

October 9, 2007

COUNCIL CHAMBER

Regular meeting

The ninety-third meeting of the City Council of Charleston was held this date convening at 5:00 p.m. in City Hall.

A notice of this meeting and an agenda were mailed to the news media October 4, 2007 and appeared in The Post and Courier October 7, 2007 and is made available on the City's website.

PRESENT

The Honorable Joseph P. Riley, Jr., Mayor; Councilmembers Morinelli, Lewis, Mitchell, Gallant, Waring, Evans, Tinkler, Shirley, Bleecker, Wilson --- 11 Councilmembers  
Tinkler and Shirley left at 6:30 p.m.

The meeting was opened with the invocation by Councilmember Waring.

Councilmember Waring led City Council in the Pledge of Allegiance.

There were several Presentations and Recognitions.

Mayor Riley noted around 5:35 p.m. Council will be hearing from Chief Mullen who will give his first annual report.

Mayor Riley invited Carolee Williams to the podium. He stated the Green Committee met for the first time, a wonderful group of citizens and others who are not on the committee came to help guide the government, the citizens and the community toward more sustainable living. He said they are making sure that in our realm where we have direct effect, we are maximizing our capacity to conserve energy, conserve natural resources and do our part to reduce global warming. He read, signed and presented a Proclamation (*P2007-18*) for Change a Light Day to Carolee Williams.

Next, Mayor Riley invited Whitney Heinz, President of the Student Government Association of the College of Charleston to speak to Council.

Whitney Heinz thanked Council for allowing her to speak to them tonight. She said she would like to share some of the programs the students at the college community have been working on to partner better with the Charleston community. She noted on September 10<sup>th</sup> they dedicated a flagpole to the Charleston Fire Department to honor the Charleston Nine. She said this was a gift that truly came from the student body. She commented on August 23<sup>rd</sup> the students raised \$3,000 during a charity bike auction in order to be able to place the 30 foot flagpole in front of the library. She stated on September 12<sup>th</sup> they hosted a neighborhood forum. She explained the point of the forum was to help break down some of the barriers between the students, neighbors and law enforcement. She noted Chief Mullen came to speak to the students. She said a couple of neighbors asked if they would hold some future forums and she said they considered this a good first start.

Ms. Heinz said they are participating in a whole week of efforts called "Make a Difference Week." She stated this will include an international festival and MTV's Rock to Vote is coming to campus. She noted voter registration is a large effort for them this year for the community as well as students. She stated on February 2<sup>nd</sup> - 16<sup>th</sup> the school will be building a Habitat house during the Habitat Blitz Build. She noted they will be building a whole house within 2 weeks

and this requires 2,000 volunteers and \$60,000 worth of fundraising. She said they thought this would be a wonderful way to unify their campus to work together with the community and a way for them to give back to the community.

Continuing, Ms. Heinz mentioned on September 18<sup>th</sup> President Benson declared the College of Charleston as a one campus in support of the ONE campaign. She explained this campaign is to eradicate poverty and the AIDS epidemic. She expressed their hope that one day the City of Charleston will become a city of ONE. She stated there is a definite energy on campus that they want to make a difference. She said they hope these programs show they aren't just saying it, but they really mean it. Ms. Heinz noted they would love to work with Council in anyway, they think the students can help.

Mayor Riley asked Karen Hauck, Jane Thornhill, Elizabeth Young, and Reverend Alma Dungee from Keep Charleston Beautiful to join him at the podium. He noted Sam Brownlee and Vera Smyth could not join us tonight. He explained last month, Keep Charleston Beautiful celebrated their 30<sup>th</sup> anniversary and during the celebration, they recognized these individuals for their long-term commitment and dedication to Keep Charleston Beautiful. He said he would like to take a moment to acknowledge them here tonight.

Mayor Riley said he will begin by recognizing two members that have served for over ten years. First, he stated Reverend Dungee, the president of the North Central Neighborhood Association, has served on Keep Charleston Beautiful since 1996. He noted during her time, she has served as vice chair and continually strives to improve the quality of life in her neighborhood and beyond. He said on behalf of Keep Charleston Beautiful and the City of Charleston, he would like to present you with this token of our appreciation. Mayor Riley presented Reverend Dungee with a pewter bowl.

Mayor Riley stated Vera Smyth, a retired school teacher, has served on Keep Charleston Beautiful since 1996. He said during her time, she has served as treasurer and will play an intricate role in managing the finances for Friends of Keep Charleston Beautiful, a newly-formed non-profit organization that will support the efforts of Keep Charleston Beautiful.

Mayor Riley explained a third board member he would like to recognize is Jane Thornhill, who has served on Keep Charleston Beautiful since 1988. He stated Jane is the epitome of Keep Charleston Beautiful. He remarked for nearly 20 years, Jane has made it her mission, and the mission of everyone around her, to make our community beautiful and litter-free. He said even today, Jane can be seen walking the streets, picking up trash along the way. He commented her dedication and commitment to the mission of Keep Charleston Beautiful goes beyond the boardroom into her everyday life. He stated on behalf of Keep Charleston Beautiful and the City of Charleston, he would like to present you with this token of our appreciation. Mayor Riley presents Jane Thornhill with a glass vase.

Mayor Riley stated last, but not least, is Liz Young, a true historian of our city. He explained Liz has served on Keep Charleston Beautiful since 1987, and is the longest serving member of the Commission. He said on behalf of Keep Charleston Beautiful and the City of Charleston, I would like to present you with this token of our appreciation. Mayor Riley presents Liz with a glass vase.

Mayor Riley explained in appreciation of the hard work and dedication of these two extraordinary women, Keep Charleston Beautiful created the Thornhill-Young award to

recognize an outstanding volunteer for their service and commitment to Keep Charleston Beautiful. He stated Jane and Liz, for whom the award is named, personified diligent and unselfish volunteerism within the City of Charleston. He said in keeping with the spirit of community service, this award is presented to Sam Brownlee in honor of his exemplary volunteerism for Keep Charleston Beautiful. He noted Mr. Brownlee is not with us tonight but we want to recognize his contributions.

Mayor Riley explained Mr. Brownlee is the current chair of Keep Charleston Beautiful, and during his 5 years in office, he has demonstrated a sincere passion for Charleston. He stated even before joining Keep Charleston Beautiful, Sam made it his life's mission to improve the quality of life for all Charlestonians. He said as chair, Sam attends all of Keep Charleston Beautiful's events and works to increase awareness about Keep Charleston Beautiful and its mission to all members of our community. He noted if any of you have driven our streets and seen a reduction in the amount of signs lining our roadways, you have this man to thank. He remarked Sam has made it his personal mission to rid Charleston of any illegally posted signs. Mayor Riley said on behalf of the City of Charleston, he thanked all of them for their time and commitment to the City of Charleston. He stated he looks forward to working with all of them for years to come.

Mayor Riley noted the 4<sup>th</sup> Quarter 2007 CSI Blue Star Award Winners presentation would be deferred.

