

**October 14, 2003**

COUNCIL CHAMBER

Regular meeting.

The eighty-fourth meeting of the City Council of Charleston was held this date convening at 5:05 p.m. in City Hall.

A notice of this meeting and an agenda were mailed to the news media October 10, 2003 and appeared in The Post and Courier October 14, 2003 and is made available on the City's website.

PRESENT

The Honorable Joseph P. Riley, Jr., Mayor; Councilmembers Fishburne, Morinelli, Lewis, Campbell, Gallant, Gilliard, Waring, Evans, Tinkler, Shirley, Bleecker, and George --- 13. Councilmember Campbell and Councilmember Waring were excused at 5:45 p.m. during the Presentations and Recognitions portion of the meeting.

The meeting was opened with prayer by Councilmember Morinelli.

Councilmember Morinelli led City Council in the Pledge of Allegiance.

Without objection and at the request of Mayor Riley, Council agreed to add a recognition to the agenda. Mayor Riley commented that he had received a Resolution from Virginia Beach Mayor Meyera E. Oberndorf, which recognized the City's police and fire employees for their service to the Virginia Beach community following Hurricane Isabelle.

The Mayor talked about the valuable lesson the City had learned after Hurricane Hugo. He noted that when disaster strikes, the help of neighbors from all over America makes recovery from what seems to be insurmountable obstacles possible. He commented that the people of our community who benefited from this gift made a commitment then to offer assistance when our neighbors were in need. In September, Hurricane Isabel made a path up the east coast from North Carolina all the way into Canada.

Continuing, the Mayor said that the City's Police Department sent 45 officers and five civilians to Virginia Beach, VA to assist with traffic control and other law enforcement duties. He briefly explained that under the direction of Assistant Director of Public Service Tom O'Brien, two employees, Mike Cain of Engineering and Battalion Chief Ronnie Classen of the Fire Department, went to North Carolina before the storm was over so that they could be in place to determine where others from Public Service, Traffic and Transportation and the Fire Department could be of service after the storm.

He went on to say that the City also sent 35 employees from Public Service, Fire, and Traffic and Transportation, along with four officers from the City of Charleston Police Department as escort, to Hyde County, NC. The Mayor described Hyde County as a rural area very similar to rural areas around Charleston.

He then asked all of the employees present who had volunteered to assist these communities following Hurricane Isabel to join him at the podium. Mayor Riley commented while all of the fine employees could not be present, he would like for the Clerk of Council to make the names of all of the volunteers part of the record for tonight's meeting.

The following City employees had volunteered to assist these communities following Hurricane Isabelle:

From the Department of Fire:

Engineer Shane Albers            Captain Thomas Buell  
Battalion Chief Ronnie Classen            Engineer Mark Davis

Captain Dale Jenkins Captain Jake Jenkins  
Engineer Darryl Mitchell Captain Robert O'Donald  
Captain Joey Roberts Captain Wayne Schofield Battalion Chief Ricky Shriver Captain David  
Suggs  
From the Department of Police: Lisa  
Altine Anthony Bland  
Tyrone Bodrick George Brisbon  
Israel M. Broderick James Ryan Cockrill  
Momoly(?) Cooper Philip C. Dean  
David Dixon Joseph Dunmeyer  
Sterling Dutton Joseph I. Gabe  
Robert Gamard Bryant Gilmore James  
Glover Edwin L. Gracely  
Earl Graham David Grudzein  
Brian Hinton Clyde Johnson  
Moravia Johnson Teresa Kenerson David  
Lapointe John Lites  
James Mackey Brian McEvers  
Charles Mitchell Shylah Nicole Murray William  
Murton Sherry Niblock  
Michael L. Nick D'Angelo Palmer  
Dung Tom Pham Jeff Overcash  
Charles Reynolds Thomas Rivers  
Sherri Rowan Steve Sierko  
Willie Simmons Louis Staggars II  
John Stamp Eric W. Stone  
Lamont Taylor Michael Thomas  
Aubrey Sullivan David Ventry  
Darryl Washington Davis L. Whaley  
Freddie Williams III Kevin D. Wilson  
From the Department of Public Service: Lindell  
Brown Robert Brown,  
Larry Faulkner Nathaniel Gilliard,  
Michael Hall Reginald Johnson,  
William Matthews Carl McNeal,  
Johnny Moultrie Stanley Sanders  
Charles Singleton Earl Sparkman  
Reginald Taylor Paul Thomas  
William Venning William Washington  
From the Department of Traffic and Transportation:  
Parrish Brown Arnold Cummings  
Travis Green Darryl Jenkins  
Larry Thomas Kevin Thompson

Mayor Riley thanked everyone on behalf of City Council and all the residents of our area. He told them that they had helped us fulfill a pledge and that they had done so even though it required them to be away from their homes and families. There was an extended standing ovation for the volunteers.

The Mayor referred to the previously mentioned letter and resolution from Virginia Beach Mayor Oberndorf and he noted that she had expressed appreciation for the work of the Charleston Police Department. The Mayor read the letter and portions of the proclamation.

There was another round of applause.

Council then returned to the orders of the day. The next item on the agenda was the recognition of Dr. Ron McWhirt, recently retired Superintendent of the Charleston County School District, and the introduction of Dr. Maria Goodloe, the incoming Superintendent of the Charleston County School District.

Mayor Riley invited Dr. McWhirt and Dr. Goodloe to join him at the podium. Addressing Dr. McWhirt the Mayor expressed appreciation to him for his service to the children of Charleston County. He commented that most people knew that this had been Dr. McWhirt's second time to run our schools and that he came back to assist when another superintendent left. He spoke of what a pleasure it had been to work with Dr. McWhirt over the years. The Mayor remarked that he was not sure how many people would be willing to leave retirement and come back into the stress and pressure of running a school district. He talked of Dr. McWhirt's dedication in responding to the appeal for his leadership. The Mayor again thanked him for his dedicated service and leadership. An extended round of applause followed the Mayor's comments. Dr. McWhirt expressed his appreciation to the Mayor and the City of Charleston. He spoke of working with the Mayor over the years and thanked him for his assistance in a number of school programs. Dr. McWhirt talked of his confidence in Dr. Goodloe and told her that he believed that she, too, would fall in love with Charleston and her job. Another round of applause followed his comments.

