

February 14, 1978

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Regular Meeting, Feb. 14, 1978

PROCEEDINGS OF COUNCIL

COUNCIL CHAMBER

Regular Meeting.

February 14, 1978.

The forty-fifth 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, Jefferson, Christopher, Scott, Iford, Johnson, Ader, Stephens, and Grimball -- 11.

The Mayor explained that Councilmember Richardson had suffered an eye injury this date and his physician had instructed him to stay at home tonight and that Councilmember Moore was home with flu.

The meeting was opened with prayer by Councilmember Johnson.

The Mayor welcomed those present to this night's Council meeting. The next item on the agenda was the citizens participation period, and he explained the rules for this period.

Treville Lawrence, Sr., representing Save Historic Charleston Fund, spoke in opposition to the proposed Hotel/Convention Center Complex. He explained the opposition was because it was felt the complex would over-power nearby historic structures, dominate the heart of the Old City, and lead a train of other large developments; it would destroy 33 historic buildings: the complex would experience foundation problems because of the terrain; it would create traffic problems; other developers would be encouraged to construct bigger and better highrises, all of which would ruin the city's special character.

Mr. Lawrence explained the organization's concern over architectural history being destroyed. The organization, he said, feels the hotel is not needed at this time. He expressed their concern over the City helping to finance the complex and their concern over the financial drain on the taxpayers that would result if the project were to fail.

He stated that the organization's long range alternative to the complex was a three-year \$25 million Federal program, or orderly growth which would restore buildings mainly in the northern area. This would utilize masons, carpenters, real estate people, attorneys, and others. It would guarantee the preservation of the City's greatest heritage, its architectural history. In turn, he said, the federal government would guarantee against the demolition of any historic buildings. The peninsular city would remain a small business residential area and would return taxes.

Next to speak to Council was Tom Doyle representing the Charleston Pedicab Company. He explained that a pedicab is a combination of the ancient rickshaw and the modern bicycle. He distributed pictures of a rickshaw. He went on to explain that pedicabs provide a pleasant, safe, noiseless, pollution-free form of transportation. Because of their size, he said,

pedicabs help to alleviate traffic congestion. They are designed for leisurely, relatively short trips. They are not intended to compete against taxicabs, busses or any other mode of transportation. He envisioned pedicabs in Charleston would be mainly a transportation-type vehicle for short trips anywhere in the downtown area.

Councilmember Jefferson asked how Mr. Doyle proposed to encourage the use of pedicabs. He replied, by being there when persons needed them. He added that it was his intention, with approval, to start with approximately twelve of them and to have them constantly in the downtown area.

In response to a question asked by Councilmember Young, Mr. Doyle stated he planned to lease the vehicles out and the charges would be set by the people who drive them. The rates would depend on the drivers. Competitiveness, he felt, would keep the charges low.

Councilmember Jefferson asked where the vehicles would be stationed. Mr. Doyle replied he would like to use the same spaces taxicabs use and perhaps a designated area around Gaillard Auditorium.

In response to further questions asked by Councilmember Jefferson, Mr. Doyle enumerated the safety devices that are on pedicabs.

Councilmember Iford asked if Mr. Doyle had encountered any opposition from the carriage drivers. He replied in the negative and stated he did not envision pedicabs to be in competition with the carriages.

Councilmember Scott asked if the pedicabs would be sightseeing vehicles. Mr. Doyle replied in the negative. He believed they would be mainly for transportation purposes. He said he would, however, like to offer tours as a sideline.

Mr. Doyle answered questions asked by Councilmember Grimball concerning stipulations in the lease agreement particularly as what the lessees do with the vehicles in the way of acting as guides. Mr. Doyle stated that the lease being drawn up now had provisions making it mandatory that no one who is not a licensed tour guide would drive the vehicle in the City.

Councilmember Grimball called attention to the report of the Arts and History Commission which was on the agenda to be discussed later in the meeting. He noted that a section of the report concerned an application for a Certificate of Appropriateness to operate a rickshaw-type vehicle in Downtown Charleston, which was an application made by Mr. Doyle and Mr. Gibson and which was subsequently withdrawn. He explained that when these two gentlemen appeared before the commission the idea of the rickshaw vehicles being sightseeing vehicles was strongly expressed. The proposal was discussed at more than one occasion. On his motion, the commission voted that the request be disallowed because the vehicles are not compatible with downtown Charleston, and because the downtown area is already experiencing enough problems with other sightseeing vehicles.

Councilmember Christopher asked if the pedicab operation would be a year-round operation. Mr. Doyle replied in the negative. He said he was thinking of operating them nine months a year. If anyone wanted to use them, however, they would be available.

Councilmember Kinloch thought the pedicabs looked good. He felt they had certain good features such as being nonpolluting.

Mr. Doyle answered further questions asked by Councilmembers Iford and Grimball.

Councilmember Grimball expressed further the sentiments of the Arts and History Commission on this matter. He then answered questions asked by Councilmember Christopher.

Councilmember Jefferson called Council's attention to the fact that she is a member of the Arts and History Commission. She stated that the Commission's vote on this matter was not unanimous. She said she disagreed with the majority at the commission's meeting.

The Mayor reminded City Council this was the citizen participation period and there was no action before this body.

Councilmember Iford asked Mr. Treville Lawrence if his organization would oppose a pedicab-form of transportation. Mr. Lawrence replied his organization would not oppose them. He explained his program was to preserve the historic character of this city. While he had not studied the proposal, he supported the concept.

In response to questions asked by Councilmember Iford, Mr. Doyle said pedicabs can travel at a speed of 10 mph. In response to questions asked by Councilmember Johnson, Mr. Doyle stated that the persons leasing the pedicabs would not be told where the pedicabs could be used. The driver would be free to go where he wants.