Mayor Riley explained this is the first anniversary of service for Chief Mullen. He stated a nationwide search was performed to replace Chief Greenberg. He said he found the greatest person in America in Greg Mullen and in the past year he has proven that. He noted Chief Mullen has taken the Police Department moving it to even a higher level, with more police on the street, DUI, narcotics arrest are up. He explained statistically the Police Department is heading in the right direction and that our City is safer and feels safer. He said Chief Mullen came up with an idea to reach out to the young people in the community, and conceived Camp Hope to help the young people. He expressed how proud he is of Chief Mullen and so proud for the citizens to celebrate his first anniversary and deliver his First Annual State of the Police Department Report.

Chief Mullen thanked everyone for this opportunity to come before them and present the outstanding work the Police Department is doing for you and your community. He said it gives him great pleasure to present this report because as you will see throughout is that there are many positive things going on in the Police Department now and even greater things are on the horizon.

Continuing, he explained it is important for him to briefly speak about evolution. He stated the law enforcement profession continuously and rapidly evolves in sharp contrast to past eras. He said it is important for them to look at process improvements, new methodologies and new techniques and new technology that we can utilize to increase the efficiencies and effectiveness of our operations on a daily basis. He noted we need to look at things they are doing well, things they need to improve on, and things they need to stop doing.

He explained in doing this they went through a strategic process of improving the overall objectives of the Police Department. He said they identify activities which do not add value to the community or that drain resources away from critical community responses. He stated that

we look at how they used their specialty units, deployed people through the administrative positions and how we were responding to calls for service. He noted we reduced the number of specialty units, reduced the number of administrative personnel assigned that are sworn police officers. He explained the dividends realized by this process are reinvested into the activities most likely to impact on public safety and reducing crime by police action. He stated this approach ensures that police resources are applied in a manner that maximizes the investment a community makes in its police department.

Chief Mullen remarked process improvement alone will not get us to where we need to be. He noted leadership is a key component. He explained part of their strategic process which is not only to identify improvements, but also to identify our vision, which is to be a world class law enforcement agency that is consistently seeking for police performance excellence, while setting the example for others to follow. He said that is what we strive to do everyday. He also stated we need to grow our leaders, so we have developed a three tiered process to begin that evolution and growth process. He noted we will have leadership instructions at all levels from the day the individual joins the department until the day they leave. He said that we will have socialization models for formal leaders which will include reflective writings, readings, online courses and other developmental processes.

He explained we will partner with higher education to present professional development partnerships. He noted currently they are working with the University of South Carolina, the Police Executive Research Forum and others to bring to Charleston, so we can not only share this with Charleston Police Department members, but share it with other police organizations in our region. Therefore we can all grow and learn together.

Chief Mullen stated throughout this transformation there has been a lot of change. He noted we have moved from a traditional Police Department to an Intelligence Led Policing Model. He noted we have re-organized the Department and developed a Department Vision Statement, Core Values and a Strategic Leadership Plan. He stated that we develop Community Partnerships and start to work with Professional Organizations. He also said we have Greater Command Staff Accountability.

Further, Chief Mullen explained that Intelligence Led Policing utilizes a modified version of COMPSTAT, which allows us to come together on a weekly basis with commanders and study what is occurring within the city. He noted we do not give crime a chance to get large or become a pattern or a trend. He explained the commanders are in charge of coming up with action plans on a weekly basis that have measurable impact working, if we are being effective and if we need to follow up and change those tactics.

Continuing, he explained we divided the department by function into the Operations Bureau, Investigative Bureau and the Administrative Bureau. He said by doing this they have all functional components working together and not in conflict. He noted recently we added a fourth bureau, strategic analysis and innovation, which will allow us to maintain methods of operations.

Additionally, he explained we changed areas where sworn officers were conducting jobs that did not require sworn officers. He stated most notably hiring of desk Officers allowed for sworn officers to be returned to field operations.

Chief Mullen explained some new capabilities formed during the re-organization are the Criminal Intelligence Unit. He stated the CIU was created to improve the department's

intelligence capability and assist patrol and investigative activities throughout the Department. He stated this serves as a liaison between other local, state and federal agencies. He noted we share information about violent offenders, gangs, narcotics, organized crime and other areas that impact the City, as well as the region. He said they are the number one component that allows us to get information out in real time to patrol officers, other Police Departments and share it with other state, local and federal agencies. Additionally, he said we created a Major Case Warrant Unit. He explained the primary mission is to identify and apprehend those individuals who are wanted on serious felony violations. He noted we assigned three detectives to this unit and since January 2007 they have apprehended 393 violent offenders that were in our community. Finally, he stated we have implemented a Command Duty Officer position. He explained this is three lieutenants who work from 2 am to 8am seven days a week. He stated they provide you with command over site in the community for any critical incident that would occur during that period of time. He noted they have been specialty trained in incident command and they operate vehicles that have equipment that is specially needed for crime scenes, critical incidents that would be utilized by first responders.

Continuing, he explained to have all these changes would be fruitless if our standard was not striving for excellence everyday. He said to do that we developed a Department vision statement, core values, and a strategic leadership plan. He stated this will guide us as we move forward in making Charleston the safest City it can be. Chief Mullen explained the leadership plan will take us from 2007 to 2009 with yearly updates depending on situational changes and issues we need to implement for flexibility. He noted it will provide the officers, the supervisor, and him with what the Police Department is doing in the community. He said the Strategic Leadership Plan is located on their website. He stated community partnerships are a key priority for him. He said one thing they have done is establish Citizens Advisory Groups (CAG). He explained these are community groups that he meets with on a bi-monthly basis and each of the patrol teams. Chief Mullen said he feels this is very important because community members should have access to him directly and his senior staff. He stated these meetings allow us to give information to the community and receive feedback on how the Police Department is doing. He noted the meetings have been very advantageous.

He explained Camp Hope is probably one of the most successful community outreach programs that he has ever been associated with. He stated they had over thirty organization volunteers to come and work with us over a five week period to provide fifty children a very positive opportunity over the summer that they would not have been able to accomplish had we not had those volunteer organizations. He said he can clearly say for himself it was a rewarding experience and he knows for those people involved it was an outstanding experience for them also. He expressed the hope to expand in the coming year and hopefully have more than one location next summer.

Chief Mullen stated we are also establishing a citizen police academy, which is a citizen volunteer program. He noted we have approximately twenty civilian volunteers working in the Police Department and assisting the officers in administrative functions and other areas. He stated last Monday night we started a Youth Police Academy, where we have twenty-seven youngsters throughout the City of Charleston, who are getting a first hand look at what police work is all about. He said we hope we can peek someone's interest and maybe some recruiting out of that class.

He stated our law enforcement alliances are very important. He noted we are working with federal, state and local partnerships because we know criminals do not stop at our jurisdictional lines. He noted they have been able to move over fifty violent offenders through the federal system because of the coordination we have utilized with our partners.

Chief Mullen stated we are working with professional organizations to expand not only our leadership capabilities but technological capabilities of our organization. He stated we are working with the Police Executive Research Forum (PERF) and the University of South Carolina to conduct an analysis of violent crime impacting the two cities. He said we have also accepted one of four invitations by PERF to participate in the Digital Six Sigma Program being conducted by PERF and Motorola. He explained this would allow him to train his command staff in six sigma principles. He stated in the private sector we are working with businesses and a number of hospitality organizations to bring a tourist safety and security conference to Charleston in January 2009.

