ordinance; and

WHEREAS, the aggregate principal amount of not exceeding \$220,000,000 of Series 1991 Bonds to be issued hereunder are to be in the form of fully registered Bonds in the denomination of \$5,000 or any multiple thereof and, together with the Certificate of Authentication, Assignment and certificate of approving opinion to appear thereon, are to be in substantially the following form with necessary and appropriate variations, omissions and insertions as permitted or required by the Bond Ordinance, this ordinance, or by the resolution of the Commissioners authorized herein, to wit:

(FORM OF BOND)

(FACE OF BOND)

CITY OF CHARLESTON, SOUTH CAROLINA, WATERWORKS AND SEWER SYSTEM
REFUNDING AND CAPITAL IMPROVEMENT REVENUE BOND, SERIES 1991

No.

Issue Date Maturity Date Interest Rate CUSIP

January _____, December 1, 1991

Principal Holder:

Principal Amount: DOLLARS

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

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

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

IN WITNESS WHEREOF, the CITY OF CHARLESTON, SOUTH CAROLINA, has caused this Bond to be signed by the facsimile signature of its Mayor and the facsimile signature of its Director of Administrative

Services, its corporate seal to be reproduced hereon and the same to be attested by the facsimile signature of the Clerk of the City Council of the City of Charleston, South Carolina.

CITY OF CHARLESTON, SOUTH CAROLINA

(SEAL)

By_____

Mayor

By_____

Director of Administrative Services

Attest:

By:_____

Clerk, City Council of the City of Charleston, South Carolina

CERTIFICATE OF AUTHENTICATION

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

By: THE SOUTH CAROLINA NATIONAL BANK, TRUSTEE

Authorized Officer

Date:

(BACK OF BOND)

CITY OF CHARLESTON, SOUTH CAROLINA, WATERWORKS AND SEWER SYSTEM REFUNDING AND CAPITAL IMPROVEMENT REVENUE BOND, SERIES 1991

Each of the Series 1991 Bonds will bear interest from the later of December 1, 1991, or the date to which interest has been paid immediately preceding the authentication date thereof, unless the authentication date thereof is a January 1 or July 1, in which event, each such Bond will bear interest from the earlier of such authentication date or the date to which interest has last been paid; provided that if the City shall fail to pay interest on July 1, 1992, then each such Bond will bear interest from December 1, 1991. Interest on this Bond is payable on January 1 and July 1 of each year beginning July 1, 1992. The interest 80 payable on any January 1 or July 1 will be paid to the person in whose name this Bond is registered at the close of business on the December 15 or June 15 immediately preceding such January 1 or July 1 (each a "Record 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 on the Record Date 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 a Series of Bonds in the aggregate principal amount of _____ Dollars of like tenor, except as to number, rate of interest, date of maturity and redemption provisions, issued pursuant to and in accordance with the Constitution and statutes of the State of South Carolina (the "State"), including particularly Chapter 17, Title 6, inclusive, Code of Laws of South Carolina 1976, as amended, the "Enabling Act") ordinance (the "Bond Ordinance) duly adopted by the City Council of the City of Charleston, South Carolina ("City Council" on October 24, 1984, as amended, an ordinance (the "Series Ordinance") duly adopted by City Council on November 26, 1991 (the Bond

Ordinance and the Series Ordinance are hereinafter collectively referred to as the "Ordinances") and a resolution duly adopted by the Commissioners of Public Works of the City of Charleston (the "Commissioners") for the primary purpose of retiring certain outstanding revenue bonds payable from the revenues of the waterworks and sewer system of the City (the "System"), and obtaining funds to defray the cost of constructing improvements to the System.

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

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

The Series 1991 Bonds are on a parity in all respects with the outstanding \$ _____ City of Charleston, South Carolina, Waterworks and Sewer System Revenue Bonds, Series 1984, the outstanding \$ _____ City of Charleston, South Carolina, Waterworks and Sewer System Revenue Bonds, Series 1986, the outstanding \$ _____ Waterworks and Sewer System Refunding Revenue Bonds, Series 1986A and the outstanding \$ _____ City of Charleston, South Carolina, Waterworks and Sewer System Revenue Bonds, Series 1988.

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

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

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

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

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

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

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

The Series 1991 Bonds maturing on January 1, _____, and thereafter are subject to redemption prior to maturity, at the option of the City, on and after January 1, _____, in whole at any time or in part, on any January 1 or July 1, upon 30 days' notice, at the respective redemption prices set forth below, expressed as a percentage of the principal amount of such Series 1991 Bonds to be so redeemed, plus interest accrued to the redemption date:

Period During Which Redeemed (both dates inclusive)	Redemption Price
---	------------------

The Series 1991 Bonds maturing on January 1, _____, are subject to mandatory sinking fund redemption commencing January 1, _____, and will be redeemed (to the extent not previously redeemed), at 100% of the principal amount, plus interest accrued to the redemption date, on January 1 of each of the following years in the respective principal amounts for each year specified below:

Year	Amount	Year	Amount
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The amount of the mandatory sinking fund redemption prescribed above shall be reduced to the extent Series 1991 Bonds have been purchased by the City or redeemed by the City pursuant to the optional redemption provisions set forth above, in such manner as the City shall direct, or, absent such direction, on a pro rata basis.

If less than all of the Series 1991 Bonds are to be redeemed, the particular Bonds or portions of Bonds to be redeemed shall be selected not less than forty-five (45) days prior to the date fixed for redemption by the Trustee by lot. Bonds in a denomination of more than \$5,000 may be redeemed

in part from time to time in one or more units of \$5,000 in the manner provided in the Bond Ordinance.

If any of the Series 1991 Bonds, or portions thereof, are called for redemption, the Trustee will give notice to the Paying Agent and Holders of any such Bonds to be redeemed, in the name of the City, of the redemption of such Bonds, or portions thereof, which notice will specify the Bonds to be redeemed, the redemption date and the place or places where amounts due upon such redemption will be payable and, if less than all of the Series 1991 Bonds are to be redeemed; the numbers of such Bonds so to be redeemed, and, in the case of Bonds to be redeemed in part only, such notice will also specify the respective portions of the principal amount thereof to be redeemed. Such notice will be given by mailing a copy of the redemption notice by first class mail at least thirty (30) days prior to the date fixed for redemption to the appropriate Paying Agent or Agents and the Holder of each Bond to be redeemed, at the address shown on the registration books; provided, however, that failure to give such notice by mail, or any defect in the notice mailed to the Holder of any Series 1991 Bond, shall not affect the validity of the proceedings for the redemption of any other Bond. Provided funds for their redemption are on deposit with the Paying Agent, all Bonds so called for redemption will cease to bear interest on the specified redemption date.

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

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ (please print or type name and address of Transferee and Social Security or other identifying number of Transferee) the within Bond and all rights and title thereunder, and hereby irrevocably constitutes and appoints his attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Date: _____

Signature Guaranteed:

LEGAL OPINION

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

CITY OF CHARLESTON, SOUTH CAROLINA

BY: _____

Mayor

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

ARTICLE I

DEFINITIONS AND AUTHORITY

SECTION 1.01. Definitions.

(a) Except as provided in subsection (b) below, all terms which are defined in Section 1.01 of the Bond Ordinance shall have the same meanings in this 1991 Series Ordinance as such terms are prescribed to have in the Bond Ordinance.

(b) As used in this 1991 Series Ordinance, unless the context shall otherwise require, the following terms shall have the following respective meanings:

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

"Refunded Bonds" shall mean that portion of the outstanding bonds of the City described in the recitals to this 1991 Series Ordinance which are to be refunded with the proceeds of the Series 1991 Bonds.

"Series 1991 Bonds" shall mean the Bonds of the City of the Series authorized by this 1991 Series Ordinance and designated "City of Charleston, South Carolina, Waterworks and Sewer System Refunding and Capital Improvement Revenue Bonds, Series 1991."

"1991 Series Ordinance" shall mean this Ordinance.

"1991 Series Resolution" shall mean the resolution adopted by the Commissioners in accordance with the authorizations herein contained.

SECTION 1.02. Authority For This 1991 Series Ordinance.

This 1991 Series Ordinance 15 adopted pursuant to the provisions of the Bond Ordinance.

SECTION 1.03. Provision Amending Bond Ordinance.