The Mayor then turned to Dr. Goodloe and noted that she began her service as Superintendent of

Charleston County Schools on October 1<sup>st</sup>. He spoke of what a challenge it had been to find the right person for the job. He commented that the City had enjoyed the wonderful opportunity of welcoming her the morning of her first day in front of the Charleston County School District building at 75 Calhoun Street.

He went on to say that everyone had been there to let her know that the City of Charleston is 100 percent behind her and the children of our district. He added that the City places the highest priority on quality education for our children and will do whatever it takes to ensure that the community works just as hard for education as it does for other programs.

He turned to Dr. Goodloe and welcomed her to our community. He stressed that she should never hesitate to call on the City if she needed help from the City of Charleston because "we are an enthusiastic partner with our school system." A lengthy standing ovation followed the Mayor's welcoming remarks.

Dr. Goodloe thanked everyone for the warm welcome and said that she was happy to be in Charleston. She spoke of how much she was looking forward to working together. Dr. Goodloe also invited everyone to attend a School District 20 meeting on November 20, 2003.

Another extended round of applause filled the Chamber following her comments. **The next recognition was a Proclamation honoring Thomas L. Read, Sr. The Mayor invited Director of Economic Development Sharon Brennan, Mr. Read and the members of the Board of the Charleston Citywide Local Development Corporation (LDC) to join him at the podium. Baird Mallory, LDC Chair; and LDC board members Arnold Collins, Randall Goldman, Linda Kennedy, Debra Stewart, Richard K. Yonce, Councilmember Louis Waring joined Mr. Read along with Director of Design, Development and Preservation Yvonne Fortenberry and Ms. Brennan on the dais.**

Mayor Riley then read the Proclamation, which recognized Mr. Read's 24 years of dedicated service to the LDC and declared October 14, 2003 as Thomas L. Read, Sr. Day in the City of Charleston. A lengthy standing ovation followed the presentation.

Mr. Read spoke of how much this recognition meant to him and said that it was a humbling experience to receive it. He said that he had continued his service to the LDC because of Mayor Riley and his vision. He also talked of the real renaissance he had seen in Charleston over the years. He expressed his appreciation to Ms. Brennan and the LDC staff. Another round of applause followed Mr. Read's remarks.

The next presentation recognized the After School Flag Football Coaches. The Mayor invited Director of Recreation Paul Wieters, Fran Herne and William Williams to come to the podium. He also extended an invitation to Winfield Brown, New Israel; Kartika Coaxum, Corrine Jones; Anetria Evans, Harmon Park; Dedrick Harvin and Will Harvin, Fraser Elementary; Theraun Mixon and Cameron Pickett, Memminger Elementary; Kransten Price, Boys & Girls Club; Ryan Williams and Kevin Scott, YMCA to join them on the dais.

The Mayor commented that the Department of Recreation initiated a program three years ago aimed at involving the children in our urban areas in after-school recreation programs. The goal was to get kids healthier and involved in some form of positive recreation. Based on a six-week rotation program, children from downtown schools after-school programs, our city playgrounds after-school programs and other providers, like the YMCA and Boys and Girls Club participate in flag football, kickball, volleyball, track, double-Dutch and basketball throughout the school year. Each year the program continues to grow. In the fall this year we had over 200 children playing in the program.

He then turned to the recipients and expressed his pleasure in recognizing some of the coaches who are volunteers and make this program a huge success. There was a standing ovation following these presentations.

Next, Mayor Riley invited Ledlie Bell and Paul Wieters to join him at the podium. He commented that Mrs. Bell has served on the City's Commission on Recreation for over ten years. He spoke of her strong advocacy for improving our recreation services, as well as her continued support of the City's Department of Recreation.

Continuing, he said that earlier in September at its annual conference, the South Carolina Recreation and Parks Association recognized Mrs. Bell with the Citizen/Lay Volunteer Award. He remarked that this had come as no surprise because everyone has come to appreciate a person who unselfishly, with a passion, gives of her time to make a difference for our citizens and staff. He addressed Mrs. Bell saying that the City took great pride in joining the South Carolina Recreation and Parks Association in recognizing her with the presentation of the Citizen/Lay Volunteer award. On behalf of the citizens of the City of Charleston, boys and girls, adults and seniors as well, Mayor Riley thanked Mrs. Bell for all she does for the City. He told her that she

is "a model citizen, a model volunteer and our City is more livable and beautiful because of you." After Mayor Riley read the inscription on the plaque and presented it to Ms. Bell, there was an extended standing ovation.

Mrs. Bell expressed her appreciation for this award and for being allowed to serve. She told of being humbled as one of several recipients at this statewide conference and said that she felt the other recipients had done far more for their communities. She added that she felt honored to follow these young people that have given of their time for the Flag Football Program. She expressed her hope that the young people participating in the program would grow up and serve on this commission as well. There was another round of applause following her remarks. Next, Mayor Riley invited Wendrah McCoy, her parents Wendell and Debra McCoy, Peggy Bohne and Delores Jackson to join him on the dais. The Mayor shared that he had been with Ms. Bohne and Ms. Jackson at the meeting of the East Oak Forest Neighborhood Association the evening before this meeting. He noted that this is one of the City's new neighborhood councils, which brought the number of neighborhood councils to 93. He remarked that Ms. Jackson had led the citizens in an exciting new process of working with the City and he congratulated her on that.