Further, Chief Mullen stated the things that will move us into the future are technology upgrades, risk management and recruiting, hiring and retention.

He explained that he will continue to operate in a mechanism that will save officers time, as well as allow us to identify crime trends and patterns in real time. We will be upgrading our records management and computerized dispatch. Chief Mullen explained this new technology will give police officers the ability to search through thousands of internal records and interface with other agencies in a matter of seconds.

He stated that they have upgraded their system and the Professional Standards Office (PSO) has enhanced its Early Warning System. He mentioned this will allow them to see if they have an officer who has received a lot of complaints. He explained this automated database has the ability to identify potential problems before they create significant concerns for individual officers and the organization. Additionally, he said that this database will provide real time information concerning use of force and other risk management issues.

Chief Mullen stated recruiting, hiring and retention has become one of the largest issues in law enforcement. He explained that police recruiting and hiring has been identified by the

International Association of Chiefs of Police as a major priority for the 21<sup>st</sup> century. He stated we have a robust recruitment plan and a number of qualified applicants; however, we have two problems and one is Officer Training Allocations. He noted the State of South Carolina only has one training academy. He said with the growth in law enforcement, one police academy can not maintain the level of police recruits that are needed for this state. He also said we need Council's help, along with the Mayor, and other leaders of this region. Other police chiefs are lobbying the state to try to allow us to have regional police academies so they can control the number of recruits we put through the academies. The second problem is retention. He stated that retention is an issue throughout law enforcement. He mentioned that we need to take steps to address this. He commented on one thing that we are doing is Professional Enhancement System. Chief Mullen explained that this will allow us to provide incentives for officers, who continue to grow, expand and bring value to the organization.

Chief Mullen explained in the coming year, we will continue our transformation process. He stated our emphasis will be on using timely and accurate information to prevent and fight crime, continuing to develop positive community and business relationships and maintaining a quality of life emphasis. He remarked we want to continue modernizing equipment and technology and

improving training. He stated we will follow on phases of the RMS/CADS upgrade. He stated we will be looking at how we can use security cameras for high crime areas and tourist zones. He also commented that we are in the research phase of this now. He explained they are looking at specialized vehicles relating to critical incident management. Chief Mullen continued to explain that we are looking at new innovations that will be implemented in the organization over the next 12 months.

Chief Mullen stated we will work with Probation and Parole Offices to intensify the monitoring of those people who are out of jail on conditions. He noted we are going to increase Warrant Enforcement with monthly warrant sweeps. He said we will have Gang Awareness and Prevention Strategies and provide information to the community. Chief Mullen noted that we will also have detectives specifically looking at gang activity. He stated that we will also continue to look at Gun Violence Strategies and Drug Demand Strategies not only to take them off the streets, but look for ways we can reduce the demand by using creative and non-traditional methods. Yesterday he stated they initiated a new Police Training Officer Program, which is a model in the United States. He said he also will be looking at Alcohol Safety and Compliance Initiatives. He remarked we will have CCTV Monitoring for targeted areas and continue to encourage legislative reform in the areas of bonding and violent crime designations. He noted we will create a Youth Police Academy and Workers on Watch Program.

Further, Chief Mullen stated to be successful we must anticipate growth, such as the Magnolia Development, Residential and commercial expansion in the West Ashley. He explained this will require additional staffing within the department, in order for the Charleston Police Department to keep up with the growing demands for its services. It is imperative that major capital improvements be considered. He noted we will need additional police stations strategically located to meet the City's future growth and development. He stated we will need to look at equipment, vehicles and other major purchases. In conclusion, Chief Mullen thanked everyone for this opportunity to be here.

Chief Mullen explained when police departments fail to plan for growth, communities generally experience an increase in crime. He stated therefore, it is imperative we develop a plan today for tomorrow's public safety needs. He stated our plan has been set out in the Department's Strategic Leadership Plan. He also noted that there is no doubt that the Charleston Police Department has the potential and talent to move from being a good department to a great department. Our challenge is clear and we are committed.

In conclusion, he stated that we expect the best from ourselves and the community deserves no less. Chief Mullen noted we will set the standards for others to follow as a Police Department and City. He said we are committed to making Charleston the safest city it can be. The next item on the agenda was public hearings called for by the following advertisement which appeared in The Post and Courier on September 23, 2007 and in The Chronicle on September 24, 2007:

#### RESCHEDULED PUBLIC HEARING

The public is hereby advised that the public hearings originally scheduled for City Council on Tuesday, September 25, 2007 **have been cancelled and rescheduled for Tuesday, October 9, 2007**, beginning at 5:00 p.m. at City Hall, 80 Broad Street, on the request that the Zoning Ordinance of the City of Charleston be changed in the following respects:

#### REZONINGS

1. To rezone property located at Savannah Highway and Bonanza Road (*Ponderosa Village Center - West Ashley*) (44.8 acres) (TMS# 307-00-007 and 008) from Single Family Residential (SR-1) classification to Planned Unit Development (PUD) classification.
2. To rezone 1919 McIntyre Road, 1927 McIntyre Road, two parcels on McIntyre Road, 1 Bishop Gadsden Way, 1857 Saxony Drive, 1858 Saxony Drive and 1854 Cheshire Drive (*Bishop Gadsden – James Island*) (24.14 acres) (TMS# 337-00-00-073, 074, 075, 076 107, 337-04-00-015, 016 and 022) from Conservation (C), Single Family Residential (SR-1) and Diverse Residential (DR-6 and DR-3) classifications to Diverse Residential/Elderly Housing (DR-4) classifications. **The Planning Commission recommends approval for 1919 McIntyre Road, 1927 McIntyre Road, two parcels on McIntyre Road, and 1 Bishop Gadsden Way; and recommends disapproval for 1857 Saxony Drive, 1858 Saxony Drive, and 1854 Cheshire Drive.**

ZONINGS

To zone the following properties annexed into the City of Charleston August 21, 2007:

1. Savannah Highway and Bonanza Road (*Ponderosa Village Center - West Ashley*) (0.45 acre) (A portion of TMS# 307-00-00-006) Planned Unit Development (PUD).
2. 1904 Savannah Highway (*West Ashley*) (0.41 acre) (TMS# 350-05-00-036) General Business (GB).

ORDINANCE AMENDMENTS

1. To amend the Planned Unit Development (PUD) for property located at Harbor View Road and Old Summer House Road (*Point Verona PUD – James Island*) (Approximately 4.94 acres) (TMS# 424-11-00-006, 007, 009, 010, 011, 053, 054, 055, 056, 057, 059, 061, 062, 063, 064, 065, and 066)

VANESSA TURNER-MAYBANK  
Clerk of Council

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

City of Charleston  
Planning Commission

Meeting of September 19, 2007

A meeting of the City of Charleston Planning Commission will be held at **5:00 p.m., on Wednesday, September 19, 2007** in the Meeting Room, Third Floor at 75 Calhoun Street (Charleston County School District Building). The following applications will be considered:

**Rezoning**

1. **520 Folly Road (Merchants Village Shopping Center - James Island) TMS# 340-00-00-062** – approximately 11.06 acres. Request rezoning from Limited Business (LB) to General Business (GB).