Pursuant to Section 12.01(A)(1) and (2) of the Bond Ordinance and to provide for the issuance of a Series of Bonds in accordance with Article IV of the Bond Ordinance and to add to the agreements of the City in the Bond Ordinance hereafter to be observed, the Bond Ordinance is amended as follows:

(a) The definition of the "Annual Principal and Interest Requirement" contained in Section 2.02 of the Bond Ordinance is deleted and the following substituted therefor:

"Annual Principal and Interest Requirement" shall mean, with respect to any Series of Bonds, the sum of the payments required to be made by the Commissioners (other than from the proceeds of Bonds) in any Fiscal Year with respect to the principal, mandatory sinking fund payments and interest of such Series of Bonds; provided that the interest on Variable Rate Indebtedness shall be calculated at the actual rate of interest on the Variable Rate Indebtedness at the time of such calculation; provided further, that for purposes of Section 4.02(A)(6)(b) hereof, interest on Variable Rate Indebtedness shall be calculated at the higher of 9.2% per annum or the actual rate borne by such Variable Rate Indebtedness.

(b) A definition of Beneficial Owner is added as follows:

"Beneficial Owner" means, whenever used with respect to a series of Bonds, the person in whose name a Bond of such Series is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant or such person's subrogee.

(c) A definition of DTC is added as follows:

"DTC" means the Depository Trust Company, a limited purpose trust company organized under the laws of the State of New York, and its successors and assigns.

(d) A definition of Nominee is added as follows:

"Nominee" means the nominee of the Securities Depository which shall be the Holder of the Bonds while held under a book-entry only system and any successor appointed by the Securities Depository. The initial Nominee shall be Cede & Co.

(e) A definition of Representation Letter is added as follows:

"Representations Letter" means the Letter of Representations from the City and the Trustee to DTC, with respect to a Series of Bonds, which shall be deemed to be a part of this Bond Ordinance and shall be the binding obligation of the City and the Trustee.

(f) A definition of Security Depository is added as follows:

"Securities Depository" means the administrator of the book-entry only system for a Series of Bonds as further described in a subsequent Series Resolution.

(g) A definition of Variable Date indebtedness is added as follows:

"Variable Rate Indebtedness" shall mean indebtedness in the form of Bonds the interest rate on which is not established at a fixed or constant rate at the time such indebtedness is incurred.

(h) The definition of Debt Service Reserve Fund contained in Section 2.02 of the Bond Ordinance is deleted and the following substituted therefore:

For so long as any Bonds issued on or prior to October 20, 1988 are Outstanding, Debt Service Reserve Fund shall mean the fund herein so designated to insure the timely payment of the principal and interest on all Bonds issued pursuant to the Bond Ordinance, and to provide for the redemption of Bonds prior to their stated maturity, as established by the provisions of Section 7.05 hereof, At such time as all Bonds issued on or prior to October 20, 1988, are no longer Outstanding, Debt Service Reserve Fund shall mean any fund so designated pursuant to a Series Ordinance and intended to provide a reserve for the payment of Bonds of a Series Outstanding and issued pursuant to this Bond Ordinance and to provide for the redemption of such Series of Outstanding Bonds prior to their stated maturity as provided in Section 7.05 hereof.

(i) The definition of Reserve Requirement contained in Section 2.02 of the Bond Ordinance is deleted and the following substituted therefore:

For so long as any Bonds issued on or prior to October 20, 1988 are Outstanding. Reserve Requirement shall mean an amount at least equal to the lesser of (i) the sum of the greatest annual interest payments accruing in any Fiscal Year, with respect to each Series of Bonds Outstanding, determined as of the date of issuance of each such Series or (ii) the sum of the greatest remaining annual Principal and Interest Requirement with respect to each Series of Bonds Outstanding, determined at the time such calculation is made. At such time as all Bonds issued on or prior to October 20, 1988 are no longer Outstanding, Reserve Requirement shall mean, as of any date of calculation, the debt service reserve fund requirement, if any, established by a Series Ordinance authorizing a Series of Bonds.

(j) Section 4.02(A) (5) (c) is deleted and the following substituted therefore:

(c) all Debt Service Reserve Funds are funded in an amount equal to the prescribed levels provided for in the Bond Ordinance or any applicable Series Ordinance with respect to all Bonds to be Outstanding immediately following the issuance of such Series of Bonds.

(k) Section 4.02(A)(6) is amended by adding at the end of such Section 4.02(A)(6) the following:

(C) if any Series of Bonds shall contain Variable Rate Bonds:

(i) The Series Ordinance may provide for and specify a maximum interest on (i) such Bonds and (ii) any reimbursement obligation to a liquidity provider for such Bonds;

(ii) The liquidity provider, if any, of such Bonds shall be rated in the highest short-term rating category by Moody's investors Service, Inc., and Standard & Poor's Corporation.

(iii) Any accelerated principal or any interest computed at a rate in excess of that on such Bonds due to the liquidity provider for such Bonds pursuant to any reimbursement agreement with such liquidity provider shall be subordinate to the payment of debt service on all Bonds, provided, however, if the tests referred to in either Sections 4.02(A) (6) (a) or 4.02(A) (6) (b) and 4.02(B) of this Bond Ordinance are calculated (and met) assuming such accelerated principal payment and such excess interest amount to the liquidity provider, then such accelerated principal payment and excess interest amount may be on a parity with the payment of debt service on all Bonds.

(l) Section 5.01(A) (4) is deleted and the following substituted therefore.

(4) to maintain any Debt Service Reserve Fund in the manner and at the levels required by the Bond Ordinance and any applicable Series Ordinances.

(m) Section 7.05 is amended by adding at the end of Section 7.05 the following.

The foregoing provisions shall remain in full force and effect for so long as any bonds issued on or prior to October 20, 1988 are Outstanding. At such time as all bonds issued on or prior to October 20, 1988 are no longer Outstanding, the following shall be substituted for the provisions of Section 7.05 set forth above.

(A) Each Series Resolution may provide for the establishment of a Debt Service Reserve Fund for any Series of Bonds Outstanding. Each such Debt Service Reserve Fund shall bear a number series designation as may be necessary to distinguish such Debt Service Reserve Fund and shall, subject to the other provisions of this Bond Ordinance, be maintained in an amount equal to the applicable Reserve Requirement, as determined pursuant to the applicable Series Resolution so long as the applicable Series of Bonds shall be outstanding. Each such fund is intended to insure the timely payment of the principal of, premium, if any, and interest on the applicable Series of Bonds, and to provide for the redemption of such Series of Bonds prior to their stated maturities. Money in each Debt Service Reserve Fund shall be used for the following purposes, and for no other (provided, however that if sufficient funds have been paid to decrease the lien of this Ordinance with respect to any Series of Bonds in accordance with Section 16.01, or if by reason of authorized replacement or otherwise is no longer required under the terms of the applicable Series Resolution, and there exists no Event of Default with respect to any Series of Bonds, any funds remaining in the Debt Service Reserve Fund with respect to such Series may be paid as directed by the Commissioners):

(i) To prevent a default in the payment of the principal of or interest on the applicable Series of Bonds, by reason of the fact that money in the Debt Service Fund is insufficient for such purposes;

(ii) To pay the principal of, interest on, and redemption premium of the applicable Series of bonds in the event that all Outstanding Bonds of such Series be redeemed as a whole; or

(iii) To effect partial redemption of the applicable Series of Bonds; provided that subsequent to said partial redemption, the market value of the cash and securities in such Debt Service Reserve Fund shall be not less than the applicable Reserve Requirement.

(B) Each Debt Service Reserve Fund shall be kept in the complete custody and control of the Trustee and withdrawals from each Debt Service Reserve Fund shall be made only by such Trustee, or to the Paying Agent, if the Trustee is not the Paying Agent, in which event the Paying Agent, who shall transmit to a Bondholder of the applicable Series, at such times as may be appropriate the sums required to pay the principal of, redemption premium, if any, and interest on such Series of Bonds.

(C) Money in each Debt Service Reserve Fund shall be invested and reinvested by the Trustee at the direction of the Commissioners in Authorized Investments. Subject to the remaining provisions of this paragraph (C), the earnings from such investments shall be added to and become a part of the applicable Debt Service Reserve Fund. Whenever, and as of the date of calculation, the value of the

securities and money in each Debt Service Reserve Fund shall exceed the applicable Reserve Requirement such excess shall either be used to effect partial redemption of the applicable Series of Bonds, or shall be removed from such Debt Service Reserve Fund and transferred to the Construction Fund so long as the project or projects financed with such Series of Bonds shall be continuing as directed by the Commissioners. The payments required of the Commissioners by the provisions of Section 8.04 shall be reduced to the extent of any such transfer to the Debt Service Fund.