The Mayor described this recognition as a very special one because "we have a national essay winner in our midst." He introduced Wendrah McCoy, the ten-year old daughter of Mr. and Mrs. Wendell McCoy of 14 Simmons Street and a fifth grade student at James Simmons Elementary School. He noted that Wendrah has been a very active member of the Department of Recreation's "Courting Kids Inner City Tennis" program since she was five years old. Continuing, the Mayor said that each year as part of the Courting Kids program, our program leader, Delores Jackson, encourages the participants to enter a contest describing why Arthur Ashe was so special for tennis. This year, Wendrah's essay was selected as one of the top ten national winners. She, along with her mom, was given an all-expense paid trip to New York City, where she attended a Broadway play, a WNBA game at Madison Square Garden, a luncheon at the home of former Mayor Dinkins where she received a plaque and was able to meet the former Mayor before attending the Arthur Ashe Kids Day at the US Open. Mayor Riley noted that the United States Tennis Association National Junior Tennis League sponsored the contest. He told Wendrah that everyone is so very proud of her accomplishments on and off the court, especially for this national recognition and outstanding essay. The Mayor then asked Wendrah to read her essay. Copies of her essay were distributed to Council's desks and they followed along with her as she read. Everyone in the Chamber rose for an extended standing ovation following her reading. A copy of the essay is also on file in the office of the Clerk of Council in the meeting folder of this date.

Mayor Riley asked Mr. and Mrs. McCoy and Ms. Jackson if they would like to say anything. Ms. Jackson recalled the first essay that Wendrah had written when she was eight years old. She remarked that the office had called to tell her that Wendrah had to be 10 years old to enter the contest. She said that she knew that Wendrah was going to be a winner. Mr. Mrs. McCoy thanked everyone for their support.

Mrs. Bohne expressed pride in Wendrah and said that she is not only a great tennis player, but she also writes very well. She said that the program encourages these youngsters in school, not just in tennis. Another round of applause filled the Chamber.

The last item on the agenda under Presentations and Recognitions pertained to Certificates of Appreciation. The Mayor invited Tony Lewis to join him at the podium so he could present

certificates to various people. Mayor Riley said that Mr. Lewis is affectionately called "Coach" Lewis. He spoke of Mr. Lewis' love for the children in our community and said that he wanted to recognize some people at this meeting. The Mayor welcomed Mr. Lewis to the meeting and invited a round of applause for this great community leader.

Mr. Lewis said that he wanted to thank a number of people that had helped him in working with young people throughout his life. He referred to this as a gallant team effort and said that he did not want to forget these folks. He then called out the names of the recipients of his certificates of appreciation and distributed them to the ones who were present at the meeting.

The following names were read: The Honorable Maurice Washington, Fran Herne, Councilman James Gallant, III, Finance Manager Steve Bedard, Kevin Gadsden with the Save the Youth Program, Tom Gibbes with SCE&G, David Pearlman with the Steinberg Law Firm, Barbara Gordon, Mark Cummings with T-Bones, Inc., Billy Ford, Jr. with Ford Reddi-Mix, Grayson Carter with Carter Storage, J. Kevin Holmes with the Steinberg Law Firm, Billy Koopman with the Commissioners of Public Works (CPW), Thelma Ravenel with SCE&G, Graham Eubanks with Palmetto Ford, Uricchio, Howe, Krell, Jacobsen, Toporek, Theos & Keith, Bill Watts with Rubber Stark, Gerald Recaps, Clyde Burris with Burris Liquor Store, Tommy Eiserhardt with the Save the Youth Program, Arthur Gilliard with Art Form & Theatre Concepts, Danny Manigault with Manigault Seafoods, Garrett Duncan with Duncan Foods, Jim Matthewson with Carolina Chiropractor, Recreation Leader Johnny Grant, Terry Base with Citadel Communications, Paul Heinauer with Glass Pro, Inc. and Mayor Riley. A round of applause followed the presentations.

Mayor Riley thanked Mr. Lewis and said that he would see that the certificates for those who were not present are delivered.

The next item on the agenda was a public hearing called for by the following advertisement, which appeared in The Post and Courier on October 5, 2003 and in The Chronicle on October 8, 2003.

#### PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, October 14, 2003 beginning at 5:00 p.m. at City Hall, 80 Broad Street regarding: RECEIPT AND DISBURSEMENT OF FEDERAL FUNDING IN THE AMOUNT OF \$132,057 UNDER THE LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) PROGRAM #2003-LB-BX-0580. THE CHARLESTON POLICE DEPARTMENT IS PROPOSING TO ALLOCATE THESE FUNDS FOR TWO FEDERALLY-APPROVED PURPOSE AREAS:

- 1) PROCUREMENT OF TECHNOLOGY OR EQUIPMENT FOR LAW ENFORCEMENT FUNCTIONS (95% OF FUNDING);
- 2) SUPPORT FOR THE COUNTY-WIDE JUVENILE DRUG COURT PROGRAM (5% OF FUNDING).

**THE PURPOSE OF THE PUBLIC HEARING IS TO PROVIDE THE PUBLIC AN OPPORTUNITY TO COMMENT ON THE PROPOSED ACTIVITIES TO BE SUPPORTED WITH LLEBG FUNDS.**

Interested persons are invited to attend the hearing and express their views. Extended presentations should be made in writing.

VANESSA TURNER-MAYBANK

Clerk of Council

---

The Mayor invited comments from the public on this matter. No member of the public wished to speak for or against this matter. The Mayor declared this public hearing concluded. The Charleston Police Department proposed to allocate these funds for two federally approved purpose areas:

- 1) Procurement of Technology or Equipment for Law Enforcement Functions (95% of funding) and
- 2) Support for the Countywide Juvenile Drug Court Program (5% of funding) There were no questions or comments of Council.

On motion of Councilmember Tinkler, seconded by Councilmember Gallant, City Council voted to approve the receipt and disbursement of federal funding in the amount of \$132,057 under the Local Law Enforcement Block Grant (LLEBG) Program #2003-LB-BX-0580.

Council then considered the public hearings called for by the following advertisement, which appeared in The Post and Courier on and October 7, 2003 and in The Chronicle on October 8, 2003.

#### PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, October 14, 2003 beginning at 5:00 p.m. at the City Hall, 80 Broad Street, to receive input from the public regarding the proposed 2004 City Budget.

