

**April 12, 1977**

{View Imaged Minutes}

Regular Meeting, April 12, 1977

PROCEEDINGS OF COUNCIL

COUNCIL CHAMBER

Regular Meeting.

April 12, 1977.

The thirty-fourth meeting of The City Council of Charleston was held this day convening at 7:00 p.m.

PRESENT

The Honorable Joseph P. Riley, Jr., Mayor, and Councilmembers Young, Kinloch, Richardson, Jefferson, Christopher, Scott, Iford, Johnson, Ader, Moore, Stephens, Grimball -- 13.

The meeting was opened with prayer by Councilmember Moore.

Council recessed so that the Committee on Ways and Means could complete its agenda.

Upon reconvening the meeting, the Mayor introduced Fred Wacker as the project director who will assist the Urban Reinvestment Task Force in getting the Charleston Neighborhood Housing Service off to a start. The Mayor stated that an advertisement would appear in the local newspaper seeking applications for the position of Project Co-ordinator which position must be filled by a local Charleston person. He encouraged the Councilmembers to ask any persons who are interested to apply for the position.

The Mayor briefed Council on the work which Mr. Wacker has already been doing and the work he will do during the next weeks.

The Mayor also introduced Dr. Steve Steinert, who had been Administrative Assistant for the City. The Mayor said Dr. Steinert had been appointed Assistant Director of Congressional Relations for the Department of Housing and Urban Development and that he would be leaving shortly for Washington, D.C. to assume his new duties. City Council joined the Mayor in wishing Dr. Steinert the very best success in his new position.

Councilmember Richardson asked that Council discuss out of order the Water Supply Committee's recommendation which was made at Council's last meeting on fluoridation. He recalled that action on the committee's report was deferred until this meeting and he noted the presence of interested citizens and representatives of the dentistry profession.

No objection was expressed to Councilmember Richardson's request.

Prior to beginning the discussion, ground rules were established. The Mayor pointed out that this was not a public hearing, however, because of the nature of the matter for discussion, Council was willing to make an exception and hear from persons who wished to speak on the matter.

Councilmember Ader emphasized that regardless of Council's decision on the question, the ultimate decision was in the hands of the Commissioners of Public Works. For this reason she wondered whether the proponents or opponents shouldn't go before the Commissioners of Public Works instead of City Council. Councilmember Moore moved that each person who desired to speak be limited to a ten-minute presentation. Councilmember Richardson seconded the motion.

Councilmember Grimball pointed out that the citizens had been waiting a long time this evening to speak and he felt they should be allowed to take the necessary time they felt was needed to make their presentation. The question of how much time should be allotted to each speaker was discussed and in conclusion it was agreed a twenty-minute time limitation should be set.

Council heard an approximately twenty-minute presentation by Gerald Prazak who spoke against fluoridation of the City's water supply. As a chemist he believed fluorides to be dangerous on a long term basis and he referred to medical testimony with literary references from both A.M.A. and A.D.A. journals.

Mrs. Louise J. Kerr also made a presentation in opposition to fluorides being added to the City's water supply and substantiated her position by referring to written texts as well as personal experience.

Council's attention was directed to the presence of representatives of the dentistry profession who made a presentation at Council's last meeting. Council was advised that these representatives were present to answer questions Council might want to direct to them.

Dr. Jerome Brian answered questions asked by Councilmembers Johnson, Young, Iford, Grimball, Kinloch, Moore, Christopher and Richardson.

Dr. Brian made a presentation in which he explained his reasons for favoring fluoridation of water and emphasized the need for it. Using reference materials which his study of the subject had produced, he contradicted statements made by opponents to fluoridated water.

Dr. Keith Johnson, Director of Dental Services of the Tri-County area, also rose to answer questions asked by Councilmembers and to speak in defense of adding fluorides.

Several Councilmembers expressed concern over what effect fluoridated water would have on persons with allergies. Concern was also expressed over the question of how the intake of fluorides can be controlled so as not to reach a toxic level.

Among the questions asked by Councilmember Young was whether the Charleston County Dental Society endorsed fluoridation. Upon being told that it did, he asked whether the Society would be willing to go on record as supporting fluoridation and being liable to indemnify the City or the Commissioners of Public Works for any law suits which may be brought by persons having an allergenic reaction to fluoridation which with reasonable medical certainty could be shown to be attributed to fluoridated water.

Dr. Brian replied that the Society favored fluoridated water. He could not speak for the Society on the legal question. Numerous times during his presentation and while answering questions he made mention of his strong feelings in favor of fluoridated water.

Alternatives to adding fluorides to the City's water supply were suggested. Drs. Brian and Johnson strongly maintained there was no substitution to fluoridated water.

Mention was made of the daily consumption of water in the Charleston area, the cost initially for installing the necessary equipment to fluoridate water and the approximate cost of adding fluorides daily to the water.