In lieu of the deposit of securities or monies into any Debt Service Reserve Fund established by any Series Ordinance for any Series of Bonds, the Commissioners may satisfy all or a portion of the applicable Reserve Requirement established by the applicable Series Ordinance by causing to be so credited a surety bond, a line of credit, insurance policy or a letter of credit payable to the Trustee for the benefit of the holders of the Outstanding Series of Bonds in an amount which together with monies on deposit in such Debt Service Reserve Fund is equal to such Reserve Requirement. Provided, however, that not less than 30 days prior to such credit becoming effective, Moody's Investors Services, Inc. shall be notified in writing of such substitution. In the event any Debt Service Reserve Fund is funded with both monies and a surety bond, insurance policy, line of credit or letter of credit, any withdrawals from such Debt Service Reserve Fund pursuant to the provisions of the Bond Ordinance shall be made first from such monies (or the liquidation of investments made therewith) and second from such surety bond, insurance policy, line of credit or letter of credit. The surety bond, insurance policy, line of credit or letter of credit shall be payable (upon the giving of notice by the Trustee as required thereunder) on any date on which monies will be required to be withdrawn from any Debt Service Reserve Fund and applied to the payment of the principal and redemption premium, if any, of, or interest on, the applicable outstanding Series of Bonds. The insurer providing such surety bond, line of credit or insurance policy shall be an insurer whose municipal bond insurance policies insuring the payment of the principal of and interest on municipal bond issues results in such issues being rated in a rating category equal to or better than the ratings given the applicable Series of Bonds by Moody's Investors Service, Inc. ("Moody's") and Standard & Poor's Corporation ("S&P"). The letter of credit issuer shall be a bank or trust company which is rated not lower than the highest rating on the applicable Series of Bonds at such time. The insurance policy, line of credit or surety bond must extend for the life of the Series of Bonds which receives the benefit of the same and must be unconditional and irrevocable. If a disbursement is made pursuant to a surety bond, insurance policy, line of credit or letter of credit, the City shall be obligated either (a) to reinstate the maximum limits of such surety bond, insurance policy, line of credit or letter of credit, or (b) to deposit into the applicable Debt Service Reserve Fund cash in the amount of the disbursement made under such surety bond, insurance policy, line of credit or letter of credit, or a combination of such alternatives, as shall provide that the amount credited to such Debt Service Reserve Fund equals the Reserve Requirement within a time period not longer than one year.

(n) Section 8.04 is amended by adding at the end of such Section 8.04 the following:

At such time as all Bonds issued on or prior to October 20, 1988, are no longer Outstanding, each respective Debt Service Reserve Fund shall be funded, as provided in the applicable Series Ordinance, and thereafter maintained in an amount equal to the applicable Reserve Requirement, if any.

Payments to any Debt Service Reserve Fund shall be made in proportion to the amounts required to be deposited therein. After the Reserve Fund Requirement for a Series of Bonds has been established in a Debt Service Reserve Fund, any withdrawals of such moneys shall be repaid in the time period specified in the applicable Series Resolution from the next available Net Earnings.

ARTICLE II

AUTHORIZATION AND TERMS OF THE SERIES 1991 BONDS

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

In accordance with the requirements of Section 6.17-60 of the Enabling Act, the period of usefulness of the System is hereby determined to be not less than 40 years.

SECTION 2.02. Principal Amount: Designation of Series.

Pursuant to the provisions of the Bond Ordinance, a Series of Bonds of the City entitled to the benefits, protection and security of the provisions of the Bond Ordinance is hereby authorized in the aggregate principal amount of not exceeding \$220,000,000. The Series of Bonds so authorized shall be designated "City of Charleston, South Carolina, Waterworks and Sewer System Refunding and Capital Improvement Revenue Bonds, Series 1991". The Series 1991 Bonds shall be issued in fully registered form without coupons and in substantially the form set forth in the recitals hereof.

SECTION 2.03. Purposes.

The Series 1991 Bonds are authorized for the purpose of obtaining funds, (a) to provide for the payment of the Refunded Bonds; (b) to provide a portion of the funds necessary to pay the costs of certain capital improvements to the System; (c) to fund interest on the Series 1991 Bonds through such time as shall be established by the Commissioners in the 1991 Series Resolution; (d) to fund the Debt Service Reserve Fund to the required level; and (e) to pay the cost of issuing the Series 1991 Bonds.

SECTION 2.04. Date: Interest Rate: Maturity: Redemption and Sale.

The Date of Issue of the Series 1991 Bonds shall be December 1, 1991. The Series 1991 Bonds shall bear interest from the Date of Issue, payable on July 1, 1992, and thereafter on each Bond Payment Date until payment of the principal thereof. The maturity schedule setting forth the date of the maturities of the Series 1991 Bonds (which maturities shall not exceed 40 years) and amounts payable on such dates, the rates of interest borne by the Series 1991 Bonds and the amount of Bonds which shall be term Bonds and Serial Bonds shall be fixed by the 1991 Series Resolution and approved by the Mayor. The Series 1991 Bonds shall be subject to optional and/or mandatory redemption at such times, and on such terms and conditions, as shall be established by the Commissioners in the 1991 Series Resolution and approved by the Mayor. The Series 1991 Bonds shall be sold to underwriters selected by the Commissioners under terms and conditions approved by the Commissioners and the Mayor.

SECTION 2.05. Authentication: Payment of Interest.

(a) Each of the Series 1991 Bonds shall be authenticated on such date as it shall be delivered and shall bear interest from the later of December 1, 1991, or the date to which interest has been paid immediately preceding the authentication date thereof, unless the authentication date thereof is a Bond Payment Date, in which event, each such Bond shall bear interest from the earlier of such authentication date, or the date to which interest has been paid; provided that if the City shall fail to pay interest on July 1, 1992, then each such Bond shall bear interest from December 1, 1991.

(b) The interest on all Series 1991 Bonds shall be paid by check or draft mailed from the office of the Trustee to the person in whose name the Bond is registered at the close of business on the Record Date. At the written request addressed to the Trustee of any Holder of \$1,000,000 or more in aggregate principal amount of Series 1991 Bonds, interest on such Bonds shall be paid by wire transfer to the bank account number filed by such Holder no later than the Record Date with the Trustee for such purpose.

SECTION 2.06. Denomination: Numbering.

The Series 1991 Bonds shall be issued in the denomination of \$5,000 or any multiple thereof, not exceeding the principal amount of the Series 1991 Bonds maturing in such year. Each Series 1991

Bond shall be numbered by the Registrar in such a fashion as to reflect the fact that it is one of the Series 1991 Bonds, and to identify the owner thereof on the books kept by the Registrar.

SECTION 2.07. Maintenance of Offices for Payment Transfer and Exchange of Bonds

As long as any Series 1991 Bond remains Outstanding, the City shall maintain a Paying Agent and a Registrar therefor. Unless otherwise directed by the Commissioners, the Trustee shall act as Registrar and Paying Agent. Bonds shall be presented for payment and for registration of transfers and exchanges, and notices and demands to or upon the Trustee and the City in respect of the Bonds may be served, at the corporate trust office of the Registrar.

ARTICLE III

EXECUTION; NO RECOURSE

SECTION 3.01. Execution of the Series 1991 Bonds.

The Series 1991 Bonds shall be executed and authenticated in accordance with the applicable provisions of the Bond Ordinance.

SECTION 3.02. No Recourse on the Series 1991 Bonds.

All covenants, stipulations, promises, agreements and obligations of the City contained in the Bond Ordinance or in this 1991 Series Ordinance shall be deemed to be the covenants, stipulations, promises, agreements and obligations of the City and not those of any officer or employee of the City in his or her individual capacity, and no recourse shall be had for the payment of the principal or redemption price of or interest on the Series 1991 Bonds or for any claim based thereon or on the Bond Ordinance or in this 1991 Series Ordinance, either jointly or severally, against any officer or employee of the City or any person executing the Bonds.

ARTICLE IV

AUTHORIZATION TO COMMISSIONERS

SECTION 4.01. Authorization.

