

January 23, 2007

COUNCIL PROCEEDINGS

Regular meeting

The seventy-eighth meeting of the City Council of Charleston was held this date convening at 5:00 p.m. in the Reuben Greenberg Building at 180B Lockwood Boulevard.

A notice of this meeting and an agenda were mailed to the news media January 18, 2007 and appeared in The Post and Courier January 21, 2007 and is made available on the City's website.

PRESENT

The Honorable Joseph P. Riley, Jr., Mayor; Councilmembers Fishburne, Morinelli, Lewis, Mitchell, Gallant, Gilliard, Waring, Evans, Tinkler, Shirley, Bleecker, Wilson --- 13 The meeting was opened with the invocation by Councilmember Gallant.

Councilmember Gallant led City Council in the Pledge of Allegiance.

There were several Presentations or Recognitions.

Mayor Riley stated the Certificate of Appreciation Presentation for the United States Probation Office District of South Carolina, Charleston Division would be deferred.

The Mayor commented the next item was the annual presentation of the Harold Koon Award. He stated he would like to invite a few people to join him at the podium for the ninth annual presentation of a very special award, the Harold Koon Award. He asked the members of the Neighborhood Commission to come forward and stand with him.

Mayor Riley explained Charleston is a great and thriving city in large measure because we have citizen volunteers actively involved in virtually every aspect of our community. He stated volunteers energize our boards and commissions, promote our cultural arts and festivals, engage in spirited debate about preservation and our future, provide valuable input into city projects, teach real life experiences while mentoring our youth, donate hundreds of hours in neighborhood beautification, and serve our civic and non-profit organizations on a daily basis.

The Mayor said tonight we present the Harold Koon Award to an outstanding citizen volunteer while paying tribute to the memory of Harold Koon and his many contributions to the Mazyck Wraggborough Garden District neighborhood and the Charleston community at large. He explained Harold reached into the minds and hearts of his neighbors and found fertile ground for developing civic pride and once that well of civic pride was tapped, it remained strong in the hearts of the Mazyck Wraggborough Garden District residents. He stated Harold raised the level of civic awareness through personal contact and by personal example. Mayor Riley explained Harold planned and implemented "Christmas in Mazyck Wraggborough" an annual event that generated more than \$25,000 for neighborhood improvements and beautification. He stated Harold also served on numerous arts, civic, preservation, and environmental groups. Mayor Riley explained we established the Harold Koon Award after Harold's death in 1998, and he charged the members of the Neighborhood Commission to consider annual award nominations and to select the individual who best exemplified Harold's dedication to his neighborhood. He stated past recipients of the Harold Koon Award are Rev. Alma Dungee in 1999, Courtenay McDowell in 2000, Robert Ballard in 2001, Valerie Perry in 2002, Rev. Sidney Davis in 2003, Ms. Sarah Green in 2004, Keith Kirkland in 2005, and Dr. Jack Simmons in 2006. He remarked the names of these amazing citizens are on a perpetual plaque that will be located on the wall outside of the beautifully restored City Council Chamber that he looks

forward to all of you seeing in the coming weeks. He thanked the Neighborhood Commission because their task this year, as it is every year, was unbelievably difficult.

He stated he is very proud to announce that the winner of the 2007 Harold Koon Award is Arthur Lawrence. He asked Mr. Lawrence to join them at the podium.

Mayor explained Arthur Lawrence was born and raised in Charleston and has lived in the Westside Neighborhood all his life. He stated Mr. Lawrence has been an extremely effective neighborhood advocate on behalf of the residents of his neighborhood and has demonstrated a commitment to improve every aspect of life on the Westside from crime prevention, to speed hump installations, to great work on identifying dilapidated houses in need of code enforcement. He noted Mr. Lawrence was a leader in the fight to save Burke High School as well as spearheading efforts to beautify his neighborhood with the planting of over 100 trees. He stated over the years Mr. Lawrence has worked with numerous organizations from the Citadel to numerous churches, fraternal organizations and virtually every city department to ensure that the all community stakeholders are working together to improve the lives of citizens on the Westside. Mayor Riley explained Mr. Lawrence has served on the Humanities Foundation Board, the Greater Charleston Empowerment Corporation Board, the Charleston Chronicle Foundation, the Charleston Peninsula Consortium, the City of Charleston Neighborhood

Commission and is in his 5th term as President of the Westside Neighborhood Association.

Mayor Riley commented as one friend responded when asked what one activity Mr. Lawrence initiated that significantly benefited the quality of neighborhood life, "There is no single activity that stands out. Rather, it is a continuous ongoing commitment to his neighborhood, when it would be easy to fade into the background and pursue more enjoyable endeavors; Arthur Lawrence continues to engage the Westside Community and work toward their goals."

Mr. Lawrence gave honor to God, because without him nothing would be possible. He thanked Mayor Riley for his outstanding leadership and thanked the City Council for their support and continued support. He also thanked Jane Baker, Manager - Neighborhood Services & Special Projects, for the work she has done as well as the members of the Neighborhood Commission who have honored him with this award. In addition, he thanked his wife.

He stated people need to establish bridges in their lives, because if bridges are not built with other communities and members of the community you will fail. He asked that a few people stand to be recognized and thanked them for their support.

Next, Mayor Riley asked Councilmember Evans and Charlie Karesh, President of SPCA to join him at the podium. Mr. Karesh stated every time the SPCA has needed help in any way City Council has been supportive. He explained the John Ancrum SPCA deals with between eleven and twelve thousand animals a year. He invited Council on February 15th at 11:30 a.m. to a ground breaking ceremony for a new facility on Remount Road.

Mr. Karesh said one thing the SPCA has to do is raise money. He stated they need community support to raise money to balance their budget. He noted one of the biggest fund raisers in the Celebrity Chili Event and the star of that event is the Fire Chief of the City of Charleston. He asked Chief Thomas to come up to be presented with a plaque for his dedication in promoting animal welfare through his support. He said he appreciates everything Chief Thomas has done for the SPCA.

Next, Mayor Riley asked City Council if they could have a brief presentation on the palmetto artisans. Without objection, he asked Jimmy Bailey, Sharon Brennan and Sue Griffith, Fran Hern and Laurie Yarborough to join him. He explained they have been working on this program for a long time, which has been an interesting challenge and a wonderful opportunity. He stated the City had established regulations of where vendors could operate similar to the regulations of the carriages and buses. He said they are working on something that has not been regulated and the source of some complaints.

He said they see this is an opportunity for young entrepreneurs to perhaps begin a life as successful business people. He told Council they want to make sure they are supporting the kids and the program will be operating out of the Recreation Department. He remarked there are twenty palmetto artisans riveted to a gift teacher presenting them this business education curriculum as a foundation for their work. He explained this would be available for children between the ages of nine and sixteen and would have to be enrolled in school. Mayor Riley stated the program teaches customer skills, life skills, social skills, business practices and they will have mentors. He said they have also acquired the palmetto palms so the children would not have to climb the trees, which are on public and private property, and possibly hurt themselves. The Mayor explained if the children participate in the program they would receive the supplies free. He said they would not be allowed to sell the roses between school hours. He noted one important rule of entrepreneurship is investment and to contribute something to make it work, so the program fee is similar to what someone would pay to participate in a Recreation Department activity.

Sharon Brennan, Director of the Economic Development Division, stated the video clip to be presented would focus on the National Foundation for Teaching Entrepreneurship and it is what the students will be exposed to in the classroom.

Jimmy Bailey stated he had a goal several years ago to bring entrepreneurship for the youth of the City of

Charleston. He said he believed last night was the beginning of what the City can do to train the kids in a very positive way. He stated this program is nationwide.

They played a video explaining the BizCamp program.

The next item on the agenda was public hearings called for by the following advertisement which appeared in The Post and Courier on January 7, 2007 and in The Chronicle on January 8, 2007:

PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, January 23, 2007 beginning at 5:00 p.m. at Reuben M. Greenberg Municipal Building, 180B Lockwood Drive, on the request that the Zoning Ordinance of the City of Charleston be changed in the following respects:

REZONINGS

1. To rezone 526, 528 King Street and 39, 41 Woolfe Street (*Peninsula*) (0.295 acre) (460-12-02-009, 008, 006 and 005) from General Business (GB) and Light Industrial (LI) classifications to Mixed Use - Workforce Housing (MU-2/WH) classification.
2. To rezone 544, 550, 556, 558, 560 and 562 King Street, a parcel adjacent to 562 King Street, 568 King Street, 31 Spring Street and the adjacent Spring Street parcel, and 441 Meeting Street (*Peninsula Midtown*) (4.03 acres) (460-08-04-048, 049, 050, 051, 052, 053, 002, 066,

001and 459-09-01-046) from General Business (GB) and Light Industrial (LI) classifications to Mixed Use - Workforce Housing (MU-2/WH) classifications.

ZONINGS

To zone the following property annexed into the City of Charleston

August 29, 2005:

1. 221 Yates Avenue and Aubrey Drive (*Fort Pemberton PUD – James Island*) (7.3545 acres) (TMS# 343-05-00-107 and 114) request Planned Unit Development (PUD) Master Plan approval, and request to include a portion of the property in Landmark Overlay (LMK). To zone the following properties annexed into the City of Charleston

November 28, 2006:

2. 1890 Boone Hall Drive (*West Ashley Plantation - West Ashley*) (0.34 acre) (TMS #353-11-00-034) Single-Family Residential (SR-1).
 3. 2134 Burlington Avenue (*Magnolia Ranch - West Ashley*) (0.50 acre) (TMS #355-06-00-008) Single-Family Residential (SR-1).
 4. 201 Live Oak Avenue (*Ashley Forest - West Ashley*) (0.16 acre) (TMS #418-13-00-077) Single-Family Residential (SR-2).
 5. 1755 Sam Rittenberg Boulevard (*West Ashley*) (0.24 acre) (TMS #351-11-00-005) Limited Business (LB).
 6. Vacant parcel on Savage Road (*West Ashley*) (0.14 acre) (TMS #351-07-00-118) Single-Family Residential (SR-1).
 7. 303 Tall Oak Avenue (*Ashley Forest - West Ashley*) (0.14 acre) (TMS #418-13-00-021) Single-Family Residential (SR-2). To zone the following properties annexed into the City of Charleston
- December 12, 2006:
8. 2575 Ashley River Rd (*West Ashley*) (1.0 acre) (TMS #355-06-00-006) General Business (GB).
 9. 355 Douglass Avenue (*West Ashley*) 0.28 acre (TMS #350-09-00-069) Single-Family Residential (SR-1).
 10. 852 Dupont Road (*West Ashley*) (1.0 acre) (TMS #351-13-00-020) General Business (GB).
 11. 2522 Flamingo Drive (*Long Branch on the Creek - West Ashley*) (0.25 acre) TMS #310-01-00-110 Single-Family Residential (SR-1).
 12. 1052 Gardner Road (*West Ashley*) (0.56 acre) (TMS #351-15-00-029) General Office (GO).
 13. 942 Savannah Highway (*West Ashley*) (0.12 acre) (TMS #418-13-00-192) General Business (GB).
 14. 718 Wappoo Road (*West Ashley*) (0.44 acre) (TMS #350-02-00-023) Residential Office (RO).

ORDINANCE AMENDMENTS

1. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Article 3, Part 1, Table 3.1, Height, Area and Setback Regulations, to change the building setback requirements for the DR-1, DR-1F, DR-2 and DR-2F zoning districts.

VANESSA TURNER-MAYBANK

Clerk of Council

The following is the report of the City Planning Commission regarding the public hearing matters:

TO THE MAYOR AND COUNCIL MEMBERS OF THE
CITY OF CHARLESTON:

The Planning Commission met on **December 13, 2006** and presents the Mayor and City Council with the following recommendations:

Presentation

1. Presentation on zoning and subdivision regulations – Josh Martin, Director of the Department of Planning, Preservation and Neighborhoods.

NO ACTION TAKEN

Rezoning

1. 359 King Street (Peninsula) 457-04-02-071 - 0.46 acre. Request rezoning from General Business (GB) to Urban Commercial (UC).

DEFERRED BY APPLICANT

2. 526, 528 King Street and 39, 41 Woolfe Street (Peninsula) 460-12-02-009, 008, 006 and 005 - 0.295 acre. Request rezoning from General Business (GB) and Light Industrial (LI) to Mixed Use - Workforce Housing (MU-2/WH).

RECOMMENDATION: APPROVAL

3. 544, 550, 556, 558, 560 and 562 King Street, a parcel adjacent to 562 King Street, 568 King Street, 31 Spring Street and the adjacent Spring Street parcel, and 441 Meeting Street (Peninsula Midtown) 460-08-04-048, 049, 050, 051, 052, 053, 002, 066, 001 and 459-09-01-046 - 4.03 acres. Request rezoning from General Business (GB) and Light Industrial (LI) to Mixed Use - Workforce Housing (MU-2/WH).

RECOMMENDATION: APPROVAL

4. 3221 Ashley Town Center Drive (West Ashley) TMS# 309-16-00-042 – 10.95 acres. Request rezoning from Business Park (BP) to General Business (GB) and to be included in the Accommodations Overlay (A).

DEFERRED BY APPLICANT

5. 3133 Ashley Town Center Drive (West Ashley) TMS# 309-16-00-047 – 5.27 acres. Request to be included in the Accommodations Overlay (A). Zoned General Business (GB).

DEFERRED BY APPLICANT

Subdivisions

1. 11 Commercial Row (Rivers Point - James Island) TMS# 425-07-00-158 – 0.40 acre. Request final subdivision approval for four (4) lots. Zoned DR-1F (Diverse Residential).

ACTION: APPROVED

2. 491 and 493 Fleming Road (Parkland Preserve - James Island) TMS# 340-01-00-045 and 078 – 4.627 acres. Request preliminary subdivision approval for 18 lots. Zoned SR-4 (Single-Family Residential).