Interested persons are invited to attend the hearing and present their views. Extended presentations should be submitted in writing.

Vanessa Turner-Maybank  
Clerk of Council

---

Mayor Riley reported that this matter was before Council to receive input from the public regarding the proposed 2004 City Budget. The Mayor invited public comment on this matter. The following persons addressed City Council regarding the 2004 City budget: 1) Mary Mack, 55 South Street, stated that she had come to ask the City to consider allocating additional funds for the East Side Neighborhood Council, which is now known as the East Side Community Development Corporation.

She asked Council to provide funding in the 2004 budget:

- 1) to improve drainage in this area
- 2) to support the job training program that is being implemented at 31 Amherst Street, which she said is called the Amherst Project that is in collaboration with the maritime industry, the Medical University and real estate contractors
- 3) to think in terms of including funds for traffic calming and speed bumps on America Street and Nassau Street
- 4) to allocate funds to make the sidewalks in this area wheelchair accessible
- 5) street cleaning and street repair on a regular basis
- 6) to provide funds for beautification of parks and the streets in the community

2) Delacey Skinner, 2 Bogard Street, President and Founder of the Southern Literature Council of Charleston, said that this nonprofit organization was founded to support southern writers and also to develop the literary culture in the Charleston area. She commented that this

organization had been founded because a gap was seen here in support for literary culture among all the other events and things that go on in Charleston.

She stated that she specifically had come to this meeting because this organization had applied for an accommodations' tax grant to get funding to help promote an event to fill this gap and to help draw a new cultural tourism into the area. She spoke of a recent opportunity to co-sponsor a writers' conference that is modeled on a conference that currently happens in New Orleans. She said that she felt this would be a perfect fit for Charleston.

Ms. Skinner then called on Rosemary James to tell more about the proposed conference. Ms. James explained that this would be a five-day conference that is unique in that it provides both assistance for developing writers in the area and also an entertaining enlightening program for the general public. She said that this conference had been going on since 1997 and that it has grown gradually and sufficiently in New Orleans to branch out. She commented that she was very encouraged by her observations that there is a pent up demand in Charleston for engaging literary events. She remarked that the conference is called *Words and Music* because it not only helps aspiring authors, everything that can be done is done to help developing musicians as well. Ms. James briefly described the program in New Orleans. She spoke of the planned conference in New Orleans in December and said that there would be no less than seven Pulitzer Prize winners, a recent winner of the Orange Prize, the Phillip Roth Prize, several winners of the National Book Award including one that this organization had discovered through its own literary competition. She said that the plan would be to model the Charleston conference on the New Orleans conference.

She stated that Charleston is centrally located on the East Coast making it easier to get to than New Orleans and she felt this would draw more tourism for Charleston. She also felt that this conference would draw a bigger local audience because Charlestonians appear to be a better literary audience.

3) Barbara Kelly Duncan, representing Carolina Youth Development Center (CYDC) at 5055 Lackawanna Boulevard, addressed Council regarding the CYDC's request through the community assistance grant program. She commented that there are more than 500,000 children nationally that are out of homes and said that Charleston County maintains one of the largest populations of children involved in documented cases of abuse and neglect.

Continuing, she spoke of the more than 2,500 reported cases of abuse and neglect in this area just last year. She said because of these numbers the two emergency shelters at CYDC function at full capacity most of the time. She talked about the 662 students ages 6-16 that had been identified as severely emotionally disabled. She explained that these numbers exceed the center's capacity to serve.

She went on to say that the center's Big Brothers/Big Sisters program has been providing services to approximately 300 children. She noted that there is a six-month waiting period for girls and a two-year waiting period for boys who need services through these programs. She stressed that "our children are in trouble." She added that the capacity of community organizations to meet the needs of these children continues to decline in this economic climate. She further explained that CYDC provides more than 500 children per year with safety, shelter, treatment, mentoring and educational services in a caring and nurturing environment. She said that the center provides these children with the caring adult that research shows will play a vital role in a child's life, promoting self-esteem and self-confidence.

She told Council that CYDC has been providing service to children for 213 years, uninterrupted. She talked briefly about the cost effective and efficient continuum of care programs that are provided through six programs to address the needs of the children in the care of CYDC. She noted that four of these six programs provide 24-hour treatment and intervention services throughout the year.

She expressed her sincere appreciation to the City for past support and asked for a favorable response to the proposal that CYDC had submitted as "all of us continue to invest in the future of our children."

No one else expressed a desire to address Council on this matter. The Mayor declared this public hearing concluded.

Councilmember Shirley commented that there had been only three requests and none of the speakers had mentioned a specific amount of money. He referred to previous budget hearings at which he recalled there being many more requests.

Chief Financial Officer Steve Bedard rose to explain that most of the requests tonight had addressed two parts of the budget. He said that one part would be the State Accommodations Fund, which the Accommodations Tax Advisory Commission that would meet to consider requests of this type. He noted that Councilmember Evans chairs that commission and the meeting would be taking place in November. He said requests from these funds would be brought forward to City Council following that meeting.

He stated that the other requests pertaining to community assistance grants would be part of the general fund budget. He said those requests would come to City Council as part of the normal budget process. Mr. Bedard expressed his hope that there had been so few people at this hearing because people are satisfied with the way the funds are being spent in the City of Charleston.

Councilmember Shirley stated that when people come to make a presentation, he likes to be able to understand what they said and what role he plays in the process.

Mr. Bedard replied that state law determines how the City spends accommodations funds. He explained that an internal City group takes all the applications; there is a public notice; the grants administrator and others meet with people to talk about how to fill out the grant paperwork. He said that a similar process is followed with people applying for community assistance grants. He cited the earlier request from the Carolina Youth Development Center as an example of this type of request. He explained that this would not have anything to do with accommodations funds because it does not have anything to do with tourism.