(a) The Commissioners are hereby authorized and empowered to adopt a Series Resolution relating to the issuance of Series 1991 Bonds to be called the "1991 Series Resolution".

(b) The 1991 Series Resolution shall express the approval of the Commissioners to the issuance of the Series 1991 Bonds and the agreement of the Commissioners to abide by all of the terms, provisions and agreements set forth in the Bond Ordinance and in the 1991 Series Ordinance. In addition, the 1991 Series Resolution shall specify and determine:

- (1) The precise principal amount of the Series 1991 Bonds;
- (2) The specific purposes for which the proceeds of the Series 1991 Bonds will be used, including the specific principal amount and maturities of the Refunded Bonds to be refunded;
- (3) The manner of numbering and lettering, and the denomination or denominations of the Series 1991 Bonds;
- (4) The date or dates of maturity and the amounts thereof and the issue date of the Series 1991 Bonds;
- (5) The interest rate or rates, or the manner of determining such rate or rates, of the Series 1991 Bonds;
- (6) The time for the payment of interest on the Series 1991 Bonds and the Record Date;

- (7) The redemption price or redemption prices and the redemption date or redemption dates and other terms of redemption (if any) applicable to any of the series 1991 Bonds for such payments;
- (8) The Registrar for the Series 1991 Bonds if other than the Trustee;
- (9) The portion of the Series 1991 Bonds which are to be serial bonds and the portion which are to be term bonds, if any, including the amount and date of each mandatory redemption or sinking fund installment, if any, required by the 1991 Series Resolution to be paid for the retirement of any Series 1991 Bonds;
- (10) Any other applicable redemption requirement for the Series 1991 Bonds and the method of satisfying the same;
- (11) The manner in which the Series 1991 Bonds are to be sold and Provisions for the sale thereof.
- (12) The provision to be made for the applicable Reserve Requirement;
- (13) The disposition of the Proceeds of the sale of the Series 1991 Bonds and the manner of their application;
- (14) The form of the Escrow Agreement or Agreements to be made to insure payment of the principal of, redemption premium, if any, and interest on the Refunded Bonds being refunded and the name of the institution named by the Commissioners to act as Escrow Agent under any such Escrow Agreement, and
- (15) On behalf of the City to irrevocably covenant to redeem the Refunded Bonds.

ARTICLE V

APPLICATION OF THE SERIES 1991 BOND PROCEEDS; TAX COVENANTS

SECTION 5.01. Creation of the 1991 Construction Fund.

There is hereby created a fund to be known as the "1991 Construction Fund." There shall be paid into the 1991 Construction Fund the sums prescribed by Section 5.02(e) hereof. The 1991 Construction Fund shall be held, maintained and controlled by the Commissioners.

SECTION 5.02. Use and Disposition of Bond Proceeds.

Upon the delivery of the Series 1991 Bonds and receipt of the proceeds thereof, such proceeds and other available funds shall be disposed of as follows:

- (a) Any sum received by way of accrued interest shall be deposited in the Debt Service Fund.
- (b) That sum required for the Reserve Requirement shall be deposited in the Debt Service Reserve Fund and shall be invested and disposed of as prescribed by Section 7.05 of the Bond Ordinance.
- (c) That sum required to pay capitalized interest for such period of time as the Commissioners shall determine.
- (d) That sum required therefor shall be used to pay the cost of issuance of the Series 1991 Bonds within 30 days of the date of issuance thereof.
- (e) So much as shall be required therefor after utilizing all moneys and securities applicable thereto shall be deposited in a special trust fund or funds which the Commissioners shall establish on or before the delivery of the Series 1991 Bonds in order to effect the payment and redemption of the Refunded Bonds. Such trust or trusts shall be evidenced by a written trust agreement executed by the paying agent for the Refunded Bonds or the financial institution appointed to act as Escrow Agent by the Commissioners, and by the Commissioners. Any such trust agreement shall prescribe

the investments to be made for the trusts which may include State and Local Government series investments issued by the United States Department of Treasury.

(f) The remaining moneys shall be deposited in the 1991 Construction Fund.

SECTION 5.03 Investment of the 1991 Construction Fund.

Moneys in the 1991 Construction Fund shall be invested and reinvested in Authorized Investments. All earnings shall be added to and become a part of the 1991 Construction Fund. Withdrawals from the 1991 Construction Fund shall be made upon the written order of any two Authorized Officers. Any amounts remaining in the 1991 Construction Fund following completion of the acquisition and construction of the Project shall be deposited in the Depreciation and Contingent Fund.

SECTION 5.04. Creation of the 1991 Rebate Fund.

(a) There is hereby created a fund to be known as the "1991 Rebate Fund" which is intended to provide for the payment of any and all sums required to be rebated to the United States of America under the provisions of Section 148(f) (or any successor provision) of the Code with respect to the Series 1991 Bonds. The 1991 Rebate Fund shall be held, maintained and controlled by the Commissioners. Subject to the transfer provisions provided in paragraph (d) below, moneys held in the 1991 Rebate Fund are hereby pledged to secure payments to the United States of America as provided in paragraph (d) below, and neither the City, the Commissioners nor any owner of any Series 1991 Bond shall have any right in or claim to such moneys.

(b) There shall be deposited to the 1991 Rebate Fund from the General Revenue Fund and/or other available moneys of the Commissioners an amount such that the amount held in the 1991 Rebate Fund after such deposit is equal to the Rebate Amount (defined in the "Letter of Instructions") calculated as of the Calculation Date (defined in the "Letter of Instructions") Calculations of the Rebate Amount shall be furnished by or on behalf of the Commissioners in accordance with the Letter of Instructions (the "Letter of Instructions") annexed as Exhibit "A" to the Arbitrage Certificate delivered at the time of the issuance and delivery of the Series 1991 Bonds, as the same may be amended or supplemented in accordance with its terms.

(c) The Commissioners shall invest all amounts held in the 1991 Rebate Fund in Government Obligations. All earnings on investments in the 1991 Rebate Fund shall be retained in the 1991 Rebate Fund. Moneys shall not be transferred from the 1991 Rebate Fund except as provided in paragraph (d) below.

(d) Upon presentation of the Rebate Instructions (as defined in the Letter of Instructions) required to be prepared in accordance with the Letter of Instructions, the Commissioners shall remit part or all of the balance in the 1991 Rebate Fund to the United States of America as so directed by the Rebate Instructions. In addition, if the Rebate Instructions so indicate, the Commissioners will deposit money into or transfer amounts of the 1991 Rebate Fund from or into such accounts or funds as the Rebate Instructions may specify.

(e) For purposes hereof, all amounts paid into the 1991 Rebate Fund shall be treated as sums required or permitted to be paid to administer and operate the System as provided in Section 7.03(A) of the Bond Ordinance.

(f) The Trustee is hereby designated as the Depository of the 1991 Rebate Fund.

ARTICLE VI

MISCELLANEOUS

SECTION 6.01. Severability.

If any one or more of the covenants or agreements provided in this 1991 Series Ordinance on the part of the City or any Fiduciary to be performed should be contrary to law, then such covenant or

covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements, and shall in no way affect the validity of the other provisions of this 1991 Series Ordinance.

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

The Table of Contents and the Headings of the several Articles and Sections of this 1991 Series Ordinance have been prepared for convenience of reference only and shall not control, affect the meaning of, or be taken as an interpretation of any provision of this 1991 Series Ordinance.

DONE, RATIFIED AND ADOPTED THIS 3RD day of December 1991.

Next to be considered was the proposed 1992 Business License Ordinance. The bill received second reading on motion of Councilmember Scott. It passed second reading on motion of Councilmember Evans and third reading on motion of Councilmember Evans. On the further motion of Councilmember Richardson, the rules were suspended and the bill was immediately ratified as:

Ratification

Number 1991-153

AN ORDINANCE

ADOPTING A BUSINESS LICENSE ORDINANCE FOR THE CITY OF CHARLESTON FOR THE FISCAL YEAR COMMENCING JANUARY 1, 1992, BY REAFFIRMING ORDINANCE NO. 1990-164.

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

Section 1. Ordinance no. 1990-164 hereby is reaffirmed and adopted as the Business License Ordinance for the City of Charleston for the fiscal year commencing January 1, 1992.

Section 2. This ordinance shall become effective on January 1, 1992.