Next to make a presentation was Ken Webb, Manager of the Downtown Council and Executive Vice President of the Executive Association. Mr. Webb said he was speaking to City Council this night, however, as a private citizen. He took great exception to comments that had been made this night against the proposed hotel/convention center complex and to a letter which Mr. Lawrence and Mr. Hamilton of Save Historic Charleston Fund, had written to the President's Advisory Council on Preservation in Washington, D.C. He read portions of the said letter which stated that the complex was being pushed by a young mayor and city council heavily weighed with conflict of interest, who stood to gain financially from the development of this proposal. He took further exception to other statements made in the said letter.

He took further exception to the fact that in the letter it was further proposed that the federal government declare the Old Charleston peninsula from Highway 17 to the Battery to be of national importance and that it be preserved in the national interest and recommend that the federal government forbid the demolition of any 17th, 18th, 19th, and some early 20th century structures. The proposed \$25 million federal program for a three to five year plan could provide loan and grant assistance. He said he believed it had been requested if the grant was approved, that it be administered by the Historic Charleston Foundation, with certain input from City Hall.

While he felt the Historic Charleston Foundation deserved a vote or something for the fine work it has done over the years, he did not feel it should provide an input for a \$25 million project to be administered in the city's area and jurisdiction. He felt such administration was the responsibility of the elected officials.

Further, it concerned him that this had gone to one of the national media and that charges had been made without much foundation of fact. He stated that having attended many City Council sessions, he felt most of the debate has been honest debate. There are differences of opinion. Preservation societies have flown their flag proudly standing by their beliefs, the business community has done likewise, as have concerned citizens.

Mr. Webb concluded by challenging Mr. Lawrence to quote factually and welcomed him to the area of actual debate.

John Roberson, President of Palmetto Carriage Works, expressed appreciation to Council for considering the proposal to remove the street restrictions for carriages in the city. He noted that the ordinance regulating sightseeing vehicles in the Old and Historic District which

was ratified in November included the heavy busses and also horse-drawn carriages. He told Council he had attended the Arts and History Commission's last meeting during which consideration was given to recommending that carriages be prohibited from certain streets. Some streets, he said, are never traveled and some are seldom traveled by his carriages, so it was not necessary to have a provision in the ordinance restricting carriages from those streets. However, concerning the lower part of Church Street, between Tradd Street and Water Street, and Water Street between Church and Meeting Streets, he said the main purpose for restricting the carriages from those streets was because of the traffic that is created at the time the First Baptist School dismisses its pupils. He felt the traffic problem is created by the school and not by the carriages and that the Carriage Companies should not be penalized when someone else is causing the traffic problem. He said his drivers with temporary tour guide licenses can only use one route and that route includes Church Street and Water Street. He expressed opposition to carriages being prohibited from those two streets. He felt prohibiting carriages on these streets because of the problems created by the school set a bad precedent.

Further, with respect to the proposed ordinance to amend the sightseeing vehicle ordinance, he expressed concern over the provisions for standing, stopping, and parking. While the proposed ordinance mainly applied to busses, he said the carriages were included. He pointed out that his carriage stand was affected by the ordinance and he did not feel his carriages block traffic or parking spaces. He felt there would be more traffic congestion for the carriages to park at other places in the City and there would be more disturbances to the horses and would put an added burden on his company to advertise so that tourists and persons in the city would know where the carriages rent from. He strongly urged that he continue to have the right to park at the west end of Meeting Street. He said he asked City Council to exclude the carriages from the ordinance. He recalled that it had been stated that the main reason for including the carriages in the proposed ordinance was because of the horse droppings. Since horses are now required to wear diapers, he felt carriages should be deleted from the proposed ordinance.

Concerning the rickshaw proposal, Mr. Roberson stated he had no objection to them. His observation was that the worse traffic congestion problems in the lower peninsular city were created by tourists driving their own cars slowly down the streets. He felt if these people used some type of sightseeing vehicle, he felt the traffic could be kept moving at a greater speed.

Mr. Roberson answered questions asked by Councilmember Iford concerning the number of vehicles which his business owns. And, he answered questions asked by Councilmember Jefferson concerning the effect that moving his stand would have on his business. He felt this would have a very detrimental effect on his business.

Councilmember Grimbball stated that when the Arts and History Commission considered a list of streets on which it had been requested that carriages not be allowed, Mr. Roberson was invited to participate and review the list. He said the list included a number of streets other than the five Mr. Roberson had mentioned during his presentation. He recalled that after receiving Mr. Roberson's advice, the commission deleted some of the streets from the list.

The Mayor stated that in addition to the streets mentioned in the Arts and History Commission report which would be considered later in the meeting, the list included excluding altogether Bedons Alley, Big Lamboll Street, Church Street from Tradd to Water Streets, and Water Street from Tradd to Meeting Streets. The Arts and History Commission's recommendation would allow carriages on the latter two streets except during the time that the school is dismissing students.

Mr. Roberson answered questions asked by Councilmember Grimball concerning statements he had made to the commission on the subject list of streets.

Leroy Simmons next called Council's attention to the increase in crime and violence related to young people in the City of Charleston and the fact that there is a serious problem confronting young people and the City. He stated that although there has been a police team on the East Side for a number of years, the crime rate among young people has increased. On the West Side, he said, the incidence of violence among young people and gang-related activities has "almost gotten out of hand". These problems exist in the schools, he said, and they are overflowing from the school yard to the streets. He called attention to problems this creates for the police teams. He recalled that about two years ago a request was made to this Council that a committee be established to study the problems of young people in the City along with a number of other proposals and no action was taken on this request. He encouraged the councilmembers to go in the vicinity of the schools during the hours when young people are going to school and after school, or spend some time in the classrooms and hallways to see how serious the problem is. He pointed out that unemployment among young people is at an all-time high, and the number of social outlets for young people in this city has steadily decreased which contributes to the problem. While there are some programs in the community for young people, he did not feel they were functioning at a degree at which they could adequately address themselves to some of the problems in the community. He said his main purpose for making this presentation was to make this body aware of how serious the problem is and ask that they address themselves to this problem, particularly as it relates to some of the gang activities. He expressed the feeling that the city has neglected to address itself to the problems of young people with the exception of providing summer programs, which last only three months.