Dr. Brian cited Baltimore, Maryland as an example of satisfactory results from fluoridated water.

Councilmember Grimball questioned whether from a philosophical view point, and not a medical view point, it was fair for the City to impose on all people of the City of Charleston fluoridated water, water being an element which the people must drink. Dr. Brian replied that denying children fluoride was denying them their right to the protection which fluoride gives.

In line with his earlier questions, Councilmember Young stated that he drew up a hand written resolution during the meeting which he asked be read into the record. The resolution was as follows:

#### A RESOLUTION

We, the Charleston County Dental Society, agree to indemnify and hold harmless the Commissioners of Public Works and the City of Charleston for any adverse reaction which can be linked with reasonable medical certainty to the fluoridation of the water supply of the City of Charleston.

Councilmember Young gave Dr. Brian the resolution with the request that he take it to the Charleston County Dental Society's next meeting and ask them to consider it.

Mr. Prezak answered questions directed to him by Councilmember Ader.

At the conclusion of approximately one and a half hours of discussion, Councilmember Kinloch moved to reject fluorides being added to the City's water supply; that the Committee on Water Supply's report not be adopted; and, that the Mayor and Councilmember Richardson, who are ex-officio members of the Commissioners of Public Works, inform the said body that City Council does not recommend adding fluorides to the City's water supply.

Councilmember Iford seconded the motion. The motion was discussed. Councilmember Grimball felt it was premature to take such action. He felt the Charleston County Dental Society should be given an opportunity to consider the resolution submitted by Councilmember Young and to make the legal commitment. He also felt it would be appropriate to send the resolution to the County Medical Association to determine if they would be willing to accept the liability.

Councilmember Moore recalled that the citizens of the City voted in favor of water fluoridation at a referendum which was held a few years ago. It was also recalled that two referendums were held on this question and it failed in one referendum.

The Mayor spoke strongly on his belief that Councilmember Young's idea was a very intelligent request as an advocate and as a lawyer but he did not think City Council ever should make a decision based on the willingness or lack of willingness of any private group of people to indemnify a public action. He strongly supported water fluoridation. He expressed concern that there are many children who will not receive fluoride tablets which are now available. He expressed the hope that Council would not reject fluoridation and thereby performing a disservice to the children of this community by preventing them from having this opportunity.

Councilmember Stephens pointed out that members of the dentistry profession stood to lose if the water was fluoridated and he felt their advice should be followed on this issue.

The vote on Councilmember Kinloch's motion was seven "Ayes", five "Nays", and one abstention. Councilmembers Richardson, Jefferson, Moore, Stephens, and the Mayor voted "Nay". Councilmember Ader abstained from voting.

The Mayor recognized the presence at this meeting of former Alderman William H. Grimball, father of Councilmember Grimball, who, the Mayor recalled, presently serves on the City's Redevelopment and Preservation Commission, and Arthur Grimball, one of Councilmember Grimball's brothers.

A recess was declared after the almost two hour discussion of fluoridation.

Upon reconvening the meeting, Council received a request from Willart Smith that 626 Rutledge Ave., located at the corner of Rutledge Ave. and Huger St., be rezoned from its present residential classification to Limited Business classification to enable him to operate a beauty shop at this address. On motion of Councilmember Moore, seconded by Councilmember Scott, Council referred the petition to the City Planning and Zoning Commission.

Council received the following report of the Commission on Ways and Means:

TO THE MAYOR AND COUNCILMEMBERS,

THE CITY COUNCIL OF CHARLESTON:

The Committee on Ways and Means submits herewith a bill to amend the 1977 Business License Ordinance pertaining to apartments or apartment hotels furnished or unfurnished; holding, investment and development companies; and offices buildings and rooming houses. The Committee on Licenses has recommended that the Bill be given three readings and be ratified as soon as possible. Further, the License Committee has recommended that only for the year of 1977 the exemption be retroactive to January 1, 1977 and that the time for filing for a business license be extended until June 1, 1977. The Committee on Ways and Means concurs with the recommendations of the Committee on Licenses and it so recommends to City Council.

In addition, The Committee on Ways and Means submits herewith a resolution condemning 1.56 acres of land on Folly Road near the South Windermere Shopping Center. The Committee has been advised that all possible efforts have been made to reach a mutual agreement between the City and the owners of the said acreage. The Committee believes it is in the best interest and in the general welfare of the citizens of this community for a park to be established on the subject land and it, therefore, recommends the adoption of the resolution so that the condemnation proceedings may go forward and be concluded as soon as possible. J. RUTLEDGE YOUNG, JR. Chairman JEROME KINLOCH DANIEL L. RICHARDSON HILDA H. JEFFERSON ARTHUR W. CHRISTOPHER BRENDA C. SCOTT ROBERT IFORD GEORGE A. Z. JOHNSON, JR. MARY R. ADER JAMES B. MOORE, JR. W. L. STEPHENS, JR. HENRY E. GRIMBALL JOSEPH P. RILEY, JR. Mayor

The report was adopted on motion of Councilmember Stephens.