The bill to amend the 1992 Business License Ordinance, recommended and approved by the License Committee and the Ways and Means Committee received first reading at this time. The following is the bill with first reading:

A BILL

AN ORDINANCE TO AMEND THE BUSINESS LICENSE ORDINANCE FOR THE CITY OF CHARLESTON, SOUTH CAROLINA, ORDINANCE NO. 1987-175, AMENDED BY ORDINANCE NO. 1988-145, AND AMENDED BY ORDINANCE NO. 1990-164, AND AMENDED BY ORDINANCE NO. 1991-153.

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

Section 1: Section 21, Class 7 Rates, of the Business License ordinance for the City of Charleston, as amended, is hereby amended by deleting Paragraph 5813 entitled "Nightclubs, Cabarets, Taverns or other similar establishments," and Paragraphs 7-58A and 7-58B, and by substituting in their place and stead the following paragraphs to read as follows:

CLASS 7

SIC RATES

7-5813(a) -- Night Clubs, Cabarets, Taverns, Restaurants or other similar establishments, which sell or serve beer or wine or permit the consumption of alcoholic beverages on the premises after

midnight and which derive thirty-five (35%) percent or more of their gross income from the sale of beer, wine and/or alcoholic beverages.

On gross receipts not exceeding \$25,000.00 . . . \$610.50

On each additional \$1,000.00 or fraction thereof . . . \$7.39 per

M.

7-5813(b) -- Restaurants which derive thirty-five (35%) percent or less of their gross income from the sale of beer, wines and/or alcoholic beverages and are open after midnight.

On gross receipts not exceeding \$2,000.00 . . . \$46.26

On each additional \$1,000.00 or fraction thereof . . . \$2.16 per

M.

Section 2: Section 21, Rate Class 7, of the Business License Ordinance for the City of Charleston, as amended, is hereby amended by deleting SIC No. 5813 entitled "Night Clubs, Cabarets, Taverns, or other similar establishments," and substituting in its place and stead the following, to read as follows:

BUSINESS GROUP

SIC

7-5813(a) -- Night Clubs, Cabarets, Taverns, Restaurants or other similar establishments, which sell or serve beer or wine or permit the consumption of alcoholic beverages on the premises after midnight and which derive thirty five (35%) percent or more of their gross income from the sale of beer, wine and/or alcoholic beverages.

7-5813(b) -- Restaurants which derive thirty-five (35%) percent or less of their gross income from the sale of beer, wine and/or alcoholic beverages - and are open after midnight.

Section 3: Section 21, Numerical Business Classification Index of the Business License Ordinance for the City of Charleston, as amended, is hereby amended by deleting SIC No. 5813 entitled "Night Clubs and similar establishments", and by substituting in its place and stead the following paragraphs to read as follows:

SIC	NAME	CLASS
7-5813 (a)	Night Clubs, Cabarets, Taverns, Restaurants or other similar establishments which sell or serve beer or wine or	7

permit the consumption of alcoholic beverages on the premises after midnight and which derive thirty-five (35%) percent or more of their gross income from the sale of beer, wine and/or alcoholic beverages.

7-5813 (b) Restaurants which derive 7
thirty-five (35%) percent or
less of their gross income from
the sale of beer, wine and/or
alcoholic beverages and are
open after midnight.

Section 4: Section 21, Alphabetical Business Classification Index, of the Business License Ordinance for the City of Charleston, as amended, is hereby amended by deleting the SIC number assigned to Night Clubs and substituting in its place and stead the following SIC numbers to read as follows:

NAME	SIC	CLASS
Night Clubs	7-5813 (a)	7

Section 5: Section 21, Alphabetical Business Classification Index, of the Business License Ordinance for the City of Charleston, as amended, is hereby amended by adding the following Alphabetical Business Classification for "Restaurants" to be inserted after the existing "Representatives, Business" in said Index, to read as follows:

NAME	SIC	CLASS
Restaurants which do not sell beer, wine or alcoholic beverages.	5812	2
Restaurants which derive thirty-five (35%) percent or more of their gross income from the sale of beer, wine and/or alcoholic beverages and close on or before midnight	5812	2
Restaurants which derive thirty-five (35%) percent or less of their gross income from the sale of beer, wine and/or alcoholic beverages and are open after midnight	7-5813 (b)	7

Section 6: Unless modified herein, all other sections and provisions of the Business License Ordinance of the City of Charleston remain in full force and effect.

Section 7: This Ordinance shall become effective on January 1, 1992.

On motion of Councilmember Ader the proposed 1992 Appropriations Ordinance received second reading.

Councilmember Shirley stated he wished to make an amendment to the budget. He suggested that next year a Councilmember be assigned to a particular Department Head and be allowed to sit in on the department's budget meeting. He felt this would enable the Councilmembers to be more involved in the way the budget is prepared, as well as to understand it better.

Councilmember Shirley explained the amendment to the budget which he proposed to make was the following:

A meeting of the Human Resources Committee was held this day with the result that the City will save some money. He said he would be willing to vote for the budget if it was amended to provide \$30,000 for the Recreation Department for a Therapeutics Director (\$18,500 for Director; \$11,500 for operating supplies) to be directly involved with handicapped children and adults, as well as mentally retarded children and adults.

Councilmember Shirley said he had spoken with the Recreation Director about this and was told a Therapeutics Director was sorely needed in the City.

Councilmember Shirley moved that a Therapeutics Director be added to the Recreation Department and that \$30,000 be added to the budget for a Therapeutics Director and his operating supplies. Councilmember Kinloch seconded the motion.

The Mayor addressed the motion. First, he thanked the Human Resources Committee for its fine work and the City staff who worked with the committee for their fine work on requesting and receiving bids on the City's health insurance program. At the Committee's recommendation, he said, the City will be able to have the same program for its employees and at the same time save \$90,000. He explained the City is self insured except for costs exceeding \$50,000. He stated further that the City is buying an additional insurance to safeguard against any "hemorrhaging" next year -- next year insurance cannot cost the City any more than the amount in the budget. He thanked the committee and the staff who worked so hard on this.

The Mayor proposed that City Council reduce taxes by \$90,000, which would be about two-thirds of a mill tax reduction.

He stated the therapeutic program is a very fine program. He congratulated Howard Silverstein, the Recreation Director, for his interest in the special needs population. He stated one of the many fine things that Mr. Silverstein has done as Director is to take on new initiatives. He praised Mr. Silverstein for beginning some new initiatives for the special needs population.

The Mayor then acknowledged that one could make a splendid argument to create the Therapeutic Director's position and appropriate the money for it. He, However asked City Council not to do that as important as the position is. He explained that other departments asked for additional employees and their requests were denied. With the exception of the new police and fire department personnel on Daniel Island, he said, he wanted to try to challenge "ourselves to see if we can do more with the employees we have."

He felt the Recreation Director would reasonably say his department was stretched enough. His challenge to the Recreation Director was to try and produce a therapeutic program with the resources he has and to produce it with the manpower he has.

The Mayor continued by saying that two weekends ago the Recreation Director worked at Lucas Park with the crew of volunteers who installed equipment that is handicap accessible. Last weekend he worked on the Soccer Shoot Out. He added that to ask him to do any more was not fair, but that was the challenge he made to all of the City's departments this year. He preferred not to give one department additional resources when all of the other ones are going to be challenged to do more for the citizens of this City but without any new employees.

The Mayor urged City Council not to approve the additional funding for the Recreation Department, but rather use the \$90,000 savings by further reducing taxes.

Councilmember Stephens offered a substitute motion. He moved that the millage be reduced to reflect the \$90,000 savings Councilmember Ader seconded the motion.

Councilmember Evans said it was very difficult to argue against a decrease in property taxes and she thought that was the right way to go at this time. She felt, however, with regards to Councilmember Shirley's motion that handicapped children and adults were a segment of the City's population for which a lot has not been done by the City. She also felt this was an area in which

there was a good deal of volunteer effort that can be tapped into. She asked if money comes to the City from somewhere during the course of the year that consideration be given to starting a program on a part-time basis for this segment of the City's population.

There was no further discussion on Councilmember Stephens' motion. City Council voted on the motion. The motion carried. Councilmember Shirley voted "Nay".

The bill, as amended, passed second reading on motion of Councilmember Stephens and third reading on motion of Councilmember Gaillard. On the further motion of Councilmember Evans, the rules were suspended and the bill, as amended, was immediately ratified as:

Ratification

Number 1991-154

AN ORDINANCE

MAKE APPROPRIATIONS TO MEET THE LIABILITIES OF THE CITY OF CHARLESTON FOR THE FISCAL YEAR ENDING DECEMBER 31, 1992.

