

January 25, 2005

## COUNCIL PROCEEDINGS

Regular meeting.

The twenty-fifth meeting of the City Council of Charleston was held this date convening at 5:25 p.m. in the Reuben M. Greenberg Municipal Building at 180B Lockwood Drive.

A notice of this meeting and an agenda were mailed to the news media February 21, 2005 and appeared in The Post and Courier February 23, 2005 and is made available on the City's website.

### PRESENT

The Honorable Joseph P. Riley, Jr., Mayor; Councilmembers Fishburne, Morinelli, Lewis, Campbell, Gilliard, Evans, Tinkler, Shirley, Bleecker, and George --- 11.

Councilmember Gallant and Councilmember Waring were ill.

The meeting was opened with prayer by Councilmember Tinkler.

Councilmember Tinkler led City Council in the Pledge of Allegiance.

Council first considered the presentation of the Harold Koon Award. The Mayor invited the members of the Neighborhood Commission to come forward and stand with him for the seventh annual presentation of this very special award.

Continuing, the Mayor commented 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 spoke of the many ways that 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.

He noted that the Harold Koon Award is an award that recognizes 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. Mayor Riley talked about the way that Mr. Koon had reached into the minds and hearts of his neighbors and found fertile ground for developing civic pride. He said once that well of civic pride was tapped it remained strong in the hearts of the Mazyck Wraggborough Garden District residents. He spoke of the ways Mr. Koon had raised the level of civic awareness through personal contact and by personal example. The Mayor mentioned many of the contributions that Mr. Koon had made.

He went on to say that the Harold Koon Award had been established after Mr. Koon's death in 1998, and he had charged the members of the Neighborhood Commission to consider annual award nominations and select the individual who best exemplified Mr. Koon's dedication to his neighborhood. He commented that the past recipients of the Harold Koon Award were Reverend Alma Dungee in 1999, Ms. Courtenay McDowell in 2000, Robert Ballard in 2001, Valerie Perry in 2002, Reverend Sidney Davis in 2003, and Ms. Sarah Green in 2004.

Mayor Riley remarked that the names of these amazing citizens are on a perpetual plaque that is usually located on the wall outside of the City Council Chamber, but during construction, will be at the temporary City Hall offices at 50 Broad Street. He expressed his appreciation to the Neighborhood Commission because their task was unbelievably difficult this year. He spoke of how hard it must have been to choose from this year's nominees, which included Toi Estes, Jack

Simmons, Capt. George Lisle, Donna Jacobs, Leonard Higgins, Lorraine Holmes, Keith Kirkland and Hank Wilson.

The Mayor then expressed his pride in announcing that Dr. W. Keith Kirkland was the winner of the 2005 Harold Koon Award and he asked Dr. Kirkland to come to the podium. There was an extended standing ovation.

He commented that Dr. Kirkland has lived in the Harleston Village Neighborhood for over twenty years. He talked about his activities throughout the years as an effective neighborhood advocate and spoke about his gentle spirit, dedication, and concern for all people in the neighborhood, which define him as a true leader. The Mayor cited several examples of Dr. Kirkland's contributions and commented that there is no better, stronger advocate for Harleston Village than Dr. Keith Kirkland. He then read and presented the plaque.

Dr. Kirkland expressed his appreciation for this honor and spoke briefly about his work in his neighborhood. Another round of applause followed his comments.

The next item on the agenda was a public hearing called for by the following advertisement which appeared in The Post and Courier on January 9, 2005 and in The Chronicle on January 12, 2005.

### **PUBLIC HEARING**

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, January 25, 2005, beginning at 5:00 p.m. at the Reuben M. Greenberg Public Safety 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 1862 and 1864 Meeting Street and two parcels on Four Mile Lane (Four Mile/Hibernian) (.75 acre) (TMS# 464-02-00-084, 085, 088, and 089) from General Business (GB) classification to Business Park (BP) classification.
2. To rezone 1489 and part of 1493 Theresa Drive (James Island) (1.41 acres) (TMS# 424-10-00-037 and part of 036) from Single-Family Residential (SR-1) classification to Single and Two-Family Residential (STR) classification.
3. To rezone 16 Oakdale Place (Avondale) (0.24 acres) (TMS #418-10-00-101) from Single-Family Residential (SR-1) classification to Residential Office (RO) classification.

### **MASTER ROAD PLAN EXEMPTION**

4. Request that 2083 River Road and six additional parcels on River Road (Johns Island) (191.146 acres) (TMS# 345-00-00-066, 071, 072, 073, 074, 077, and 146) be exempted from the Master Road Plan.

### **ZONINGS**

5. 2145 Saint Lukes Drive (Riverland Terrace) (1.05 acres) (TMS# 343-01-00-133) Single-Family Residential (SR-1).
6. 612 Wampler Drive and adjacent lot (James Island) (1.56 acres) (TMS# 454-02-00-012 and 045) Single-Family Residential (SR-1).
7. 2317 Canal Street (James Island) (10.8 acres) (TMS# 343-15-00-041) Single-Family Residential (SR-2). PLANNING COMMISSION RECOMMENDS SR-1 ZONING ONLY.
8. Property located on Camp Road (James Island) (1.67 acres) (TMS# 337-00-00-010) Diverse Residential (DR-4).

9. 1858 and 1857 Saxony Drive and a vacant lot on Cheshire Drive (James Island) (.8 acre) (TMS# 337-04-00-015, 016, and 022) Single-Family Residential (SR-1).
10. 701 Clearview Drive (James Island) (.53 acre) (TMS# 454-01-00-015) Single-Family Residential (SR-1).
11. 628 Highwood Circle (James Island) (.28 acre) (TMS# 454-10-00-072) Single-Family Residential (SR-1).
12. 26 Avondale Avenue (Avondale) (.35 acre) TMS# 418-14-00-018 Single-Family Residential (SR-1).

**ORDINANCE AMENDMENTS**

13. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to make modifications to the regulations for accessory buildings.
14. To amend Section 54-223(b)(1) of the City of Charleston Zoning Ordinance to change the definition of short-term rental therein.

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

VANESSA TURNER-MAYBANK  
Clerk of Council

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

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

The Planning Commission met on **December 15, 2004** and presents the Mayor and Council with the following recommendations:

**Rezoning**

1. **1862 and 1864 Meeting Street and two parcels on Four Mile Lane (Four Mile/Hibernian) TMS# 464-02-00-084, 085, 088, and 089** – .75 acre. Request rezoning from GB (General Business) to BP (Business Park).