Approved

Approved

**Subdivisions**

Concept Plan

1. **Southwick Road north of Maybank Highway (Fenwick Hills II Johns Island) TMS# 279-00-00-017 & 018** – 123.79 acres. Request Neighborhood District Concept

Plan approval for 430 units. Zoned Single-Family Residential/Neighborhood District. (SR-1/ND). Owner: Fenwick Hills Corporation - Miles Martschink

Applicant: HLA, Inc.

Deferred to October 17 by Planning Commission

Preliminary Plat

2. **Ithecaw Street (Daniel Island Parcel E, Phase 1) TMS# 275-00-00-110** – 26.45 acres.

Request preliminary subdivision approval for 51 lots. Zoned Daniel Island Residential (DI-R).

Owner: Daniel Island Associates, LLC Applicant:

Thomas & Hutton Engineering Co.

**Approved with conditions Zonings**

1. **1903 Savannah Highway (West Ashley) TMS # 350-05-00-055** – 0.41 acre. Request zoning of General Business (GB). This property was zoned CC (Community Commercial) in Charleston County.

Owner:Etoile G. Alexander

Approved

**Approved**

2. **548 Savannah Highway (Moreland - West Ashley) TMS # 421-03-00-171** – 0.24 acre. Request zoning of Single-Family Residential (SR-1) and Savannah Highway Overlay (SH). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

Approved

**Approved**

3. **2090 Marshland Drive (Magnolia Ranch - West Ashley) TMS # 355-09-00-054** – 0.83 acre. Request zoning of Single-Family Residential (SR-1). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

Approved

4. **1808 2<sup>nd</sup> Drive (Saint Andrews Heights - West Ashley) TMS # 350-05-00-001** – 0.20 acre. Request zoning of Single-Family Residential (SR-1). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

Approved

5. **9 Forest Creek Court (Shadowmoss - West Ashley) TMS # 358-07-00-031** – 0.33 acre. Request zoning of Single-Family Residential (SR-1). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

Approved

6. **1715 Savage Road (West Ashley) TMS # 351-07-00-106** – 1.04 acre. Request zoning of Single-Family Residential (SR-1). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

Approved

7. **Vacant Parcel on Ardwick Road (Johns Island) a portion of TMS # 345-00-00-023** – 3.33 acres. Request zoning of Single-Family Residential (SR-1). This property was zoned R-4 (Single-Family Residential Suburban) in Charleston County.

Approved

### Ordinance Amendments

1. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by **amending Section 54-310 to revise the driveway standards for business , office and industrial lots and by amending Section 54-311 to delete the minimum spacing requirement between driveways for business, office and industrial lots.**

Approved

2. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by **revising the title of Article 2, Part 7 Parking Lot Landscaping Requirements to Parking Lot and Urban Buffer Landscaping Requirements, by amending the standards in Sections 54-340 through 54-343 and by inserting graphic examples within the text.**

Deferred by Staff

3. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by **amending Article 2, Part 13 and Article 8, Part 3 regarding Neighborhood District requirements.**

Approved as revised

4. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by **amending Article 3, Part 4 off-street parking requirements for mini-warehouse and self storage facilities.**

Approved

### Comprehensive Plan Amendment

1. **Johns Island Community Plan** – Request approval of the Johns Island Community Plan. Contact: Josh Martin, Director – Planning, Preservation & Econ. Innovation  
Deferred to October 17 by Planning Commission

2. Request approval to amend Ordinance #2000-179, which adopted the Century V Comprehensive Plan, **to incorporate new Urban Growth Boundary Policies and Procedures therein. (City Council referred to Planning Commission.)**

Contact: Josh Martin, Director – Planning, Preservation & Econ. Innovation

Approved

Report of the Subdivision Review Committee

Presentation of SRC results for information.

### PRELIMINARY & FINAL PLATS

The following items were submitted for preliminary and/or final subdivision plat approval:

1. **490 & 492 Martello Drive (James Island)** TMS# 3400000094 – 0.98 acre, 2 lots, GB & DR-1, preliminary & final plat.
2. **Jack Primus Road (Palmetto Place Condominiums – Cainhoy)** TMS# 2680000078 - 11.941 acres, 3 lots, LI, preliminary & final plat.
3. **Brownswood Road (Whitney Lake Phase 2A-1 Johns Island)** TMS# 3120000329 - 5 acres, 24 lots, DR-6/ND, final plat.
4. **554 Rutledge Avenue (Rutledge Place Apartments/Humanities Foundation – North Central – —Peninsula—)** TMS# 4600403003 – 0.20 acre, 2 lots, DR-1F, preliminary & final plat.
5. **1172 Pinefield Drive (Cainhoy)** TMS# 2710001121 - 0.95 acre, 2 lots, RR-1, preliminary & final plat.
6. **Lucky Road (Murray LeSaine Elementary School James Island)** TMS# 3410000013

– 6.89 acres, 2 lots, SR-1, preliminary & final plat.

7. **River Road (Fenwick Commons Phase 2B Johns Island)** TMS# 3460000005 - 13.69 acres, 33 lots, STR, final plat.
8. **Grande Oaks Boulevard and Ashley Gardens Boulevard (Grande Oaks Townhomes – West Ashley)** TMS# 3010000397 – 16.51 acres, 74 lots, PUD, final plat.
9. **Clement’s Ferry Road at Reflectance Drive (Cain Crossing Phase 1 – Cainhoy)** TMS# 2630003032 - 13.259 acres + residual, 60 lots, DR-6, final plat.
10. **Bees Ferry Road and Savannah Highway (Bolton's Landing Phase 1 – West Ashley)** TMS# 2860000002 & 03 - 19.936 acres + residual, 73 lots, SR-1/ND, final plat.

#### ROAD CONSTRUCTION DRAWINGS

The following items were submitted for construction drawing approval:

1. **Brownwood Road (Lakeside Park Johns Island)**
2. **Heriot Street, Petty Street and Mechanic Street (Magnolia Peninsula Neck Area)**
3. **Ashley Gardens Boulevard & Grande Bees Drive (Grande Oaks Phase 7 – West Ashley)**
4. **River Road (Stono View Plantation – Johns Island)**
5. **Murraywood Road (Gardens at Whitney Lake Phase 2B – Johns Island)**
6. **Fleming Road (Parkland Preserve – James Island)**

Approval of Minutes

Approval of minutes from previous meetings

Individuals with questions concerning the above items should contact Eugenia Singleton in the Department of Planning, Preservation and Economic Innovation at (843) 724-3787. Files containing information pertinent to the above applications are available for public review at the City of Charleston Zoning Office, 75 Calhoun Street, Charleston County School District Building), Third Floor, during regular working hours, 8:30 a.m. to 5:00 p.m., daily except Saturdays, Sundays, and holidays. Additional information on these cases may also be obtained by visiting [www.charlestoncity.info](http://www.charlestoncity.info).