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

Section 1. That the following sums of money be, and are hereby appropriated for the purposes hereinafter mentioned, to wit:

POLICY AND ADMINISTRATION

PROGRAM

Mayor

Personnel Services \$398,002

Operating Expenses 65,129

Capital Outlay 500

Total \$463,631

Cultural Affairs

Personnel Services \$176,686

Operating Expenses 513,751

Capital Outlay 1,000

Total \$691,437

Dock Street Theatre

Personnel Services \$0

Operating Expenses 82,800

Capital Outlay 1,450

Total \$84,250

Garden Theater

Personnel Services \$0

Operating Expenses 26,100

Capital Outlay 2,000

Total \$28,100

Tourism

Personnel Services \$104,668

Operating Expenses 12,157

Capital Outlay 0

Total \$116,825

CBD Revitalization

Personnel Services \$133,912

Operating Expenses 33,100

Capital Outlay 1,500

Total \$168,512

Farmers Market

Personnel Services \$3,100

Operating Expenses 11,712

Capital Outlay 2,000

Total \$16,812

City Council/Clerk of Council

Personnel Services \$201,778

Operating Expenses 97,750

Capital Outlay 0

Total \$299,528

Archives

Personnel Services \$42,953

Operating Expenses 45,300

Capital Outlay 2,000

Total \$90,253

Corporation Counsel

Personnel Services \$134,485

Operating Expenses 95,970

Capital Outlay 700

Total \$231,155

Finance

Personnel Services \$447,217

Operating Expenses 151,153

Capital Outlay 3,800

Total \$602,170

Data Processing

Personnel Services \$149,442

Operating Expenses 326,981

Capital Outlay 27,850

Total \$504,273

Business License

Personnel Services \$126,676

Operating Expenses 43,257

Capital Outlay 1,032

Total \$170,965

Minority Business Development

Personnel Services \$57,521

Operating Expenses 16,342

Capital Outlay 0

Total \$73,863

City Hall

Personnel Services	\$0
Operating Expenses	280,656
Capital Outlay	0
Total	\$280,656

14 George Street

Personnel Services	\$0
Operating Expenses	28,160
Capital Outlay	0
Total	\$28,160

Personnel

Personnel Services	\$208,808
Operating Expenses	73,874
Capital Outlay	0
Total	\$282,682