**Recommendation: APPROVAL**

2. **1489 and part of 1493 Theresa Drive (James Island) TMS# 424-10-00-037 and part of 036** – 1.41 acres. Request rezoning from SR-1 (Single-Family Residential) to STR (Single and Two-Family Residential).

**Recommendation: APPROVAL**

3. **Tobias Gadson Boulevard and Ashley River Road (West Ashley) TMS# 351-02-00-032** – 4.83 acres. Request rezoning from GO (General Office) to PUD (Planned Unit Development).

**DEFERRED BY APPLICANT**

Master Road Plan Exemption

1. **2083 River Road and six additional parcels on River Road (Johns Island) TMS# 345-00-00-066, 071, 072, 073, 074, 077, and 146** – 191.146 acres. Request exemption from Master Road Plan.

**Recommendation: THAT ACTIONS BE INITIATED TO ACQUIRE THE PROPERTY Subdivisions**

## **IN THE PATH OF THE EXPRESSWAY**

1. **Harborsun Drive and Secessionville Road (Wexford Sound) TMS# 427-08-00-019** – 1.797 acres. Request final subdivision approval for 2 lots. Zoned DR-6 (Diverse Residential).

**Action: APPROVED**

2. **1489 and part of 1493 Theresa Drive (James Island) TMS# 424-10-00-037 and part of 036** – 1.41 acres. Request final subdivision approval for 2 lots. Zoned SR-1 (Single-Family Residential).

**Action: APPROVED**

3. **Fairchild Street (Daniel Island – Parcel Q) TMS# 275-00-00-155** – .43 acre and 36.31 acres residual. Request preliminary subdivision approval for a new right-of-way and a residual. Zoned DI-GO (Daniel Island General Office).

**Action: APPROVED**

4. **3360 Glenn McConnell Parkway (West Ashley) TMS# 275-00-00-114** – 7.683 acres. Request final subdivision approval for 2 lots. Zoned LB (Limited Business).

**Action: APPROVED**

5. **Pier View Street (Daniel Island Parcel R) TMS# 275-00-00-014** – 2.86 acres and residual. Request preliminary subdivision approval for new right-of-way and residual. Zoned DI-TC (Daniel Island Town Center).

**Action: APPROVED**

### Zonings

1. **2145 Saint Lukes Drive (Riverland Terrace) TMS# 343-01-00-133** – 1.05 acres. Request zoning of SR-1 (Single-Family Residential). The property was zoned RSL (Low Density Suburban Residential) in Charleston County.

**Recommendation: APPROVAL**

2. **612 Wampler Drive and adjacent lot (James Island) TMS# 454-02-00-012 and 045** – 1.56 acres. Request zoning of SR-1 (Single-Family Residential). The property was zoned RSL (Low Density Suburban Residential) in Charleston County.

**Recommendation: APPROVAL**

3. **2317 Canal Street (James Island) TMS# 343-15-00-041** – 10.8 acres. Request zoning of SR-2 (Single-Family Residential). The property was zoned RSL (Low Density Suburban Residential) in Charleston County.

**Recommendation: APPROVAL FOR SR-1 ZONING ONLY**

4. **Camp Road (James Island) TMS# 337-00-00-010** – 1.67 acres. Request zoning of DR-4 (Diverse Residential). The property was zoned RSL (Low Density Suburban Residential) in Charleston County.

**Recommendation: APPROVAL**

5. **1858 and 1857 Saxony Drive and a vacant lot on Cheshire Drive (James Island) TMS# 337-04-00-015, 016, and 022** - .8 acre. Request zoning of SR-1 (Single-Family Residential). The property was zoned RSL (Low Density Suburban Residential) in Charleston County.

**Recommendation: APPROVAL**

6. **701 Clearview Drive (James Island) TMS# 454-01-00-015** - .53 acre. Request zoning of SR-1 (Single-Family Residential). The property was zoned RSL (Low Density Suburban Residential) in Charleston County.

**Recommendation: APPROVAL**

7. **628 Highwood Circle (James Island) TMS# 454-10-00-072** - .28 acre. Request zoning of SR-1 (Single-Family Residential). The property was zoned RSL (Low Density Suburban Residential) in Charleston County.

**Recommendation: APPROVAL**

8. **26 Avondale Avenue (Avondale) TMS# 418-14-00-018** - .35 acre. Request zoning of SR-1 (Single-Family Residential). The property was zoned RSL (Low Density Suburban 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) **to make modifications for the regulations concerning the location of veterinary and pet care clinics.**

**Recommendation: APPROVAL**

2. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **to make modifications to the regulations for accessory buildings.**

**Recommendation: APPROVAL**

3. Request approval of an ordinance to amend Section 54-223(b)(1) of the City of Charleston Zoning Ordinance **to change the definition of short-term rental therein.**

**Recommendation: APPROVAL**

Area Plan

The Planning Commission will be presented with a draft of updates to the “**Ashley Bridge District Plan**” for their comment and recommendation on to City Council.

**Recommendation: APPROVAL**

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The first public hearing pertained to the rezoning of 1862 and 1864 Meeting Street and two parcels on Four Mile Lane (*Four Mile/Hibernian*) (.75 acre) (TMS #464-02-00-084, 085, 088 and 089).

Christopher Morgan, Acting Director of the Department of Planning and Neighborhoods reported the subject property to be located in the Neck area of the City. He directed Council’s attention to a large exhibit map and indicated the locations of the subject properties. He also indicated that there is a lot of commercial and industrial development as well as a number of houses in the area. Both staff and the Planning Commission recommended approval of the rezoning.

The Mayor invited comments from the public on this proposed rezoning. No member of the public wished to speak for or against this matter. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On motion of Councilmember Campbell, 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 1862 AND 1864 MEETING STREET AND TWO PARCELS ON FOUR MILE LANE (*FOUR MILE/HIBERNIAN*) (.75 ACRE) (TMS #464-02-00-084, 085, 088 AND 089) BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO BUSINESS PARK (BP) CLASSIFICATION.

Council then considered the bill rezoning 1489 and part of 1493 Theresa Drive (*James Island*) (1.41 acres) (TMS #424-10-00-037 and part of 036). Mr. Morgan pointed out the location of the subject property on a large exhibit map off Harborview Road. He noted the location of the James Island Expressway to the rear of the property. He indicated the zoning of the surrounding properties. Both staff and the Planning Commission recommended approval of the requested rezoning.