In response to questions asked by Councilmember Grimball, Mr. Simmons told City Council of his formal training and experience in police work and community relations. Councilmember Grimball stated that some of the information stated by Mr. Simmons on crime was in conflict with information received from city officials. He asked Mr. Simmons to provide City Council with the statistics on which he based his argument. Mr. Simmons stated his source of information was the Police Chief. As far as the decrease in social outlets were concerned, he felt this could readily be seen by the fact that the theaters in the peninsular city have closed and school socials have been reduced severely.

Mr. Simmons answered questions asked by Councilmember Scott and explained briefly a program initiated by the schools to try to combat the problem of crime in the schools.

Councilmember Iford praised the efforts that Mr. Simmons has made in the community and expressed confidence in Mr. Simmons qualifications.

Mr. Simmons spoke further on the problem.

The Mayor expressed appreciation for Mr. Simmons' speaking on this issue. He said he could not sit idly by and have a charge that this administration has done nothing to try to do anything for the youth. Mr. Simmons agreed there were a few exceptions. The Mayor felt there were a number of exceptions. He pointed out that the City has underway the renovation of Harmon Field, the renovation of the Herbert Hasell Swimming Pool, the renovation of the Incinerator into a Neighborhood Center, the City's summer camp programs, the arts programs conducted by the Leisure Services Department, and various additional activities. Also, he mentioned the City's use of CETA funds in the summer and the use of Title VI funds and EDA funds to help with the young unemployed. He felt there was no question that there was a crime

problem but he did not think broad statements that no attempts have been made to do any thing serve any good purpose.

Mrs. Lucy Glenn then addressed City Council and stated that she was a member of the Traffic Committee of the Downtown Neighborhood Association. She addressed herself to statements made earlier by Mr. Roberson. She stated that the said traffic committee had two very lengthy meetings about the carriages and restrictions and the committee did not find that the proposed restrictions of six city blocks were too much to ask. She stated that in New Orleans and St. Augustine the carriages are on routes. They are voluntary but they are on set routes. The committee, she said, found it difficult to understand why the carriage owners find it so difficult to organize and get themselves on routes. She stated that last Labor Day on a Saturday morning between 9:00 a.m. and 10:00 a.m. seventeen carriages came down Water Street. She pointed out that the parking problem from 8:00 a.m. to 3:15 p.m. on Water Street, Church Street, and Atlantic Street is acute. There is parking on both sides of these streets and carriages coming down the street have no place to go if someone wants to pass them. On Ladson Street, which is a very narrow two-way street, she said, carriages can come from King Street and

from Meeting Street and when they come together head-to-head, there is no place for them to go. A problem also exists when a car and a carriage meet head-to-head on this street. She said her committee highly recommended that carriages be taken off Ladson Street altogether. The other two-way narrow streets she said, were mentioned in the Arts and History Commission's report.

Councilmember Iford asked Mrs. Glenn if carriages and busses were prohibited from the streets under consideration, what medium of transportation would tourists use to tour the Old and Historic District. Mrs. Glenn assured the efforts were not intended to restrict tourists from the Old and Historic District. She said all that was being asked was for restrictions for six blocks with narrow, two-way streets where these vehicles cause a terrific traffic jam.

During the ensuing discussion, it was stated that tourists would be allowed to travel on foot.

Mrs. Margaret Wilson stated the traffic committee was trying to be reasonable. There were sixteen streets they would have liked the restrictions extended to. Of the six city blocks requested there is only one block which the committee feels has houses of significant value which the tourists would want to see. That block was on Church between Tradd and Water Streets. The reason the committee wanted that block restricted was the acute problem that results from the school being there. The other streets, she said, are used by the carriage drivers as through streets. She stated that in addition to tourists walking, the small busses would be allowed on those streets.

Mr. Roberson stated that through streets were necessary for carriages to go from Church Street to Meeting Street. The streets that the proposed restrictions would allow the carriages to use are just as narrow as Water Street, he pointed out. He also pointed out that if all the carriages followed a set route, there would be more carriages passing a certain place at a certain time of day. He pointed out some of the differences between the historic areas in Charleston and in New Orleans and the provisions that have been made in New Orleans for carriages and pedestrians.

There were no further citizens who expressed a desire to speak. The citizen participation period was closed.

Council received a letter from attorney Henry B. Smythe, who on behalf of his client Mrs. Frances M. Maguire, requested that the application for the rezoning of 55 Bee Street be withdrawn. Mr. Smythe stated in his letter that Mrs. Maguire plans to re-submit the application after her plans have become more fixed. He understood that one of the problems heretofore had been the uncertainty as to exactly what she wanted to do with the property.

Councilmember Iford asked that Council defer action until its next regular meeting on the following two items which he had asked be placed on the agenda: (a) establishment of 312 housing program in areas throughout the City of Charleston where poor housing conditions exist and which are not covered by the East Side Program and the West Side Rehabilitation Program and (b) adoption of a resolution to send the Mayor before the General Assembly to speak on the Small Claims Court issue. Council granted Councilmember Iford's request.

Consideration was next given to a bill proposed by Councilmember Young to amend the ordinance regulating sightseeing vehicles in the Old and Historic District and in the Old City District.

Councilmember Young recalled that at Council's last meeting he stated that the subject ordinance needed to be changed in certain respects. He explained the major changes in his bill consisted of: (a) removing horse drawn sightseeing vehicles out of the ordinance; (b) removing the word "regularly" from Section 2 of the ordinance; (c) amending Section 4 (b) to state that the City will provide parking spaces at certain places rather than requiring busses only to park at certain locations and providing that vehicles may park at any place available along the route for the purpose of picking up and discharging passengers. This allows more flexibility in parking; and, (d) adding a Section 8 to the ordinance which states that any one who has operated a sightseeing company in the City of Charleston for five years and has had a business license to do so is exempted from the terms of this ordinance. He knew of only one company in this category, the Gray Line Tours Company. They are a local business owning two busses with the possibility of a third one soon. He stated that the ordinance was designed not to interfere with their business, but to stop the large out-of-town busses from clogging up the streets and causing congestion in the downtown area.