ACTION: APPROVED WITH CONDITION

3. Cane Slash Road Drive (Shadetree Phase 1— —Johns— —Island—) TMS# 278-00-00-038, 040, 041, 043, 044, 045, 046, 047 and 313-00-00-085 and 086 – 295.128 acres. Request preliminary subdivision approval for 254 residential lots, four commercial lots and 18 HOA lots. Zoned SR-1/ND (Single-Family Residential/Neighborhood District).

ACTION: APPROVED WITH CONDITIONS

4. Forrest Drive at Clements Ferry Road (Governor's Cay Phase 1 - Cainhoy) TMS# 271-00-02-114, 115, 127, 128, 129, 130 and 138 – 12.702 acres + residual. Request revised preliminary subdivision approval for 45 townhouse lots, three (3) condominium lots, HOA lots and residual. Zoned PUD (Planned Unit Development).

DEFERRED BY APPLICANT

5. Old Landing Street off of Pierce Street (Daniel Island, Parcel Z, Phase 5) a portion of TMS# 275-00-00-116 – 21.32 acres + residual. Request preliminary subdivision approval for 70 lots. Zoned DI-R (Daniel Island Residential).

ACTION: APPROVED WITH CONDITIONS

6. Island Park Drive (Rees Jones Golf Course, Daniel Island, Parcels D, E, F, G & I) TMS# 275-00-00-110 – 188 acres + residual. Request final subdivision approval for eight (8) golf course tracts. Zoned DI-R (Daniel Island Residential), DI-CA and DI-CB (Daniel Island Conservation).

ACTION: APPROVED

7. Ashley Gardens Boulevard and Grande Bees Drive (Grande Oaks Phase 2 - West Ashley) TMS# 301-00-00-035 – 33.98 acres + residual. Request preliminary subdivision approval for 65 lots. Zoned PUD (Planned Unit Development).

ACTION: APPROVED WITH CONDITIONS

Zonings

1. 221 Yates Avenue and Aubrey Drive (Fort Pemberton PUD – —James— —Island—) TMS# 343-05-00-107 and 114 – 7.3545 acres. Request zoning of PUD (Planned Unit Development), request PUD Master Plan approval, and request to include a portion of the property in LMK (Landmark Overlay). City Council approved first reading of SR-1/PUD but this item is returning to the Planning Commission for PUD Master Plan approval and LMK approval.

RECOMMENDATION: APPROVAL

2. 1890 Boone Hall Drive (West Ashley Plantation - West Ashley) TMS #353-11-00-034 – 0.34 acre. Request zoning of SR-1 (Single-Family Residential). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

RECOMMENDATION: APPROVAL

3. 2134 Burlington Avenue (Magnolia Ranch - West Ashley) TMS #355-06-00-008 – 0.50 acre. Request zoning of SR-1 (Single-Family Residential). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

RECOMMENDATION: APPROVAL

4. 201 Live Oak Avenue (Ashley Forest - West Ashley) TMS #418-13-00-077 – 0.16 acre. Request zoning of SR-2 (Single-Family Residential). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

RECOMMENDATION: APPROVAL

5. 1755 Sam Rittenberg Boulevard (West Ashley) TMS #351-11-00-005 – 0.24 acre.

Request zoning of LB (Limited Business). This property was zoned CC (Community Commercial) in Charleston County.

RECOMMENDATION: APPROVAL

6. Vacant parcel on Savage Road (West Ashley) TMS #351-07-00-117 – 0.20 acre. Request zoning of SR-1 (Single-Family Residential). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

DEFERRED BY STAFF

7. Vacant parcel on Savage Road (West Ashley) TMS #351-07-00-118 – 0.14 acre. Request zoning of SR-1 (Single-Family Residential). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

RECOMMENDATION: APPROVAL

8. 303 Tall Oak Avenue (Ashley Forest - West Ashley) TMS #418-13-00-021 – 0.14 acre. Request zoning of SR-2 (Single-Family Residential). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

RECOMMENDATION: APPROVAL

9. 2575 Ashley River Rd (West Ashley) TMS #355-06-00-006 – 1.0 acre. Request zoning of GB (General Business). This property was zoned CC (Community Commercial) in Charleston County.

RECOMMENDATION: APPROVAL

10. 355 Douglass Avenue (West Ashley) TMS #350-09-00-069 – 0.28 acre. Request zoning of SR-1 (Single-Family Residential). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

RECOMMENDATION: APPROVAL

11. 852 Dupont Road (West Ashley) TMS #351-13-00-020 – 1.0 acre. Request zoning of GB (General Business). This property was zoned CC (Community Commercial) in Charleston County.

RECOMMENDATION: APPROVAL

12. 2522 Flamingo Drive (Long Branch on the Creek - West Ashley) TMS #310-01-00-110 – 0.25 acre. Request zoning of SR-1 (Single-Family Residential). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

RECOMMENDATION: APPROVAL

13. 1052 Gardner Road (West Ashley) TMS #351-15-00-029 – 0.56 acre. Request zoning of GO (General Office). This property was zoned OG (Office General) in Charleston County.

RECOMMENDATION: APPROVAL

14. 942 Savannah Highway (West Ashley) TMS #418-13-00-192 – 0.12 acre. Request zoning of GB (General Business). This property was zoned CC (Community Commercial) in Charleston County.

RECOMMENDATION: APPROVAL

15. 718 Wappoo Road (West Ashley) TMS #350-02-00-023 – 0.44 acre. Request zoning of RO (Residential Office). This property was zoned OR (Office Residential) in Charleston County.

RECOMMENDATION: APPROVAL

Ordinance Amendments

1. Request approval to amend Chapter 54 of the Code of the City of Charleston

(Zoning Ordinance) by **amending Article 3, Part 1, Table 3.1, Height, Area and Setback Regulations, to change the building setback requirements for the DR-1, DR-1F, DR-2 and DR-2F zoning districts.**

Contact: Lee Batchelder, Planning, Preservation & Neighborhoods

RECOMMENDATION: APPROVAL

First, Council considered a bill to rezone 526, 528 King Street and 39, 41 Woolfe Street (Peninsula) (0.295 acre) (TMS #460-12-02-009, 008, 006 and 005). Christopher Morgan, Director of the Planning Division, explained the applicant is requesting that the property be rezoned from General Business (GB) classification and Light Industrial (LI) classification to Mixed Use-Workforce Housing (MU-2/WH) classification, which would allow for the same General Business uses as well as residential uses. Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Tinkler, seconded by Councilmember Bleecker, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 526, 528 KING STREET AND 39, 41 WOOLFE STREET (PENINSULA) (0.295 ACRE) (TMS #460-12-02-009, 008, 006 AND 005), BE REZONED FROM GENERAL BUSINESS (GB) AND LIGHT INDUSTRIAL (LI) CLASSIFICATIONS TO MIXED USE - WORKFORCE HOUSING (MU-2/WH) CLASSIFICATION

Council then considered a bill to rezone 544, 550, 556, 558, 560 and 562 King Street, a parcel adjacent to 562 King Street, 568 King Street, 31 Spring Street and the adjacent Spring Street parcel, and 441 Meeting Street (Peninsula Midtown) (4.03 acres) (TMS #460-08-04-048, 049, 050, 051, 052, 053, 002, 066, 001 and 459-09-01-046). Mr. Morgan explained the request is to rezone the properties from General Business (GB) classification and Light Industrial (LI) classification to Mixed Use-Workforce Housing (MU-2/WH) classification. Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. The following persons addressed City Council.

1. Mohammed Idris asked who would be developing the properties.

Mr. Morgan explained the properties are currently owned by a partnership. Mr. Idris asked if they have discussed this with the community and neighborhood association. Mr. Morgan stated he believed they had discussed this with them.

No other member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Tinkler, seconded by Councilmember Bleecker, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 544, 550, 556, 558, 560 AND 562 KING STREET, A PARCEL ADJACENT TO 562 KING STREET, 568 KING STREET, 31 SPRING STREET AND THE ADJACENT SPRING STREET PARCEL, AND 441 MEETING STREET (PENINSULA MIDTOWN) (4.03 ACRES) (TMS #460-08-04-048, 049, 050, 051, 052, 053, 002, 066, 001 AND 459-09-01-046), BE REZONED FROM GENERAL BUSINESS (GB) AND LIGHT INDUSTRIAL (LI) CLASSIFICATIONS TO MIXED USE - WORKFORCE HOUSING (MU-2/WH) CLASSIFICATION.

Next, Council considered a bill to zone 221 Yates Avenue and property located on Aubrey Drive (*Fort Pemberton PUD - James Island*) (7.3545 acres) (TMS #343-05-00-107 and 114). Mr. Morgan explained this property was annexed into the City last year and is currently known as the Fort Pemberton site. He stated the applicant is interested in a Planned Unit Development (PUD) on the property that would allow for a total of eight units, which includes the existing unit as well as a View Corridor. He said the access would be provided via an old driveway/pathway that goes to the rear of many of the properties, in a lower area around the fort. He noted it would be a twelve-foot-wide gravel pathway and there would be an emergency access road, which would be used during the construction phases. He stated the staff feels the applicant has worked carefully to integrate these minimal new residential units onto the site and does a good job preserving the character of the fort. Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. The following persons addressed City Council:

1. Peter Evans, applicant and owner of 221 Yates Avenue, Jonathan Yates, representing Mr. Evans, and Rodney Porter, project coordinator. Mr. Yates explained they have been working on this project for almost two years. He thanked Christopher Morgan, Eddie Bello and the other staff for their work and help on this project. He explained Mr. Evans bought the property and annexed it into the City. He noted Mr. Evans grew up playing on this property and Mr. Evans is not a real estate developer. Mr. Yates explained he sat down with Mr. Evans and gave him the City's restrictions and Mr. Evans would say they are not restrictive enough.

Continuing, Mr. Yates explained the City requires thirty-five feet for the setbacks and Mr. Evans decided it should be one-hundred and ten feet; the number of units allowed by the City is thirty-five but Mr. Evans stated he only wants seven units. He stated Mr. Evans asked how he could preserve the Fort, preserve the View corridor, help some friends and have some small units. He said there has been some question about the access points.

Mr. Porter showed a map of the present property and explained where the access road would be located. He also explained to bring an access road across the View Corridor would ruin it and the View Corridor is part of the National Nomination. He stated the other egress area is not a possibility and the proposed access point would not require the removal of any grand trees.

2. John Meffert, President of the Riverland Terrace Neighborhood Association, explained they have been considering this project since 2005 and the Association is in support of the

project. He stated the Riverland Terrace Neighborhood Association appreciates this opportunity to present their position before City Council and ask for Council's consideration of their position as approved by the full membership at a regularly scheduled meeting on January 18, 2007. He said the Neighborhood Association supports the proposed plan for the development of the six new lots and the existing house lot. He expressed their opinion is that the plan as proposed provides for a significantly lowered density than would be allowed under the SR-1 designation of up to thirty-five lots.

Further, Mr. Meffert stated the Neighborhood Association also supports the plan to preserve Fort Pemberton under the National Register of Historic Places, which has no protection to date. He expressed their belief that the Planned Unit Development is a key requirement for that protection and the View Corridor is a critical step in protecting the character of the property. He said they request Council consider the creation of the Overlay District for the entire area of the project, which was originally recommended by City staff. He said it is the Neighborhood Association's opinion that this designation is necessary, as it will allow for further public review by the Board of Architectural Review, City staff and residents. He asked the road access be studied further to minimize impact on the adjacent property owners.

3. Adam Lulay, 223 Yates Avenue, said he would like to applaud the developer because they have taken the time and effort to take on their own initiative, which is greatly appreciated. He explained his issue is if they are truly concerned with preserving the fort, there are better means of entrance and access into the fort. He said he understands a lot has been said about the View Corridor and the integrity of the fort, but the dirt path that runs along the fortifications of the fort has no room to grow. He said there would only be one lane of traffic going in and out, with no room to pass or back up. He stated his concern is the Fort and the grand oaks on the property. He stated his main concern is the possibility of a compromised root system for the grand oaks.

4. James Park, representing the Sons of the Confederate Veterans and the South Carolina Volunteer Infantry, expressed their belief that the plan for the Fort Pemberton area is well thought out, but their concern is the twelve-foot-wide entrance way into the fort, with no means of passing or turning off the road. He stated over time this will affect the structure of the Fort because of how close the moat is to the walls of the Fort.

5. A gentleman stated he thinks it would be devastating to sell this property for money and the City should make it a historical site.

6. J. Dickson Mappus, 229 Yates Avenue, explained this property has local, state and national significance and Council has a chance to protect a unique Fort. He stated the proposed road from Yates Avenue is the moat, which is part of the Fort and not an existing road. He said the moat is dangerous, hidden curves, vehicles will be going off the road and the pull over will not be sufficient. He asked if the curve radius is large enough to stay on the road. Continuing, Mr. Mappus explained the traffic in and out on that road will give people an eye look at his property and he will become a prime target for crime. He stated the previous owner of 221 Yates Avenue

had prior burglaries. He noted the proposed road goes right up to his property line and it is devastating. He said according to the Institute of Transportation Engineering (ITE) with six lots there would be about 57 to 80 cars per day. He also stated since there will be over two acres of land disturbance there would be required storm water and OCRM oversight.

Mr. Mappus explained this will have a negative impact on his property value, and his quality of life will be disturbed. He asked Council to be fair and to protect him and his family. He also asked for Council to seek an alternate access.

Mrs. Mappus pointed out their home on a map and stated their den overlooks the proposed access area.

7. Samuel Howell, 3 Water Street, explained he grew up near Fort Pemberton and the concern is the access road. He said there has never been a road there and nor has there been a curb cut on Yates Avenue. He stated they are running a twelve foot gravel road on part of the Fort when it is not necessary. He noted someone will have to go off road and onto the earthworks of this Fort if they meet another car on the road. He said the emergency access road is already there, so why is there a need to create another access road. Mr. Howell explained the ordinance relating to the View Corridor prevents vertical structures; a road is not a vertical structure. He asked Council to send this back to the Planning Commission to take another look at the access road.