He briefly explained the makeup of the City's Accommodations Advisory Commission, which is required by state law. Mr. Bedard said that this commission makes the recommendations to City Council as part of the budget process and said that would be forthcoming. He spoke of the hardworking people that review the applications to be sure that the City acts in compliance with all of the state laws. He remarked that there is a state board that is established to review every municipality's budget to see how the money is spent and these funds must be associated with bringing tourists into South Carolina and into the area.

Mr. Bedard reiterated that both of these matters come to City Council for approval. He said that the accommodations budget is separate from the community assistance budget and noted that the community assistance budget is part of the overall general fund budget of the City. He anticipated that both of these matters would come to Council at the end of November to move forward for Council's approval and passage.

He agreed that several years ago a number of people did come in for this, but the process is much more processed. Staff meets with the applicants to explain the process and to get the applicants comfortable with it. He noted that when the matters come to Council, they would be aware of all the applications and the recommendations. He remarked that unfortunately the pie never seems to grow as fast as the list of applicants that want a piece of the pie, which means there will always be tough decisions to make.

There were no further comments or questions of Council pertaining to the 2004 budget public hearing.

Next on the agenda was the approval of the minutes of City Council's September 9 and September 23, 2003 meetings. Councilmember Bleecker referred to her comments shown on Page 13 of the September 9, 2003 minutes and asked that the word players be changed to read plaintiffs. Councilmember Fishburne felt the correct word should be petitioners and Councilmember Bleecker stated that she had used the word plaintiffs. The minutes of the September 9, 2003 minutes were approved as corrected on motion of Councilmember Bleecker. Councilmember Fishburne then stated that he had asked at the September 9, 2003 meeting for the judgement of the Supreme Court to be attached and made a part of the record. He said that someone in the Clerk's office had told him that since this document had been distributed at the meeting, it was not distributed again but that it would be in the record.

The Clerk of Council responded that it had been attached to the formal record of the September 9, 2003 Council meeting.

Approval of the September 23, 2003 minutes was *deferred*.

The Citizen Participation Period followed. The following persons addressed City Council: 1) Joe Qualey, member of the Town Council of the Town of James Island, stated that the town had recently passed its land use comprehensive plan. He noted that this limited the density from four units to three units an acre for single-family housing. He stated that he was challenging the City of Charleston to do the same thing.

Continuing, he said that he had distributed a letter to Council asking the City of Charleston to essentially downzone some property on Central Park Road that he said had been rezoned by the City on March 12, 2002. A copy of the referenced letter is on file in the office of the Clerk of Council in the meeting folder for this date. He described the property as being located behind the movie theatre and said that it had been permitted for approximately 200 units. He expressed his concern about traffic problems that would be caused by this.

Mr. Qualey remarked that he was frustrated and frankly felt some anger about this. He said that he had spoken with a number of people including the Realtor™ that had been involved in this and he had told them "this just isn't right." He talked about using this road to take his kids to the park for soccer. He said that every time he goes by the subject property it embroils him that the property will be a multi-family 250-unit complex on a two-lane road.

He referred to conversations with a member of the Planning Commission and to Department of Planning employees. He expressed concern that plans to widen the road would wipe out 15 grand oaks. He stated that this has driven a wedge between the City of Charleston and the Town of James Island.

Mr. Qualey asked that his request for rezoning be placed on the agenda and cited a downzoning that had taken place a couple of years ago in response to the City of Charleston people saying that they did not want it.

- 2) Marc Knapp, West Ashley resident, stated that the BAR is out of control. He said that the City should basically "can them and start over." He referred to a stone house in the West Ashley area that had been torn down recently. He described that house as unique. He said that the BAR did not want to tear down a house that he would be afraid to walk by because the wind might blow it down.

He next addressed Council about his concerns pertaining to CARTA and said that it makes the hair on his neck come up just thinking about these people. He wanted Council to know just how bad these people really are, especially the director and the people who actually run it. Mr. Knapp referred to a route program that the City had purchased for the garbage and trash trucks, which he said had cost \$100,000. He asked Council to think about all the streets that program must handle and all the stops that must be dealt with. He commented that everybody had glossed over CARTA's one-page budget. He said the route program had been shown at a cost of \$250,000, which he said would involve approximately 1,500 stops and maybe 50 streets. He stated that "something smells and it stinks." He said that it almost smelled like payoffs and some other backdoor stuff.

He said, "You gotta be careful with these people." He said that those who serve on the CARTA Board needed to start looking at this stuff. He told about running computer equipment when he was in college and said that he had written a lot of programs. He remarked that the CARTA program was not worth \$250,000.

- 3) Robert Gurley, representing the Preservation Society of Charleston, spoke in support of a bill that would be before Council for first reading later in this meeting. He referred to the bill that would add demolition review authority within the Commercial Corridor Design Review District for portions of Savannah Highway, Saint Andrews Boulevard and Wesley Drive (Item K-2 on the agenda).

Mr. Gurley stated that the Society is concerned that the increase in development and pressure within this district threatens the future of early post-World War II residential neighborhoods. He commented that the buildings within these neighborhoods are not only important as individual structures, but they are also part of an important historic streetscape that help us understand not only the growth of suburbs in Charleston, but also understand the architecture that the Society feels very strongly represents a generation that should be preserved and taken care of.

He remarked that communities nationwide are becoming increasingly aware of the importance of these early post-war neighborhoods and also becoming increasingly aware of the threat to their existence.

Mr. Gurley said that Charleston has long been a leader in providing protection for historic buildings and said that the Society urged Council to continue that leadership by supporting the referenced bill up for first reading.

- 4) Ledlie Bell, board member for the Ashley Bridge District, thanked Director of Development, Design and Preservation Yvonne Fortenberry for clarifying that the structure that had been pictured in the newspaper article had not been protected by the overlay district that had been created on Savannah Highway.

She explained that the overlay district had been created to protect the residential area of the district and said that the building was not in the district. She asked Council to be sensitive to the need to preserve the residential character and that there is a difference between the near neighborhoods and the area going further out Savannah Highway, which she described as auto mile.