The following bill was given first reading:

A BILL

TO AMEND THE 1977 BUSINESS LICENSE ORDINANCE FOR THE CITY OF CHARLESTON PERTAINING TO APARTMENTS OR APARTMENT HOTELS, FURNISHED OR UNFURNISHED; HOLDING, INVESTMENT AND DEVELOPMENT COMPANIES; OFFICE BUILDINGS AND ROOMING HOUSES.

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

Section 1. That Classification "A" of the 1977 Business License Ordinance be and the same hereby is amended as follows:

- (a) By inserting beneath the heading of Apartments or Apartment Hotels, Furnished or Unfurnished the following:

(Under Holding, Investment & Development Companies.)

- (b) By deleting Classification A-19 and A-20 in its entirety.
- (c) By renumbering the remaining numbers in this classification to run in consecutive order.

Section 2. That Classification "H" be and the same hereby is amended as follows:

- (a) By inserting beneath the heading of Holding, Investment & Development Companies the following:

(Applicable to proprietorships, joint ventures, partnerships, trusts, and corporations with 5 or more units; a unit is a single family quarters or office space.)

- (b) By striking Classification H-3 in its entirety and inserting in lieu thereof the following:

"H-3-- -On gross receipts not exceeding \$5,000.00\_\_\_\_\_ \$29.00"

- (c) By striking Classification H-5 in its entirety and inserting in lieu thereof the following:

"On each additional \$1,000.00 or fraction thereof of gross receipts from property physically located outside the City of Charleston on which a license fee has not been paid to a City or Town\_\_\_\_\_\$.30 For the purposes of this ordinance a Holding Company is defined as a Company that owns stock in a number of other Companies and derives its income from the return on these Holdings."

Section 3. That Classification "O" be and the same hereby is amended as follows:

By deleting the phrase "Apartment Building Rate Applies" beneath the heading of Office Buildings, and inserting the following:

(Under Holding, Investment and Development Companies.)

Section 4. That Classification "R" be and the same hereby is amended as follows:

By deleting the phrase "Under Apartment House Rate" beneath the heading of Rooming Houses, and inserting the following:

(Under Holding, Investment and Development Companies.)

Section 5. This ordinance shall become effective upon ratification.

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The following resolution was read:

A RESOLUTION CONDEMNING ONE POINT FIFTY SIX (1.56) ACRES OF LAND ON FOLLY ROAD NEAR THE SOUTH WINDERMERE SHOPPING CENTER

WHEREAS, it appears to the satisfaction of the City Council of the City of Charleston the land hereinafter described is necessary for the establishment of a park and the consequent welfare of the citizens of the City of Charleston, and

WHEREAS, it further appears that the property hereinafter described must be condemned by the City Council of Charleston and that two (2) freeholders must be selected by the City Council of Charleston to sit on a board of freeholders to fix the value of the land hereinafter described and determine any damages which may be due the landowners,

NOW, THEREFORE, BE IT RESOLVED that the City Council of Charleston finds that the land hereinafter described is necessary for the establishment of a park in the West Ashley part of the City of Charleston and for the general welfare of the citizens of the City of Charleston;

BE IT FURTHER RESOLVED that James J. Bailey and Joseph B. Cannon be selected as the freeholders to be appointed by the City Council of Charleston to determine the value of the land taken.

The property to be condemned and hereinafter referred to is described on Exhibit A.

DONE and resolved by the City Council of Charleston this 12th day of April, 1977.

JOSEPH P. RILEY, JR.,  
MAYOR

ATTEST:

MARY WRIXON, CLERK

CITY COUNCIL OF CHARLESTON

LEGAL DESCRIPTION FOR PROPERTY TO BE ACQUIRED FROM GEORGE A. NASH, JR., BENJAMIN D. NASH, WINIFRED C. FALLON, AND LORENA E. NASH

All that piece, parcel or lot of land situate, lying and being in Wappoo Subdivision, City and County of Charleston, S.C., designated as Lot 11 on Plat by Benson & Barrot dated February 9, 1924, recorded in Plat Book C, Page 176 in the R.M.C. Office for Charleston County and having the following metes and bounds according to said plat:

East 289' by Folly Road;

South 289'4" by Lot 10;

Southwest 190'7" by South Windermere Shopping Center; and Northwest 457' by said Shopping Center.

Saving and excepting .24 acres of said parcel lying at the northeast corner previously condemned and taken by the South Carolina Highway Department. Being a portion of the premises conveyed to George A. Nash by Wappoo Realty Company by Deed recorded in said R.M.C. Office in Book U-32, Page 36, a portion of which was conveyed by George A. Nash to George A. Nash, Jr., et al, by Deed dated January 21, 1969, and recorded in the R.M.C. Office aforesaid in Book W-91, Page 121.