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First, Council considered a bill to rezone property located at Savannah Highway and Bonanza Road (Ponderosa Village Center - West Ashley) (44.81 acres) (TMS #307-00-00-007 & 008).

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. Bill Wallace, representing the owners, stated they have worked very hard over the last several months to make this project one the City can be proud of. He explained they are attempting to preserve a lot of the natural amenities on the site. He said they have also agreed to use environmentally friendly activities as part of their development. In response to a question from Councilmember Morinelli, Mr. Wallace said when planning a PUD they are required to do a traffic study and one was done. He noted the study stated sometime in the future a traffic light will be needed; and it would be needed even if the development did not go there.

Councilmember Morinelli voiced her concerns regarding this re-zoning.

Mr. Martin explained one of the goals they are trying to accomplish with the Century V Plan is to provide neighborhood commercial scattered sites throughout the city so that not everyone has to

drive to one location for the commercial opportunities. He stated they are trying to promote a true mix of uses.

Mr. Wallace explained they are not developing a strip shopping center, but a center for the immediate adjacent residents. He noted about three fourths of the space will be office usage, so people will have the opportunity to work close to where they live.

Council member Shirley said they have a vacant Wal-Mart and will have a vacant Piggly Wiggly. He said some of the issues are absent landlords and another problem in that area is some of it is in the county.

Mr. Martin stated this is much more a neighborhood scale commercial than some of the other examples are being discussed. He also noted a structure must be reviewed by CDRB.

Councilmember Shirley said Councilmember Morinelli is very concerned about her constituents. He asked if staff had met with her to discuss this all.

Mr. Martin stated Christopher Morgan has met with her and the Planning Staff has monthly meetings with Councilmember Morinelli to go over all the development projects in her district.

2. Paul Tecklenburg said he was representing three congregations of Jehovah Witnesses, who have some land that will be “sandwiched” inside this particular development. He asked them to stand and be recognized. He said this is a concern to them because they bought this property and it was agreed that the land between their hall and US Hwy. 17 would have no buildings. He said they are pleased that the site design regulations, as drafted, do recognize that the area will be maintained as green space. He said they would like to voice their support of the site design as proposed to Council.

3. Marc Knapp, West Ashley resident, said this is probably the worst development he has ever seen. He said that they do not need commercial in a wedge; and it needs to be centrally located. He noted the traffic issues need to be reviewed and this entire development needs to be reconsidered.

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

Councilmember Morinelli moved to defer this item. Councilmember Shirley seconded the motion.

In response to a question from Councilmember Morinelli, Mr. Martin explained the PUD includes 240 multi-family units and 25 single-family units.

In response to a question from Councilmember Lewis, Mr. Martin explained the Planning Commission voted to approve the re-zoning.

Councilmember Evans asked if a traffic study had been done. Mr. Martin affirmed one indeed had been done. Councilmember Evans asked if Council can move forward with this and ask the developer to work with the Planning Department to get all the information and concerns worked out.

Councilmember Shirley said one thing that does concern him about rental units West Ashley is trash pick up. He stated they do not have a lot of rental units in West Ashley.

Councilmember Bleecker said she did not understand what additional information was needed because the traffic study has already been done. She stated she agrees this city needs to go towards more residential, walk-able, gathering spaces.

Councilmember Gallant said he is trying to understand issues pertaining to the traffic light. Mr. Hernan Pena stated you can put the light in until the development is in, and DOT has jurisdiction over those roads.

Mr. Martin stated item E-3 is connected to number E-1.

On the motion of Councilmember Morinelli moved to defer items E-1 and E-3. Councilmember Shirley seconded the motion. The motion failed on a vote of 3-7.

There were no further 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 PROPERTY LOCATED AT SAVANNAH HIGHWAY AND BONANZA ROAD (PONDEROSA VILLAGE CENTER - WEST ASHLEY) (44.81 ACRES) (TMS #307-00-00-007 & 008), ANNEXED INTO THE CITY OF CHARLESTON JUNE 20, 2006 (#2006-221), BE REZONED FROM SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION TO PLANNED UNIT DEVELOPMENT (PUD) CLASSIFICATION.

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

Next, Council considered a bill to rezone 1919 McIntyre Road, 1927 McIntyre Road, two parcels on McIntyre Road, 1 Bishop Gadsden Way, 1857 Saxony Drive, 1858 Saxony Drive and 1854 Cheshire Drive (Bishop Gadsden – James Island) (24.14 acres) (TMS #337-00-00-073, 074, 075, 076, 107, 337-04-00-015, 016 and 022). Mr. Martin explained this re-zoning would allow for the expansion of Bishop Gadsden. He noted the Planning Commission denied the rezoning of three parcels because those are more residential. 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 Bleecker, 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 1919 MCINTYRE ROAD, 1927 MCINTYRE ROAD, TWO PARCELS ON MCINTYRE ROAD AND 1 BISHOP GADSDEN WAY (BISHOP GADSDEN – JAMES ISLAND) (11.08 ACRES) (TMS #337-00-00-073, 074, 075, 076 & 107), BE REZONED FROM CONSERVATION & DIVERSE RESIDENTIAL (C, DR-6 & DR-3) CLASSIFICATION TO DIVERSE RESIDENTIAL/ELDERLY HOUSING (DR-4) CLASSIFICATION.

Council then considered a bill to zone Savannah Highway and Bonanza Road (*Ponderosa Village Center - West Ashley*) (0.45 acre) (a portion of TMS# 307-00-00-006). Mr. Martin explained this was a recent annexation and is a part of the Ponderosa Village Center. 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 Bleecker, 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 SAVANNAH HIGHWAY AND BONANZA ROAD (*PONDEROSA VILLAGE CENTER - WEST ASHLEY*) (0.45 ACRE) (A PORTION OF TMS# 307-00-00-006), ANNEXED INTO THE CITY OF CHARLESTON AUGUST 21, 2007 (#2007-163), BE ZONED PLANNED UNIT DEVELOPMENT (PUD) CLASSIFICATION.

Next, Council considered a bill to zone 1904 Savannah Highway (*West Ashley*) (0.41 acre) (TMS #350-05-00-036). Mr. Martin explained this was a recent annexation and it is comparable zoning to the County. 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 Bleecker, seconded by Councilmember Gallant, 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 1904 SAVANNAH HIGHWAY (*WEST ASHLEY*) (0.41 ACRE) (TMS #350-05-00-036), ANNEXED INTO THE CITY OF CHARLESTON AUGUST 21, 2007 (#2007-164), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION.

Mayor Riley stated we had some Boy Scouts here tonight and he wanted to welcome them. Councilmember Shirley and Councilmember Tinkler left at 6:30 pm.