Councilmember Young moved that the bill which he submitted for consideration this night be given first reading. Councilmember Grimbball seconded the motion.

In response to Councilmember Jefferson's request, Councilmember Young further clarified his proposed change to Section 4(b). He stated that carriages were not included in this section as they were excluded from the proposed ordinance.

Councilmember Christopher asked Councilmember Young what effect the proposed ordinance would have on out-of-town school busses. Such busses, he pointed out, would have a capacity in excess of sixteen passengers. Councilmember Young replied that if the busses were in the City for a sightseeing tour, they would have to follow the routes that all other sightseeing vehicles must follow.

Councilmember Christopher expressed concern that tourists coming into the City would not know what the sightseeing routes and the restrictions are. Councilmember Young recalled that the ordinance requires a registered tour guide to be on all sightseeing vehicles during the time that a tour is being conducted. He stated that the County Parks, Recreation and Tourism Department and the Chamber of Commerce is preparing a synopsis of the ordinance and the routes and will send this material to all of the companies that bring busses into the City regularly and to all of the tour guides.

Councilmember Johnson asked if pedicabs would be permitted under the proposed ordinance. Councilmember Young replied they would be provided that they could be licensed and get certificates of appropriateness.

Councilmember Stephens stated that it was his understanding that the reason for the ordinance initially was primarily directed to regulate large busses and the carriages. Now, it seemed to him,

that the two reasons for having the ordinance were being removed from the ordinance. Councilmember Young stated that the major problems to which the ordinance was directed were the pollution problem and the traffic problem. Councilmember Stephens stated he was convinced there was a traffic problem. He felt carriages should not be permitted on the streets mentioned in the Arts and History Commission's report which was on the agenda for consideration later in the meeting.

Councilmember Grimball offered as an amendment to Councilmember Young's proposed ordinance that, as recommended by the Arts and History Commission, horse drawn carriages be restricted from traveling on: Atlantic Street, Prices Alley, and Ropemakers Lane; Church Street (south of Tradd Street to Water Street), and Water Street between 1:30 P.M. and 3:30 P.M. while First Baptist Church School is in session; also, on the east side of Ladson Street.

Councilmember Young accepted the amendment. And the second, Councilmember Grimball, accepted.

In response to questions asked by Councilmember Scott, Councilmember Young stated that the ordinance did not apply to passenger cars, small vans, and horse-drawn carriages. Carriages had been included originally due to the pollution problem now solved by the diaper ordinance. There was no longer any reason for restricting these carriages.

Councilmember Iford asked what percentage of the Old and Historic District would a tour on a large bus not be able to see. Councilmember Young estimated the area would be about 5% of the Old and Historic District.

Councilmember Johnson asked for a clarification of the portion of Magazine Street on which large sightseeing vehicles would be allowed to travel. Councilmember Young replied that large sightseeing vehicles would be allowed to travel on Magazine Street from Logan Street to Franklin Street. He agreed the bill should reflect this.

In response to questions asked by Councilmember Johnson, Councilmember Young explained why George Street was included in the list of streets on which sightseeing vehicles would be allowed. Councilmember Johnson pointed out that there are traffic problems on many streets in his district particularly those in the vicinity of the learning institutions. He felt action should be deferred on the bill and that it should be given further study. The Mayor pointed out that the ordinance regulating sightseeing vehicles will take effect March 1st. He urged the adoption of the bill prepared by Councilmember Young, with an amendment he had prepared. He felt Council should be in the posture of giving second and third readings to a bill at its next meeting. He pointed out any amendments the Councilmembers might want to offer could be considered when the bill was given second reading. Otherwise, the bill passed on November 22, 1977 will be in effect. Discussion continued.

Councilmember Young pointed out that the proposed amendments were mainly housekeeping changes to the initial ordinance. Some of the streets, it was pointed out, were connector streets.

Councilmember Grimball stated that this latter fact was taken into account when the Arts and History Commission studied the matter in detail. That was why some of the streets listed in a longer list were specifically omitted so that the carriages would have connectors, if and when the streets recommended by the Arts and History Commission were closed or modified.

Councilmember Christopher asked Councilmember Young if there would be signs on the streets designating bus rights. Councilmember Young felt there would be signs designating areas where busses on the route could park. He said in talking with the two past Traffic Directors the idea was at the approaches to the City to have signs saying that in the Old and Historic District and in the Old City District there are regulated routes which tour busses carrying over sixteen passengers must follow.

Councilmember Christopher repeated his earlier question as to whether the ordinance would govern out-of-town school busses. Councilmember Young noted that the ordinance says "carry persons for hire" and while there could be arguments on both sides of this question, it seemed to him that a school bus is not carrying people for hire and would not be charging the students the price of a tour, so he did not think they would fall under the ordinance. The Mayor concurred with this opinion.

Councilmember Christopher then asked if during the Miss USA pageant, if it was desired to take the contestants on a tour on a large bus, would their tour have to follow the route for sightseeing vehicles. The Mayor did not feel the ordinance would affect the contestants since in all probability they would be using a local tour bus and the vehicle would be allowed to tour the entire district anyway.

Discussion continued. Councilmember Grimball felt the ultimate solution would be for Council to do everything that it can to encourage people to walk. From personal experience, he felt the only real way to visit the City and get a feel for it was to take a walking tour. That was the reason, he said, that he was not afraid of the ordinance. He felt it would be an accomplishment if the ordinance could get people to walk and really see the City.

Councilmember Stephens was concerned over the 1:30 P.M. to 3:30 P.M. restriction in Councilmember Grimball's motion and challenged how tenable the amendment was. The Mayor disagreed with him. Councilmember Stephens asked the Mayor to give reasons why the current ordinance would not be good to go into effect March 1st. The Mayor stated that this was a very difficult issue in the community right now. Every effort is being made to come to grips with a very successful tourist business for which the community has never had any advance planning. What is being done is piecemealing a serious problem. Because of the tourist impact study, he felt, an effort was also being made in a long range approach. The first ordinance that was drafted was the result of trying to get something going to show a good intention and to get something on the books. The effective date of the ordinance was purposely set for March 1st in order to provide time to get the "kinks" out of the ordinance because it was a new approach to a problem.