Continuing, Mrs. Bell said that the area further out is much more commercial. She spoke of the need to preserve neighborhoods where there are services like accounting, a library, older people who walk to a drugstore to get prescriptions filled, etc. She expressed her belief that these areas could not be preserved if this is torn down and replaced by one commercial building after another.

- 5) Tricia Eldridge, resident of the Moreland neighborhood, also asked Council to support the bill that would be up for first reading in order to support the residential character of the neighborhood. She expressed the hope that Council would support the bill and help the neighborhood steer away from the sprawl that could be seen outside of their community. 6) A gentleman representing the North Central neighborhood addressed Council regarding his concerns about preserving green space for parks and recreation in his neighborhood. He stated that he would like to see developers leave vacant land for soccer fields and park use. 7) Peggy Bohne, President of the Moreland Neighborhood Association, stated that she would like for it to be on the record that this neighborhood supported the bill that would add demolition review authority within the Commercial Corridor Design Review District for portions of Savannah Highway, Saint Andrews Boulevard and Wesley Drive.
- 8) Jerome Smalls addressed Council about his concerns that CARTA had increased the fares to ride the bus because a \$.25 fee had been added for transfers. He stated that they advertise that the fare is only \$1.25, but he said that there is no posting on the bus that it costs \$1.50 to get a transfer. He felt that this information should be posted on the bus. He stated that it would not be possible to ride the bus from North Charleston to the hospital without paying the transfer fee. He commented that there is need to get somebody local in the community to provide some oversight. Mr. Smalls said that the Beltline bus goes backward away from the hospital and no one is really concerned about people trying to get to the hospital. Mr. Smalls also expressed his concern about the reduction in bus service on Saturday and Sunday. He asked why no one cared about people who are trying to go shopping and get to church. He said that it was costing more to ride the buses and there was less service. He asked Council to do something about this.

No one else expressed a desire to address Council. The Mayor declared the Citizen Participation period concluded.

Next, City Council received the following report of the Committee on Ways and Means:

*The Committee on Ways and Means Reports:* 10/14/03

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

The Committee on Ways and Means recommends that City Council act on each of the following matters as stated below:

- 1.) **1252 WINCHESTER DRIVE: STORM DRAIN REPAIR - \$48,268 - R. H. MOORE COMPANY, INC. - ACCOUNT #050345-52240:** The Committee recommends

City Council approve, and authorize the Mayor to sign, a proposal in the amount of \$48,268 from R. H. Moore Company, Inc. to replace the existing storm drain due to a collapse of the metal arch storm drain at 1252 Winchester Drive. Funds will come from account #050345-52240. Councilmembers Campbell and Gilliard were not present to vote on this matter.

2.) **BOND ANTICIPATION NOTE BORROWING FOR PURCHASE OF THE CARTA LEEDS AVENUE MAINTENANCE FACILITY:** The Committee recommends City Council authorize Corporation Counsel to prepare the necessary documents to issue a Bond Anticipation Note for the borrowing of funds up to \$2,174,835 for the purchase of the Charleston Area Regional Transportation Authority (CARTA) Leeds Avenue Maintenance Facility. Councilmembers Campbell and Gilliard were not present to vote on this matter.

3.) **ASSIGNMENT OF THE PARKING AGREEMENT TO 100 CALHOUN STREET OFFICE BUILDING, LLC FOR THE GAILLARD PARKING GARAGE:** The Committee, based on the recommendations of the Committee on Real Estate, recommends City Council approve, and authorize the Mayor to sign, an Assignment of Parking Agreement to 100 Calhoun Street Office Building, LLC for the Gaillard Parking Garage. The agreement is connected with a new office building which is being constructed at 100 Calhoun Street. The property owners have formed an LLC, and will receive financing from the Bank of America. The owners have a parking agreement with the City of Charleston that needs to be assigned to the LLC. The parking agreement will then be collaterally assigned to the Bank of America to secure a loan in the amount of \$11,580,000.

4.) **COLLATERAL ASSIGNMENT OF THE PARKING AGREEMENT FROM 100 CALHOUN STREET OFFICE BUILDING, LLC TO BANK OF AMERICA FOR THE GAILLARD PARKING GARAGE:** The Committee, based on the recommendations of the Committee on Real Estate, recommends City Council approve, and authorize the Mayor to sign, a Collateral Assignment of the Parking Agreement from 100 Calhoun Street Office Building, LLC to Bank of America for the Gaillard Parking Garage.

LOUIS L. WARING, Chair HENRY B. FISHBURNE, JR.

DEBORAH MORINELLI JAMES LEWIS, JR.

KWADJO CAMPBELL JIMMY S. GALLANT, III

WENDELL G. GILLIARD YVONNE D. EVANS

PAUL E. TINKLER LARRY SHIRLEY

ANNE FRANCES BLEECKER G. ROBERT GEORGE

JOSEPH P. RILEY, JR., Mayor

---

Councilmember Evans moved for adoption of the report of the Committee on Ways and Means. Councilmember Lewis seconded the motion. The motion carried.

The vote was not unanimous. Councilmember George voted nay to the Assignment of the Parking Agreement to 100 Calhoun Street Office Building, LLC for the Gaillard Parking Garage and the Collateral Assignment of the Parking Agreement from 100 Calhoun Street Office Building, LLC to Bank of America for the Gaillard Parking Garage

The next matter before Council was three (3) bills up for second reading.

On motion of Councilmember Evans, the three (3) bills received second reading. They passed second reading on motion of Councilmember Bleecker and third reading on motion of Councilmember Tinkler. On the further motion of Councilmember George, the rules were suspended and the bills were immediately ratified as:

**RATIFICATION NUMBER**

**2003-98**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF

CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1595 SAM RITTENBERG BOULEVARD (*WEST ASHLEY*) (0.17 ACRES) (TMS #351-11-00-052), ANNEXED INTO THE CITY OF CHARLESTON SEPTEMBER 12, 1989 (#1989-116), BE REZONED FROM COMMERCIAL TRANSITIONAL (CT) CLASSIFICATION TO LIMITED BUSINESS (LB) CLASSIFICATION.