8. Mr. Moreland, member of the Sons of the Confederate Veterans, explained this site was important to him because it is where his ancestors served. He stated the road that is proposed is intruding onto the Fort structure.

9. Rudy Randall, 410 Sumter Street, stated she supports this proposal, but asked Council to always consider the impact of developers and the responsibility of affordable housing. She asked Mayor Riley to make it very clear to developers and to the City what the policy is about developers and their responsibility to the community in Charleston.

No other member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

Councilmember Bleecker stated she has been out to the property twice. She said the first time she walked the entire property and it is a magnificent piece of property. She noted the City should be honored this property annexed into the City. She explained the existing home the Evans are living in, are on the Fort as well as Mr. Mappus' property. She stated what could be done to this property in the wrong hands would devastate it. She noted Mr. Evans has been offered a lot of money to bring condominiums to the "Stono" "River" and to his credit when realizing what restrictions the City would place on the property; Mr. Evans has taken it one step further.

Further, Councilmember Bleecker explained Mr. Evans envisions that family and friends will build on those lots. She noted none of these homes will be very large and the restrictions placed on these home owners have been designed by Mr. Evans. She said Mr. Evans will be living there, so he wants to preserve it and wants to make sure it is the best possible place that it can be. Councilmember Bleecker said the point of contention and debate is the access to the property. She stated there is a road that Dr. Grimes allowed Mr. Mappus and other neighbors to bring their boats down and golf carts down to a community dock. She stated there is not an existing curb cut off on Yates Avenue, but there has clearly been access off of Yates Avenue. She described the image that comes to her mind when she is walking that area is that there is not going to be any fast cars or people trying to pass each other. She noted the people are going to have to learn to live together.

Councilmember Bleecker stated there will be an emergency access road across the View Corridor and it will have to have structural support for the vehicles, but it will be grassed over.

She explained in order to be on the National Trust Registry, they have to preserve the View Corridor. She commented it was her understanding there could not be any structures or ongoing roadway on the View Corridor in order to meet the qualifications of the National Trust. Mr. Morgan explained from consultation with the Department of Archives and History, that is the interpretation and there should not be a roadway in the View Corridor.

Councilmember Bleecker noted it would be a great disservice to the site and to the Fort to put a roadway there. She asked Mr. Meffert to clarify his statement of creating an Overlay District for the entire project. Mr. Morgan explained in the PUD documents it shows what staff feels is appropriate for the Overlay District, which is the View Corridor and the Fort, but the Neighborhood Association is asking that the house structures be added to the Overlay District. He stated staff considered this but felt since these structures were not visible from the road it was not as critical for those structures to fall under the Landmark Overlay protection.

Councilmember Bleecker expressed her belief that by looking at the PUD Mr. Evans will be so restricted by the PUD itself. She stated her appreciation of The Sons of Confederate Veterans, their contact and communication, but they are dealing with property that has already been developed and has potential for extraordinary additional development. She expressed her belief that this is the right plan and the right steward for the property. She stated it is an unusual situation because there is an existing moat, which will have to become an access road, but it is her belief that this can be worked out. She urged her colleagues to join her in supporting this project.

Councilmember Wilson explained she has walked this property to see both sides of the issue. She said there is no doubt the access road cuts right around the corner of his property, but cars would be traveling at very low speeds and it will never be paved. She remarked she has heard when the Fort was operational this access road was a route in for wagons. She noted there would be a crib wall in place to minimize damage and there would be no grand tree removal. She said she must agree with Councilmember Bleecker. She also noted these homes will not be constructed all at the same time, it will be very gradual. She said she feels Mr. Evans is going to take very good care of this property, evident by the care he has put into this PUD.

Councilmember Shirley said he is going to have to vote against this because he has not seen the property.

Councilmember Fishburne stated he did visit the property. He explained one thing that made up his mind was an exhibit in the application (Survey on Page 10), which he described the topographical survey clearly showed the proposed access road is a moat area. He said the View Corridor is eighty feet wide, so cars would only be crossing eighty feet and he doesn't see why this would not be the better alternative than bring a long road across the Fort. He also noted using the emergency access instead of the proposed access road would not impact grand trees.

Councilmember Gilliard stated he also visited the property and was very pleased with the property owner with his interest to protect any historical sites on the property. He said the owners put such value in a home and on the property and to make sure nothing is disturbed of historical value. He noted the land is engulfed with so much history.

Councilmember Lewis asked why this item was deferred from the October 24, 2006 meeting.

Mr. Morgan replied the entire site plan had not been worked out at that time. He also noted the View Corridor is one-hundred and eight feet wide. Councilmember Lewis asked what the vote was in the Planning Commission. Mr. Morgan replied the vote was unanimous.

Mayor Riley asked what drives the access. Mr. Morgan explained it is the view of the City's preservation staff and the consultation with the State Department of Archives and History putting anything in the view shed would be inappropriate and the more appropriate area would be the proposed access road. Mr. Morgan noted it should be called a driveway because it is gravel, only twelve feet wide and will only service the six lots.

Mayor Riley asked if there was a grade change on that road. Mr. Morgan explained Mr. Mappus' property is above the proposed driveway. He stated the emergency access road is below the house. Mayor Riley asked if their view of the river, being far above the road, would not indicate there was a paved road or not. Mr. Morgan stated if it was grass they would not notice it but if it was asphalt or gravel it would be noticeable.

Councilmember Bleecker explained the way the house sits it is very high up and slopes down. She said it would be ruined if a road was built across the View Corridor.

Councilmember Tinkler asked if the Department of State Archives address the question of either or for these access roads. Mr. Morgan explained the feeling was they did not want to jeopardize the View Corridor. Councilmember Tinkler asked if part of the issue was the preservation of the view from the river to the Fort. Yvonne Fortenberry, Deputy Director of the Department of Planning, Preservation and Economic Innovation, explained that issue was part of the consideration because part of the designation as a National Register site was the importance of the Fort and the views from the river.

Councilmember Gallant stated the Planning Commission voted on this unanimously, which should mean they looked at any other alternatives. Mr. Morgan stated staff had looked at all alternatives, but this plan was the one presented to the Planning Commission. He explained some of the same discussions took place when the Planning Commission was considering this, but they felt this was the better way to access the Fort.

Councilmember Fishburne asked if they granted this application, the Fort would be protected, so whether or not the State said they like the access road in a different place will not have a practical impact on whether or not the Fort is preserved. Mr. Morgan explained with Landmark Overlay they would not be allowed to do other disturbing activities to the Fort and they would have the protection of the Board of Architectural Review.

There were no further questions or comments of Council.

On the motion of Councilmember Bleecker, seconded by Councilmember Gilliard, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 221 YATES AVENUE AND PROPERTY LOCATED ON AUBREY DRIVE (*FORT PEMBERTON PUD - JAMES ISLAND*) (7.3545 ACRES) (TMS #343-05-00-107 AND 114), ANNEXED INTO THE CITY OF CHARLESTON AUGUST 29, 2005 (#2005-347), BE ZONED SINGLE-FAMILY RESIDENTIAL PLANNED UNIT DEVELOPMENT (SR-1 PUD) AND LANDMARK OVERLAY (LMK) CLASSIFICATIONS.

The vote was not unanimous. Councilmembers Fishburne and Shirley voted nay.

Council then considered bills to zone 1890 Boone Hall Drive (*West Ashley Plantation - West Ashley*) (0.34 acre) (TMS #353-11-00-034), 2134 Burlington Avenue (*Magnolia Ranch - West*

Ashley) (0.50 acre) (TMS #355-06-00-008), and 201 Live Oak Avenue (*Ashley Forest - West Ashley*) (0.16 acre) (TMS #418-13-00-077). Both staff and the Planning Commission recommended approval of the requests.

The Mayor invited comments from the public on these matters. No member of the public expressed a desire to speak for or against these matters. The Mayor declared these public hearings concluded.

There were no questions or comments of Council.

On the motion of Councilmember Tinkler, seconded by Councilmember Evans City Council voted to adopt the City Planning Commission's recommendations and to give first reading to the subject bills.

First reading was given to bills entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1890 BOONE HALL DRIVE (*WEST ASHLEY PLANTATION - WEST ASHLEY*) (0.34 ACRE) (TMS #353-11-00-034), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 28, 2006 (#2006-547), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON

BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2134 BURLINGTON AVENUE

(*MAGNOLIA RANCH - WEST ASHLEY*) (0.50 ACRE) (TMS #355-06-00-008), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 28, 2006 (#2006-548), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 201 LIVE OAK AVENUE (*ASHLEY FOREST - WEST ASHLEY*) (0.16 ACRE) (TMS #418-13-00-077), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 28, 2006 (#2006-549), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION.

Next, Council considered a bill to zone 1755 Sam Rittenberg Boulevard (*West Ashley*) (0.24 acre) (TMS #351-11-00-005). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Tinkler, seconded by Councilmember Lewis, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO

THAT 1755 SAM RITTENBERG BOULEVARD (*WEST ASHLEY*) (0.24 ACRE) (TMS #351-11-00-005), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 28, 2006 (#2006-550), BE ZONED LIMITED BUSINESS (LB) CLASSIFICATION.

Council then considered bills to zone a vacant parcel on Savage Road (*West Ashley*) (0.14 acre) (TMS #351-07-00-118), 303 Tall Oak Avenue (*Ashley Forest - West Ashley*) (0.14 acre) (TMS #418-13-00-021), 355 Douglass Avenue (*West Ashley*) (0.28 acre) (TMS #350-09-00-069), and 2522 Flamingo Drive (*Long Branch on the Creek - West Ashley*) (0.25 acre) (TMS #310-01-00-110). Both staff and the Planning Commission recommended approval of the requests.

The Mayor invited comments from the public on these matters. No member of the public expressed a desire to speak for or against these matters. The Mayor declared these public hearings concluded.

There were no questions or comments of Council.

On the motion of Councilmember Evans, seconded by Councilmember Tinkler City Council voted to adopt the City Planning Commission's recommendations and to give first reading to the subject bills.

First reading was given to bills entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT VACANT PARCEL ON SAVAGE ROAD (*WEST ASHLEY*) (0.14 ACRE) (TMS #351-07-00-118), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 28, 2006 (#2006-552), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON

BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT
303 TALL OAK AVENUE

(*ASHLEY FOREST - WEST ASHLEY*) (0.14 ACRE) (TMS #418-13-00-021), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 28, 2006 (#2006-553), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 355 DOUGLASS AVENUE (*WEST ASHLEY*) (0.28 ACRE) (TMS #350-09-00-069), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 12, 2006 (#2006-588), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2522 FLAMINGO DRIVE (*LONG BRANCH ON THE CREEK - WEST ASHLEY*) (0.25 ACRE) (TMS #310-01-00-110), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 12, 2006 (#2006-590), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

Next, Council considered a bill to zone 2575 Ashley River Road (*West Ashley*) (1 acre) (TMS #355-06-00-006). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Evans, seconded by Councilmember Lewis, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2575 ASHLEY RIVER ROAD (*WEST ASHLEY*) (1 ACRE) (TMS #355-06-00-006), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 12, 2006 (#2006-587), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION.

Council then considered a bill to zone 852 Dupont Road (*West Ashley*) (1 acre) (TMS #351-13-00-020). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Evans, seconded by Councilmember Mitchell, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 852 DUPONT ROAD (*WEST ASHLEY*) (1 ACRE) (TMS #351-13-00-020), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 12, 2006 (#2006-589), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION.

Council then considered a bill to zone 1052 Gardner Road (*West Ashley*) (0.56 acre) (TMS #351-15-00-029). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Tinkler, seconded by Councilmember Lewis, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1052 GARDNER ROAD (*WEST ASHLEY*) (0.56 ACRE) (TMS #351-15-00-029), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 12, 2006 (#2006-591), BE ZONED GENERAL OFFICE (GO) CLASSIFICATION.

Next, Council considered a bill to zone 942 Savannah Highway (*West Ashley*) (0.12 acre) (TMS #418-13-00-192). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Evans, seconded by Councilmember Tinkler, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 942 SAVANNAH HIGHWAY (*WEST ASHLEY*) (0.12 ACRE) (TMS #418-13-00-192), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 12, 2006 (#2006-592), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION.

Council then considered a bill to zone 718 Wappoo Road (*West Ashley*) (0.44 acre) (TMS #350-02-00-023). Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Tinkler, seconded by Councilmember Evans, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 718 WAPPOO ROAD (*WEST ASHLEY*) (0.44 ACRE) (TMS #350-02-00-023), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 12, 2006 (#2006-593), BE ZONED RESIDENTIAL OFFICE (RO) CLASSIFICATION.

Next, Council considered a bill to amend the City of Charleston Zoning Ordinance by amending Article 3, Part 1, Table 3.1, Height, Area, and Setback Regulations, to change the building setback requirements for the DR-1, DR-1F, DR-2 and DR-2F zoning districts. Lee Batchelder, Zoning Division, explained this would change setback requirements for residential zones, which have been in place for many years, but the City routinely grants variances, so the staff feels they are inappropriate and would like to eliminate them. Both staff and the Planning Commission recommended approval of the request.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

Councilmember Fishburne stated a few months ago they ratified an ordinance that affected a thousand properties and asked Mr. Batchelder to educate him a little bit more on the impact of this and how many properties would be affected. Mr. Batchelder explained many properties will

be affected and they feel the existing setback requirements in the ordinance for the larger apartment complexes take care of those uses. He stated this ordinance in some cases has caused some homes to be rebuilt that were inappropriately located. Councilmember Fishburne stated he would like to see some practical applications on how this would work.

Councilmember Lewis asked if this would eliminate the number of people who come to the City. Mr. Batchelder explained it would decrease the number of people who come before the Board of Zoning Appeals and seek variances.

Councilmember Mitchell asked if this would change the ramifications of some houses that are there when a new house is being built. Mr. Batchelder explained it does not require the house to be built up to the front of the property line.