Mayor Riley invited public comment. No member of the public expressed a desire to speak for or against this proposed rezoning. The Mayor declared this public hearing concluded.

There were no questions or comments of Council.

On motion of Councilmember Evans, 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 1489 AND PART OF 1493 THERESA DRIVE (*JAMES ISLAND*) (1.41 ACRES) (TMS #424-10-00-037 AND PART OF 036), ANNEXED INTO THE CITY OF CHARLESTON APRIL 10, 1979 (#1979-31), BE REZONED FROM SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION TO SINGLE AND TWO-FAMILY RESIDENTIAL (STR) CLASSIFICATION.

The next public hearing matter pertained to the rezoning of 16 Oakdale Place (*Avondale*) (0.24 acres) (TMS #418-10-00-101). Mr. Morgan reported that the applicant had asked for this matter to be deferred.

Continuing, Mr. Morgan directed attention to a large exhibit map and noted the subject property to be located off of St. Andrews Boulevard in the midst of the Avondale neighborhood, which includes a lot of single-family residential properties. He commented that there is a lot of residential office zoning along St. Andrews Boulevard. Mr. Morgan stated that the applicant had asked for the property to be rezoned from SR-1 to the RO classification. He restated that the applicant had requested a deferral on this matter.

Mayor Riley noted even though the applicant had requested a deferral this matter had been advertised for public hearing and invited public comment. The following persons addressed Council:

1. Andrew Smith, 9 Oakdale Place, stated that several residents had come to this meeting and they had only heard at the last minute that this rezoning would be deferred. He commented that the neighborhood association supports the rezoning with certain conditions. He said there had been discussions with the applicant. He explained that the main concern pertained to the parking. He said the residents would like for the parking to be behind the building instead of in front of the building because the building faces a neighborhood street. He further explained that

placing the parking behind the building would put the access off of St. Andrews Boulevard, which is a commercial corridor.

2. Amy Riley, 26 Avondale Avenue, expressed her agreement with the previous speaker. She also spoke about the residents' concerns regarding the signage and said the residents had informed the applicant of their requests.

No one else expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

In response to a question from Mayor Riley, Mr. Morgan responded that this rezoning request would be readvertised for public hearing at a later date.

Mayor Riley asked Mr. Morgan if the staff recommended having the parking behind the building. Mr. Morgan replied that staff had recommended against the proposed rezoning. He went on to say if the property is rezoning it would be the general recommendation of staff for the parking to be in the rear.

Councilmember Evans noted that the residents of Avondale had met with the applicant and had put their desires in the form of a letter. She described the requests from the residents as very reasonable. She noted that as of this date the applicant had not agreed to the requests, but she said the residents planned to continue meeting with the applicant in an attempt to work something out. She expressed her belief that the parking issue was their greatest concern. There were no further questions or comments of Council.

Without objection and with unanimous consent, Council agreed to defer action on the request to rezone 16 Oakdale Place (*Avondale*) (0.24 acres) (TMS #418-10-00-101) from the Single-Family Residential (SR-1) classification to the Residential Office (RO) classification.

Mayor Riley stated that there had also been a request to defer the next public hearing matter pertaining to a request to exempt properties on River Road (TMS #345-00-00-066, 071, 072, 073, 074, 077 and 146) (191.146 acres) from the restrictions of the official road plan map as outlined in Article 7 of Chapter 54, Zoning Ordinance.

As with the previous matter, Mayor Riley noted this request had also been advertised for public hearing. The Mayor invited public comment on this issue. The following persons addressed City Council:

1. Clint Rigsby, landscape architect with Seamon Whiteside and Associates, spoke as a representative of the developer of the subject property. Mr. Rigsby stated that he was not aware of the deferral until he came to this meeting.

Deputy Corporation Counsel Adelaide Andrews rose to explain that this was an application for an exemption under the City's Master Road Plan. She stated her understanding that the South Carolina Department of Transportation (SCDOT) had identified this particular tract as the location for the I-526 connector. She said under the Zoning Ordinance, City Council has 75 days in which to either grant the exception or take action to acquire the property either through an agreement with the property owner or through eminent domain.

She spoke of discussions with SCDOT and noted that the City was in receipt of a letter that she could distribute to Council. She said that SCDOT was in the process of taking the necessary steps to survey the subject property and the Environmental Impact Survey (EIS) was being done on the property. Ms. Andrews recommended Council go forward with the public hearing at this meeting, but defer action because Council is not the entity, which would be acquiring the right-of-way. She added that it would be done by SCDOT.

Ms. Andrews further explained that the City has 75 days under the Zoning Ordinance in which to state that the exemption would be provided or have an agreement to acquire the property. She noted that this pertained to a portion of the approximately 191 acre tract and she offered to show the proposed location for the right-of-way if Council so desired.

Continuing, she said in order to give SCDOT an opportunity to move forward in the acquisition and quite frankly so the property owner would be aware of what would occur, it would be better for Council to receive comment at this meeting and move forward with the 75 days to allow SCDOT to acquire the right-of-way for this expressway.

Ms. Andrews noted this was a bit unusual in the sense that she felt the Zoning Ordinance contemplates the acquisition of the right-of-way by the City. She said obviously this would not be the City's acquisition or the City's right-of-way. She restated her opinion that the City's best course of action would be to wait the 75 days in order to see what SCDOT would be able to accomplish. She expressed her understanding SCDOT would be very close to having an acquisition assuming the property owners are able to agree with the price and decide within that time.

Mr. Rigsby spoke again on behalf of the developer and expressed his appreciation for the brief history that had been provided. He said that he would be providing a little more information about this matter.

Continuing, he stated that the planning process had begun in early 2004 and they had worked with the City to come up with an acceptable plan for the subject property. He spoke of a number of meetings with City representatives because the developers had been seeking to develop the property under the new Neighborhood District Ordinance. He described this as a fairly new ordinance that the City was working through so the developers had really wanted to get an understanding of what it would take to develop this property under these guidelines. He commented the Department of Planning and Neighborhoods staff had let them know in April or March that this piece of property potentially would be impacted by future development of I-526. He noted that staff had encouraged them to meet with SCDOT to seek further information on this matter.