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

**Section 1:** That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from Commercial Transitional (CT) classification to Limited Business (LB) classification.

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

1595 Sam Rittenberg Boulevard (West Ashley) (.17 acre) TMS #351-11-00-052 **Section**

**3:** This ordinance shall become effective upon ratification.

---

#### **RATIFICATION NUMBER**

**2003-99**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON CLEMENTS FERRY ROAD (*THOMAS ISLAND*) (1.8 ACRES) (TMS #275-00-00-001), ANNEXED INTO THE CITY OF CHARLESTON JULY 19, 1994 (#1994-252), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

**Section 1:** That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become part thereof:

Property located on Clements Ferry Road (Thomas Island) (1.8 acres) (TMS# 275-00-00-001)

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

**Section 3:** This ordinance shall become effective upon ratification.

---

#### **RATIFICATION NUMBER**

**2003-100**

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1548 RIVER ROAD (12 ACRES) (TMS #311-00-00-008), JOHNS ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND INCLUDES ALL MARSHES, PUBLIC WATERWAYS, AND PUBLIC RIGHTS-OF-WAY, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 11. BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

**Section 1.** Finding of Fact

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

A) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town upon a Petition by all persons owning real estate in the area requesting annexation.

B) The City Council of Charleston has received a Petition requesting that a tract of land in CHARLESTON County hereinafter described be annexed to and made a part of the City of Charleston, which Petition is signed by all persons owning real estate in the area requesting annexation.

C) The area comprising the said property is contiguous to the City of Charleston. **Section 2.** Pursuant to Section 5-3-150, Code of Laws of South Carolina (1976) as amended, the following described property be and hereby is annexed to and made part of the City of Charleston and is annexed to and made part of present District 11 of the City of Charleston, to wit:

SAID PROPERTY to be annexed, 1548 River Road, (12 acres), Johns Island is identified by the CHARLESTON County Assessors Office as TMS# 311-00-00-008 (see attached map) and includes all marshes, public waterways and public rights-of-way, shown within the area annexed upon a map attached hereto and made a part hereof.

**Section 3.**

This ordinance shall become effective upon ratification.

---

Council then considered two bills up for first reading. Mayor Riley expressed his strong support for both bills and said that he heartily endorsed the bill that would add demolition review authority within the Commercial Corridor Design Review District for portions of Savannah Highway, Saint Andrews Boulevard and Wesley Drive (Item K-2 on the agenda).

Councilmember Bleecker asked for clarification of the bill that would amend Chapter 54 of the City Code (Zoning Ordinance) to add restrictions for the storage or display of merchandise in outdoor parking spaces and driveways.

Councilmember George responded that he had been working on this with Zoning Administrator Lee Batchelder for a couple of months. He said that this literally had come about by way of a shopping center, which he identified as a Wal-Mart on Folly Road.

He said that the problem he has with this is the same as could be seen at other large building supply and shopping centers. He spoke of the creeping movement of merchandise from inside the building or inside the flower shop out onto the parking lot. He commented that it first starts with plants and flowers, then swings, then wood chips, then lawn furniture, then bags of sand and bags of fertilizer are added to the parking lot display.

Councilmember George noted that when he rides down Folly Road, he does not think this is attractive. He remarked that when he first called this to Mr. Batchelder's there were two whole aisles of merchandise in that Wal-Mart Shopping Center.

He stated that the intent would be to do a site plan design and get it approved. He added that there is a reason for most of the parking spaces to be there, and he did not think that they should be cluttered up with what was not intended to be there in the first place.

He explained that the idea was to have an ordinance that would allow seasonal displays of greenery, produce, flowers and Christmas trees for a limited period of time. He expressed his opinion that this would be appropriate and he asked Council to support this bill up for first reading.

Mayor Riley noted that both of the bills up for first reading would be referred to the Planning Commission for public hearing there and they would come back to Council for another public hearing.

Councilmember Lewis expressed his continuing concern about a building located at King Street and Cleveland Street. He stated that the Board of Architectural Review (BAR) had denied the demolition request last week. He described the building as a piece of junk and said that about 50 percent of it is falling.

He said that the subject building had been sitting since before Hurricane Hugo. Councilmember Lewis stressed that he has been very disturbed about the BAR requiring the owner to let the building continue to sit there. He commented that millions of dollars had been invested in the property across the street and demolishing the subject building would give the corner a decent appearance. He was concerned about the BAR's authority and did not agree with the decision that the building is historic. He expressed his belief that the building should be torn down and said that someone should take another look at this.

He spoke of the hardship to the property owner and said she cannot afford to do anything with it. He went on to say that the City takes her to court and she is fined every time she goes to court. He recommended contacting the preservation agencies to get somebody to buy it.

Councilmember Lewis remarked that \$25,000 had been spent just a few years ago to stabilize this building and it is falling down. He commented that he receives frequent telephone calls from the neighbors because pieces of the building fall into their yards.

Councilmember Lewis reviewed the steps he had followed to get something done about this building and he said that no one would give him any satisfaction. He stated that he would be voting against the bill adding demolition review authority within the Commercial Corridor Design Review District.

Councilmember Gilliard stated his concurrence with Councilmember Lewis' position. He said that he had been by the subject property a couple of times and he understood Councilmember Lewis' concerns. Councilmember Gilliard wanted to know if there was any way to get Code Enforcement or Fire Chief Russell Thomas to go to the subject property.

Councilmember Lewis replied that had been done.

Councilmember Evans commented that she had attended the BAR meeting at which the subject property had been on the agenda. She noted that the bill before Council did not pertain to this issue. She explained that the proposed bill would deal with houses that are in very good shape, very good condition, but because the property is gaining in value there will be desire on the part of some people to tear down perfectly good houses.

She went on to say that the proposed bill did not pertain to BAR oversight. She said that this bill pertained to the Commercial Corridor, a board that is already in place. She spoke of the protection this would provide for these neighborhoods for the people who live there. She expressed her sympathy for Councilmember Lewis' issues, but she said the bill before Council would be a very good one.