Councilmember Wilson asked how this would impact one area of the City versus another, for example the peninsula versus Johns Island. She said she would like to see some practical applications on how this would work. Mr. Batchelder stated he would be happy to share those. Councilmember Gilliard stated he would like to receive the same information. He said he would like to defer this item.

There were no further questions or comments of Council.

On the motion of Councilmember Gilliard, seconded by Councilmember Tinkler, Council voted to defer this bill.

There were no further questions or comments of Council.

Council then considered a bill to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by deleting Part 1: Approval Procedures, and Part 2: Subdivision Application Requirements, of Article 8, in their entirety and substituting in their place and stead new Subdivision Application Requirements and Approval Procedures. Josh Martin, Director of the Department of Planning, Preservation and Economic Innovation, explained this would change the current approval process for subdivision applications. He stated changes were recommended out of the Process Improvement Team to revisit the current review procedures from an internal and external standpoint. He said he handed out an executive summary of what the changes are as well as a flow chart. He stated essentially all subdivision plats would go before the Planning Commission, but it is the idea that the Planning Commission should focus on those items that are planning related versus engineering related. Mr. Martin stated these changes do not affect the design standards of how subdivisions are designed.

Further, Mr. Martin explained they received public input from the Chamber's Development Council, as well as other development consultants. He stated they would like to see how it works for six months in the process, monitor it and come back to the Planning Commission to make sure the ordinances they do put in place are working as perfectly as they should be. Both staff and the Planning Commission recommended approval of the request.

Councilmember Fishburne asked if the process would reduce the amount of time that it would take for developers to come in, present their claim, have it considered and have a decision. Mr. Martin stated it could reduce the amount the time, but the point is to have the Planning Commission review the planning aspects and not the engineering approach.

The Mayor invited comments from the public on this matter. No member of the public expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On the motion of Councilmember Tinkler, seconded by Councilmember Evans, City Council voted to adopt the City Planning Commission's recommendation and to give first reading to the subject bill.

First reading was given to a bill entitled:

AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY DELETING PART 1: APPROVAL PROCEDURES, AND PART 2: SUBDIVISION APPLICATION REQUIREMENTS, OF ARTICLE 8, IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE AND STEAD NEW SUBDIVISION APPLICATION REQUIREMENTS AND APPROVAL PROCEDURES.

Next, Council considered the approval of the minutes from December 19, 2006 and January 9, 2007 Council meetings. The Mayor noted the minutes of the January 9, 2007 Council meeting would be deferred.

On the motion of Councilmember Tinkler, seconded by Councilmember Evans, Council voted to approve the minutes of the December 19, 2006 Council meeting as published.

The Citizen Participation Period followed. The following persons addressed City Council: 1.

Alan Green stated he has been coming in front of Council for the past six years concerning the Honey Hill baseball field and its lighting. He said he has yet to hear if they are going to get the recreation area improved and get the field lighted. He asked if he could get an answer. He remarked they have been fighting hard to get lights on that field.

Mayor Riley stated he would get back with Mr. Green later, but the answer is that we are going to light it.

2. Arthur Lawrence, Westside Neighborhood Association President, stated he is here to make sure they build bridges with the entire community and to make sure they have a fantastic city and a wonderful educational department.

3. A lady stated one thing she is in support of is the City gym and the expansion of the gym to offer more programs for every child, adult and senior citizen. She said this could be a great community center and could really affect the community and infrastructure of the neighborhoods. She said they are also committed to working together to find a solution for public education downtown.

4. An unidentified lady said the City gym could be representative of Charleston and its commitment to the nation of how we appreciate our citizens.

5. Mohammed Idris said his ancestors helped build this City, but we as descendants do not have any concrete share offered other than awards that say they have been good servants to our masters.

6. Liz Hanson, 98 Queen Street, spoke in support of the smoking ordinance. She stated one reason she has enjoyed living in Charleston under the leadership of Mayor and Council is due to their concept of livable and healthy communities. She said she is sympathetic to the smokers who believe that their rights are being violated, but she suggested this is one of the times where the rights of one conflict with the rights of another. She encouraged Council to continue to support the smoking ban.

7. Megan Faulkner, representing Trident United Way, thanked Council for their votes in favor of this smoke-free ordinance at the last City Council meeting. She encouraged Council to keep the strong language in the ordinance. She explained the policy position at Trident United

Way states they will continue to work on this for the other municipalities in the Tri-County area. She commented they are so proud that Charleston is going to be a leader for this issue.

8. Lauretta Dailey, President of Wagner Terrace Neighborhood Association, thanked Council for their hard work and their diligence is equally appreciated. She stated she was there to ask them on behalf of the residents of Wagner Terrace to rethink their plans for the Arthur Christopher Gym and to initially do it right.

9. Lisa Turner, Director of Advocacy for the American Heart Association, stated their mission is to reduce death and disease from cardiovascular issues. She explained smoking and exposure to smoke is a risk for heart attacks and strokes. She thanked Council and Mayor Riley for their past support and urged them to continue to vote in support of smoke-free places. She stated it is not about personal annoyance, but about worker protection and everyone has a right to work in a safe clean environment.

10. Jane Thornhill spoke in favor of the palmetto roses. She said she has been through many of these types of situations. She stated there is nothing wrong with palmetto roses and the word is regulate. She noted if people are polite to these children they will be polite. She commented she received many complaints about how awful they are and how they do not clean up their trash, but these children just need to be regulated.

11. Buddy Ray, 1553 South Pinebark Way, explained in today's newspaper opponents of the smoking ordinance repeatedly stated "if you don't smoke then don't go to places that allow smoking". He noted there are many smokers who play in pool leagues, where you have to play teams at a different bar each week; therefore they do not have the option to choose not to patronize places that allow it. He explained he belongs to a private club and the policy of the club is that there is to be no smoking and currently the policy is ignored by some members. He stated the ordinance will allow the club members to ensure the club adheres to the ordinance.

12. Yvonne Marler, James Island resident, stated she is an eight year survivor of breast cancer. She thanked Council for their support of the smoke-free ordinance and urged Council to continue their support. She stated this is near to her heart because one of her children works in the hospitality industry.

13. Will Acuff, 9B Rutledge Boulevard, stated when he was twelve years old his grandfather died of lung cancer because he had a two pack-a-day habit. He said he would not be able to look his grandfather in the eyes today if he did not defend the ideas he defended when he fought for this country. He asked Council to defend the civil liberties of the residents.

14. A lady stated she understood that the reason for writing the ordinance was for workers' rights. She remarked she could show Council sixty-one ads for employment in the restaurant community, thirty-five of which are a non-smoking environment. She expressed her belief that this is about workers' rights and it makes her angry that this is what the ordinance was disguised as. She stated she is a business owner, she is a bar owner, but also owns a smoke-free restaurant. She stated there are equally as many places for people to work in smoking and non-smoking environments. She asked where the lobbyists would be when she does not have anyone in her bar.

15. Matthew Carpenter, Nicotine and Tobacco Researcher at the Medical University of South Carolina, thanked Council for their support of this ordinance. He explained in the first time in the nation's history more than half of Americans support smoke-free legislation. He stated in a recent survey of Charleston residents over seventy percent are supportive of the smoke-free ordinance.

16. Lola Marley, owner of the Smoking Lamp, stated the fifteen foot rule is unreasonable and needs to be addressed. She said this is about businesses being able to decide what happens in their own establishment. She urged Council to allow businesses to maintain the choice of what happens in their business.

17. Leanne Goble, 467 King Street, stated she brought an amendment to Councilmembers Morinelli and Lewis last week, which calls for any drinking establishments, 85% of gross receipts of the sale of alcohol, be exempt. She said the ordinance puts a stress upon the Police Department and the businesses.

City Council recessed at 7:15 p.m., in order to prepare for the State of the City address, which appears in its entirety at the end of these minutes.

Upon reconvening from recess at 8:06 p.m. Council continued the Citizen Participation Period.

18. Barbara Burwell said on behalf of all workers in Charleston she thanked City Council for the support of the smoke-free ordinance. She stated she brought signatures of over two-thousand people in the City of Charleston who support the smoking ban.

Councilmember Tinkler asked who signed the petitions. Ms. Burwell stated they were citizens of Charleston County from various meetings. Councilmember Tinkler stated he would like to look at it.

19. A woman stated they are trying to ban smoking in privately owned restaurants. She asked if they are going to subsidize those who lose customers because of this ordinance. She said there is no free will and next Council will tell restaurants what they can serve and what everyone can eat.

20. Allison Tysinger, a local musician, stated restaurants and bars are required to provide safe food and beverage service and a safe place for the workers. She asked why is breathing any different. She explained this ordinance would include every bar and restaurant and those who raise an arm over not having a patio will not be any more affected than those with them. She noted Mt. Pleasant and Charleston County will soon pass ordinances and there will not be a mass exodus to Summerville or North Charleston. She stated there are those that cry they are losing their civil rights, but there is no right to cause harm to someone else. Ms. Tysinger remarked they have a choice to smoke, but do not make everyone else smoke.

21. A person representing the Kingston Cigar Shops owner stated he opposes the smoking ban. He said what they are doing can be applauded by reasons of public health, but it is misguided. He stated it is intrusion of government on business. He noted the owner of the business declares the environment and the customer decides which environment they go to. He asked Council to consider the impact of businesses that depend upon catering to smokers. 22.

Mike Coolet stated he is in support of the amendment that has been circulated. He explained anyone who visits a bar is voluntarily exposing themselves to the smoke. He noted many of the workers in the bars are smokers.

23. David Gold stated we do not live in a democracy, but a representative republic. He said we believe in individual rights. He compared the ordinance to Marshall Law. He noted the hardest part he is going to have this year is telling tourists things have changed.

24. Gwen Sturett, 18 Savage Street, said if Council is concerned with employee health they should also stop drinking. He stated they have better and more important issues to deal with in Charleston.

25. Walter Karr explained he has chosen to live in Charleston for forty years and he chooses not to smoke. He asked Council to choose to preserve the liberties of citizens and businesses to make their own choice.

26. Dean Reigel, Resident Chief Officer of the Atlantic Occupational Health, explained many of the Smoking Committee's recommendations have been ignored. He said the trend is nationwide and statewide. He asked why force the issue when it is happening anyway. He asked Council to delay this ordinance.

27. Mike Capple, 545 King Street, urged Council to follow the lead of Columbia and implement a 15% rule. He stated he is opposed to the ordinance, but he is realistic the ordinance will go forward. He expressed his frustration toward the fact the rights of private business owners and personal rights are being violated.

28. Dawn White asked for Council's continued support of this important ordinance as an advocate for healthy communities as well as a citizen who is concerned with public health in Charleston.

29. Jim Curley stated it has been said that politics is the art of compromise. He said there is a large portion of constituents are against this smoking ban. He asked Council to consider a compromise that would allow some choice in a free market.

30. Rodney Williams, West Ashley resident, said this is not about taking away liberties, but a social justice, public health issue. He said Council is there to protect the health of people. He remarked this is the right thing to do and thanked Council on behalf of the workers.

31. Monica Shot stated many things have been said about individual rights and there is one group that has not been spoken for here and that is the children, unborn children and pregnant women. She said there is an increase chance of asthma in children. She urged Council to support the ban for the health of the children.

32. Debbie Newman, bar owner, said the business owners should have the right to decide if they allow smoking. She stated children do not go to bars and they should not be brought into a smoking environment. She noted the people who go to bars are consenting adults.

33. Brett Hawkins, bartender and non-smoker, stated he is aware of the effects of working in a smoking environment and also is aware there are other places he can work. He said their customers know when they walk in the door smoking is allowed and they are well aware of the environment they are walking into.

34. A man explained he is in support of the ban and would like to see the Smoker Free LowCountry to support City employees. He said they need a citizen panel committed to reducing the drugs and violence in the communities.

35. Tiffany Acuff said she is thrilled that Charleston is so concerned about her health and her future unborn children, but Council would be better off giving her a gym membership. She stated her husband smokes, but she does not and they compromise. She said it is her choice at where she goes. She asked Council not to take away her choice.

36. Tim Breckrage, owner of restaurant and bar, stated he is not against the smoking ban, but is against how it is written now. He said his business cannot be successful if his revenues from his bar reduce.

37. Scott Long, representing the President of the Restaurant Association, explained their position is this ordinance should be handled at a state level and not a local level. He said they would like to see the fifteen foot rule addressed.

38. A gentleman said this ordinance will become an infringement on the businesses' rights.

39. A woman said bars suffered dramatically with the 2 a.m. bar closing and this would detrimental as well.

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

Next, Council considered Appointments to the Housing Authority of the City of Charleston. On the motion of Councilmember Evans, seconded by Councilmember Bleecker, Council voted to approve the appointments to the Housing Authority as presented by the Mayor.

MEMORANDUM

TO: Members of City Council

FROM: Mayor Joseph P. Riley, Jr.

RE: Appointment to the Housing Authority of the City of Charleston

DATE: January 16, 2007

I am very pleased to recommend the reappointment of Mary E. Jackson as a Commissioner for the Housing Authority of the City of Charleston. Ms. Jackson has served on the Commission since October 2000 and has completed her first full term. Ms. Jackson fills the requirement as a program participant since she resides at Robert Mills Manor.

Ms. Jackson is conscientious and attentive to the governance of the Authority and a good sounding board for public housing resident issues. This is a five-year appointment, and her term will expire January 2013.

I would appreciate your support in the reappointment of Mary E. Jackson to serve on this Commission.

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

The Committee on Ways and Means Reports: 01/23/07

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.) **ST. ANDREWS PARISH PARKS AND PLAYGROUND COMMISSION:**

AGREEMENT FOR TRANSFER OF TAXES AND SERVICES: The Committee on Ways and Means recommends City Council approve, and authorize the Mayor to sign, an agreement with the St. Andrews Parish Parks and Playground Commission for the transfer of taxes and services for all properties annexed into the City after May 1, 2000. The transition period for the payment of taxes is five (5) years from the effective date of the annexations.