The Mayor said he felt that the grandfather clause which allows the existing operations, while it is a compromise, is a fair one.

The Mayor went on to say that the

downtown residents were most concerned about the huge double-decker busses in the historic district, whose drivers were not familiar with the route and which did not have a registered tour guide on them and whose drivers did not obey the ordinance which requires the motors of vehicles stopped in excess of five minutes to be turned off. He felt Councilmember Young's approach was a compromise effort. The amendment accomplishes most of what was

intended to be accomplished and at the same time is a fair and realistic treatment of businesses that are now operating.

Councilmember Stephens asked how Councilmember Young arrived at "five years". Councilmember Young replied it was the figure he thought was equitable and reasonable. He was not opposed to the figure being changed. Councilmember Stephens asked if the figure were reduced to three years who would it exclude. Councilmember Young stated that as far as he knew Gray Line was the only company that has operated continuously over the past forty or more years in the City. He felt if the figure were changed to forty, Gray Line would still continue to operate under the grandfather clause.

Councilmember Scott asked for further clarification on the bill and the proposed amendments as they affected the horse drawn carriages. The Mayor reviewed the current ordinance, Councilmember Young's proposed amendment to that ordinance and Councilmember Grimbball's motion to adopt the recommendation of the Arts and History Commission that certain streets be prohibited to horse drawn carriages.

The Mayor said he had another amendment to propose. He received from some downtown residents a list of which streets they recommended be deleted from the tour route for horse-drawn vehicles. He said the streets recommended which are not in the Grimbball amendment were: Bedons Alley, Ladson Street, Big Lamboll Street, and Water Street (from Church to Meeting Streets), and Church Street (from Tradd Street to Water Street), throughout the day. The Mayor felt including these streets in the list of restricted streets would be a great sign of commitment to the Old and Historic District. The Mayor then offered as an amendment that carriages be prohibited on these streets. He emphasized that this would be in addition to those streets outlined in the Arts and History Commission report and in the Grimbball motion. Councilmember Young seconded the motion.

Councilmember Kinloch expressed displeasure with the amendments.

Councilmember Grimbball recalled that he seconded Councilmember Young's motion. He explained that he would agree to the Mayor's amendment. Also, he explained why the Arts and History Commission did not completely prohibit Ladson and did not take out Big Lamboll. He said according to what the Commission heard from Mr. Roberson, these streets are used as "connectors", particularly for lower King, lower Meeting, and lower Legare Streets, if they are blocked. It had seemed sensible to the Commission not to restrict the carriages, therefore, from these streets. The Mayor felt if a carriage were going down Ladson Street, for example, because King Street was blocked that that would be allowable. Councilmember Grimbball felt under those terms the Arts and History Commission would be in full agreement. Councilmember Stephens stated that the Mayor's amendment solved his objection that Councilmember Grimbball's amendment was untenable because of the 1:30 P.M. to 3:30 P.M. restriction which Councilmember Grimbball's motion contained. Councilmember Grimbball stated also that while there was some disagreement it was the general feeling of the Arts and History Commission that on Church Street the significant structures lie between Broad and Tradd Streets.

Councilmember Christopher stated the belief that all citizens of the City of Charleston should make known what they want in their community. For the most part, he said, he favored Councilmember Young's proposed ordinance. His concern was that there should be some signs erected and there should be some way of notifying out-of-town busses when they come to Charleston of the restrictions that are in the proposed ordinance. Councilmember Young stated he did not think there would be any problem if there were a sign at the entrances to the City stating that there is a restricted route. He felt the matter of the signs could be worked out.

The Mayor stated that the motion on the floor was to give the bill introduced by Councilmember Young first reading, together with an amendment to restrict the carriages to those certain streets that were outlined by the Arts and History Commission in its report and as have been added by his suggestion. The vote carried by a vote of six "Ayes" to five "Nays". Councilmembers Kinloch, Jefferson, Scott, Stephens, and Iford voted "Nay".

The following bill was given first reading:

A BILL

TO AMEND ORDINANCE NO. 1977-75 TO REGULATE SIGHTSEEING VEHICLES IN THE OLD AND HISTORIC DISTRICT AND IN THE OLD CITY DISTRICT

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

Section 1: FINDINGS OF FACT. The City Council finds and declares that it is in the public interest and public welfare that sightseeing vehicles be regulated under the police power of the municipality in the Old and Historic District and the Old City District in order to promote the safety and welfare of the citizens and residents of the City of Charleston, to preserve the old and historic streets from being undermined by excessive traffic and to reduce pollution in the Old and Historic District and the Old City District of the City of Charleston. The City Council finds that, at the present time, traffic - both residential and commercial - is unduly blocked, interfered with and slowed by unregulated sightseeing buses, and other sightseeing vehicles. The City Council further finds that the preservation of the quality of life in the Old and Historic District and the Old City District is presently in danger of being seriously eroded by unrestrained and unregulated sightseeing traffic. The City Council further finds that these aforementioned conditions adversely affect the real estate values of the Old and Historic District and the Old City District and, therefore, the tax base and economic viability of the City. The City finds that the unregulated parking of buses and other sightseeing vehicles creates traf-

fic hazards, causes undue pollution and noise, and seriously adversely affects the quality of life in the Old and Historic District and the Old City District.

Section 2: The term "sightseeing vehicle" shall, for purposes of this ordinance, be defined as follows: "Any vehicle except a passenger automobile or which has a passenger-carrying capacity in excess of sixteen (16) persons or which weighs in excess of 12,000 pounds unloaded used to carry for hire persons through any part of the Old and Historic District or the Old City District when the primary purpose of riding in such vehicle is not transportation but touring the historic areas of the city."