Council then considered a bill to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending the Point Verona Master Plan and Development Regulations for that Planned Unit Development located on Harbor View Road and Old Summer House Road (4.94 acres) (TMS# 424-11-00-006, 007, 009, 010, 011, 053, 054, 055, 056, 057, 059, 061, 062, 063, 064, 065 and 066), annexed into the City of Charleston August 15, 2000 (#2000-192). Mr. Batchelder explained Point Verona is a small residential development. He stated it is in the process of being developed and this is a minor amendment to the height regulations of the homes. 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 Mitchell, 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 CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING THE POINT VERONA MASTER PLAN AND DEVELOPMENT REGULATIONS FOR THAT PLANNED UNIT DEVELOPMENT LOCATED ON HARBOR VIEW ROAD AND OLD SUMMER HOUSE ROAD (4.94 ACRES) (TMS# 424-11-00-006, 007, 009, 010, 011, 053, 054, 055, 056, 057, 059, 061, 062, 063, 064, 065 AND 066), ANNEXED INTO THE CITY OF CHARLESTON AUGUST 15, 2000 (#2000-192).

Next, Council considered the approval of the minutes from August 21, 2007, September 11, 2007 and September 25, 2007 Council meetings. The Mayor noted the minutes of August 21, 2007 and September 11, 2007 would be deferred.

On the motion of Councilmember Evans, seconded by Councilmember Mitchell, Council voted to approve the minutes of the September 25, 2007 Council meetings as published.

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

1. Mohammed Idris stated he referred to the number nine and the tragedy they had. He said they should understand the signs God is telling us because there were nine plaques in Egypt. He stated we all live in an unbalanced world because of all the religious people. He asked Council to study these things and take it very seriously.
2. Marc Knapp, West Ashley resident, stated when a Councilmember asks for a deferral to get some questions asked and that Councilmember gets no respect. He said each of them do not have the respect to give another Councilmember the time to get a little more information. He said he would like them to start to work together and give each other the respect especially when it is in their district.
3. Alma Dungee stated take a stand, trust God and do good.

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

Next, Council considered Appointments to the Recreation Commission.

On the motion of Councilmember Evans, seconded by Councilmember Morinelli, Council voted to approve the Appointments to the Recreation Commission as recommended by Mayor Riley.

The following appointments were approved:

MEMORANDUM

**TO:** Members of City Council **FROM:**

Joseph P. Riley, Jr.

**SUBJECT:** Recreation Commission

**DATE:** September 27, 2007

Two members of the Recreation Commission, Linda Leier Thomason (District 10) and Ronda Shilling (District 1), have offered their resignations after several years of dedicated service. As replacements, I am recommending two individuals for appointment. First, John Foscolos for District 10 and Shawn Powell for District 1.

Mr. Foscolos is a real estate agent and lives in the West Ashley area. Mr. Powell lives on Daniel Island. Both have children in our youth sports program and have been actively involved in our recreation activities. I have attached brief biographies for your review. Both Mr. Foscolos and Mr. Powell will be exceptional additions to the commission and I recommend their appointment to you.

JPR,jr/lcy

John Foscolos

John is a real estate agent and has coached youth sports in the areas of softball and soccer and lives in Shadowmoss with his family. John is also an active runner and has participated in road races throughout the area.

Shawn Powell

Shawn has served as a volunteer coach for over 20 years in every sport. Shawn and his family live on Daniel Island and are active, year round participants in a variety of offerings through the City of Charleston Department of Recreation. \_\_\_\_\_

Next, City Council received the following report of the Committee on Ways and Means: *The Committee on Ways and Means Reports:* 10/09/07

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.) **JOSEPH P. RILEY JR. BALLPARK AND THE DANIEL ISLAND TENNIS CENTER: EXPANSION JOINT REPAIR CONTRACT-PHASE 2 \$111,571 WITH ADUDDLELL, INC. ACCOUNT # 023010-52410 AND 170100-52410:**

The Committee on Ways and Means recommends City Council approve and authorize the Mayor to sign the Joseph P. Riley Jr. Ballpark and the Daniel Island Tennis Center Expansion Joint Repair Contract (Phase 2) with Aduddell, Inc., in the amount of \$111,571 for a second phase of expansion joint repairs at the Joseph P. Riley, Jr. Ballpark (\$97,791) and the initial repairs at Daniel Island Tennis Center (\$13,780) allowing the Budget staff to award/amend contracts less than \$40,000 to the extent contingency funds exist in the Council approved budget. Funds to come from Accounts #023010-52410 and #170100-52410.

Councilmembers Fishburne and Gilliard were not present to vote on this matter.

2.) **POLICE DEPARTMENT MEMORANDUM OF UNDERSTANDING WITH FEDERAL LAW ENFORCEMENT TRAINING CENTER:**

The Committee on Ways and Means recommends City Council approve and authorize the Mayor to sign the Police Department Memorandum of Understanding with Federal Law Enforcement Training Center. Councilmembers Fishburne and Gilliard were not present to vote on this matter.

3.) **JAMES ISLAND CHARTER SCHOOL: SCHOOL RESOURCE OFFICER AGREEMENT:**

The Committee on Ways and Means recommends City Council approve and authorize the Mayor to sign the James Island Charter School Agreement. This agreement is between James Island Charter High School and Charleston Police Department for one school resource officer. The City will receive \$34,500 for the 2007-08 school year. Councilmembers Fishburne and Gilliard were not present to vote on this matter.

4.) **CULTURAL AFFAIRS: PICCOLO SPOLETO GRANT \$20,000 (NO CITY MATCH) CHARLESTON COUNTY 2008 ACCOMMODATIONS FEE FUNDING:**

The Committee on Ways and Means recommends City Council approve and authorize the Mayor to sign the grant award in the amount of \$20,000 from Charleston County 2008 Accommodations Fee Funding for Piccolo Spoleto.

Councilmembers Fishburne and Gilliard were not present to vote on this matter.

5.) **CULTURAL AFFAIRS: MOJA ARTS FESTIVAL GRANT \$20,000 (NO CITY**

**MATCH) CHARLESTON COUNTY 2008 ACCOMMODATIONS FEE FUNDING:** The Committee on Ways and Means recommends City Council approve and authorize the Mayor to sign the grant award in the amount of \$20,000 from Charleston County 2008 Accommodations Fee Funding for MOJA Arts Festival.

Councilmembers Fishburne and Gilliard were not present to vote on this matter.

6.) **CULTURAL AFFAIRS: HAPPY NEW YEAR CHARLESTON \$15,000 (NO CITY MATCH) COUNTY 2008 ACCOMMODATIONS FEE FUNDING:** The Committee on Ways and Means recommends City Council approve and authorize the Mayor to sign the grant award in the amount of \$15,000 from Charleston County 2008 Accommodations Fee Funding for the Happy New Year Charleston.

Councilmembers Fishburne and Gilliard were not present to vote on this matter.

7.) **CONTRIBUTION TO THE JOHN ANCRUM SPCA \$50,000 ACCOUNT # 710000:** The Committee on Ways and Means recommends City Council approve and authorize the Mayor to sign the \$50,000 contribution to the John Ancrum SPCA for their new facility. The funds to come from Account # 710000.

Councilmembers Fishburne and Gilliard were not present to vote on this matter.