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The resolution was adopted on motion of Councilmember Stephens.

A bill to adopt the 1976 edition of the Fire Prevention Code was given second reading. It passed second reading on motion of Councilmember Richardson and third reading on motion of Councilmember Stephens. On the further motion of Councilmember Moore, the rules were suspended and the bill was ratified as:

Ratification No. 1977-19

## AN ORDINANCE

TO AMEND SECTIONS 24-26 AND 24-27 OF THE CODE OF THE CITY OF

CHARLESTON, (1975), TO ADOPT THE 1976 EDITION OF THE FIRE PREVENTION CODE RECOMMENDED BY THE AMERICAN INSURANCE ASSOCIATION FOR THE PURPOSE OF PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That Section 24-26 of the Code of the City of Charleston, 1975, be and the same hereby is amended by striking out the whole thereof and inserting in lieu thereof the following:

"Section 24-26. Adoption of fire prevention code.

Except insofar as in conflict with the laws of the state and the ordinances of the city, there is hereby adopted by the City Council, for the purpose of prescribing regulations, governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, recommended by the American Insurance Association, being particularly the 1976 edition, the whole thereof, save and except such portions as are deleted, modified or amended, as provided in Sections 24-27 and 24-29, of which a copy has been and now is filed in the office of the Clerk of Council, and the same shall constitute a part of this article and is hereby adopted and incorporated as fully as if set forth at length herein, and from the effective date of this ordinance, the provisions thereof shall be controlling within the limits of the city; provided, that whenever the word municipality is used in the Fire Prevention Code hereby adopted it shall be held to mean the City of Charleston, South Carolina."

Section 2. That Section 24-27 of the Code of the City of Charleston, 1975, be and the same hereby is amended by striking out the whole thereof and inserting in lieu thereof the following:

"Section 24-27. Amendments to fire prevention code.

The Fire Prevention Code, adopted by Section 24-26, is amended and changed in the following respects:

- (1) Section 16.62, Subsection C, is deleted in its entirety and is amended to read as follows: "Class I and Class II flammable liquids shall be stored in tanks located underground or in tanks in special enclosures as described in B of this section. Any replacement of existing above ground storage tanks containing such flammable liquids shall be in compliance with this requirement."

- (2) Article 24, entitled "Oil Burning Equipment" is hereby deleted.
- (3) Section 27.6 is hereby amended by adding a new subsection D to read as follows: "All places of assembly, including dance halls, exhibition halls and all other places of general assembly, shall be provided with at least two means of exit, located as far apart from each other as practicable."

Section 3. This ordinance shall become effective upon ratification.

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A bill to annex four acres in St. Andrews Parish identified as a portion of Lot 4, "Fairfield" and shown as a portion of TMS 351-16-00-004, owned by Lawrence H. Antley, Sr. was given second reading. It passed second reading on motion of Councilmember Stephens and third reading on motion of Councilmember Christopher. On the further motion of Councilmember Jefferson, the rules were suspended and the bill was ratified as:

Ratification Number 1977-20

#### AN ORDINANCE

TO PROVIDE FOR THE ANNEXATION OF A 4.0 ACRES TRACT OF LAND IN ST. ANDREWS PARISH, COUNTY OF CHARLESTON, AND PORTIONS OF CERTAIN ADJACENT STREETS, TO PRESENT DISTRICT 11 OF THE CITY OF CHARLESTON, SOUTH CAROLINA.

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

#### Section 1. Findings of Fact.

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

- (a) Section 47-19.5(1) of the Code of Laws of South Carolina, 1962, as amended, provides a method of annexing property to a city or town upon petition by seventy-five (75%) percent or more of the freeholders owning at least seventy-five (75%) percent of the assessed valuation of the real property in the area requesting annexation.
- (b) The City Council of Charleston has received a Petition dated February 22, 1977, requesting that a tract of land in St. Andrews Parish hereinafter described and portions of certain adjacent streets be annexed to and made a part of the City of Charleston, which Petition is signed by more than seventy-five (75%) percent of all persons owning said real property and owning more than seventy-five (75%) percent of the assessed valuation of said real property.
- (c) The area comprising the said property is contiguous to present District 11 of the City of Charleston.

#### Section 2.

Pursuant to Section 47-19.5(1) of the Code of Laws of South Carolina, 1962, as amended, the following described property be and hereby is annexed to and made a part of the

City of Charleston and is annexed to and made a part of present District 11 of the City of Charleston, to wit:

ALL those lots, pieces or parcels of land, situate, lying and being in the County of Charleston, State of South Carolina, and containing approximately 4 acres and identified as a portion of parcel No. 351-16-00-004 on the Charleston County Tax Maps. The boundaries of said area being shown on a plat by W. L. Stephens, PE & LS, dated March 8, 1977, a copy of which is attached hereto.