Purchasing

Personnel Services	\$152,940
Operating Expenses	22,754

Capital Outlay 950

Total \$176,644

City Market

Personnel Services \$0

Operating Expenses 6,833

Capital Outlay 1,500

Total \$8,333

Internal Audit

Personnel Services \$59,665

Operating Expenses 11,014

Capital Outlay 0

Total \$70,679

Community Promotion

Operating Expenses \$147,488

Trident Work Experience

Personnel Services \$143,070

Operating Expenses 50,966

Capital Outlay 1,400

Total \$195,436

PROTECTION AND PUBLIC SAFETY
PROGRAM

Police

Personnel Services \$9,399,730

Operating Expenses 2,481,587

Capital Outlay 234,856

Total \$12,116,173

Safety Council

Operating Expenses \$2,500

Fire

Personnel Services \$5,048,388

Operating Expenses 409,052

Capital Outlay 51,130

Total \$5,508,570

Municipal Court

Personnel Services \$181,053

Operating Expenses 62,607

Capital Outlay 330

Total \$243,990

Municipal Court Accounting

Personnel Services \$73,471

Operating Expenses 18,630

Capital Outlay 0

Total \$92,101

PUBLIC SERVICE PROGRAM

Public Service Administration

Personnel Services \$204,618

Operating Expenses 27,641

Capital Outlay 0

Total \$232,259

Engineering

Personnel Services \$276,266

Operating Expenses 32,272

Capital Outlay 1,100

Total \$309,638

Inspections

Personnel Services \$536,487

Operating Expenses 81,568

Capital Outlay 800

Total \$618,855

Streets and Drainage Administration

Personnel Services \$79,904

Operating Expenses 15,567

Capital Outlay 0

Total \$95,471

Drainage

Personnel Services \$475,239

Operating Expenses 205,788

Capital Outlay 14,900

Total \$695,927

Streets

Personnel Services \$481,784

Operating Expenses 211,966

Capital Outlay 2,200

Total \$695,950

Sanitation Administration

Personnel Services \$115,591

Operating Expenses 64,195

Capital Outlay 0

Total \$179,786

Garbage Collection

Personnel Services \$658,456

Operating Expenses 407,745

Capital Outlay 19,500

Total \$1,085,701

Trash Collection

Personnel Services \$406,672

Operating Expenses 415,197

Capital Outlay 0

Total \$821,869

Street Sweeping

Personnel Services \$266,084

Operating Expenses 132,724

Capital Outlay 0

Total \$398,808

Shops and Equipment

Personnel Services \$363,067

Operating Expenses 65,982

Capital Outlay 6,000

Total \$435,049

Communications

Personnel Services \$97,292

Operating Expenses 48,343

Capital Outlay 20,000

Total \$165,635

Marina

Personnel Services \$139,473

Operating Expenses 441,772

Capital Outlay 0

Total \$581,245

Public Service Capital Project

Operating Expenses \$374,000

Traffic and Transportation Administration and
Operations

Personnel Services \$475,265

Operating Expenses 261,832

Capital Outlay 28,695

Total \$765,792

First/Citadel Lots

Personnel Services \$0

Operating Expenses 40,580

Capital Outlay 0

Total \$40,580

St. Philip & George St. Garage

Personnel Services \$403,672

Operating Expenses 51,578

Capital Outlay 2,700

Total \$457,950

Parking Meters

Personnel Services \$152,403

Operating Expenses 43,429

Capital Outlay 0

Total \$195,832

Concord Street Parking Lot

Personnel Services \$0

Operating Expenses 3,330

Capital Outlay 0

Total \$3,330

George/Society Parking Lot

Personnel Services \$0

Operating Expenses 117,285

Capital Outlay 660

Total \$117,945

Cumberland Street Parking Garage

Personnel Services \$53,539

Operating Expenses 36,404

Capital Outlay 1,050

Total \$90,993

Morris/St. Philip Street Lot

Personnel Services \$0

Operating Expenses 25,533

Capital Outlay 0

Total \$25,533

Wentworth Street Garage

Personnel Services \$18,142

Operating Expenses 29,100

Capital Outlay 900

Total \$48,142

Hornbeck Alley Parking Lot

Personnel Services \$0

Operating Expenses 100,417

Capital Outlay 660

Total \$101,077

Rainbow Market Lot

Personnel Services \$0

Operating Expenses 11,359

Capital Outlay 0

Total \$11,359

Garden Theatre Parking Lot

Personnel Services \$0

Operating Expenses 15,857

Capital Outlay 0

Total \$15,857

Colony House Lot

Personnel Services \$0

Operating Expenses 822

Capital Outlay 0

Total \$822

Auditorium Parking Lot

Personnel Services \$13,667

Operating Expenses 1,392

Capital Outlay 0

Total \$15,059

Concord/Cumberland Street Parking Garage

Personnel Services \$18,142

Operating Expenses 38,586

Capital Outlay 6,350

Total \$63,078

East Bay/Prioleau Street Parking Garage

Personnel Services \$0

Operating Expenses 37,585

Capital Outlay 6,000

Total \$43,585

Transit Office

Personnel Services \$72,101

Operating Expenses 36,334

Capital Outlay 0

Total \$108,435

Charleston Place Parking Garage

Personnel Services \$82,793

Operating Expenses 40,329

Capital Outlay 0

Total \$123,122

VRTC Parking Lot

Personnel Services \$0

Operating Expenses 16,317

Capital Outlay 0

Total \$16,317

Traffic and Transportation Capital Project

Operating Expenses \$28,500

RECREATION DEPARTMENT PROGRAM

Recreation Administration

Personnel Services \$89,901

Operating Expenses 51,152

Capital Outlay 4,115

Total \$145,168

Adult Sports

Personnel Services \$90,257

Operating Expenses 95,955

Capital Outlay 3,225

Total \$189,437

James Island Recreation Complex

Personnel Services \$73,518

Operating Expenses 78,392

Capital Outlay 1,165

Total \$153,075

Special Events

Personnel Services \$27,037

Operating Expenses 25,033

Capital Outlay 0

Total \$52,070

Youth Sports

Personnel Services \$59,377

Operating Expenses 73,562

Capital Outlay 1,100

Total \$134,039

Swim Team

Personnel Services \$0

Operating Expenses 15,660

Capital Outlay 0

Total \$15,660

Playgrounds

Personnel Services \$168,501

Operating Expenses 57,305

Capital Outlay 3,075

Total \$228,881

Eastside Center

Personnel Services \$46,519

Operating Expenses 28,928

Capital Outlay 1,125

Total \$76,572

City Gym Center

Personnel Services \$67,909

Operating Expenses 51,309

Capital Outlay 0

Total \$119,218

Tennis Center

Personnel Services \$52,112

Operating Expenses 52,182

Capital Outlay 2,750

Total \$107,044

Soccer Shootout

Personnel Services \$0

Operating Expenses 3,825

Capital Outlay 0

Total \$3,825

Forest Park Pool

Personnel Services \$183,350

Operating Expenses 63,850

Capital Outlay 6,273

Total \$253,473

Martin Luther King, Jr. Pool

Personnel Services \$27,800

Operating Expenses 16,648

Capital Outlay 0

Total \$44,448

Herbert Hasell Pool

Personnel Services \$20,200

Operating Expenses 11,225

Capital Outlay 0

Total \$31,425

James Island Pool

Personnel Services \$50,384

Operating Expenses 11,860

Capital Outlay 1,600

Total \$63,844

PARKS DEPARTMENT PROGRAM

Parks

Personnel Services \$1,135,867

Operating Expenses 382,130

Capital Outlay 30,007

Total \$1,548,004

Construction Division

Personnel Services \$128,271

Operating Expenses 31,450

Capital Outlay 4,980

Total \$164,701

Facilities Maintenance

Personnel Services \$444,928

Operating Expenses 169,540

Capital Outlay 13,140

Total \$627,608

Urban Forestry

Personnel Services \$117,470

Operating Expenses 62,084

Capital Outlay 4,340

Total \$183,894

Horticulture

Personnel Services \$104,777

Operating Expenses 67,290

Capital Outlay 7,878

Total \$179,945

Electrical

Personnel Services \$190,630

Operating Expenses 719,846

Capital Outlay 6,985

Total \$917,461

Angel Oak

Personnel Services \$23,084

Operating Expenses 10,460

Capital Outlay 1,200

Total \$34,744

Cypress Gardens

Personnel Services \$181,776

Operating Expenses 87,187

Capital Outlay 5,875

Total \$274,838

Parks and Facilities Capital Project

Personnel Services \$0

Operating Expenses 350,857

Capital Outlay 0

Total \$350,857

SPECIAL FACILITIES PROGRAM

Municipal Auditorium

Personnel Services \$278,544

Operating Expenses 372,587

Capital Outlay 0

Total \$651,131

Central Box Office

Personnel Services \$129,942

Operating Expenses 188,600

Capital Outlay 0

Total \$318,542

Auditorium Concessions

Personnel Services \$34,568

Operating Expenses 65,225

Capital Outlay 0

Total \$99,793

Forever Charleston

Personnel Services \$84,808

Operating Expenses 144,080

Capital Outlay 0

Total \$228,888

V.R.T.C. Operations

Personnel Services \$76,766

Operating Expenses 178,275

Capital Outlay 0

Total \$255,041

Ports Authority

Personnel Services \$12,916

Operating Expenses 36,880

Capital Outlay 0

Total \$49,796

Municipal Golf Course

Personnel Services \$199,706

Operating Expenses 269,817

Capital Outlay 0

Total \$469,523

COMMUNITY DEVELOPMENT PROGRAM

Planning and Urban Development

Personnel Services \$754,119

Operating Expenses 123,891

Capital Outlay 0

Total \$878,010

ASSISTANCE PROGRAMS

Senior Citizens Center

Operating Expenses \$10,000

Juvenile Restitution Program

Operating Expenses \$10,000

Charleston Orphan House, Inc.

Operating Expenses \$35,000

Jenkins Orphanage

Operating Expenses \$15,000

Charleston Home for Children

Operating Expenses \$0

HOT Line

Operating Expenses \$1,200

Shelter Program

Operating Expenses \$36,200

Neighborhood House

Operating Expenses \$3,000

YMCA

Operating Expenses \$6,000

Charleston Speech and Hearing Clinic

Operating Expenses \$2,500

Horizon House

Operating Expenses \$5,000

Palmetto Pathway Homes

Operating Expenses \$5,000

People Against Rape

Operating Expenses \$8,000

Florence Crittenton Home

Operating Expenses \$6,000

My Sister's House

Operating Expenses \$3,000

Hospice of Charleston

Operating Expenses \$3,000

Food Bank

Operating Expenses \$3,000

MISCELLANEOUS PROGRAMS

Non-Departmental \$1,314,190

Pensions

Operating Expenses \$4,378,000

Employees Benefits

Operating Expenses \$3,284,000

General Insurance

Operating Expenses	\$611,000
Emergency Fund	
Operating Expenses	\$80,000
Interest	
Operating Expenses	\$1,762,839
Bond Principal	
Operating Expenses	\$1,000,000
TOTAL APPROPRIATIONS	\$53,091,571

Section 2. The above appropriations shall be expended according to schedules approved by the Committee on Ways and Means. When it becomes necessary to make a transfer within any department or miscellaneous appropriation above, such transfer shall be made only upon the approval of the Director of the Department of Administrative Services provided, however, that the Director of the Department of Administrative Services shall refer transfers in excess of \$2,500.00 to the Ways and Means Committee for authorization.

Section 3. The above appropriations are on a basis of twelve (12) months, and are effective as of January 1, 1992, but said appropriations for salaries and operations are subject to cancellation or amendment by City Council as any emergency may make necessary. Scheduled appropriations for salaries paid on a bi-weekly basis shall cover the period from December 21, 1991 through December 18, 1992, and for salaries paid on a weekly basis the period from December 21, 1991 through December 18, 1992. It is the purpose and intent of these schedules that in the case of salaries paid on a bi-weekly basis, the bi-weekly compensation shall be one twenty-sixth (1/26) of the sum herein appropriated and in the case of salaries paid on a weekly basis, the weekly compensation shall be one fifty-second (1/52) of the sum herein appropriated.

Section 4. The Mayor is hereby empowered in any emergency and for increased efficiency in administration of government or in the event of any vacancies in any department or division, to transfer any individual or individuals on the payroll from one department or division to another.

Section 5. The Director of Administrative Services is hereby authorized to refer for final approval any proposed expenditures for salaries or supplies submitted by any department, board, commission to the Mayor or the Committee on Ways and Means if, in his judgment, such referral is advisable.

Section 6. The Director of Administrative Services of the City of Charleston is hereby authorized to arrange for the issuance on tax anticipation notes from time to time in anticipation of receipt of taxes by requesting bids for the issuance of such notes from such financial institutions as he shall determined The aggregate amount of tax anticipation notes to be issued by the City of Charleston

shall not exceed \$10,000,000. The Notes shall be issued in compliance with State and Federal law. The Mayor is authorized to award the Notes to the financial institution offering the lowest rate of interest to the City.

Section 7. That the Emergency Fund shall be allocated by the Committee on Ways and Means for improvements, adjustments and emergencies.

Section 8. That if any section, item or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining sections, items and portions hereof, which shall remain in full force and effect.

Section 9. All Ordinances and parts of Ordinances in conflict with this Ordinance shall be and the same hereby are repeal only so far as they are in conflict herewith.

Section 10. This Ordinance shall take effect as of January 1, 1992.

On motion of Councilmember Gaillard second reading was given to the 1992 Levy Bill. The bill passed second reading on motion of Councilmember Richardson and third reading on motion of Councilmember Thomas. On the further motion of Councilmember Ader, the rules were suspended and the bill was immediately ratified as:

Ratification

Number 1991-155

AN ORDINANCE

TO RAISE FUNDS FOR THE FISCAL YEAR ENDING DECEMBER 31, 1992, AND TO MEET THE APPROPRIATION OF \$53,091,571 AUTHORIZED BY ORDINANCE RATIFIED DECEMBER 3, 1991.