2.) **NOT EXCEEDING \$10,000,000 GENERAL OBLIGATION BONDS OF 2007:** The Committee on Ways and Means recommends City Council give first reading to the following bill:

“An ordinance to provide for the issuance and sale of not exceeding \$10,000,000 General Obligation Bonds of 2007 of the City of Charleston, South Carolina, to prescribe the purposes for which the proceeds shall be expended, to provide for the payment thereof, and other matters relating thereto.”

3.) **SALE OF 25 NUNAN STREET TO EMMA BROWN:** The Committee, based on the recommendations of the Committee on Real Estate, recommends City Council give first reading to the following bill:

“An ordinance authorizing the Mayor to execute the necessary documents to enter into that certain Agreement to Buy and Sell Real Estate between the City of Charleston (“Seller”) and Emma Brown (“Buyer”) for the sale of 25 Nunan Street bearing Tax Map #460-07-04-176, located in the City and County of Charleston, State of South Carolina, for the sum of \$184,669.00, said Agreement to Buy and Sell Real Estate being marked as Exhibit I, attached hereto and incorporated by reference herein.”

The property was renovated by the City’s Capital Projects Division. The property will be sold for \$184,669 to Emma Brown.

4.) **ANNEXATIONS:**

- | | | |
|----|--------------------------------|-------------------------------|
| 1. | Vacant parcel on Pine Log Lane | TMS #312-00-00-008 15.5 acres |
| 2. | Vacant parcel on Maybank Hwy. | TMS #313-00-00-017 2.82 acres |
| 3. | Vacant parcel on Maybank Hwy. | TMS #313-00-00-018 0.69 acres |
| 4. | Vacant parcel on Maybank Hwy. | TMS #313-00-00-264 6.34 acres |
| 5. | 1746 E. Avalon Circle | TMS #352-13-00-084 0.32 acres |

The Committee, based on the recommendations of the Committee on Real Estate, recommends City Council give first reading to the following bills:

“An ordinance to provide for the annexation of property known as vacant parcel on Pine Log Lane (15.5 acres) (TMS #312-00-00-008), 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.”

“An ordinance to provide for the annexation of property known as vacant parcel on Maybank Highway (2.82 acres) (TMS #313-00-00-017), 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.”

“An ordinance to provide for the annexation of property known as vacant parcel on Maybank Highway (0.69 acres) (TMS #313-00-00-018), 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.”

“An ordinance to provide for the annexation of property known as vacant parcel on Maybank Highway (6.34 acres) (TMS #313-00-00-264), 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.”

“An ordinance to provide for the annexation of property known as 1746 East Avalon Circle (0.32 acres) (TMS #352-13-00-084), St. Andrews Parish, 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 9.”

The property on Pine Log Lane is a vacant residential property; the properties on Maybank Highway are vacant commercial properties; and 1746 E. Avalon Circle is a duplex.

5.) **FACILITY LEASE AGREEMENT EXTENSION WITH THE CHARLESTON**

COUNTY SCHOOL DISTRICT FOR THE USE OF THE CITY GYM: The Committee, based on the recommendations of the Committee on Real Estate, recommends City Council approve, and authorize the Mayor to sign, a Facility Lease Agreement Extension with the Charleston County School District for the use of the City Gym. This was an add-on at the Committee on Real Estate meeting, and copies were laid on Councilmembers' desks. The extension would allow Burke Middle School students to continue to use the City Gym for physical education classes until the end of the school year. The term of the extension is from February 1, 2007 to June 6, 2007. Staff was still working on a long-term agreement with the "School District".

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

DEBORAH MORINELLI JIMMY S. GALLANT, III

WENDELL G. GILLIARD YVONNE D. EVANS

PAUL E. TINKLER LARRY D. SHIRLEY

ANNE

FRANCES

BLEECKER KATHLEEN G. WILSON

JOSEPH P. RILEY, JR., Mayor

The Report from the Committee on Ways and Means included five (5) annexation petitions. The following list of properties requested annexation into the City of Charleston:

1. Property known as vacant parcel on Pine Log Lane (15.5 acres) (TMS #312-00-00-008), Johns Island, Charleston County. The petition was signed by Frank Reed.
2. Property known as vacant parcel on Maybank Highway (2.82 acres) (TMS #313-00-00-017), Johns Island, Charleston County. The petition was signed by Matthew P. Pruitt, Salt Marsh Associates, Inc.
3. Property known as vacant parcel on Maybank Highway (0.69 acres) (TMS #313-00-00-018), Johns Island, Charleston County. The petition was signed by Matthew P. Pruitt, Salt Marsh Associates, Inc.
4. Property known as vacant parcel on Maybank Highway (6.34 acres) (TMS #313-00-00-264), Johns Island, Charleston County. The petition was signed by Matthew P. Pruitt, Salt Marsh Associates, Inc.
5. Property known as 1746 East Avalon Circle (0.32 acres) (TMS #352-13-00-084), St. Andrews Parish, Charleston County. The petition was signed by Hal C. Brinson, Jr.

Councilmember Evans moved the adoption of the report of the Committee on Ways and Means including two (2) ordinances and the acceptance of five (5) annexation petitions, giving first reading to seven (7) bills. Councilmember Morinelli seconded the motion. The motion carried. First reading was given seven (7) bills entitled:

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$10,000,000 GENERAL OBLIGATION BONDS OF 2007 OF THE CITY OF CHARLESTON, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN AGREEMENT TO BUY AND SELL

REAL ESTATE BETWEEN THE CITY OF CHARLESTON (“SELLER”) AND EMMA BROWN (“BUYER”) FOR THE SALE OF 25 NUNAN STREET BEARING TAX MAP #460-07-04-176, LOCATED IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, FOR THE SUM OF \$184,669.00, SAID AGREEMENT TO BUY AND SELL REAL ESTATE BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS VACANT PARCEL ON PINE LOG LANE (15.5 ACRES) (TMS #312-00-00-008), 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.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS VACANT PARCEL ON MAYBANK HIGHWAY (2.82 ACRES) (TMS #313-00-00-017), 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.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS VACANT PARCEL ON MAYBANK HIGHWAY (0.69 ACRES) (TMS #313-00-00-018), 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.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS VACANT PARCEL ON MAYBANK HIGHWAY (6.34 ACRES) (TMS #313-00-00-264), 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.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1746 EAST AVALON CIRCLE (0.32 ACRES) (TMS #352-13-00-084), ST. ANDREWS PARISH, 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 9.

Councilmember Tinkler noted the Public Works and Utilities Committee met and asked to set a public hearing for February 27, 2007 to close and abandon Executive Circle.

The next matter before Council was twelve (12) bills up for second reading. The Clerk noted that second reading of five (5) bills (Items K-1 and K-3 through K-6 on the agenda) would be *deferred*. The Clerk also noted Item K-2 had been withdrawn.

The following bills were *deferred*:

1. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the zone map, which is a part thereof, so that 1089 Fort Johnson Road (*James Island*) (4.5 acres)

(TMS #428-06-00-022), annexed into the City of Charleston July 15, 2005 (#2005-276), be zoned Single-Family Residential (SR-1) classification. *(Deferred)*

3. An ordinance authorizing the Mayor to execute the necessary documents to enter into that certain Third Amendment to the Memorandum of Understanding between the City of Charleston and Smith-Morris Company, LLC, assignee of Civitas, LLC, to allow Smith-Morris Company, LLC a time extension in which to complete Phase I of the Morris Square Project, said Third Amendment to the Memorandum of Understanding being marked as Exhibit I, attached hereto and incorporated by reference herein. *(Deferred)*

4. An ordinance to provide for the annexation of property known as 2008 Woodcliff Street (.30 acres) (TMS #355-15-00-067), St. Andrews Parish, 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 2. *(Deferred)*

5. An ordinance authorizing the Mayor to execute the necessary documents to enter into that certain Indenture Agreement between the City of Charleston and South Carolina Electric & Gas Company for City-owned property known as Daniel Island Park property/Parcel Y-Tract 3 in the City of Charleston, County of Berkeley, State of South Carolina bearing TMS #275-00-00-199, said Indenture Agreement being marked as Exhibit I, attached hereto and incorporated by reference herein. *(Deferred)*

6. An ordinance authorizing the Mayor to execute on behalf of the City the necessary documents to close and abandon a portion of C Street approximately 100 feet in length running generally in a northwesterly direction from the edge of TMS No. 463-16-04-051 to its terminus, said portion of C Street being located in the City and County of Charleston, State of South Carolina. *(Deferred)*

Council then considered the ordinance to establish rules of decorum for speakers at City Council meetings.

Councilmember Shirley said he would not be voting for this and understands the reasoning behind the ordinance. He expressed his belief the Mayor can control the meeting as shown tonight.

On the motion of Councilmember Bleecker, one (1) bill (Item K-7 on the agenda) received second reading. It passed second reading on motion of Councilmember Gallant and third reading on motion of Councilmember Evans. On further motion of Councilmember Bleecker, the rules were suspended and the bill was immediately ratified as:

RATIFICATION NUMBER

2007-13

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CODE OF THE CITY OF CHARLESTON TO CREATE A NEW SECTION 2-28 THEREIN WHICH SHALL ESTABLISH RULES OF DECORUM FOR SPEAKERS AT CITY COUNCIL MEETINGS. BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 2 of the Code of the City of Charleston is hereby amended by creating a new Section 2-28 therein which shall read as follows:

A. Findings:

i. City Council finds that its meetings need to be conducted in an orderly manner to allow for meaningful participation and deliberation. ii. City Council further finds that the use of vulgar obscenities, racial slurs and other fighting words has been demonstrated as disruptive to

the business of City Council, threatens the orderly procession of meetings, and creates the possibility for violence and rioting within the City Council chamber. iii. City Council further finds that in order to ensure the objectives stated above, it is minded to establish the following rules of decorum for speakers at City Council meetings. B. Rules of Decorum:

While any meeting of City Council is in session, the following rules of decorum shall be observed:

- i. Any person who speaks at a City Council meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and shall not use any profane, abusive or obscene language nor any fighting words or otherwise engage in disorderly conduct. Any person who makes such remarks or otherwise engages in disorderly conduct which disrupts, disturbs or otherwise impedes the orderly conduct of a City Council meeting shall, at the discretion of the Mayor, or in his absence, the Mayor Pro Tempore, be barred from further audience before City Council during that meeting and may be removed from the building. ii. Any law enforcement officer who is serving as sergeant-at-arms of City Council shall carry out all orders and instructions given by the Mayor or in his absence, the Mayor Pro Tempore, for the purpose of maintaining order and decorum at the City Council meeting. Upon instruction of the Mayor, or in his absence, the Mayor Pro Tempore, it shall be the duty of such law enforcement officer to remove from the City Council meeting any person who is disturbing the proceedings of City Council. iii. This section in no way limits any person from being charged or arrested for criminal conduct which occurs during the course of a City Council meeting or during the course of a person being removed from a City Council meeting pursuant to this section. Section 2. This Ordinance shall become effective upon ratification.

The vote was not unanimous. Councilmembers Shirley, Tinkler, Lewis and Mitchell voted nay. Next, Council considered the ordinance establishing regulations and requirements relating to smoking of tobacco products.

Councilmember Bleecker expressed her concern about the fifteen foot prohibition as well as the percentage for cigar bars. She stated she is pleased to see the ordinance before them tonight changes the percentage from sixty percent to thirty percent of gross revenue from the sale of tobacco products in the definition of a cigar bar. She said the fifteen foot provision would be virtually unenforceable in Charleston. She proposed, as an amendment, substitute the language that was used on Sullivan's Island, which is a reasonable distance.

Adelaide Andrews, Deputy Corporation Counsel, stated it is important to state for the record that the ordinance before Council has two amendments. She explained they changed smoking bar to cigar bar and she read into the record: " 'Cigar Bar' means any establishment in existence as of the date of the adoption of this Ordinance which (a) serves alcohol for consumption by patrons on the premises; (b) either itself or in conjunction with an affiliated entity operating within the same premises derives 30% or more of its gross revenue from the sale of tobacco products or related paraphernalia; (c) shall permit the smoking of cigars and other tobacco products by patrons on the premises; and (5) prohibits the entry of persons under the age of twenty-one (21) at all times. For purposes of this section, affiliated entity shall be defined as a commercial entity with which the Cigar Bar has a business relationship, including but not limited to a lease or sublease, contract, service agreement or sharing of expenses and/or profits."

Ms. Andrews explained the second change deals with the reasonable distant section, however based on the motion that was made she does have the language from the Sullivan's's Island

ordinance and she read it for the record found in Section 8 of the ordinance: "Smoking outside a workspace, workspaces and workplaces and in any other indoor area where smoking is prohibited shall be permitted, providing that tobacco smoke does not enter the workspace, workplace and the workplaces, through entrances, windows, ventilation systems or other means." Councilmember Fishburne seconded the proposed amendment to remove the fifteen foot provision and replace it with the reasonable distance language from the Sullivan's Island's ordinance.

Councilmember Tinkler accepted the motion.

Councilmember Gallant asked if the distance Ms. Andrews described is a distance far enough where it does not enter the establishment, based on common sense. Ms. Andrews explained it is not a business based requirement, but the requirement is smoke from the outside cannot enter into the establishment.

Councilmember Tinkler said he has a lot discussion with the Legal staff about some of these concerns. He explained the reason they changed the definition of a smoking bar to a cigar bar is from the beginning the intent was not to put anybody out of business and they recognized potentially an establishment or two that would be put out of business by this proposed ordinance. He stated The Smoking Lamp would be exempted under this new ordinance, but the other business that would be affected would have been Club Habana. He said they asked for input from Club Habana, which they received some great input.

Further, Councilmember Tinkler stated they worked on language regarding the fifteen foot rule and he has no problem with the language from the Sullivan's Island's ordinance and feel it is an appropriate solution. He urged Council to move forward with this ordinance.