THIS property to be annexed simultaneously with the Wright property hereto attached.

THE property which the undersigned desire to be annexed to the City of Charleston being enclosed within the red lines on the aforesaid plat.

Section 3.

This Ordinance shall become effective upon ratification.

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Next on the agenda was the ratification of a Bill to zone 4.72 acres, more or less, known as the Wappoo Racquet and River Club and a Bill to rezone property owned by T. Allen Legare, Jr., located on the west side of Highway 7 at its intersection with Orange Grove Road. The Mayor recalled that both zoning matters required restrictive covenants. He informed Council that the Legal Department advised him that the required restrictive covenants for both

parcels had been received.

The following bill was ratified as:

Ratification No. 1977-21

#### AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT CERTAIN PROPERTIES ANNEXED TO DISTRICT 12 OF THE CITY OF CHARLESTON ON DECEMBER 28, 1976, CONTAINING 4.72 ACRES, SHALL BE ZONED DR-1F CLASSIFICATION.

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

Section 1. That the zoning ordinance of the City of Charleston be and the same is hereby amended by incorporating into the zone map, which is a part of the zoning ordinance, a plat attached hereto of a certain parcel of land containing approximately 4.72 acres annexed to the City of Charleston by ordinance ratified December 28, 1976; that said plat is entitled "Boundary survey of property owned by Wappoo Racquet and River Club (A Partnership), James Island, Charleston Co., S.C.", by C. Roger Jennings, S.C.R.L.S., dated October, 1974.

Section 2: That said parcel of land described below and shown by said plat above, shall be zoned DR-1F classification.

Section 3. That said parcel is described as follows:

ALL of that certain piece, parcel or tract of land, situate, lying and being on James Island in the County of Charleston, State of South Carolina, containing 4.72 acres, more or less, and

having such boundings and buttings as are more fully set out on a plat entitled "Wappoo Racquet and River Club, A Partnership, James Island, Charleston County, S.C." by C. Roger Jennings dated October, 1974, which plat is attached hereto and made a part and parcel hereof.

Bounded on the South by Maybank Highway; on the North by the Wappoo Creek; on the West by lands now or formerly of J.C. Thrower; on the East by lands now or formerly of Carnice J. Groves.

ALSO, all of that portion of the Wappoo Creek adjacent to the above tract on its northern boundary to the present boundary of the City of Charleston.

Section 4: This Ordinance shall become effective upon ratification.

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STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

RESTRICTIVE COVENANTS

WHEREAS, Wappoo Racquet and River Club, a partnership, owner of 4.72 acres on James Island, South Carolina, as shown on a plat attached hereto and annexed to the City of Charleston on December 28, 1976 has agreed to enter into the following Restrictive Covenants to run with the land;

NOW, THEREFORE, KNOW ALL PEOPLE BY THESE PRESENTS, that we, the undersigned partners of Wappoo Racquet and River Club, a partnership, in consideration of the zoning of the property hereinafter described, hereby agree with the City Council of Charleston as follows:

1. That no more than thirteen (13) dwelling units per acre (or parcels of land therefore) of any type, including but not limited to townhouses, apartments, single family dwellings, condominiums or dwelling units of any other type shall be constructed or sold within said 4.72 acres, on an exhibit attached hereto and made a part hereof, which may be zoned DR-1F classification.
2. If Wappoo Racquet and River Club, its heirs, assigns or successors shall violate any of the covenants or conditions hereinabove set forth, then in such event, it shall be lawful for the City Council of Charleston to prosecute any proceedings, in law or in equity, against Wappoo Racquet and River Club, a partnership, its heirs, successors or assigns, to require it to comply with the provisions hereof and restrain any violation of these covenants.
3. This Agreement shall be binding upon Wappoo Racquet and River Club, a Partnership, its heirs, successors and assigns: the restrictions shall run with the land and may only be modified by an instrument in writing executed by the City of Charleston; that any modification of these restrictions shall be by majority vote of the City Council of the City of Charleston.
4. The Restrictive Covenants hereinabove set forth shall run with the land and be binding upon Wappoo Racquet and River Club, its heirs, successors, and assigns, and its successors in title to the property herein described, for a period of Ninety-Nine (99) years from the date hereof.

Notwithstanding the above, in the event any Court should render a final Decree declaring invalid the zoning of the subject property as above mentioned, then, and in such event, these Restrictive Covenants shall be null and void and of no effect.