8.) **MEMORANDUM OF UNDERSTANDING FOR WEST ASHLEY YOUTH SPORTS PROGRAMS WITH ST. ANDREWS PARKS AND PLAYGROUNDS COMMISSION:** The Committee on Ways and Means recommends City Council approve and authorize the Mayor to sign the Memorandum of Understanding between the City of Charleston and St. Andrews Parks and Playgrounds Commission to create West Ashley youth sports programs at various recreation facilities west of the Ashley River.

Councilmembers Fishburne and Gilliard were not present to vote on this matter.

LOUIS L. WARING, JR., Chair      DEBORAH MORINELLI  
JAMES LEWIS, JR. ROBERT M. MITCHELL  
JIMMY S. GALLANT, III      YVONNE D. EVANS  
PAUL E. TINKLER LARRY D. SHIRLEY  
ANNE FRANCES BLEECKER      KATHLEEN G. WILSON  
JOSEPH P. RILEY, JR., Mayor

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

The next matter before Council was four (4) bills up for second reading. The Clerk noted that second reading of one (1) bill (Items K-1 on the agenda) would be *deferred*.

The following bill was *deferred*:

1. 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*)

On the motion of Councilmember Evans, three (3) bills (Items K-2 through K-4 on the agenda) received second reading. They passed second reading on motion of Councilmember Bleecker and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Morinelli, the rules were suspended and the bills were immediately ratified as:

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Ratification Number

2007-188

ORDINANCE NO. 2007-\_\_\_\_

**AN ORDINANCE CONFIRMING THE ASSESSMENT ROLL WITH RESPECT TO THE MAGNOLIA IMPROVEMENT DISTRICT, AND OTHER MATTERS RELATING THERETO.**

WHEREAS, the City of Charleston, South Carolina (the "City") is an incorporated municipality of the State of South Carolina (the "State"). The City, acting by and through its City Council (the "City Council"), is empowered under and pursuant to the provisions of Title 5, Chapter 37, Code of Laws of South Carolina of 1976, as amended (the "Act"), to establish municipal improvement districts and, in connection therewith, to acquire, own, construct, establish, install, enlarge, improve, expand, operate, maintain, and repair, and sell, lease, and otherwise dispose of any improvement and to finance such acquisition, construction, establishment, installation, enlargement, improvement, expansion, operation, maintenance, and repair, in whole or in part, by the imposition of assessments in accordance with the Act, by special district bonds, by general obligation bonds of the municipality, by revenue bonds of the municipality, or from general revenues from any source not restricted from such use by law, or by any combination of such funding sources;

WHEREAS, the City on May 29, 2007, adopted a resolution (the "Improvement Plan Resolution") approving the "MAGNOLIA IMPROVEMENT PLAN" (the "Improvement Plan");

WHEREAS, the Improvement Plan described certain proposed improvements, all of which are "improvements" as defined in the Act, and all of which are to be located within the municipal boundaries of the City, or if located outside the municipal boundaries of the City, shall have obtained the consent required by Section 5-37-25 of the Act (collectively, the "Improvements").

WHEREAS, as required by the Act, the City published the Improvement Plan Resolution once a week for two successive weeks, namely in *The Post and Courier* on June 1 and June 8, 2007, and in *The Chronicle* on June 6, and June 13, 2007;

WHEREAS, as required by the Act, the City held a public hearing with respect to the Improvement Plan on June 19, 2007, which date was neither sooner than 20 days nor more than 40 days following the adoption of the Improvement Plan Resolution, and was not less than 10 days following the final publication in *The Post and Courier* of the text of the Improvement Plan Resolution;

WHEREAS, the City enacted an Ordinance on July 17, 2007, entitled "AN ORDINANCE AUTHORIZING THE CREATION OF THE MAGNOLIA IMPROVEMENT DISTRICT; PROVIDING FOR THE FINANCING OF IMPROVEMENTS WITHIN THE MAGNOLIA IMPROVEMENT DISTRICT BY ASSESSMENT, ISSUANCE OF BONDS, OR OTHER REVENUES AS HEREIN DESCRIBED; PROVIDING FOR THE PUBLISHING OF THIS ORDINANCE IMMEDIATELY AFTER ITS ADOPTION; ORDERING THE PREPARATION OF AN ASSESSMENT ROLL AND THE PUBLISHING OF A NOTICE OF COMPLETION OF SUCH ASSESSMENT ROLL AND OTHER MATTERS RELATING THERETO" (the "MID Ordinance"), pursuant to which the City established the District and completed the

Assessment Roll, pursuant to which the Assessments are to be imposed within the District;

WHEREAS, as required by the Act, the MID Ordinance established a thirty-day hearing period

to begin on August 24, 2007, and to end on September 24, 2007, for the purpose of hearing any objections in respect to such Assessments;

WHEREAS, as required by the Act, the City caused the MID Ordinance to be published in *The Post and Courier* on July 19, 2007, and in *The Chronicle* on July 25, 2007;

WHEREAS, as required by the Act, the City caused notice of the completion of the Assessment Rolls to be published in *The Post and Courier* on August 14, 2007;

WHEREAS, as required by the Act, on August 13, 2007, which date was prior to the publication of the publication of the notice described above, the City mailed by registered or certified mail, return receipt requested, to the Owners, at the addresses appearing on the records of the City or the Charleston County Treasurer, a notice stating the nature of the Improvements, the total proposed cost thereof, the amount to be assessed against the particular property and the basis upon which the Assessments are made, together with the terms and conditions upon which the Assessments may be paid. The notice contained a brief description of the particular property involved, together with a statement that the amount assessed shall constitute a lien against the property superior to all other liens except property taxes. The notice also stated the time and place fixed for the hearing of objections in respect to the Assessments. As provided by the Act, any property owner who failed to file with the City a written objection to the Assessment against his property within the time provided for hearing such objections is deemed to have consented to such assessment, and the published and written notices described herein so stated;

WHEREAS, following the public hearing held on September 25, 2007, the period during which objections to the Assessments may be heard has expired;

WHEREAS, the City Council has determined that it is now in the best interests of the City and its residents, and in accordance with the provisions of all applicable State law, to confirm the Assessment Roll;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Charleston, South Carolina, as follows:

Section 1. The factual findings contained in the recitals to this Ordinance are hereby confirmed, ratified, and validated in all respects.

Section 2. Having made such findings, the City hereby confirms the Assessment Roll in the form attached hereto as **Exhibit A.**

Section 3. A copy of the Assessment Roll, certified by the City Clerk of the City, shall be promptly filed in the office of the Clerk of Court for Charleston County, which is the county in which the City is situate. From the time of such filing, the Assessments impressed in the Assessment Roll shall constitute and be a lien on the real property against which they are assessed superior to all other liens and encumbrances, except the lien for property taxes, and shall be annually assessed and collected with the property taxes thereon.

Section 4. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 5. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

SIGNED, SEALED, AND DELIVERED AS OF THIS 9TH DAY OF OCTOBER, 2007.