Continuing, Mr. Rigsby commented this was during the due diligence period that the property owners had and they initiated a meeting with SCDOT. He stated that the local SCDOT representatives had shown them four different plans and four different alternative routes for I-526, including how the expressway would approach and impact the subject property. He said there was no understanding at that time that there was one alternative preferred over the others. He stated his understanding since that time SCDOT had selected a preferred alternative. He went on to say the alternatives that had been laid out to them impacted their site in different ways. He expressed his confidence that one of the alternatives would not impact the developable acreage in the way the preferred alternative would. He described this portion as obviously the most valuable piece of the property and said that it runs along the Stono River. Mr. Rigsby stated there had been subsequent meetings with SCDOT and the City try to come up with a plan. He spoke of the need for the plan to move along so they could take it before the Technical Review Committee (TRC), which would be the next step in the approval process. He said that Zoning Administrator Lee Batchelder had contacted them probably some time in September and he had made them aware of this Master Road Plan issue. He stated that he was advised because the subject property would be impacted by the Master Road Plan the City would

not be able to issue permits for construction or give approvals that would be needed in order to move forward without addressing this issue.

He commented Mr. Batchelder had made them aware of the ordinance that would basically give Council two options. He expressed his understanding that Council could either allow an exemption to the plan or could pursue acquiring the property.

Mr. Rigsby said he had come to the meeting because of necessity. He stated they could not move forward with the development. He noted even the development of the front portion of the property somewhat hinged on what would happen on the back of the property.

He stated that staff had told them they could proceed with getting approvals for the front portion as long as they understood and noted that the back portion was a future right-of-way. Mr. Rigsby commented this would not be an alternative for them at this time. He spoke of the request to defer the project for 30 days at the Planning Commission and said the developers needed to know where they could go from this point.

2. A gentleman identified himself as one of the partners involved in this property. He agreed with Mr. Rigsby's outline of what had happened with this property. He said they had purchased the property in August 2004 and had worked with the City in the master planning process. He stated that they had met with SCDOT on numerous occasions about the different alternatives for the I-526 extension.

He held up a rendering of the proposed project and said SCDOT had not been able to provide any timeframe about when the road would be built or if it would ever be built. He said they had proceeded with the project and had spent several hundred thousand dollars on engineering. He stated they were almost ready to submit the project to TRC when this issue arose.

He commented that they had been asked in November to wait 30 days before bringing this matter before the Planning Commission so there would be time to review it. He stated that they had waited 30 days, but he expressed his belief that everyone could understand that the clock was ticking money everyday the property sat undeveloped.

He said he had come to this meeting basically with the idea of moving forward. He stated that two representatives from SCDOT had contacted him personally. He commented that they had told him they had been instructed by the City to engage an appraiser and to start working with the developer over the next 30-45 days.

When he remarked that he had thought a representative from SCDOT would attend this meeting, Mr. Morgan responded that representatives were present in the room.

The gentleman then commented if deferring the matter was the only alternative he wanted the clock to start clicking as of this date. He stated his understanding that under the ordinance they would either get an exemption or the City or SCDOT must buy the property. He added that perhaps a representative from SCDOT could interject more information. As one of the property owners, he asked for something to be done tonight in order to expedite whichever direction this would take.

3. Leland Colvin, P.E., Program Manager for SCDOT, stated that he would like to provide some background on where this was headed. He spoke of a request from a local commissioner in early November prior to the November 17<sup>th</sup> meeting and he said the commissioner was made aware at that time the subject property is in the preferred alignment for the Mark Clark Expressway (I-526).

Continuing, Mr. Colvin said at that time the department had identified the funding to move forward with the acquisition of the property. He noted that federal funding is involved and a number of things must be done prior to buying the property. He said that an environmental assessment must be done on the property and it must be approved by the Federal Highway Administration. He commented that this groundwork had been done and it had been submitted to the Federal Highway Administration to be approved.

Mr. Colvin commented that SCDOT was in the process and getting the tract surveyed, tying into the property boundaries with the I-526 right-of-way and the appraisal process. He said that as soon as the appraisal is completed along with the survey an offer would be made to the property owner.

No one else indicated a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

Ms. Andrews clarified that the clock would start ticking as of this date with regard to the 75 days assuming Council would not take action to either acquire the right-of-way or to grant the exemption. She said that would be accomplished by virtue of its consideration before Council at this meeting. She again emphasized that the City has 75 days in which to either grant an exemption or acquire the property.

Councilmember Fishburne commented that he did not want to belabor this matter but he did not understand what the exemption would grant. Ms. Andrews replied that it would be an exemption to the Master Road Plan. She explained from the City's perspective it would mean that the property owners could move forward with development as if there would be no road. She expressed the opinion that granting the exemption when SCDOT was so close to an acquisition would just cause the developer to incur costs with the potential of causing SCDOT to have to pay more for the property. She felt that granting an exemption with the knowledge that SCDOT was planning to acquire the property would be premature. She restated that the clock would start as of this date.

When Councilmember Fishburne asked Ms. Andrews if she was recommending that Council do nothing, she replied that her recommendation was for Council to defer action, let the 75-day clock start ticking and give SCDOT that time in which to make an offer to the property owner. She noted her belief, and said she felt that everyone else believed that the I-526 would be going through that portion of the property.

Councilmember Campbell moved to defer action on this matter. Councilmember George seconded the motion.

Councilmember Bleecker noted that the subject property is located in her district. She said Mr. Morgan had been kind enough to call and brief her on this matter. She expressed support for deferring action on this and for letting the 75 days begin to run. She expressed the opinion there would be nothing wise for Council to do other than to let SCDOT progress on this.

Councilmember Tinkler asked what would happen after the 75-day period if Council does nothing. Ms. Andrews replied that the exemption would be granted. She explained failure of Council to take action would constitute an exemption. She said the developer could then proceed, could begin spending more money and SCDOT could be in a position to have to pay more for the property. She commented that she was hopeful SCDOT would be able to do what it needs to do to acquire the property within the 75-day period.

Councilmember Gilliard asked if the deferral would hurt the property owners. Ms. Andrews said that she would be speaking a little out of her area, but she hoped there would some work the developers would do with the Department of Planning and Neighborhoods on the rest of the site. She said this would be a 200-300 unit development without the subject piece for I-526. She expressed her hope there would be something the developers, the consultants and the planning staff could be working on during this interim period to move forward with the ultimate development.

Mr. Morgan added that the vast majority of the site would not be affected by the restriction. He noted that it would be possible for the developers to be working on the tree surveys and working with staff on design issues, etc. He again directed Council's attention to the exhibit map and pointed out the rear portion of the property that would be affected by the restriction. There were no further questions or comments of Council.