Councilmember Lewis reiterated his concerns and Councilmember Evans assured him that the subject bill did not apply to those concerns.

Councilmember Shirley asked for clarification of the bill before Council. Mayor Riley noted there was a bill containing some minor refinements that had been distributed to Council's desks. Director of Design, Development and Preservation Yvonne Fortenberry reported that the bill had been tweaked after the Council agenda packets had been distributed.

Councilmember Shirley commented that Council normally takes one issue at a time and it seemed to him that the discussion involved both of the bills up for second reading. He went on to say that he did not support the bill to add restrictions for the storage or display of merchandise in outdoor parking spaces and driveways (K-1 on the agenda) as presented. When he asked if the vote on this bill would send it to the Planning Commission, the Mayor replied affirmatively. Mayor Riley agreed that input would be needed on this issue. He said there would be proper advertising and the Planning Commission would hold a public hearing. There would be an opportunity for additional input when the matter comes back to City Council.

Councilmember Shirley spoke of the merchandise that is outside the Wal-Mart and Home Depot in the West Ashley area. He commented that this has been done very tastefully and he did not want to be shutting down businesses.

Mayor Riley restated that there would be two public hearings, one before the Planning Commission and one before City Council.

There was no further comment or questions of Council.

On motion of Councilmember Shirley, seconded by Councilmember Tinkler, Council voted to give first reading to the subject bill and refer it to the Planning Commission for further study and report back to City Council.

First reading was given to a bill entitled:

**AN ORDINANCE AMENDING CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO ADD RESTRICTIONS FOR THE STORAGE OR DISPLAY OF MERCHANDISE IN OUTDOOR PARKING SPACES AND DRIVEWAYS.**

Councilmember Shirley commented that he had been surprised that a stone building had been torn down on the Savannah Highway. He spoke briefly of the compromise that had been reached to protect the façade of the former Cavallaro on the Savannah Highway. He referred to the area known as the auto mile and said he felt that perhaps the City should have a little more concern about doing something with that. He said that he would vote to support first reading for the bill at this meeting.

Councilmember George said that he believed that Councilmember Evans had clarified a clear distinction. He expressed his opinion that measured steps should be taken to protect historic subdivisions. He said without their perimeters, without the buildings that make them distinct, there is a risk of endangering the entire subdivision. He stated that he felt it was imperative to take the necessary steps to preserve buildings that are in good shape.

He talked of other areas where whole subdivisions and whole streets are condemned because there is a higher use for the land to produce more tax base for a city. He said that argument could be made on the Savannah Highway and on Highway 61. He expressed concern about endangering the very fabric of the subdivisions and he felt it was important for the City to take the steps provided in the subject bill. He talked of other areas in the City such as Folly Road and said the issue of subdividing large lots in old and historic subdivisions had been raised before.

Councilmember George spoke of the need to be careful and to address issue like this positively.

Mayor Riley commented that the bill was a very important one. He talked of the work that began years ago to work with and listen to the citizens. He spoke of the pressures that the earlier subdivisions had because of the traffic coming through and adjacent to them. He said there is a need to preserve and protect them. He remarked that the City has made tremendous progress working with the neighborhoods. He said that recognizing the historic relationship of the buildings is very important.

There were no further questions or comments of Council on this matter.

On motion of Councilmember Evans, seconded by Councilmember Bleecker, Council voted to give first reading to the remaining bill up for first reading and refer it to the Planning Commission for further study and report back to City Council.

First reading was given to a bill entitled:

**AN ORDINANCE TO AMEND THE CITY OF CHARLESTON ZONING ORDINANCE BY ADDING DEMOLITION REVIEW AUTHORITY WITHIN THE COMMERCIAL CORRIDOR DESIGN REVIEW DISTRICT FOR PORTIONS OF SAVANNAH HIGHWAY, SAINT ANDREWS BOULEVARD AND WESLEY DRIVE.**

Councilmember Fishburne asked if there would be any way to discuss the concerns that Councilmember Lewis had raised. He recalled having heard Councilmember Lewis voice these same concerns on three or four different occasions. He asked if there could be an education session for Council. He said that to be honest he was not sure how the BAR works and he was not sure where the lines are for BAR jurisdiction. He stated that he personally would like to know more about that.

When Councilmember Fishburne said that he was not exactly sure what he was asking for, Mayor Riley responded that he would work on this and perhaps a workshop could be set up. Councilmember Lewis referred to the issues pertaining to CARTA that had come up during the Citizen Participation period of this meeting. He referred to the comments about the transfer fee and said he believed that there should have been a public hearing. He expressed his belief that CARTA was doing the best that it could under the circumstances to keep the buses rolling until there was more money.

He also stated his concern about the Beltline bus. He said there had been two Beltline buses for years, but one of them had been taken off. He did not have a problem with that, but he did have a problem with the fact that the Beltline is the only bus that serves the medical complex. He cited the example of an 85-year old woman that lives on America Street and told of the difficulty she faces with the bus schedule.

Councilmember Lewis expressed his hope that this issue would be addressed because this is a disservice to senior citizens in our City. He felt that one of the DASH buses could be cut out or take the gateway loop. He said that he understood this is not a City Council problem, but he felt that something should be done to make sure there is bus service to MUSC family practice clinics on Calhoun Street and the McClellan Bank Clinic on Courtenay Drive. He described the Beltline route and again stated that it would be a disservice to senior citizens, the sick and the disabled if they do not have bus service.

The Mayor stated his understanding that there would be a change and the additional service would be put into effect. He said that he believed the Broad Street shuttle would be discontinued to make it happen.

The Mayor noted the next City Council meeting would be at 5:00 p.m., Tuesday, October 28, 2003 at City Hall.

He also called Council's attention to the reminder on the agenda that the first City Council meeting in November had been rescheduled to Wednesday, November 12, 2003, due to the Veterans Day Holiday

There being no further business the meeting adjourned at 7:05 p.m.

Vanessa Turner-Maybank Clerk  
of Council