Section 3: (a) No person shall operate or drive a sightseeing vehicle upon any street, alley, highway, or road within the Old and Historic District or the Old City District of the City of Charleston except as provided below.

- (b) Sightseeing vehicles may travel or operate on the following streets and only on the following streets within the Old and Historic District and the Old City District of the City of Charleston: Lockwood Boulevard, Chisolm Street, Ashley Avenue, Rutledge Avenue, South Battery, Murray Boulevard, East Bay Street, Broad Street, Meeting Street, Beaufain Street, Wentworth Street, Calhoun Street, Vanderhorst Street, Cumberland Street, State Street, Glebe Street, St. Philips Street, Coming Street (between Calhoun and Beaufain Streets), Market Street (between Beaufain and Meeting Streets). Market Street east of East Bay Street, Franklin Street, Wilson Street, Magazine Street, Tradd Street (from Ashley Avenue to Murray Boulevard), Lenwood Boulevard (from Murray Boulevard to

South Boulevard), King Street (from Murray Boulevard to South Battery) and George Street.

Section 4: (a) No person shall stop, stand or park any sightseeing vehicle within the Old and Historic District or the Old City District of the City of Charleston except as provided below:

- (b) The City will provide designated parking spaces for sightseeing vehicles within the Old and Historic District and the Old City District of the City of Charleston as follows: Murray Boulevard, Visitors Center on Calhoun Street, the east side of East Battery (between South Battery and Atlantic), the west side of Meeting Street (below Tradd to the driveway of Nathaniel Russell House), Market Street east of East Bay Street near the Customs House and at the Cruise Ship Terminal and sightseeing vehicles may park at any other available parking space along the route designated in 3 (b) for the purpose of picking up and discharging passengers.

Section 5: The owner of every sightseeing vehicle shall procure and file with the director of administrative services a liability insurance policy, together with a receipt showing the payment of the premium therefor issued by a good and responsible insurance company to be approved by the director, such company being one authorized to do business in the state and having possession of a certificate issued by the insurance commissioner of the state. The amount of such liability insurance for each sightseeing vehicle shall be as follows: An amount not less than fifty thousand (\$50,000.00) Dollars because of bodily injury to or death of one person in any one accident and subject to such limit for one person, in the amount of one hundred thousand (\$100,000.00) dollars because of bodily injury or death of two or more persons in any one accident and in the amount of twenty-five thousand (\$25,000.00) dollars because of injury to or destruction of property of others in any one accident and an amount not less than one thousand (\$1000.00) dollars in "first party" medical and economic loss coverage. Such policy of insurance may be in the form of a separate policy for each sightseeing vehicle or may be in the form of a fleet policy covering all vehicles operated by such owners; provided, however, that such a policy shall provide for the same amount of liability for each sightseeing vehicle operated. A stipulation shall be made providing that no such policy as required above may be cancelled until the expiration of five (5) days after notice of intended cancellation has been given in writing to the director of financial services by registered or certified mail or personal delivery of such notice and a provision to that effect to be made a part of each such policy. A stipulation may be made and attached to any liability policy as above required whereby the insurance company and insured agree that the insured shall be liable and responsible for damages on any claim up to and including the first fifty (\$50.00) dollars.

Section 6: In the event of cancellation of the policy of insurance as required above, it shall be unlawful and illegal for the owner of any sightseeing vehicle to allow said vehicle to be operated or driven upon the streets, roads, alleys or highways of the City of Charleston.

Section 7: Any person, firm or corporation as defined in Section 1-2 of this Code, violating this Ordinance shall, upon conviction, be deemed guilty of a misdemeanor and fined not more than two hundred (\$200.00) dollars or imprisoned for not more than thirty (30) days for each offense.

Section 8: This Ordinance shall not apply to sightseeing vehicle companies who have operated on a regular basis within the City of Charleston for a period of five (5) consecutive years and who have obtained a Charleston City business license for the past five (5) consecutive years prior to passage of this Ordinance.

Section 9: This Ordinance shall become effective March 1, 1978.

Council received from Attorney I. M. Goldberg a piece of legislation entitled "AN ORDINANCE GRANTING TO PEOPLE MOVERS, INC., A SOUTH CAROLINA CORPORATION, THE RIGHT, PRIVILEGE AND FRANCHISE TO USE STREETS, AVENUES AND OTHER PUBLIC HIGHWAYS IN THE CITY OF CHARLESTON, SOUTH CAROLINA, FOR AND DURING A PERIOD OF 25 YEARS, FOR THE PURPOSE OF OPERATING AND MAINTAINING TRACKLESS TRAINS FOR TRANSPORTING PASSENGERS FOR COMPENSATION IN SAID CITY, IN CONFORMITY WITH AND SUBJECT TO ALL PROVISIONS, TERMS AND CONDITIONS HEREIN RECITED; DECLARING THE GRANTING OF SUCH FRANCHISE TO BE IN THE PUBLIC INTEREST AND SERVING A PUBLIC NECESSITY OR CONVENIENCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES OF SAID CITY IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SAVING CLAUSE: AND PROVIDING WHEN ORDINANCE GOES INTO EFFECT."

Councilmember Young moved that this matter be referred to the Committee on Public Safety and Traffic. Councilmember Grimball seconded the motion. The motion carried.

The following report of the Commission on Arts and History was received:

TO THE MAYOR AND COUNCILMEMBERS,
THE CITY COUNCIL OF CHARLESTON:

The Commission on Arts and History wishes to report on the following two matters which were considered at its special meeting held February 6, 1978:

1. **STREET RESTRICTIONS FOR HORSE CARRIAGES:** In connection with the changes to be made in the sightseeing vehicles ordinance the Commission feels that while it is in agreement with allowing horse carriages back on some of the interior streets in the Old and Historic District (now that horse diapers are in use), there are a few very congested streets that should be denied access to horse carriages. If restricted in the manner suggested, this should not interfere with a carriage driver giving a good tour and it should reduce congestion on already congested streets.