Mayor Riley restated the motion on the floor to defer action on the bill to exempt properties on River Road (TMS #345-00-00-066, 071, 072, 073, 074, 077 and 146) (191.146 acres) from the restrictions of the official road plan map as outlined in Article 7 of Chapter 54, Zoning Ordinance. The motion carried unanimously.

Council next considered the public hearing pertaining to the zoning of 2145 Saint Lukes Drive (*Riverland Terrace*) (1.05 acres) (TMS #343-01-00-133), which had annexed into the City of Charleston November 23, 2004.

Mr. Morgan reported the property had recently annexed into the City and referred to a large exhibit map to note its location in the Riverland Terrace neighborhood. He stated that both staff and the Planning Commission recommended zoning the subject property Single-Family Residential (SR-1).

Mayor Riley invited public comment on this zoning matter. No one indicated a desire to speak for or against it. The Mayor declared this public hearing concluded.

There were no questions or comments of City Council.

On motion of Councilmember Evans, seconded by Councilmember Campbell, Council voted to adopt the recommendation of the Planning Commission 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 2145 SAINT LUKES DRIVE (*RIVERLAND TERRACE*) (1.05 ACRES) (TMS #343-01-00-133), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 23, 2004 (#2004-138), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

The next public hearing matter pertained to the zoning of 612 Wampler and adjacent lot (*James Island*) (1.56 acres) (TMS #454-02-00-012 and 045). Mr. Morgan advised Council that this property on James Island had also annexed into the City on November 23, 2004. He referred to a large exhibit map and indicated the location of the subject property on Charleston harbor and noted the location of Sunrise Park. Mr. Morgan stated that both the Planning Commission and staff recommended approval.

Mayor Riley invited public comment on this zoning matter. No one indicated a desire to speak for or against it. The Mayor declared this public hearing concluded.

There were no questions or comments of City Council.

On motion of Councilmember Shirley, seconded by Councilmember Evans, Council voted to adopt the recommendation of the Planning Commission 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 612 WAMPLER AND ADJACENT LOT (*JAMES ISLAND*) (1.56 ACRES) (TMS #454-02-00-012 AND 045), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 23, 2004 (#2004-143), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

Mayor Riley stated that the applicant had asked for a deferral of the next zoning request pertaining to the zoning of 2317 Canal Street (10.8 acres) (TMS #343-15-00-041). He stated as he had about the previous requests for deferral that this matter had been advertised for public hearing.

The Mayor invited public comment and the following persons addressed Council:

1. Jimmy Davidson, 2244 Woodland Shores Road, stated that he had grown up on Canal Street. He said that he wanted to comment on the sign, which had been placed on the property regarding the public hearing. He spoke of riding by the property the next day and the sign was gone. He expressed his opinion that the City has a responsibility for the signs for public hearings to remain in place.

Continuing, Mr. Davidson said that he is employed by the Medical University and at times he has called the City's zoning offices about signs regarding public hearings pertaining to the Medical University. He stated that sometimes the signs are still up four months after the public hearing has been held.

He spoke of learning that this public hearing matter had been deferred after he arrived at this meeting. He noted that a number of people had been in attendance earlier in this meeting. He commented that they had all gone to 75 Calhoun Street first because that was where they were told to go. He suggested the City put another sign on property when the public hearing is deferred.

Mr. Davidson referred to annexations on James Island. He described a situation in which garbage trucks travel down a street to pick up garbage from two residences. He said that is ridiculous when James Island Public Service is picking up garbage from the rest of the houses on the street.

2. Richard Little, 472 Lindberg Street, said that he is a neighbor to the subject property and his neighborhood has been concerned about uncontrolled development. He remarked that they had not been given a good chance to speak at the Planning Commission meeting about SR-1 zoning. He noted that the proposal had been to zone the property SR-2 and expressed his understanding that there are many other choices in zoning. He commented that the citizens in his neighborhood would like to have an opportunity to speak further with the Planning Commission about what specifically would happen to their neighborhood when the subject area is developed.

Mr. Little commented that there are several issues about this property. He described it as an old portion of James Island that had been allotted out as part of the A. L. Welch property in 1938 and

he said that Mr. Welch had given the Municipal Golf Course to the City of Charleston. He described the golf course as a gem to James Island as well as to the City.

Continuing, Mr. Little stated that the subject property touches the 16<sup>th</sup> green of the golf course. He expressed his understanding from the maintenance employees that the golf course has been in need for more room for additional maintenance facilities. He said this would be a prime target for the City to consider as far as increasing availability for workers at the golf course. He went on to say that this would also be a great area for green space. He commented because the property touches the golf course, this could be of benefit to the City and it would definitely be a benefit to the citizens.

Mr. Little voiced his love for his neighborhood and his desire to remain in the neighborhood. He said many of the people that had purchased lots in 1938 were still there. He commented that the neighborhood is not transient and does not experience much turnover. He again spoke of his concern about the effect development would have on his community and said there could be a big traffic nightmare, particularly in his little cul-de-sac neighborhood.

He stated that the streets in his old cul-de-sac neighborhood could be changed into a thoroughfare where people would skip from Maybank Highway and Riverland Drive right down his street and into Woodland Shores in order to avoid traffic. He said this would create quite a danger for children in his neighborhood as well as pedestrians walking through the area which has no sidewalks.

Mr. Little then asked Council to refer this matter back to the Planning Commission to give the residents in his community another opportunity to address them with some more ideas and different ideas about what could happen with the development.

When Councilmember Bleecker asked Mr. Little if he resided in the City of Charleston, he replied that he does not but he believed everybody would be in the City soon.

3. David Vagasky, 438 Priestly Street, stated that he lives in Charleston County and owns a business on Johns Island in the City of Charleston. He said that he shared many of the same concerns voiced by the previous speaker regarding the connection of Woodland Shores to Canal Street.

He went on to describe his neighborhood as very quiet and said he had lived in his home for about 12 years. He told of his work developing his yard and his gardens and noted that he mows a portion of the golf course in front of his property. He stated that other residents living on the golf course do the same thing because they care about how things look on the golf course. He remarked that the golf course is maintained, but the residents choose to keep it mowed. He commented that he had planted rye grass in front of his house and described the area in front of his house as a beautiful fairway.

Continuing, he expressed concern about cut-through traffic. He spoke of the people who walk their children and/or their dogs. He noted that the streets are only so wide and said traffic is his biggest concern. He stated that he had lost three windshields over the past 10 years and had his car dented several times. He said he was not really bothered by the golf balls and noted that his insurance covered the windows.