IN WITNESS WHEREOF, we have hereunto set our Hands and Seals this 22nd day of March, 1977. WAPPOO RACQUET AND RIVERCLUB, A PARTNERSHIP BY: C. DEAS GADSDEN, PARTNER BY: PHILIP GARFINKEL, PARTNER BY: AARON SOLOMON, PARTNER BY: WILLIAM G. WESTENDORFF, PARTNER BY: JOHN O. WESTENDORFF, PARTNER BY: NICHOLSON U. TUCKER, PARTNER BY: RICHARD AMES, PARTNER

SIGNED, SEALED and DECLARED

IN THE PRESENCE OF:

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The following bill was ratified as:

Ratification

Number 1977-22

#### AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A PARCEL OF LAND CONTAINING 9.73 ACRES, MORE OR LESS, LOCATED NEAR THE INTERSECTION OF SOUTH CAROLINA ROUTE 7 AND ORANGE GROVE ROAD, IN DISTRICT 9 OF THE CITY OF CHARLESTON, SHALL BE REZONED FROM SR-1 CLASSIFICATION TO LIMITED BUSINESS 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 is hereby amended by changing the zone map, which is a part of the zoning ordinance, to rezone a parcel of

land containing 9.73 acres, more or less, which is now zoned SR-1 classification; said parcel of land being more particularly defined on a plat entitled "SHOWING A PROPOSED REZONING OF A 17.26 ACRE TRACT OF LAND PRESENTLY THE PROPERTY OF T. ALLEN LEGARE, JR. SITUATE: CITY OF CHARLESTON" by Herbert A. Niemyer, Jr., C.E. & L.S., dated January 13, 1977.

Section 2: That said parcel of land described below and shown by said plat above, shall be rezoned Limited Business classification.

Section 3: That said parcel is described as follows:

ALL that piece, parcel or tract of land, situate, lying and being in the City of Charleston, State of South Carolina, containing 9.73 acres, more or less, and labeled "TO BE ZONED LB" on a plat by Herbert A. Niemyer, Jr., C.E. & L.S., dated January 13, 1977, as entitled in paragraph one above, said plat being attached hereto and incorporated herein.

SAID parcel of land having the buttings, boundings and location as will more fully be shown by reference to said plat.

Section 4: This Ordinance shall become effective upon ratification.

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The next item on the agenda was a bill to be introduced by Councilmember Grimball to prohibit any commercial sale or charitable solicitation within any right-of-way in the City of Charleston. Councilmember Grimball stated that since asking that this item be placed on the agenda he learned that the Public Safety and Traffic Committee had this matter under study. He, therefore, withdrew this item from the agenda. He went on record, however, as favoring the prohibition and in particular during the holiday season.

Councilmember Grimball introduced the following resolution:

A RESOLUTION

WHEREAS, the City of Charleston has a parking garage located at the intersection of St. Philip Street and George Street; and,

WHEREAS, the Charleston County Government has a parking garage located at the corner of King and Queen Streets; and,

WHEREAS, employees of the City of Charleston and citizens transacting business with the City need more available parking facilities in the vicinity of City Hall; and,

WHEREAS, employees of Charleston County and visitors at the County offices in the Old Citadel need similar parking.

NOW, THEREFORE, BE IT RESOLVED THAT the Mayor of the City of Charleston be empowered to enter into an agreement with Charleston County whereby a number of spaces to be determined jointly by the Mayor and the appropriate representatives of Charleston County be leased either free of charge or for a nominal amount each year by the City to the County in the City's parking garage at St. Philip and George Streets in exchange for an equal number of parking spaces to be leased free of charge or for a nominal amount each year by Charleston County to the City of Charleston in the County garage at King and Queen Streets.

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The resolution was adopted on motion of Councilmember Stephens.

The annexation of property on James Island owned by John H. White was next on the agenda. The Mayor stated that this property had already been annexed but that a clerical change in the ordinance was required. He advised Council, however, that this item had been removed from the agenda.

Council received the following petition submitted by A. G. Hollings that 3.36 acres of highland and .6 acres of marsh on James Island be annexed to the City of Charleston:

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

PETITION FOR ANNEXATION

TO THE HONORABLE MAYOR AND CITY COUNCIL OF CHARLESTON:

The undersigned Freeholders in the area hereinafter described and being more than seventy-five (75%) per cent of the Freeholders as defined in Paragraph Number 9 of Act 231 of the Acts of 1963 and owning more than seventy-five (75%) per cent of the assessed valuation of the real property in said area, hereby respectfully petition and request the City Council of Charleston to annex the said area, making it a part and parcel of the City of Charleston as provided by Section 47-19.5(1) of the South Carolina Code of Laws for 1962, as amended. The area to be annexed is described on Exhibit A attached hereto and made a part and parcel hereof.

This proposed annexation is to be accomplished pursuant to South Carolina Code for 1962, Section 47-19.5(1) as amended.