Councilmember Gilliard asked if there were any statistics to show this policy would have any adverse affect on businesses in Charleston. Ms. Andrews replied she had no such statistics. He asked if there was anything on record medically, to show that secondhand smoke has effect on the unborn. Mr. Andrews expressed her belief that in the Surgeon General's report there is data to suggest there is harm to unborn fetuses and children. Councilmember Gilliard explained many of the calls he received were concerned with that issue. He asked if any businesses did not comply with this it would be up to a five hundred dollar penalty and up to thirty days in jails. Ms. Andrews replied this was correct and it was up to the municipal judges. He asked if this was a general trend with other cities who have adopted similar ordinances. Ms. Andrews replied this is the general penalty for all municipalities in South Carolina.

Continuing, Councilmember Gilliard expressed his hope that they would eliminate the thirty days in jail. Ms. Andrews explained there is a voluntary compliance section in the ordinance that provides that the Police Department will work with the establishment on a voluntary compliance which means the Police Department will have communication with the establishment and some understanding at the beginning. She said she cannot speak for the judges but she thinks it would be an extreme measure taken after repeated offenses. He stated he respects that, but it is still on the books and the opportunity is still there.

Councilmember Morinelli asked why they would fine somebody five hundred dollars for smoking down the street. She said she has to agree with Councilmember Gilliard about putting somebody in jail for the legal right that is theirs to do. She asked if they were going to hire more police officers and have smoking Nazi walking down the street. She stated they cannot enforce it. Ms. Andrews stated the general penalty for municipal offenses is set by State law, which provides for a fine up to five hundred dollars and/or up to thirty days in jail, at the discretion of

the judge. She said Charleston's municipal judges are very reasonable. Councilmember Morinelli stated they need to change that provision in the ordinance. Ms. Andrews replied it is dictated by State law, and she does not believe they have the authority to lessen the penalty provision; however the judges have the discretion to give less of a punishment because of the language. Councilmember Morinelli asked how they plan to enforce it. Ms. Andrews expressed her belief that she does not think the emphasis will be on the smoking in the streets, but to protect the workplace and the environment within the workplace for employees. Councilmember Morinelli asked if they plan on giving a copy of the ordinance to tourists as the check into their hotels. Ms. Andrews stated an education program would be a great idea for those establishments that are affected to inform their patrons.

Councilmember Lewis stated they cost the bars money with the 2 a.m. bar closing and now we are putting restrictions on smoking in the workplace, which will cost them more money. He said this was not one of the smartest things they have heard, because people are going to be smoking on the streets and every passerby will inhale the smoke. He commented they do not have enough police officers now to do what we need to do to uphold the laws of this City. He expressed his belief that this ordinance is senseless. He stated as long as cigarettes are sold in the City, people are going to smoke and the City will benefit from the sale of cigarettes. He said let the businesses decide what they want to do. He stated he would not support this ordinance.

Councilmember Mitchell stated he voted against this ordinance the first time. He expressed his belief that this ordinance is an infringement on people's rights. He said there are so many things we are told we cannot do, but we still have to pay taxes and business license fees. He commented he cannot support this. He said if he decides to smoke he will not smoke around people who do not smoke, but it is his decision.

Councilmember Shirley stated he spoke to the Legal staff about the Columbia ordinance and about other places that have a smoking ban, many of which have exceptions. He noted no bar subjects kids to smoking. He said the section of the ordinance pertaining to cigar bars has been gutted and only allows one cigar bar in the City. He said he thinks they should defer this item. He made the motion to defer this item for two weeks and take a look at the ordinance he passed out regarding the 85/15. He stated if the motion fails he would still urge Council to change the effective date to wait for the Supreme Court ruling. Councilmember Mitchell seconded the motion to defer.

Councilmember Gilliard asked if there was a petition before the Supreme Court. Ms. Andrews stated there was one regarding the Sullivan's Island's decision and would be heard within a year and decided within three to four months after the hearing. Councilmember Gilliard asked what happens if the court finds in favor of Sullivan's "Island". Ms. Andrews explained in that instance the Supreme Court would have held that local governments have the authority to enact local ordinances prohibiting smoking in certain establishments. Ms. Andrews stated the City maybe challenged on other aspects, because there are a few differences from "Charleston's ordinance and Sullivan's "Island's ordinance. Councilmember Gilliard asked if it would be more feasible for this local government to wait on the State Supreme Court's ruling on the Sullivan's "Island' case. Ms. Andrews replied that is the decision for Council and expressed her belief that the Supreme Court will uphold the Sullivan's "Island' ruling, but the legislative may come back and change the law of local governments.

Councilmember Tinkler said he is against deferring this and against waiting for the Supreme Court ruling. He stated they have considered this since 1999 and he has heard tonight some

speakers say Council was ramming this issue through, but that is not the case. He explained the Legal staff has told Council on more than one occasion that they are not preemptive, and they have the habit on Council of accepting the advice of the City's lawyers and to object that advice shows lack of confidence in our good lawyers. He expressed his belief that the lawyers are right and if Council waited for the Supreme Court to speak on every issue on which there was some uncertainty, Council would not get anything done in Charleston. He urged this Council to go forward tonight to give this ordinance as amended, seconded and third reading.

Councilmember Mitchell asked if the ordinance includes private clubs. Ms. Andrews replied they are included if they have employees.

Mayor Riley explained the effect of cigarette smoking is a national health problem. He stated they know smoking causes a whole range of diseases and they know by the Surgeon General's report that secondhand smoke is lethal. He said it is known you cannot be subjected to secondhand smoke in moderation. He noted a study showed if there was not cigarette smoking in America, fifty percent of the hospital beds in America would not be needed. He stated the points made about rights and choices are good points if they were not dealing with something that kills. He expressed his belief that what Council is doing is correct and to defer this would be the wrong choice.

Continuing, Mayor Riley commented the Supreme Court will probably considered preemption in a narrow way. He stated jobs that compensate, or hours suit or convenient are not easy to find. He said there are people in jobs that are subjected to secondhand smoke and economically it is not feasible for them to leave and we owe it to them to create safe working environment. He expressed his support for the proposed amendments.

Councilmember Shirley said he wanted to clarify that his motion does not mean they have incompetent attorneys and he respects them. He stated the motion to defer would allow the attorneys to bring something back to Council to consider the bars. He noted many bars will have to layoff employees.

Councilmember Evans expressed her belief that the discussion has been very thorough and civilized and she appreciates it. She said this makes for a better decision in the end.

The motion of Councilmember Shirley, seconded by Councilmember Mitchell to defer this item for two weeks failed. The vote was 9-4, with Councilmembers Gallant, Mitchell, Shirley and Lewis voting aye.

Councilmember Shirley stated the City is going to get into some trouble when this ordinance is only allowing one cigar bar. Ms. Andrews replied the definition of a cigar bar does not address any particular club or establishment.

When asked by Councilmember Gallant, Ms. Andrews noted the ordinance would not go into effect until six months from the date of ratification.

On the motion of Councilmember Bleecker, seconded by Councilmember Fishburne, Council voted to amend the ordinance to remove the fifteen foot provision and replace it with the reasonable distance language from the Sullivan's "Island"'s ordinance.

The vote was not unanimous. Councilmembers Morinelli, Lewis, Mitchell and Shirley voted nay.

On the motion of Councilmember Bleecker, one (1) bill, as amended, (Item K-7 on the agenda) received second reading. They passed second reading on motion of Councilmember Gallant and third reading on motion of Councilmember Evans. On further motion of Councilmember Bleecker, the rules were suspended and the bills were immediately ratified as:

RATIFICATION NUMBER

2007-14

TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 21, BY ADDING A NEW SECTION 132 THEREIN, ESTABLISHING REGULATIONS AND REQUIREMENTS RELATING TO SMOKING OF TOBACCO PRODUCTS IN THE CITY OF CHARLESTON AND TO FURTHER AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 21, SECTION 21-131(G) TO MODIFY THE PENALTY PROVISIONS FOR VIOLATIONS OF SAID SECTION. (AS AMENDED)

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

Section 1: The Code of the City of Charleston is hereby amended by creating a new Section 21-132, which shall read as follows:

(A) **Findings.** As an incident to the adoption of this Ordinance, the City Council ("City Council") of the City of Charleston, South Carolina (the "City") makes the following findings:

- (1) The City is an incorporated municipality and as such possesses all powers granted to municipalities by the Constitution and the laws of the State of South Carolina, including the powers enumerated in S.C.Code Section 5-7-30 relating to regulating streets, markets, and public health; and
- (2) Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing second hand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute has determined that second hand smoke is responsible for the early deaths of up to 65,000 Americans annually. The Surgeon General has declared that (i) secondhand smoke causes disease and premature death in nonsmokers exposed to smoke; (ii) children exposed to secondhand smoke have an increased risk for sudden death syndrome, acute respiratory infections, ear problems, and more severe asthma; (iii) adults exposed to secondary smoke have a higher risk of coronary heart disease and lung cancer; (iv) there is no safe level of exposure to secondhand smoke (v) separating smoking and non smoking sections of indoor areas does not sufficiently remove the threats of secondhand smoke in enclosed areas; and
- (3) A significant amount of secondhand smoke exposure occurs in the workplace. Studies have shown that employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function.
- (4) Studies have also shown that smoke-filled workplaces result in higher worker absenteeism due to respiratory disease, lower productivity, higher cleaning and maintenance costs, increased health insurance rates, and increased liability claims for diseases related to exposure to secondhand smoke.
- (5) There are laws, ordinances and regulations in place that protect workers from other environmental hazards, including Class A carcinogens, asbestos, arsenic and benzene, but none which regulate exposure to environmental tobacco smoke; and

(6) Prohibiting smoking in the workplace increases public awareness of the negative health effects of smoking, reduces the social acceptability of smoking and reduces harm to children and other nonsmokers; and

(7) The South Carolina General Assembly at Section 44-95-10 et seq. (the "Clean Indoor Air Act of 1990") imposed certain limitations on smoking. For example, it limited smoking in Government Buildings (the definition of which includes City-owned buildings) except where the owner of such building shall designate smoking areas. Consistent with the Clean Indoor Air Act of 1990, City Council previously adopted Section 21-131 of the City Code.

In that Ordinance, City Council made the following finding:

The City of Charleston in furtherance of its duty to provide such regulations as may be necessary to protect the health of its citizens and minimize the incidents of disease of its population, and to provide a working environment for its employees and the general public which is reasonably free of hazards and distractions, such as environmental tobacco smoke, and in furtherance of the objectives of the Clean Indoor Act of 1990, deems it to be in the public interest to regulate smoking in city-owned or operated indoor facilities.

City Council has now determined that additional regulation of smoking in areas beyond those addressed in the Clean Indoor Air Act of 1990 and Section 21-131 is appropriate in furtherance of its duty to protect the health of its citizens and employees in the workplace and therefore enacts this ordinance.

(B) **Intent.** City Council finds that it is in the best interest of the people of this City to protect nonsmokers from involuntary exposure to environmental tobacco smoke in the workplace. Therefore, City Council declares that the purpose of this act is to preserve and improve the health, comfort and environment of the people of this City by limiting exposure to tobacco smoke in the workplace.

(C) **Definitions.**

(1) "Business Agent" means an individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment. (2) "Cigar Bar" means any establishment in existence as of the date of the adoption of this Ordinance which (a) serves alcohol for consumption by patrons on the premises; (b) either itself or in conjunction with an affiliated entity operating within the same premises derives 30% or more of its gross revenue from the sale of tobacco products or related paraphernalia; (c) shall permit the smoking of cigars and other tobacco products by patrons on the premises; and (d) prohibits the entry of persons under the age of twenty-one (21) at all times. For purposes of this section, affiliated entity shall be defined as a commercial entity with which the Cigar Bar has a business relationship, including but not limited to a lease or sublease, contract, service agreement or sharing of expenses and/or profits.

(3) "Employee" means any person who performs services for an employer in return for wages, profit or other valuable consideration.

(4) "Employer" means any person, partnership, association, corporation, trust, school, college, university or other educational institution, nonprofit entity or other organization, including any public or private employer that employs 1 or more persons.

(5) "Enclosed" means a space bounded by walls (with or without windows) continuous from floor to ceiling and enclosed by doors, including but not limited to, offices, rooms, foyers, waiting areas and halls.

- (6) "Environmental tobacco smoke" (ETS) or "secondhand smoke" is the complex mixture formed from the escaping smoke of a burning tobacco product (termed as "sidestream smoke") and smoke exhaled by the smoker. Exposure to ETS is also frequently referred to as "passive smoking," "secondhand smoking" or "involuntary smoking".
- (7) "Livability Court" means that certain division of the City of Charleston Municipal Court.
- (8) "Police Department" means the City of Charleston Police Department.
- (9) "Public building" means any building owned, operated or leased by the City, as defined in Section 21-131(3) of the City Code.
- (10) "Retail Tobacco Store" means any establishment which is not required to possess a retail food permit whose primary purpose is to sell or offer for sale to consumers, but not for resale, tobacco products and related paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the age of eighteen (18) is prohibited at all times.
- (11) "Smoking" means the inhaling, exhaling, burning, lighting or carrying of a lighted cigarette, cigar, pipe, or similar device or any other lighted tobacco product.
- (12) "Smoking Materials" includes cigars, cigarettes and all other manner of smoking devices intended to be used for the purpose of inhaling, burning, carrying or exhaling lighted tobacco products.
- (13) "Workplace" means any enclosed indoor area, structure, building or facility or any portion thereof at which one (1) or more employee(s) perform services for their employer, including but not limited to: retail food stores; retail stores; restaurants; bars; cabarets, cafes; public or private clubs; pool halls and bowling alleys.
- (14) "Work Space or Work Spaces" means any enclosed area occupied by an employee during the course of his or her employment, including but not limited to: offices, customer service areas; common areas; hallways; waiting areas; restrooms; lounges and eating areas. (D) Prohibition of Smoking in the Workplace.