The Commission on Arts and History recommends that the following streets be denied access to horse carriages as specified:

- 1.) No horse carriages on Atlantic Street (a very narrow two-way street with parking on both sides).
 - 2.) No horse carriages on Prices Alley (a one-vehicle wide two-way street).
 - 3.) No horse carriages on Ropemakers Lane (a narrow lane sometimes used to turn carriages around).
 - 4.) Horse carriages allowed to move west only on Ladson Street (a narrow two-way street on which there have been several horse carriage-automobile accidents).
 - 5.) No horse carriages allowed between 1:30 - 3:30 p.m. on Church Street (south of Tradd Street to Water Street) or on Water Street (from Church Street to Meeting Street) while the First Baptist Church School is in session.
2. **APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS TO OPERATE A RICKSHAW-TYPE VEHICLE IN DOWNTOWN CHARLESTON - BY MESSRS.**

THOMAS DOYLE AND STEVE GIBSON: The Commission has carefully studied the proposal of Messrs. Thomas Doyle and Steve Gibson to operate a rickshaw-type vehicle in downtown Charleston. After hearing from the applicants, the Commission recommends that the request be denied. The Commission feels that these pedicabs or rickshaw-type vehicles are not in keeping with the ambience in the Old and Historic District of Charleston. To make the business venture successful, the applicants would like about twelve (12) of these vehicles approved. The Commission feels it cannot approve this number on one application. The Commission also feels that it will add to the already serious problem of traffic congestion in the downtown historic area.

The applicants stated that they now felt that the Arts and History Commission did not have jurisdiction because in their opinion the proposed vehicles would be used primarily for transportation instead of tours. At this point Commission Member Henry Grimbball moved that the Commission go on record as feeling that it has jurisdiction over this question; that the Commission disapproves Messrs. Doyle's and Gibson's request; and, that the License Inspector, Harry Bellavita, be notified and made aware that Messrs. Doyle and Gibson have indicated to the Commission that they intend to go ahead anyway and that the Commission recommends that appropriate action be taken to stop them.

A. Eugene Geer, Chairman

The Mayor noted that Council had already taken action on the first item in the report.

Councilmember Grimbball moved that the request for a certificate of appropriateness to operate pedicabs or rickshaw-type vehicles in downtown Charleston be denied or that the recommendation of the Arts and History Commission be upheld. Councilmember Ader seconded the motion.

Councilmember Johnson voiced disagreement with the motion. He said it seemed to him the motion was unfair. Since Mr. Goldberg's request had been referred to the Committee on Public Safety and Traffic, he felt the rickshaw-type vehicles' request should go the same route.

Councilmember Stephens pointed out that the Committee on Public Safety and Traffic was not concerned with certificates of appropriateness, which was the consideration with the rickshaw-type vehicles. Councilmember Grimbball stated that the Arts and History Commission reviewed its minutes and noted that the petitioners had plainly described these vehicles to be for sightseeing and not just transportation. He added that the Arts and History Commission felt it had jurisdiction and it passed a resolution to that effect. He said this request was thoroughly discussed at three Commission meetings, two of which he attended.

Councilmember Iford moved that Councilmember Grimbball's motion be tabled. Councilmember Jefferson seconded the motion. The Mayor called for a vote on the question of tabling Councilmember Grimbball's motion which was to accept the Arts and History Commission's report and thereby deny the certificate of appropriateness for the pedicabs or rickshaw-type vehicles. The motion to table carried by a vote of six "Ayes" and five "Nays." Councilmembers Young, Ader, Stephens, and Grimbball, and the Mayor voted "Nay".

Councilmember Young then moved that the above matter be referred to the Committee on Public Safety and Traffic. Councilmember Grimbball seconded the motion. Discussion followed during which time the Mayor stated that the Chair would not overrule a motion to refer this matter to the Committee on Public Safety and Traffic. While the issue was a certificate of appropriateness, he said, the implications involved general traffic.

Councilmember Stephens moved to table Councilmember Young's motion. Councilmember Jefferson seconded the motion. The motion to table failed.

The Mayor called for the question to refer the matter to the Committee on Public Safety and Traffic. The motion carried.

Council received a copy of a letter from the Museum of Early Southern Decorative Arts Old Salem, Inc. in which permission was asked to make overall photographs and detailed photographs of certain paintings in City Hall.

The letter was sent to City Council from the Arts and History Commission together with a letter from the said Commission to Corporation Counsel Regan in which the Commission stated

that it did not feel it had sufficient knowledge of what was involved in the reproduction of these portraits, such as the copyright laws, and it did not feel that it could make a recommendation on this request. The Commission felt that possibly the Mayor or the custodian of the Council Chambers should make the recommendation on this request.

Council referred the matter to the Corporation Counsel.

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 wishes to report to City Council that it has studied the below-entitled matters and it recommends that the following action be taken on each of these items:

- 1.) E.D.A. PROJECT - CHANGE ORDER: The committee recommends approval of Change Order No. 1 concerning the renovation of the Garden Theater, which has been executed by Jeffrey Rosenblum, AIA, Architect, and H. A. DeCosta Co., Contractor. The change order is in the amount of \$4,925 for which there was a credit on builder's risk in the amount of \$2,130. The net additional cost to the City is \$2,795. The contract time remains unchanged. The committee recommends that the Mayor be authorized to execute the change order on the City Council's behalf.
- 2.) E.D.A. PROJECT - DRAINAGE AND STREET IMPROVEMENTS - MEDICAL UNIVERSITY: Council will recall that when the City called for bids for this project, the low bid received was double what the City had allotted, so the City could not accept that project. The Medical University has recently informed the City that it has \$350,000 E.D.A. funds available and that it is willing, if the City will sponsor the project, to use these funds for drainage and street improvements around the university. They are asking the City to accept the low bid of R. E. Scannell Construction Co. for street improvements including storm drainage improvements on Doughty Street, Ehrhardt Street, Barre Street, and Mill Street in the City (EDA Project No. 04-51-26292). The committee has voted in favor of the City sponsoring the subject project, that the work be performed by R. E. Scannell Construction Co., and that the project be paid for with \$350,000 E.D.A. funds to be made available by the Medical University. The committee recommends that City Council endorse the committee's actions and that City Council authorized the Mayor to execute the necessary instruments so that this project may get under way as soon as possible.