SIGNATURE:

Adolph G. Hollings

DATE: 4/5/77

Exhibit "A"

ALL that piece, parcel or lot of land with the buildings thereon, situate, lying and being on James Island, County of Charleston, State of South Carolina and containing 3.63 acres, more or less of highland, and .6 acres of marshland and more fully designated and shown as Lots A, B and Marsh on a plat dated September 1, 1976 by W. L. Gaillard, R.L.S., and more fully described as commencing at a point marked A on said plat, thence running in a Northerly direction to Point B, thence turning and running in an Easterly direction to Point C, thence turning and running in a Northeasterly direction to Point D, at a point on Wappoo Creek, thence turning and running in a generally Westerly direction along the edge of the marsh as shown on said plat to Point E, thence turning and running in a Southerly direction to Point F, thence turning and running in an Easterly direction to Point G, thence turning and running in a Southerly direction along the Eastern edge of a community road to Point H, thence turning and running in an Easterly direction to Point A, the point of beginning.

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The petition was accepted on motion of Councilmember Grimbball, seconded by Councilmember Ader.

The following bill to annex 3.36 acres of highland and .6 acres of marsh on James Island was given first reading:

A BILL

TO PROVIDE FOR THE ANNEXATION OF A TRACT OF LAND ON JAMES ISLAND IN THE COUNTY OF CHARLESTON, KNOWN AS A PORTION OF MYERS PARK PLAZA AND CONTAINING 3.63 ACRES MORE OR LESS HIGHLAND AND .6 ACRES MORE OR LESS OF MARSHLAND, TO PRESENT DISTRICT 12 OF THE CITY OF CHARLESTON, SOUTH CAROLI-

NA.

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

Section 1. Findings of Fact.

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

- (a) Section 47-19.5(1) of the Code of Laws of South Carolina, 1962, as amended, provides a method of annexing property to a city or town upon petition by seventy-five (75%) per cent or more of the freeholders owning at least seventy-five (75%) per cent of the assessed valuation of the real property in the area requesting annexation.
- (b) The City Council of Charleston has received a Petition dated April 5, 1977 requesting that a tract of land on James Island hereinafter described be annexed to and made a part of the City of Charleston, which Petition is signed by more than seventy-five (75%) per cent of all persons owning said real property and owning more than seventy-five (75%) per cent of the assessed valuation of said real property.
- (c) The area comprising the said property is contiguous to present District 12 of the City of Charleston.

#### Section 2.

Pursuant to Section 47-19.5(1) of the Code of Laws of South Carolina, 1962, as amended, the following described property be and hereby is annexed to and made a part of the City of Charleston, and is annexed to and made a part of present District 12 of the City of Charleston, to wit:

ALL that piece, parcel or lot of land with the buildings thereon, situate, lying and being on James Island, County of Charleston, State of South Carolina and containing 3.63 acres, more or less of highland, and .6 acres of marshland and more fully designated and shown as Lots A, B and Marsh on a plat dated September 1, 1976 by W. L. Gaillard, R.L.S., and more fully described as commencing at a point marked A on said plat, thence running in a Northerly direction to Point B, thence turning and running in an Easterly direction to Point C, thence turning and running in a Northeasterly direction to Point D, at a point on Wappoo Creek, thence turning and running in a generally Westerly direction along the edge of the marsh as shown on said plat to Point E, thence turning and running in a Southerly direction to Point F, thence turning and running in an Easterly direction to Point G, thence turning and running in a Southerly direction along the Eastern edge of a community road to Point H, thence turning and running in an Easterly direction to Point A, the point of beginning.

#### Section 3.

This Ordinance shall become effective upon ratification.

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The Mayor stated that when the reappointment of members to City Boards and Commissions was being reviewed this year he was told that Henry M. McCracken, a member of the Board of Adjustment, had moved from the City. Consequently Mr. McCracken was not reappointed. The Mayor explained that efforts were made to place residents of the City of Charleston on all City Boards and Commissions. There had been some exceptions made, he pointed out, but on a regulatory Board such as the Board of Adjustment he said he felt it was essential to have a resident of the City serving on it. The Mayor stated that it had been learned that Mr. McCracken still resides within the limits of the City of Charleston. He stated that Mr. McCracken had been a very excellent member of the Board and that he had served the Board

with extreme diligence and conscientiousness. The Mayor re-nominated Mr. McCracken to serve on the Board of Adjustment and asked for Council's concurrence on this nomination. Councilmember Stephens moved for confirmation of Mr. McCracken's nomination. Councilmember Jefferson seconded the motion. The motion carried unanimously. Mr. McCracken will represent the American Society of Civil Engineers on the Board of Adjustment for a term expiring November 10, 1979.