He stated that he had been unable to attend the Planning Commission meeting so he was not able to comment about what had happened at that meeting. He said the drainage in his neighborhood is flawless and it works. He described a little brook area in front of the subject property and said

that it feeds into the wetlands. He expressed concern about protecting this and making sure that the drainage in his neighborhood would not be affected by development. He said his home is located in a tidal area. He pays insurance for this but even during Hurricane Hugo he had not experienced flooding.

He concluded his remarks saying he just wanted to make his concerns about the subject property known as an active member of his neighborhood.

No one else expressed a desire to speak for or against this matter. The Mayor declared this public hearing concluded.

In response to a question from Councilmember Evans, Mr. Morgan replied that a number of residents had attended the Planning Commission meeting. He stated the Planning Commission had recommended SR-1 zoning, a lower-density category than the requested SR-2 zoning.

Continuing, Mr. Morgan said the applicant had decided subsequent to that time to do a Planned Unit Development (PUD). Mr. Morgan noted this would address some of the residents' concerns, particularly those pertaining to cut-through traffic to Canal Street and the brook. He directed attention to the large exhibit map and pointed out the location of the brook. He anticipated this matter would come back to Council for public hearing for PUD zoning.

Councilmember Tinkler questioned whether the matter would also go back to the Planning Commission for their recommendation. There was some brief discussion about the process and that the Planning Commission had heard the matter.

Councilmember Shirley referred to the comments made in Citizen Participation about public hearing signs posted on properties. He noted that he had expressed his concerns previously about signs that cannot be seen or get blown away.

In response to a question from Councilmember Shirley, the Clerk confirmed that the public hearing had been advertised. Councilmember Shirley then turned to the gentleman that had spoken about the signs and noted that the City does announce public hearings in the newspaper. He extended his apologies to the gentleman about the confusion which had caused him to go to 75 Calhoun Street for this public hearing.

Councilmember George referred to the discussion about the matter having been acted on by the Planning Commission and had recommended SR-1 zoning. Mr. Morgan responded that the applicant had requested SR-2 zoning.

Councilmember Bleecker assumed the Chair briefly at 6:19 p.m.

Councilmember George stated that he understood this and said the Planning Commission had not approved PUD zoning. He expressed his concern that the Planning Commission would not have heard input for a PUD. He noted that they had for some reason voted to recommend SR-1 zoning over the applicant's request. He voiced his belief that this matter should go back to the Planning Commission if the applicant wanted to change the request to PUD zoning.

Mr. Morgan then clarified that he might have misspoken and said that the Planning Commission would consider the PUD zoning and make a recommendation to Council.

Mayor Riley resumed the Chair at 6:20 p.m.

Councilmember Evans noted that very often a deferral comes at the eleventh hour, as had been the case in this issue. She explained when that happens it is too late to let people know and too late to change the sign. She remarked if there is time to do so, it makes sense to change the sign. She reiterated that this does not happen most of the time.

Councilmember Tinkler further clarified that the public hearing had been held. He said the public hearing had not been deferred and only the action of Council would be deferred. He explained that the public would get another opportunity to address Council when the matter comes back for Council's consideration.

There were no further questions or comments of Council.

On motion of Councilmember Bleecker, seconded by Councilmember Lewis, the bill pertaining to the zoning of property identified as 2317 Canal Street (10.8 acres) (TMS #343-15-00-041), annexed into the City of Charleston November 23, 2004 (#2004-142) was *deferred* as requested by the applicant.

Council then considered the public hearing pertaining to the zoning of property located on Camp Road (1.67 acres) (TMS #337-00-00-010). Mr. Morgan directed Council's attention to a large exhibit map and pointed out its location of to the rear of Bishop Gadsden, a retirement complex. He commented that the property could only be accessed through this complex. He said the request before Council was to zone the property Diverse Residential (DR-4), which he described as the City's elderly residential zoning category. He also noted that Bishop Gadsden is zoned DR-4. Both staff and the Planning Commission recommended approval.

Mayor Riley invited public comment. No one 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 motion of Councilmember Tinkler, seconded by Councilmember Bleecker, Council voted adopt the recommendation of the Planning Commission 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 ON CAMP ROAD (1.67 ACRES) (TMS #337-00-00-010), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 23, 2004 (#2004-144), BE ZONED DIVERSE RESIDENTIAL (DR-4) CLASSIFICATION.

Next, Council considered the public hearing pertaining to the zoning of so that 1858 and 1857 Saxony Drive and a vacant lot on Cheshire Drive (*James Island*) (.8 acre) (TMS #337-04-00-015, 016 and 022).

Mr. Morgan noted the location of the subject property on a large map and described it as also adjacent to the Bishop Gadsden retirement complex. He stated that both staff and the Planning Commission recommended zoned Single-Family Residential (SR-1) zoning.

Mayor Riley invited public comment. No one 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 motion of Councilmember Bleecker, seconded by Councilmember George, Council voted adopt the recommendation of the Planning Commission 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 1858 AND 1857 SAXONY DRIVE AND A VACANT LOT ON CHESHIRE DRIVE

(*JAMES ISLAND*) (.8 ACRE) (TMS #337-04-00-015, 016 AND 022), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 23, 2004 (#2004-145), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

The next public hearing matter pertained to the zoning of 701 Clearview Drive (*James Island*) (.53 acre) (TMS #454-01-00-015). Mr. Morgan showed the location of the subject property using a large exhibit map. He noted the property is located off Harborview Road in the Clearview neighborhood. Both staff and the Planning Commission recommended zoning the property Single-Family Residential (SR-1).

Mayor Riley invited public comment. No one 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 motion of Councilmember Evans, seconded by Councilmember George, Council voted adopt the recommendation of the Planning Commission 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 701 CLEARVIEW DRIVE (*JAMES ISLAND*) (.53 ACRE) (TMS #454-01-00-015), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 23, 2004 (#2004-139), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

Council then considered the public hearing matter pertaining to the zoning of 628 Highwood Circle (*James Island*) (.28 acre) (TMS #454-10-00-072). Mr. Morgan directed Council's attention to a large exhibit map and noted the location of the subject property just off Fort Johnson Road at the corner of Highwood Circle. Both staff and the Planning Commission recommended zoning the property Single-Family Residential (SR-1).