- 3.) HONEYWELL CONTRACT - MUNICIPAL AUDITORIUM: The committee has approved a contract between the City and Honeywell, Inc. covering a building operation and maintenance agreement at a cost to the City of \$3,083.00 per month commencing March 1, 1978. The committee believes it is in the City's best interest to enter into this contract. It is the committee's recommendation that the Mayor be authorized to execute the agreement on City Council's behalf.
- 4.) LEASE - MUNICIPAL PARKING LOT - GEORGE AND SOCIETY STREETS: The committee submits herewith a lease relative to the proposed municipal parking lot between George and Society Streets, which the City will have to enter into with a number of property owners. The instrument has been studied by the Real Estate Committee as well as by the Committee on Ways and Means and both committees have concluded that the City should enter into the lease. It is, therefore, the recommendation of the Committee on Ways and Means that the Mayor be authorized to execute the instrument on City Council's behalf. Brenda C. Scott, Chairman J. Rutledge Young, Jr. Jerome Kinloch Hilda Hutchinson Jefferson Arthur W. Christopher Robert Iford George A. Z. Johnson, Jr. Mary R. Ader Wacon L. Stephens, Jr. Henry E. Grimbball Joseph P. Riley, Jr., Mayor

The report was adopted on motion of Councilmember Young.

The Mayor stated that Councilmember Ader had brought to his attention that some of the Standing Committees were experiencing difficulties at times in getting a quorum at their meetings and this has prevented action. The Mayor suggested and later moved that the Rules of Council be amended to provide that a quorum for standing committees with eight (8) members, be four (4); standing committees with six (6) members, the quorum be (3); and, that the quorum for the Committee on Electric Wires and Lighting the City be three (3). He felt this was a reasonable amount since the recommendations of those committees usually would have to come before City Council. His motion was properly seconded.

Councilmember Stephens offered as an amendment that a quorum be fifty percent (50%) of the membership. Councilmember Johnson seconded this amendment. The Mayor pointed out that the Committee on Electric Wires would have an uneven number of members. He asked Councilmember Stephens what he wished to suggest be a quorum for that committee. Councilmember Stephens suggested the quorum for that committee be four. Discussion followed.

Councilmember Young moved to table Councilmember Stephens motion. Councilmember Grimbball seconded the motion. The motion failed.

Councilmember Young moved for the adoption of the Mayor's motion as had been written on the agenda. His motion was properly seconded. Councilmember Stephens asked what the quorum would be for committees with an uneven number of members. The Mayor stated that the amendment under consideration was for the Standing Committees only and the membership on those committees were made up of eight or six members, with the exception of the Committee on Electric Wires and Lighting the City, which had seven.

City Council then voted in favor of the motion to amend the Rules of Council to provide that a quorum for standing committees with eight (8) members, including the Mayor, be four (4); for standing committees with six (6) members, including the Mayor, be three (3); and, provide that the quorum for the Committee on Electric Wires and Lighting the City be three (3).

The Mayor then reminded the Councilmembers of the Annual Congressional City Conference to be held in Washington, D.C. as well as that of the Municipal Association meeting to be

held the following week. He urged the Councilmembers who were going to make final arrangements the following day by contacting his office.

Next, the following were elected to serve on the Oak Grove Orphanage Board: Richard Salmons, Mrs. Larry T. Riggs, Louis Storen, Eugene Huger, Mrs. Modie Risher, Miss Mary Green, Lawrence Libator, Mrs. Ruth Williams Cupp, N. Winfield Sapp, and Councilmember Ader.

In addition, Anthony J. Gianoukos was appointed to serve on the Board of Leisure Services and Leonard Seymour was appointed to serve on the Neighborhood Commission.

City Council was reminded that its March 28th meeting would be held outside of City Hall. The Mayor stated that one of the local television stations wanted to air that meeting live for 30 minutes or an hour. Councilmember Stephens proposed that the March 28th meeting be held at St. Andrews Elementary School. Councilmember Ader seconded the motion.

Councilmember Christopher asked if questioning the citizens during the citizens participation period could be eliminated. He noted that the Rules of Council called for that period to be thirty minutes and this night's citizens participation period had extended beyond one hour because of the questions asked by the Councilmembers after the citizens had made their presentations. It was agreed that the citizens participation period should be limited to thirty minutes as stipulated in the Rules of Council.

Council voted in favor of Councilmember Stephens' motion that the March 28th meeting of City Council be held at St. Andrews Elementary School.

Councilmember Ader recalled that a few months ago City Council referred a proposed set of Park Rules and Regulations to the Legal Department. She asked if they would be ready for Council's consideration at its next meeting. The Mayor replied in the affirmative. Councilmember Stephens stated that at the last meeting of the Board of Leisure Services he was asked to advise City Council that the department's program was being handicapped by not having the Rules and Regulations.

The Mayor informed City Council that a petition for annexation had been received. The property involved consisted of two lots measuring 0.455 acres fronting on Folly Road, owned by Sanders Brothers Construction Co., a Partnership, and known as Lots 22 and 23 as shown on a plat entitled "BOUNDARY SURVEY OF LOTS 22 & 23 CENTERVILLE PLANTATION, JAMES ISLAND, CHARLESTON COUNTY, S. C." by C. Roger Jennings, Surveyor, dated December 1975. The Mayor further explained that the property was adjacent to Rivers Point which the City Planning and Zoning Commission had allowed to be rezoned when it came into the City. The Mayor said an ordinance had not been prepared to bring these properties into the City. He asked, however, that this petition be added to the agenda because it was holding up the City Planning and Zoning Commission on making a decision on the piece of property that has been in the City. No objection was expressed to the item being placed on the agenda. On motion of Councilmember Iford, seconded by Councilmember Stephens, City Council accepted the subject petition.

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

MARY R. WRIXON
Clerk of Council