Ratification Number

2007-189

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN AMENDMENT TO GROUND LEASE AGREEMENT BETWEEN THE CITY OF CHARLESTON AND BELLSOUTH TELECOMMUNICATIONS, INC. WITH RESPECT TO CERTAIN PROPERTY OWNED BY THE CITY AND LOCATED ON THE WEST SIDE OF MEETING STREET AT THE INTERSECTION OF MEETING AND MARY STREETS, IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, SAID AMENDMENT TO GROUND LEASE AGREEMENT BEING MARKED AS EXHIBIT A, 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 Amendment to Ground Lease Agreement between the City of Charleston and Bellsouth Telecommunications, Inc. with respect to certain property owned by the City and located on the west side of Meeting Street at the intersection of Meeting and Mary Streets, in the City and County of Charleston, State of South Carolina, said Amendment to Ground Lease Agreement being marked as Exhibit A, attached hereto, and incorporated by reference herein.

**Section 2.** This Ordinance shall become effective upon ratification.

EXHIBIT A

STATE OF SOUTH CAROLINA ) AMENDMENT  
 ) TO GROUND LEASE AGREEMENT  
COUNTY OF CHARLESTON )

This Amendment to Lease is made and entered into as of the \_\_\_\_ day of October, 2007, by and between The City of Charleston (hereinafter referred to as "Landlord"), and BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (hereinafter referred to as "Tenant").

WHEREAS, the Landlord and Tenant entered into a Ground Lease Agreement on July 20, 1993, (hereinafter referred to as "Lease"), a copy of which is attached hereto as Exhibit A, and incorporated by reference herein.

WHEREAS, the parties desire to amend the aforesaid Lease to recognize that the Tenant may sublease from time to time up to a total of 25,000 square feet of the Premises (as defined in the Lease) to the Charleston School of Law (hereinafter referred to as "Subtenant") and to reduce the Sixty Thousand (60,000) square feet provision as set forth in Paragraph 26 of the Lease to 55,000 square feet and as may be otherwise provided in this instrument.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants, and obligations hereinafter set forth and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, Landlord and Tenant agree as follows:

1. Without limiting the provisions of Paragraph 9(A) of the Lease, the City approves of the Tenant subleasing from time to time up to a total of 25,000 square feet of the Premises to the Subtenant (hereinafter referred to as the "Sublease").
2. Paragraph 26 of the Lease is amended at sub-paragraphs (B) and (E) and elsewhere as appropriate to change "60,000" to "55,000".

3. The parties acknowledge that the Sublease between the Tenant and the Subtenant does not reduce or diminish in any way the Landlord's agreement to provide parking as set forth in Paragraph 26 at sub-paragraphs (B) and (E) of the Lease and that said Paragraph 26 in the Lease shall remain in full force and effect as amended by this instrument.

In all other respects, the Ground Lease Agreement entered into by and between the Landlord and Tenant shall remain unmodified and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have hereunto set their Hands and Seals the day and year first written.

WITNESSETH:

CITY OF CHARLESTON

/s/ Debra Matthews

/s/ Joseph P. Riley, Jr.

By: Joseph P. Riley, Jr.

/s/ Cathy Baker

Its: Mayor

BELLSOUTH TELECOMMUNICATIONS,

INC., d/b/a AT&T South Carolina By: Sunlink

Corporation

Its: Agent

/s/ Karen C. Reynolds

By: R.M. Webber

Illegible

Its: President

Ratification Number

2007-190

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2300 SAVANNAH HIGHWAY (1.48 ACRES) (TMS#: 310-06-00-001), 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.

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

Section 1. Finding of Fact

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

- A) Section 5-3-150, Code of Laws of South Carolina (1976) as amended, provides a method of annexing property to a city or town upon a Petition by all persons owning real estate in the area requesting annexation.
- B) The City Council of Charleston has received a Petition requesting that a tract of land in BERKELEY 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 8 of the City of Charleston, to wit:

SAID PROPERTY to be annexed, 2300 Savannah Highway, (1.48 acres) is identified by the CHARLESTON County Assessors Office as TMS# 310-06-00-001 (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 several bills up for first reading.

On the motion of Councilmember Morinelli, seconded by Councilmember Mitchell, Council voted to give first reading to the subject bills.

First reading was given to bills entitled:

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 29, SECTIONS 220, 222 AND 223 TO REMOVE PROVISIONS RELATED TO ANIMAL AND EQUIPMENT INSPECTIONS FROM THE CERTIFICATE OF APPROPRIATENESS APPLICATION WHICH REQUIREMENTS HAVE NOW BEEN MADE APART OF THE TOURISM ANIMAL SAFETY ORDINANCE CODIFIED AT SECTION 29-212 AND TO MAKE THE APPROVAL PROCESS FOR THE CERTIFICATE CONSISTENT WITH OTHER TOURISM CERTIFICATE OF APPROPRIATENESS PROCESSES.

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 29, SECTIONS 58 THROUGH 66 TO UPDATE SAID ORDINANCE TO REFLECT CURRENT TOURISM PROCEDURES.

First reading was given to bills entitled and were referred to the Planning Commission:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1715 SAVAGE ROAD (*WEST ASHLEY*) (1.04 ACRES) (TMS #351-07-00-106), ANNEXED INTO THE CITY OF CHARLESTON SEPTEMBER 11, 2007 (#2007-177), 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 548 SAVANNAH HIGHWAY (*MORELAND - WEST ASHLEY*) (0.24 ACRES) (TMS #421-03-00-171), ANNEXED INTO THE CITY OF CHARLESTON SEPTEMBER 11, 2007 (#2007-178), BE ZONED SINGLE-FAMILY RESIDENTIAL & SAVANNAH HIGHWAY OVERLAY (SR-1 & SH) 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 2 VACANT PARCELS ON MAYBANK HIGHWAY AND 3294 MAYBANK HIGHWAY (*JOHNS ISLAND*) (4.61 ACRES) (TMS #279-00-00-008, 009, 288), ANNEXED INTO THE CITY OF CHARLESTON SEPTEMBER 25, 2007 (#2007-184), BE ZONED COMMERCIAL TRANSITIONAL (CT) 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 2490 LIVERPOOL DRIVE (*SHAFTESBURY - WEST ASHLEY*) (0.25 ACRES) (TMS #309-13-00-038), ANNEXED INTO THE CITY OF CHARLESTON SEPTEMBER 25, 2007 (#2007-185), 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 197, 195 AND A VACANT PARCEL ON MAIN ROAD AND 250 HOGGARD LANE (*WEST ASHLEY*) (14.37 ACRES) (TMS #285-00-00-049, 173, 176 AND 285-15-00-058), ANNEXED INTO THE CITY OF CHARLESTON SEPTEMBER 25, 2007 (#2007-186), BE ZONED GENERAL BUSINESS (GB) 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 1343 AND 1345 ASHLEY RIVER ROAD (*WEST ASHLEY*) (0.55 ACRES) (TMS #418-05-00-003 AND 004), ANNEXED INTO THE CITY OF CHARLESTON SEPTEMBER 25, 2007 (#2007-187), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION.

Councilmember Morinelli asked if they could get something to put cigarette butts in outside City Hall.

There being no other business, the meeting was adjourned at 7:03 p.m.

Vanessa Turner-Maybank

Clerk of Council