Mayor Riley invited public comment. No one 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 motion of Councilmember Shirley, seconded by Councilmember Morinelli, Council voted adopt the recommendation of the Planning Commission 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 628 HIGHWOOD CIRCLE (*JAMES ISLAND*) (.28 ACRE) (TMS #454-10-00-072), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 23, 2004 (#2004-140), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

Next, Council considered the public hearing pertaining to the zoning of 26 Avondale Avenue (*Avondale*) (.35 acre) (TMS #418-14-00-018). Mr. Morgan noted the subject property is located the midst of the Avondale neighborhood along with other single-family housing. Both staff and the Planning Commission recommended Single-Family Residential (SR-1) zoning.

Mayor Riley invited public comment. No one 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 motion of Councilmember Evans, seconded by Councilmember Bleecker, Council voted adopt the recommendation of the Planning Commission 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 26 AVONDALE AVENUE (*AVONDALE*) (.35 ACRE) (TMS #418-14-00-018), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 23, 2004 (#2004-141), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

The next public hearing matter pertained to an amendment to the City's Zoning Ordinance. Zoning Administrator Lee Batchelder described this matter as a very minor amendment that would allow staff approval for accessory buildings on residential properties. He said these standards had been adopted in 1994 to basically eliminate having these types of requests go before the Board of Zoning Appeals for variances that are routinely approved. He commented that staff approval would eliminate the number applications for variances.

Mr. Batchelder said the standards had been working well. He commented that staff felt the amendment would eliminate two conditions that are troublesome and do not seem to be appropriate. He noted that staff had reviewed the standards for a year and took this matter to the Planning Commission. He stated that the Planning Commission recommended approval of the amendment.

Mayor Riley invited public comment. No one 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 motion of Councilmember Evans, seconded by Councilmember Bleecker, Council voted adopt the recommendation of the Planning Commission 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) TO MAKE MODIFICATIONS TO THE REGULATIONS FOR ACCESSORY BUILDINGS.

The next public hearing matter was before Council for second reading. The bill had received first reading at the November 9, 2004 City Council meeting and was referred to the Planning Commission.

Mr. Batchelder reported this amendment to be a very minor change to the definition of short-term rental in the Zoning Ordinance. He said this amendment would add language that refers to engaging or transporting for hire to include vehicles like electric vehicles that might be used somewhat like a taxi service. Both staff and the Planning Commission recommended approval of the amendment.

Mayor Riley invited public comment. No one 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 motion of Councilmember Shirley, the bill received second reading. It passed second reading on motion of Councilmember Evans and third reading on motion of Councilmember Campbell.

On the further motion of Councilmember George, the rules were suspended and the bill was immediately ratified as:

**RATIFICATION NUMBER**

**2005-17**

AN ORDINANCE TO AMEND SECTION 54-223(B)(1) OF THE CITY OF CHARLESTON ZONING ORDINANCE TO CHANGE THE DEFINITION OF SHORT TERM RENTAL THEREIN.

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

Section 1. Section 54-223(b)(1) of the Zoning Ordinance is hereby amended by deleting said section in its entirety and substituting in its place and stead the following new Section 54-223(b)(1) therein, which shall read as follows:

“54-223(b)(1) ”Short term rental” shall mean to rent or make available to patrons or engage in transporting passengers for hire, amusement and recreational vehicles for any period of time less than one (1) year.”

Section 2. This ordinance shall become effective upon ratification.

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Next on the agenda was the approval of the minutes of City Council's December 21, 2004 meeting. The minutes were approved as published on motion of Councilmember Campbell. The Citizen Participation Period followed. The following persons addressed City Council: 1) John W. Johnson, 72 Meeting Street, said he was representing himself and also representing South Carolinians for drug law reform. He asked Council to take the City police officers off of I-95 and bring them home so they could do some good in Charleston.

He expressed concern about his taxpayer dollars being used in this way and noted he pays taxes for the county police, City police and the highway patrol. He commented that nothing is being accomplished by sending police officers away from Charleston.

2. Arthur Lawrence, President of the West Side Neighborhood, thanked Director of Public Service Laura Cabiness and Director of Parks Steve Livingston for the fantastic job they had been doing for his community. He said the neighborhood appreciates everything that is being done and he welcomed everyone to this municipal building on the West Side, which he described as a fine asset to the neighborhood. He also expressed his appreciation to Council and to Councilmember Gilliard in particular.

Mr. Lawrence also wanted to know which Councilmember represents Morris Street because a young lady had contacted him with a problem.

3. Marc Knapp, 2358 Pristine View, said that Council had just squandered a couple of million dollars even though they did not realize it yet. He stated that the Mark Clark Expressway could have been built 15 years ago. He commented that the money had been appropriated but the Mayor had shot it down. Further, he said there had also been money for the Mark Clark Expressway five years ago, but some enterprising entrepreneur had taken care of that.

He then wanted to know if anyone had looked at the annexations. He said five out of the nine would not be paying stormwater fees. He stated if he had to pay it they should also have to pay it. He referred to the City's Corporation Counsel, Charlton deSaussure, and said that Council

might have just broken the law regarding bonds. He suggested that someone should look into this.

4. Warwick Jones, 71 Anson Street, stated at the previous meeting Council had approved a lease for parking in the VRTC parking garage. He stated his opinion that the lease had subsequently been amended by the City and he wanted to know if Council was aware of this. He commented that this had been done to make it look like a long-term lease to satisfy the Zoning Ordinance, which he said requires parking to be long term when the spaces are not on-site. He said the regulations pertaining to municipal bonds such as those issued by the City require that the subject garage and other garages do not allow long-term leases. He felt that Council should have been allowed to scrutinize the amendment to this lease before the City signed off on it. He spoke of the possible conflict between parking agreement and IRS regulations for municipal bonds and suggested Council should have discussed this matter. Mr. Jones said files containing information pertaining to zoning board hearings are to be available for public review at the zoning office during working hours. He went on to say that neither the original lease nor the amended lease had been available for viewing during normal office hours or at any time. Continuing, Mr. Jones said the amendment had been submitted to zoning, but there had been no copies available for public inspection. He wanted to know if this is fair to the public and if it is fair for the zoning board to make a decision based on information that the public does not have access to. He expressed his opinion that this defeats the whole purpose of having a public hearing.