The following resolutions in honor of former Alderman Dallas Taylor Jones who died recently was read:

#### A RESOLUTION

WHEREAS, Dallas Taylor Jones died March 7, 1977, concluding a career marked by many years of service in the community; and,

WHEREAS, Mr. Jones served in City Council as Alderman from Ward 6 from 1935 to 1939 under former Mayor Burnet R. Maybank and former Mayor Henry W. Lockwood; and,

WHEREAS, during his tenure in Council he was a member of the Committee on Purchases and Bids, Lighting the City, Water Supply, and Public Safety; and,

WHEREAS, he also served on various city boards and commissions, including the Zoning commission and the Board of Governors of the Municipal Airport; and,

WHEREAS, Former Alderman Jones diligently worked with these committees, boards and commissions, and could be depended upon to be candid and yet gentle, to be fair, without compromising his convictions; and,

WHEREAS, Mr. Jones graduated from Porter Military Academy and later joined the Carolina Savings Bank; and,

WHEREAS, Mr. Jones was a thirty-second degree Mason and a member of the Omar Temple and was Past Master of Landmark Lodge 76, AFM, and was a member also of the Elks Club and other organizations; and,

WHEREAS, Mr. Jones was a member of Grace Episcopal Church.

NOW, THEREFORE, BE IT RESOLVED THAT The City Council of Charleston mourns the death of this sincere and thoughtful representative and servant of the people; and,

BE IT FURTHER RESOLVED that the members of City Council hereby express regret at his passing and officially extend to his family the sympathy of the City of Charleston.

BE IT FURTHER RESOLVED that a copy of these resolutions be entered in the Official Journal of Council and that an engrossed copy thereof be transmitted to his family.

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The resolution was unanimously adopted on motion of Councilmember Grimball.

Councilmember Grimball asked that the record reflect that Mr. Jones was the oldest past Master of Landmark Lodge, which is one of the older Masonic Lodges in the City, and is a widely respected and highly regarded Masonic Lodge.

The Mayor ruled that a motion on the

next item on the agenda which was to reconsider the appointment of Mrs. Shirley Holcombe on the Commission for Women, requested by Councilmember Kinloch, would have to

be made by a Councilmember who voted on the prevailing side. Since Councilmember Kinloch had voted on the prevailing side, the Mayor declared that it was in order for him to make the motion to reconsider Mrs. Holcombe's appointment. The Mayor pointed out, however, that under the Robert's Rules of Order, a motion once made and defeated cannot be made again. He recalled that a motion to reconsider was made after Mrs. Holcombe's appointment and the motion failed. He stated that the matter, therefore, could not be taken up this night.

Councilmember Kinloch rose to express his concern over the manner in which Mrs. Holcombe's appointment came about and he was concerned over the precedent which it set.

The Mayor told Council of the presentation that was made to Middleton High School of a sign with the appropriate school colors indicating that the school was the State AAAA Basketball Champions. The presentation was arranged by Councilmember Ader, the Mayor said, who did a very good job. The Mayor added that the entire student body was present and was extremely appreciative of the City's interest.

Next, the Mayor named Irving Solomon as an honorary, ex-officio, non-voting member of the Board of Fire Masters as recommended by Councilmember Johnson. Councilmember Christopher moved to confirm Mr. Solomon's nomination, Councilmember Stephens seconded the motion. The motion carried unanimously.

At Councilmember Kinloch's request, the Mayor reverted to the matter of Mrs. Holcombe's appointment to the Commission for Women. The Mayor reviewed sections of the Robert's Rules of Order and pointed out that Mrs. Holcombe's appointment could not be re-considered again. Considerable discussion followed on this subject. During the discussion the Mayor was asked to look into the procedure for removing a person serving on a City board or commission. The Mayor agreed to do so.

Noting that Councilmember Ader did not vote this evening on the matter of fluoridation, Councilmember Stephens recalled that Councilmember Ader in the past had chided members of Council for not voting on issues. In order to let her know that her colleagues observed this "change of heart" at this night's meeting, Councilmember Stephens presented Councilmember Ader with a medal with the words "I just said 'No' and I don't feel guilty" on it.

In response to statements made by Councilmember Kinloch pertaining to Mrs. Holcombe's appointment, Councilmember Ader assured Council that from where she was sitting she was unable to see Mrs. Holcombe when she nominated her, with the Mayor's permission, to serve on the Commission for Women. She recalled that approximately three days prior to the meeting she mentioned over the telephone the fact that she believed that Commission needed someone like Mrs. Holcombe on it to balance it. She thought that perhaps Mrs. Holcombe had heard of this remark and that was why Mrs. Holcombe was present at the meeting.

The Mayor noted that the next item on the agenda was two amendments to the Rules of Order of City Council which he was proposing. Because of the hour, the Mayor recommended that this item be carried over for discussion at Council's next meeting. Council concurred with his recommendation.

Council re-scheduled a public hearing from April 26th to May 10th to consider rezoning a portion of Pinehurst Subdivision and 159 and 161 Rutledge Avenue, to consider zoning the recently annexed portion of the Hamrick family lands in St. Andrews Parish, and to consider the addition to the zoning ordinance of a PUD classification.

The Mayor reminded the Councilmembers of the deadline for submitting their forms to the State Ethics Commission.

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

MARY R. WRIXON  
Clerk of Council