(1) It shall be the responsibility of the employer to provide a smoke free environment for all employees working in an enclosed workplace. Each employer shall adopt, distribute and implement a written policy prohibiting smoking in the workplace in accordance with this section.

(2) Smoking shall be prohibited in all work spaces in a workplace. This includes all common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, hallways, medical facilities, cafeterias, employee lounges, staircases, restrooms and all other enclosed areas in the workplace.

(3) The written smoking policy shall be adopted and distributed to all employees within four weeks of the effective date of this section or within four weeks of the commencement of business operations. A copy of the policy shall be conspicuously posted in all facilities or areas of the workplace.

(E) Smoking Restrictions Inapplicable. In providing for the inapplicability of this section to the following subsections (1) through (7), it is specifically recognized that such locations are addressed in the Clean Indoor Air Act, enacted by the General Assembly of South Carolina and codified in South Carolina Code section 44-95-10, et. seq. Therefore, this section shall not apply to:

- (1) Public schools and preschools where routine or regular kindergarten, elementary, or secondary educational classes are held including libraries;

- (2) All other indoor facilities providing children's services to the extent that smoking is prohibited in the facility by federal law and all other child day care facilities, as defined in Section 20-7-2700, which are licensed pursuant to Subarticle 11, Article 13, Chapter 7, of Title 20 of the South Carolina Code;
- (3) Health care facilities as defined in South Carolina Code Section 44-7-130;
- (4) Government buildings as defined in South Carolina Code Section 44-95-20(4), except to the extent regulation by the City is authorized therein;
- (5) Elevators;
- (6) Public transportation vehicles, except for taxicabs;
- (7) Arenas and auditoriums of public theaters or public performing art centers; **(F)**

Exceptions. Notwithstanding the provisions of Section D herein, smoking may be permitted in the following places and/or circumstances:

- (1) Private residences;
- (2) Hotel, motel, inn, bed and breakfast and lodging home rooms that are rented to guests, designated as "smoking rooms" ("Rooms") provided that the total percentage of such Rooms does not exceed 25% in such establishment. A Room so designated shall have signs posted indicating that smoking is allowed therein;
- (3) Retail tobacco stores;
- (4) Cigar Bars, provided that the Cigar Bar has not expanded its size or changed its location from its size or location after the date of the adoption of this Ordinance, and it or its affiliated entity operating within the same premises continues to derive 30% or more of its gross revenue from the sale of tobacco products or related paraphernalia;
- (5) Performers upon a stage, provided that the smoking is part of the theatrical production being performed;
- (6) Religious ceremonies where smoking is part of the ritual; and
- (7) Medical research facilities.

(G) Posting of Signs. The owner, manager or person in control of an establishment or area in which smoking is prohibited pursuant to this section shall post a conspicuous sign at the main entrance to the establishment or area. The sign shall contain the words "No Smoking" and the universal symbol for no smoking.

(H) Reasonable Distance. Smoking outside a Workplace, Work Space or Work Spaces and any other indoor area where smoking is prohibited, shall be permitted provided that tobacco smoke does not enter the Workplace, Work Space or Work Spaces through entrances, windows, ventilation systems or other means.

(I) Jurisdiction, Enforcement and Penalties.

- (1) The Livability Court shall have jurisdiction over prosecuting violations of the provisions of this section.
- (2) The Police Department shall enforce the provisions of this section. In addition, designated code enforcement employees of the City shall have the power to enforce the provisions of this section.
- (3) The Police Department shall seek to obtain voluntary compliance with this section by means of publicity and education programs, and the issuance of warnings, where appropriate.
- (4) Any person who violates any provision of this section shall be subject to the penalties set forth in Section 1-16 of the Code of the City of Charleston.

(J) **Severability.** If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

(K) **Non-Retaliation.** No person or employer shall discharge, refuse to hire, refuse to serve or in any manner retaliate or take any adverse personnel action against any employee, applicant, customer or person because such employee, applicant, customer or person takes any action in furtherance of the enforcement of this section or exercises any right conferred by this section.

(L) **Conflict with Other Laws, Ordinances or Regulations.** Nothing in this section shall be deemed to amend or repeal any applicable fire, health or other, law, ordinance or regulation so as to permit smoking in areas where it is prohibited by such applicable fire, health or other law, ordinance or regulation.

(M) **Waivers.**

(1) Any employer, owner, manager or other person having control of a workplace subject to this section may apply to the City of Charleston's Director of the Department of Budget, Finance and Revenue Collection or his designee for a waiver of any provision of this regulation for a period not to exceed ninety (90) days.

(2) All waivers shall be submitted to City of Charleston's Director of the Department of Budget, Finance and Revenue Collection or his designee, on an application form provided by such Director along with a \$100 non-refundable filing fee.

(3) The decision to grant such a waiver shall be in the sole discretion of City of Charleston's Director of the Department of Budget, Finance and Revenue Collection or his designee, based upon his determination that such waiver is in the public interest. In determining, the City of Charleston's Director of the Department of Budget, Finance and Revenue Collection or his designee may take into account, but is not limited to the following:

(a) The efforts that the employer, owner, manager or other person having control of a workplace has made toward compliance with this section;

(b) Whether or not the workplace will be in compliance with all terms of this section within ninety (90) days; and

(c) Whether or not the granting of the waiver will result in an appreciable danger to the health of the public.

(4) No employer, owner, manager or other person having control of a workplace shall be granted more than one (1) waiver.

Section 2: The Code of the City of Charleston is hereby amended by deleting Section 21-131(g) in its entirety and substituting in its place and stead the following:

“Section 21-131(g): *Penalty.* Any person who violates any provision of this section shall be subject to the penalties set forth in Section 1-16 of the Code of the City of Charleston.”

Section 3. This Ordinance shall become effective within six months of its ratification.

The vote was not unanimous. Councilmembers Morinelli, Lewis, Mitchell and Shirley voted nay.

On the motion of Councilmember Bleecker, four (4) bills (Item K-9 through K-12 on the agenda) received second reading. They passed second reading on motion of Councilmember Tinkler and

third reading on motion of Councilmember Mitchell. On further motion of Councilmember Bleecker, the rules were suspended and the bills were immediately ratified as:

RATIFICATION NUMBER

2007-15

AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN AGREEMENT TO BUY AND SELL REAL ESTATE BETWEEN THE CITY OF CHARLESTON AND KASONDA LEE COLLIER FOR THE SALE OF 272 ASHLEY AVENUE, IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, BEARING TMS #4600704131 FOR A SUM NOT TO EXCEED ONE HUNDRED FIFTY SIX THOUSAND (\$156,000.00) DOLLARS, SAID AGREEMENT TO BUY AND SELL REAL ESTATE BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

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

Section 1. The Mayor is hereby authorized to execute the necessary documents to enter into that certain Agreement to buy and sell real estate between the City of Charleston and Kasonda Lee Collier for the sale of 272 Ashley Avenue, in the City and County of Charleston, State of South Carolina, bearing TMS #4600704131 for a sum not to exceed one hundred fifty six thousand (\$156,000.00) dollars, said Agreement to buy and sell real estate being marked as Exhibit I, attached hereto and incorporated by reference herein.

Section 2. This Ordinance shall become effective upon ratification.

COPIES OF THIS ORDINANCE, IN ITS ENTIRETY, ARE AVAILABLE THROUGH THE DEPARTMENT OF THE CLERK OF COUNCIL.

RATIFICATION NUMBER

2007-16

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2566 ASHLEY RIVER ROAD (1.92 ACRES) (TMS #355-11-00-011), ST. ANDREWS PARISH, 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 7.

BE IT ORDAINED BY THE MAYOR AND THE MEMBERS OF CITY COUNCIL, 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 7 of the City of Charleston, to wit:

SAID PROPERTY to be annexed, 2566 Ashley River Road, (1.92 acres), is identified by the Charleston County Assessors Office as TMS #355-11-00-011 (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.

RATIFICATION NUMBER

2007-17

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1836 OVERDELL DRIVE (0.5 ACRES) (TMS #350-10-00-095), ST. ANDREWS PARISH, 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 THE MEMBERS OF CITY COUNCIL, 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, 1836 Overdell Drive, (0.5 acres), is identified by the Charleston County Assessors Office as TMS #350-10-00-095 (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.

RATIFICATION NUMBER

2007-18

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS A PORTION OF 1111 BROWNSWOOD ROAD (0.105 ACRES) (TMS #312-00-00-156), 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 THE MEMBERS OF CITY COUNCIL, 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, a portion of 1111 Brownswood Road, (0.105 acres), is identified by the Charleston County Assessors Office as TMS #312-00-00-156 (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.

Next, Council considered to give first reading to an ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 21-111, to repeal said Section and to amend Chapter 17, Article V, to provide for new regulations governing peddlers, charitable solicitors, palmetto artisans and vendors.

Mayor Riley stated Council had a presentation earlier tonight on a wonderful program for the palmetto artisans. He said this bill would give a splendid opportunity to enterprise young people with support. He stated these children would gain valuable entrepreneurial experience and to earn money. He noted the staff has worked very hard on this.

Councilmember Evans passed out a letter from a constituent and expressed her concern was when the children where in the trees with knives on private property.

Councilmember Fishburne stated he has some concerns, but will hold off until the second and third readings.

Councilmember Lewis said he liked the presentation. He stated he did not like some of the language that was originally in the ordinance, but most of it has been worked out. He asked whether the section about criminal background checks be taken out.

Mayor Riley said he appreciates the time Councilmember Lewis has taken to meet with the staff and agrees with the removal of that language.

Councilmember Gilliard asked if there would be a chance to get the children and parents here at the next meeting. Mayor Riley said they would try for the next meeting. He stated the word has spread about this program and more children are showing up for the class. Mayor Riley stated they plan on bringing the curriculum to the Recreation Department.

On the motion of Councilmember Evans, seconded by Councilmember Evans, City Council voted to adopt the subject bill. First reading was given to a bill entitled:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 21-111, TO REPEAL SAID SECTION AND TO AMEND CHAPTER 17, ARTICLE V, TO PROVIDE FOR NEW REGULATIONS GOVERNING PEDDLERS, CHARITABLE SOLICITORS, PALMETTO ARTISANS AND VENDORS.

The vote was not unanimous. Councilmember Gilliard voted nay.

There being no other business, the meeting was adjourned at 9:30 p.m.

Vanessa Turner-Maybank
Clerk of Council

STATE OF THE CITY ADDRESS JOSEPH
P. RILEY, JR.
MAYOR,
CITY OF CHARLESTON, SC
JANUARY 23, 2007

I am very pleased to report to you tonight on the state of our City. And as I do, I wish to thank you again for the opportunity you have given me to serve you as your Mayor. The report tonight is one I am very proud to give you as it is the report of a beautiful, old-in-history, young-in-spirit vibrant city. The achievements of this city are a tribute to you, its citizens. You inspire me every day. Your sense of citizenship, community engagement, volunteerism and service are what makes Charleston such a special place.

The first responsibility of government is public safety. While I am very pleased to report that Charleston's crime rate continues to come down and that "Charleston" is substantially safer than most cities our size and type, at the same time we experienced last year an unprecedented and unacceptable rise in of violent crimes resulting in homicides. This is unacceptable. While the fact is that most of these homicides were the results of criminals killing other criminals, usually as a result of some dispute about illegal drug dealings, any criminally-caused death is an act of violence that damages the peace and security of a community. We will not let this trend continue. You might reasonably ask, "What can I, the average citizen, do?" and the answer is to help me in my fight to strengthen our state's criminal justice laws. Last year when this unusual rise in violent crimes occurred, our Police Department analyzed this for me and it became clear that the common thread was that the victim and the assailant were almost always people that our Police Department had previously arrested, that is, they were criminals who had been arrested time and time again and for one reason or another, were out of jail. I realized our State's criminal justice system was fractured.

Working with our Police and Legal Departments, I have outlined a series of essential changes in our State's criminal justice system. The bottom line is that we must make our slogan

a reality, that criminals + guns = jail and long sentences in jail. We must stiffen penalties, particularly when criminals use guns, reform bond and probation practices and much more. I have outlined a plan for our Legislature and I need your help. Please contact your members of the South Carolina Legislature and urge them to support these changes. I will be scheduling community meetings to discuss these reform measures, but in the meantime if you would like information, contact me, and I will send you our package and the addresses and phone numbers of our Delegation. You and our police deserve to know that when a criminal is arrested for a serious crime, that they are not going to soon be back out on the streets time and time again. To better understand this recent phenomenon of violent crime, I am creating a citizens' committee to work with me to make sure that we in the Charleston area are doing everything we can as a community to prevent this. In doing this, I want to make it clear that there is no excuse for anyone, regardless of their age, being engaged in a criminal activity. Too often we hear that the victim or assailant have been good people. While this is being said, our police are looking at the facts. The person has been involved in drug and other criminal activity and. These young criminals' parents are often unaccountable and uninvolved. Our hope is that this committee will help us find ways to reach these young people before they get engaged in criminal activity that almost always ruins their lives.

After a nationwide search, I was very pleased to select Greg Mullen to serve as our new Chief of Police. Greg Mullen succeeds Ned Hethington who did a phenomenal job in heading up our Police Department after Chief Greenberg's retirement and, of course, we continue to revere Chief Greenberg's remarkable service. Chief Mullen is doing an excellent job and has already begun implementing a new organizational plan and measures that have more police officers out on the street. Charleston' has the largest police department in South Carolina. And this year we approved nine additional police officers.

We know that engaging our neighborhoods is essential. Here you see our Eastside Neighborhood Council working with Chief Mullen and our Police Department and a host of volunteers during a Saturday morning cleanup. We know that a cleaner community is also a safer community. We also benefit greatly from the Citizens Patrol Against Drugs. An engaged neighborhood is a safer neighborhood.