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

Section 1. The revenues of the City Government applicable to the financing of the appropriations have been estimated and fixed as shown in the following items:

ITEM 1.

Property Taxes \$29,489,776

Less Local Option Sales Tax Credit (4,965,121)

ITEM 2.

Licenses \$6,594,925

ITEM 3.

Permits and Fees \$741,420

ITEM 4.

Rents and Concessions \$96,869

ITEM 5.

Police Department \$1,050,283

ITEM 6.

Airport \$326,830

ITEM 7.

Penalties and Costs \$270,000

ITEM 8.

State of South Carolina \$6,885,621

ITEM 9.

Recreational Facilities \$289,280

ITEM 10.

Franchise Tax \$2,318,000

ITEM 11.

Commission of Public Works \$845,000

ITEM 12.

Miscellaneous Income \$448,080

ITEM 13.

Interest Income \$385,000

ITEM 14.

Federal Programs \$258,300

ITEM 15.

Municipal Marina \$509,778

ITEM 16.

Municipal Golf Course \$675,870

ITEM 17.

Municipal Auditorium \$818,500

ITEM 18.

Forever Charleston/V.R.T.C. \$381,000

ITEM 19.

City Market \$218,750

ITEM 20.

Cypress Gardens \$78,000

ITEM 21.

Parking Facilities \$4,432,000

ITEM 22.

Ports Authority \$20,000

TOTAL REVENUES \$52,168,161

APPROPRIATION OF RESERVES \$923,410

APPROPRIATION OF SURPLUS 0

TOTAL TO BE APPROPRIATED \$53,091,571

Section 2: That for the purpose of providing the sum of \$24,524,655 for General Fund Operations set forth in item 1 above, a tax of one hundred fifty-seven and three-tenths (157.3) mills hereby is levied upon every dollar of value of all real and personal property in the City of Charleston to be appropriated for the several purposes indicated in the Annual Appropriations Ordinance and for the purpose of providing funds for drainage improvements hereby is levied a tax of two (2) mills upon every dollar of value of all real and personal property in the City of Charleston.

Section 3: That for the purpose of deriving the revenue estimated in item 10 of Section 1, there is levied a tax on all amounts received by any person, firm or corporation from the sale of electric energy used within the corporate limits of the City of Charleston, except electric energy paid for by the City Council of Charleston, and also a tax on all amounts received by any person, firm or corporation from the sale of natural or manufactured gas used within the corporate limits of the City of Charleston, except gas paid for by the City Council of Charleston, to be paid as other taxes herein of the City of Charleston are paid, and to be calculated on the amounts received from the 1st

of January of the previous year through the 31st of December of the previous year, which taxes shall be in addition to all other taxes and assessments. The total tax shall be three percent (3%) of the retail electric and gas revenues.

Section 4: All taxes hereby levied shall be paid on or before January 15, 1993.

Section 5: That for the non-payment of taxes hereby levied in the manner and form as hereinabove set out, penalties and costs shall be added and imposed as follows:

January 16, 1993 through February 1, 1993, three percent (3%) plus cost.

After February 1, 1993 through March 15, 1993, in addition to the three per cent (3%) herein specified, an additional seven per cent (7%) plus cost.

After March 15, 1993, in addition to the three per cent (3%) and seven per cent (7%) herein specified, an additional five per cent (5%) until paid, plus all costs of levy, collection, seizure and sale.

Provided, however, that this shall in no way be construed to extend the time for payment of taxes as hereinabove set forth, and the Officers of the City of Charleston or the County of Charleston are authorized to proceed with the collection and enforcement by levy, sale or otherwise at any time subsequent to the said first day of February, 1993.

Section 6: The Sheriff of Charleston County shall determine the date to sell all real property upon which taxes levied under this ordinance are unpaid; provided, however, nothing herein contained shall prevent the sale upon a subsequent date of real property not sold on the above mentioned date because of error, mistake, oversight or other cause.

Section 7: That the taxes herein levied shall constitute a specific lien on the property taxed paramount to all other liens, except those for State and County taxes, from the time the liability for said taxes shall have accrued for the full term of ten (10) years after the said taxes shall have been due and payable.

Section 8: That all funds collected under the authority of this ordinance, except as herein directed, are to be held, used and expended for expenses incurred and to be incurred for the calendar year 1992 and all such expenses. Including those represented by the issuance of tax anticipation notes shall be first paid and shall constitute a first lien upon all such funds, and also upon all of the above levy so far as may be necessary to meet the payment of the said tax anticipation notes for expenses incurred in the Year 1991.

Section 9: That all the above items are to be paid herein set forth so far as may be necessary and subject to the provisions of Section 8 of this ordinance, but any balances in any of the above items not used or specifically set aside for use, shall revert to the General Fund.

Section 10: That if any section, item or portion of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining sections, items and portion thereof, which shall remain in full force and effect.

Section 11: This ordinance shall take effect January 1, 1992.

Next, on motion of Councilmember Stephens, second reading was given to a bill to amend restrictive covenants for Park Place Subdivision. The bill passed second reading on motion of Councilmember Ader and third reading on motion of Councilmember Richardson. On the further motion of Councilmember Evans, the rules were suspended and the bill was immediately ratified as:

Ratification

Number 1991-156

AN ORDINANCE

TO AMEND RESTRICTIVE COVENANTS FOR TAX MAP SERIES NUMBER 310-13-00-024 thru 026, 028 thru 031, 033 thru 036, and 057 thru 063.

WHEREAS, by Ordinance Number 1984-1, the City Council zoned a parcel of property containing forty-three (43) acres, more or less, located east of Mutual Drive and West of Parkdale Drive, known as Park Place subdivision, DR-1F (Diverse Residential); and

WHEREAS, the owner of the property executed certain Restrictive Covenants encumbering the property, which covenants are recorded in the Records Mesne Conveyance Office for Charleston County in Book M134 at Page 424, and which allow for the City Council to amend the covenants under certain conditions delineated therein; and

WHEREAS, Tax Map Series Numbers 310-13-00-024 thru 026, 028 thru 031, 033 thru 036, and 057 thru 063, containing approximately four and one-half (4.5 acres,) are part of the original forty-three (43) acres encumbered by the Restrictive Covenants referenced above; and

WHEREAS, City Council has determined that an amendment to the Restrictive Covenants is necessary and in the public interest.

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

Section 1. Those certain Restrictive Covenants dated January 10, 1985 and recorded in the Records Mesne Conveyance Office for Charleston County in Book M134 at Page 424, are hereby amended pursuant to the conditions as are set forth in the Amendment to Restrictive Covenants, shown as Exhibit A.

Section 2. This ordinance shall become effective upon ratification.

EXHIBIT A

ALL those certain pieces, parcels or lots of land, situate, lying and being in the City and County of Charleston, State of South Carolina, being designated as lot numbers 7-10, 12-15, 17, 18 and 19 on a subdivision plat of Park Place Subdivision, Phase II, dated November 2, 1987, and recorded in Plat Book BP at Page 122, in the Charleston County R.M.C. office, and designated as lot numbers 30-36 on a subdivision plat of Park Place Subdivision, Phase III, dated November 2, 1987 and recorded in Plat Book BP at Page 122, in the Charleston County R.M.C. office.

TMS# 310-13-00-024 thru 026, 028 thru 031, 033 thru 036, and 057 thru 063.

The last two (2) bills on the agenda pertained to the annexation of (1) certain properties in Berkeley County bearing TMS# 271-00-01-059, 060, 063, rights-of-way of Pinefield Road, the Mark Clark Expressway and Cainhoy Road, as well as certain marshland, creeks and river bottoms including marshes of the Harry F. Guggenheim Foundation; and, (2) St. Thomas Church (TMS# 255-00-00-001) in Berkeley County, to the City of Charleston. City Council deferred action on these two bills until its next meeting.

City Council was reminded that its next meeting would be held the following Tuesday, December 10th. It was reminded also that the following day the Employees Christmas Party would be held commencing at 5:30 p.m. at the Gaillard Municipal Auditorium and at 7:00 p.m. the Christmas tree lighting in Colonial Lake would take place. On Sunday, the Christmas Parade would take place and the tree lighting in King Street Square was scheduled for the following Wednesday evening.

Mayor stated that the he would be telephoning Councilmember Christopher in his hospital room following this meeting and invited the members of City Council to say a few words to him.

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

MARY R. WRIXON

Clerk of Council