We also opened a new substation on the Eastside. A newly renovated residence is now the neighborhood home for our Police Department. It is a friendly and welcoming place that even better connects our hard working and brave police officers for the wonderful citizens of these neighborhoods.

Any neighborhood that would like to meet with their Police Team representative need only to call us. Also our Crime Prevention Unit is available to make presentations to any neighborhood group.

Chief Rusty Thomas continues his splendid leadership of our Fire Department, one of the very best in America. Only 36 departments in the United States have the Class 1 fire rating that the City of Charleston proudly carries. We have broken ground for the City's newest fire station that is being constructed on Bees Ferry Road in a growing part of our City.

The City is very proud of the fact that our City taxes are lower than adjacent jurisdictions. In fact, West of the Ashley where this new fire station is being constructed, the homeowner of a \$250,000 home can save about \$815 dollars by annexing into the City from the St. Andrews Public Service District.

We must preserve the physical beauty and livability of our region during this time of economic growth. In fact, wise growth management is our greatest responsibility to future generations. We must make sure that this view of Johns Island, oak-shaded roads, is something that our grandchildren 50 years from now, and their grandchildren 100 years from now, will continue to enjoy. We will be engaged this year in a Johns Island Planning Initiative to make sure that the development that occurs on Johns Island reflects the history and character of this area. Also, it is very important to understand that the City of Charleston and Charleston County have agreed on urban growth limits on Johns Island, so that most of Johns Island will not be for urban or suburban growth; in fact, the City working with our Commissioners of Public Works, has substantially limited where sewer service will go on the island. Our commitment to Johns Island is that most of the island will continue to be a rurally occupied area.

We also have a great responsibility to preserve special places in our Lowcountry, both small and large. This is a relatively small special place that the City preserved by acquiring it at Ellis Oaks on James Island. This beautiful piece of land was subject to being developed. The City acquired it working with the Ellis family so that it will forever be preserved and these live oaks and azaleas will always be a part of the scenic quality on James Island. Larger scale is, of course, Morris Island, which was being considered for development. Working with a very far-sighted and generous developer, Bobby Ginn, and with David Agnew and his colleagues at the Trust for Public Land, the Friends of Morris Island and many others, we helped put together a plan that allows for the preservation of Morris Island. I might add that donations are still needed. We will best achieve wise growth management and the preservation of the beauty and livability of our region if our efforts are not reactive or episodic, but rather part of a sound, forward thinking regional plan. That is why I have agreed to chair the Berkeley, Charleston, Dorchester County Council of Governments so that we can begin a regional planning process for this part of South Carolina. We must think in terms of being citizens of the region, as well as citizens of our neighborhood, city or county. We have plenty of opportunities for growth in our region. We must make sure that they are part of a regional consensus and that the growth occurs in places that are environmentally sound, that do not cause huge new traffic jams or costly infrastructure improvements in the future. Sound growth management and wise regional planning will produce for our grandchildren and their grandchildren a more successful region with a stronger economy and a higher quality of life.

A wonderful surprise has been the way our community has taken to the bike and pedestrian lane on the new Cooper River Bridge. And we have a number of bike and pedestrian enhancements planned, like one along Highway 61 from Drayton Elementary School down to Bee's Ferry. This will eventually be one part of a 19-mile, West Ashley-wide bike and pedestrian network. Another part of it is this recent extension of the West Ashley Greenway that connects Folly Road to Albemarle Road. We also just approved a grant to extend the West Ashley Bikeway all the way down to the Ashley River, another wonderful new way to access the water in Charleston on the west side of the Ashley River. We are also working very hard to have the Ashley River Memorial Bridge retrofitted for a bike and pedestrian lane to be appended to the south side of the bridge so that bikers and pedestrian can get safely across the Ashley River, thereby connecting our West Ashley network with that on the Peninsula and to the bike and pedestrian lane on the Cooper River Bridge. We also need to provide bike and pedestrian facilities for the Ashley River Memorial Bridge that connects Cosgrove Avenue to Sam Rittenberg Boulevard and we will begin construction this year on the bike and pedestrian lane on East Bay Street that will

connect the Cooper River Bridge into the sidewalk and pedestrian network of our City. All CARTA buses (except the trolleys) are equipped with bike racks and we are seeing increasing numbers of bikers use our CARTA system. This week we have begun the wonderful new CARTA Express bus service that connects East Cooper, James Island, West Ashley, North Charleston with areas of high employment such as the Medical University, for example. The City of Charleston is offering to pay the express bus fare for our employees who use it. I would challenge other employers in the region to do this as well. The Express buses are comfortable, the service is convenient, it will allow people to conveniently get to and from work without the hassle of traffic. And it could remove thousands of vehicles from our busy intersections. Give it a try!

Bee's Landing will be a beautiful park and recreation center West of the Ashley that will be bike and pedestrian accessible to lots of citizens, young and old, in this growing part of West Ashley. The park is under design and construction will begin this year.

The City's newest park is a very special treat for our four-legged friends and their masters. The Ackerman Dog Park, designed by our Parks Department, is a joyful place to be. Here, dog owners can enjoy their pets romping in this spacious place, obviously having a good time with their four-legged playmates while the pet owners make new friends.

On Daniel Island last fall, Smythe Park opened and was dedicated to Henry Smythe, a former Corporation Counsel for the City of Charleston and a lawyer whose wise hand helped guide the splendid development of Daniel Island. This is yet another beautiful and inspirational park on the water's edge.

Also on Daniel Island along the Wando River we are planning the expansion of the waterfront park which will allow for the greater public access to this beautiful river. A few miles downstream on Charleston Harbor we opened another section of our riverwalk last year at the end of Laurens Street. And this year we will begin construction on the Charlotte Street Park that will create another beautiful waterfront access and will also contain a monument to Charleston's early Irish history.

On the Ashley River in what was once known as the Industrial Neck, the Magnolia Redevelopment is proceeding. One of the many benefits of this development will also be public access on the water's edge on this beautiful stretch of this historic river. The Magnolia Development also reinforces our growth management plans as this infill development will transform land that had been environmentally damaged into a beautiful place for people to live, work and shop and rather than creating the pressures of sprawl, this infill development will give energy to existing neighborhoods in both Charleston and North Charleston.

We all must be committed to and engaged in our community's commitment to educational excellence for every one of our students. We created the First Day of School Festival to celebrate the beginning of a new year of wonderful learning experiences for every one of our children in the Charleston community. It is so important that we encourage parents to go with their children to the first day of school to help them start school on the right foot. Charleston's First Day Festival is considered to be one of the best in our country.

There are a host of ways for each of us to be engaged in education. We can be mentors, lunch buddies, we can help with reading programs in our schools, we can get engaged in the wonderful after-school initiative that is School's Out, a marvelous new non-profit organization is developing. Their goal is to help make our schools all community-learning centers so that our schools again become organizing and energizing centers of community life. Dr. Maria Goodloe-

Johnson and her staff, the principals and teachers cannot do it alone. They need and deserve our support and involvement.

The new Daniel Island Elementary School is a kindergarten through 8th grade school which also is very bike and pedestrian friendly, planned to be well connected with neighborhoods, all of which have sidewalks. The City worked with the School District to build a jointly-used recreational facility that will enhance the experience of the school children and their neighbors. And we are all very pleased that wisely a county library building is being built right next door. As our region grows, we must make sure that we increasingly produce housing that is affordable to people who work for modest wages. The City's first-time homebuyer initiative has taken houses like this, restored them and made them available for citizens who have never had the opportunity to own a home.

This beautiful residential building is affordable housing on Daniel Island. It is a part of our commitment from the beginning to make sure that there was a wide range of housing options in this beautiful new part of our City. Here are brand new residences being constructed in the over 100-year-old Enston Homes neighborhood on the peninsula. These residences are part of our affordable housing bond issue that is allowing new residences to be built here at Enston Homes. Also on Simons Street in the Simons Commons are beautifully restored residences as well as apartments on Blakeway Street on Daniel Island. These apartments, will be managed by the Charleston Housing Authority.

City Hall is a quintessential public building. It belongs to all of the citizens of the City and is where services that benefit each citizen are directed. Our City Hall is special as it is one of the oldest and most beautiful in America. We are very proud of the restoration of City Hall that is almost complete. This building damaged in the earthquake of 1886 is receiving not only its structural retrofitting that will preserve it for future generations, but is being beautifully restored inside and out. We plan to rededicate City Hall in early April and that will begin a series of Open Houses for you to see your building.

Charleston's international reputation for fine dining has made a culinary school here both a natural and a necessity. It was for that reason that we worked very hard to successfully recruit the Art Institute which will be opening a branch of this very fine school this spring in the Carroll Building at the foot of Market Street. It will be offering not only culinary courses and degrees, but eventually degrees in design, photography and other courses. It will create 100 new jobs as well bolstering the \$5 billion hospitality industry. Also, on May 19 the first class of the Charleston School of Law will receive their diplomas. We are very proud of our law school and recognize its contributions to the enhancement of the quality of life of our region. The Medical University of South Carolina houses one of the great medical centers in our country. The beautiful new hospital under construction will give our medical university an even greater opportunity to serve this part of our country and obviously to serve and benefit the citizens of the Charleston area.

In addition to life-saving and life-enhancing medical care, the Medical University is a huge research engine. They are therefore a great advantage to Charleston in recruiting high tech companies. We were very pleased this year to open the national headquarters of NanoScreen, which produces the world's most sophisticated drug testing devices. NanoScreen is in a brand new building on Daniel Island in the City of Charleston. Not far from NanoScreen on Daniel

Island is the new national headquarters of BenefitFocus, the fastest growing company of its kind anywhere in the world. These companies are two members of our Digital Corridor that continues to grow as we attract new and expanding high tech companies to our region. This allows our young people to look forward to increased opportunities for employment in the future. Our Digital Corridor initiative, which has grown from 18 companies to 80 in 5 years added 550 new, high-paying jobs in 2006. Wage levels in these new knowledge-based companies are twice as high as the average wage in the Lowcountry. We will continue this robust growth in 2007 with companies like Belimed and JSJ Pharmaceuticals which will open its headquarters in downtown Charleston.

Charleston now has suburban neighborhoods that are old enough to be seen as somewhat historic. Such is the case with Byrnes Downs and South Windermere. Currently Byrnes Down is receiving a \$6 million drainage improvement that is a part of the City's overall drainage master plan. We also are working on the first phase of the Market Street drainage improvement as well as the design of the Spring-Fishburne Street drainage, which will address drainage for nearly 20% of the Peninsula. Next to Byrnes Downs in South Windermere is where the first shopping center in this part of South Carolina was constructed. Working with the neighborhood and the shopping center owner, the City is making improvements to the street and sidewalk system to give South Windermere, not only a more neighborly feel, but to enhance its pedestrian qualities.

Maranda Holmes was the Westside of Charleston's most vigorous and successful community leader. Mrs. Holmes cared about every street, every child and every family in her neighborhood and worked tirelessly on their behalf. This year in memory of Mrs. Holmes we renamed a street in her honor, a cause of great celebration for all who knew and loved this very special lady. And one of the people celebrating that day was Arthur Lawrence, who has followed in Maranda Holmes' footsteps. We are very pleased tonight to announce that Arthur Lawrence was selected to receive the Harold Koon Volunteerism Award, an award given annually to a community volunteer who exemplifies an extraordinary level of service to his community.

Charleston's King Street continues to receive national acclaim as one of the best examples of a restored vital and active downtown business district. This year plans were unveiled for an important new addition to King Street. In place of the old Charleston Library will be constructed this beautiful hotel that will add even further vitality to the wonderfully emerging upper King Street business district.

The Daniel Island Tennis Complex, home of the Family Circle Tennis Tournament, brings Charleston into national recognition as this event is shown around the world. It also is witnessing a wonderful growth in the lifelong sport of tennis, especially among children in our region. This facility also will host this year the international beach volleyball tournament, which will be televised nationally.

We know that we must think globally and act locally. That is why I signed with other colleagues, the Mayors' Climate Protection Agreement, a commitment to reduce the emission of greenhouse gases and in Charleston we have taken steps to do so. I am also co-chairing the South Carolina Mayors for Energy Leadership. In this regard, for the past several months I have been working with my staff to develop a Charleston Green Committee to help guide our community to more environmentally sensitive practices and policies. I will be appointing this committee in the next several weeks.

There is so much more to tell you about our state of the city and our progress that time won't allow, but I would like to give wonderful statistics like this: last year our workers cleaned 180 miles of ditches and collected over 60,000 tons of garbage and trash, we received 194,880 calls of service for our Police Department, our Fire Department responded to 6,064 calls, 6,981 children participated in our Youth Sports Program and more than 17,000 participated in our health and wellness programs. More than 67,000 rounds of golf were played last year at the Muni, a 25% increase over the previous year. Last year we annexed 259 new properties and added 503 citizens to our rolls. Our City is in the best fiscal condition in its history. Property taxes are at an all-time low of 53.3 mills.

And, of course, in addition to what the government does is what our citizens do. The remarkable level of volunteerism that exists in our community inspires me every day. Those who took care of our homeless at the shelter last night or worked in soup kitchens today, building Habitat houses, delivering meals and so much more. The generosity of the people in Charleston is our greatest resource. And there is a wonderful new way to help people find ways to volunteer: Hands On. This new non-profit will be working to help busy people more easily be engaged in constructive volunteer activities.

Last week we celebrated the birth of Dr. Martin Luther King in a number of very moving community events. I am working with a committee to identify a place for a statue of Dr. King to be constructed in Charleston. His work contributed greatly to the progress of our community and we honor his memory by having a statue of Dr. King proudly in our community.

The successes of the City of Charleston in this past generation were possible because of the foundation of stable, honest, effective government that was the hallmark of the administration of Mayor J. Palmer Gaillard, Jr. This past summer we mourned the loss of this very special public servant. Mayor Gaillard made our City better and his energy and his charm made every person's day better when they were in his company. He was a great man and our City will forever be thankful for his leadership.

Thank you and good night.