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

Council was in receipt of the following Livability Court/Property Standards Enforcement Report for December 2004:

### **December 2004 Monthly Report**

#### **Livability Court/Property Standards Enforcement**

**(Sgt. Dan Riccio/Debbi Rhoad Hopkins)**

**January 18, 2005**

#### **I. Buildings Demolished** *(The neighborhood location follows each address)***II.**

- 68 Cooper Street (EastSide) – demolition order issued by Livability Court
- 1851 Doscher Avenue (Rosemont) – demolished by owner after letter
- 0 Sycamore Avenue (none) – warning letter to owner
- 14 Strawberry Lane (North Central) - warning letter to owner
- 24 Strawberry Lane (North Central) - warning letter to owner
- 113 Drake Street (EastSide) - attempting to serve legal notice on owner
- 72 Fishburne Street (WestSide) - working with SCDOT to remove after fire

#### **III. Vacant Open Buildings**

##### **A. Warnings issued**

- 325 Sumter Street (WestSide) – completed by owner
- 41-Rear Line Street (Cannonsborough/Elliottsborough) — letter sent
- 102 Line Street – (Cannonsborough/Elliottsborough) — letter sent
- 21 Strawberry Lane (North Central) – completed by owner
- 385 Huger Street (North Central) – letter sent (also trash problem)
- 389 Huger Street (North Central) – letter sent (also trash problem)

**B. Tickets issued**

23 Race Street (WestSide) – completed by owner  
42-42½ Walnut Street (none) – in litigation  
99 Hanover Street (EastSide) – work in progress by owner

**IV. Environmental Issues/Sanitation**

**A. Warnings issued**

24 Pitt Street (Harleston Village) – completed by owner  
315 Ashley Avenue (WestSide) – completed by owner  
6 Orange Branch Road (Sandhurst) – completed by owner  
2298 Mt. Pleasant Street (Wagener Terrace) – completed by owner  
933 St. Andrews Blvd. (none) – completed by owner  
1145 Gunn Avenue (Maryville) – completed by owner 430½  
Sumter Street (WestSide) – completed by owner  
7-7½ Strawberry Lane (North Central) -- letter sent  
614 Rutledge Avenue (North Central) – letter sent  
385 Huger Street (North Central) – letter sent (also open)  
389 Huger Street (North Central) – letter sent (also open)  
1015 King Street (North Central) – warning issued  
2335 Marsh Lake Court – warning issued  
Lot C-9, Battleground Road (Ft. Lamar) – warning  
42 Wentworth Street (Ansonborough) – warning  
26 Legare Street (Charles Towne) – warning  
1331 Linden Circle (Parkwood/Farmfield)– warning  
1027 Fiall Street (Maryville/Ashleyville) – warning  
156 Maple Street (Wagener Terrace) -- warning  
1455 Downing Street (Ashley Hall Manor) -- warning  
57 Warren Street (Radcliffeborough) -- warning  
27 Fenwick Drive (Windemere) -- warning  
47 Vanderhorst Street (Radcliffeborough) -- warning  
114 President Street (Cannonsborough/Elliottsborough) -- warning  
2125 Charlie Hall Blvd. (none) -- warning  
371 N. Nassau Street (East Central) -- warning  
373 N. Nassau Street (East Central) -- warning  
38 Ashley Avenue (Charles Towne) -- warning  
80 Maple Street (Wagener Terrace) -- warning  
135 Wentworth Street (Harleston Village) -- warning

**B. Tickets issued**

2745 Garden Creek Road (Canterbury Woods)  
302 Sumter Street (WestSide) – completed by owner  
0 Ferguson Road @ Jonash (Ferguson Village) – completed by owner  
40 Walnut Street (none) – in litigation  
6 Franklin Street (Harleston Village)  
356 King Street (CBD)  
1432 Westway Drive (Westchester)

1431 Village Road (none)

5 Brabant Street (none)

**V. Demolition by Neglect**

**A. Warnings issued**

109 Rutledge Avenue (Harleston Village)—completed by owner

74-76 Reid Street (EastSide) – completed by owner

**B. Tickets issued**

173 Romney Street (North Central)

40 Poinsett Street (North Central)

73 Hanover Street (EastSide)

**VI. Other Complaints**

**A. Tree damage to structure**

73 Cannon Street (Cannonsborough/Elliottsborough) – letter sent

313 Huntley Drive (none) – letter sent

**B. Noise**

46 Pitt Street (Harleston Village) – warning

35 Society Street (Ansonborough) – warning

26 Morris Street (Radcliffeborough) – warning

60 Radcliffe Street (Radcliffeborough) – warning

104 Bull Street (Harleston Village) – warning

116-B Smith Street (Radcliffeborough) – warning

48 Pitt Street (Harleston Village) – warning

270 Coming Street (Cannonsborough/Elliottsborough) – summons

270-B King Street (CBD) – warning

185 Coming Street (Cannonsborough/Elliottsborough) – summons

2 Islington Court (Cannonsborough/Elliottsborough) – warning

1715-I Grech Street (Ardmore/Sherwood Forest) – warning

8 Felix Street (Radcliffeborough) – warning

8 Jasper Street (Radcliffeborough) – warning

1491 Savannah Hwy. (none) – summons

17 Poulnot Lane (Harleston Village) – warning

30 Hasell Street (Ansonborough) – warning 907

Nabors Drive (James Island) – warning

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This report was received as information as information.

Next Council considered appointments to the CHATS Policy Committee and Cruise Ship Subcommittee of Tourism Commission as recommended by Mayor Riley.

Council was in receipt of a memorandum from Mayor Riley announcing the reappointment of Councilmembers James Lewis, Jr. and Yvonne Evans to the CHATS Policy Committee. This is a one-year appointment for each and their terms will expire January 2006.

Council was also in receipt of a memorandum from the Mayor recommending the appointments of the following persons to serve on the Cruise Ship Subcommittee of the Tourism Commission:

1. Ernie Long is a member of the Tourism Commission and will serve as the representative from the Charlestowne Neighborhood Association.

2. Kitty Rentiers is the Chair of the Tourism Commission, a City resident and has a wealth of experience in the tourism industry.

3. Suzanne Wallace is on staff at the Charleston Area Convention and Visitors Bureau. On motion of Councilmember Tinkler, seconded by Councilmember Morinelli, Council voted to approve the appointments as presented by Mayor Riley.

Council received the following report of the Committee on Public Works and Utilities which had met earlier this date:

*The Committee on Public Works and Utilities Reports:* 01/25/05

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

At its meeting on January 25, 2005, the Committee on Public Works and Utilities unanimously recommends City Council adopt the following Resolutions:

- A. Acceptance and Dedication of Virginia Oak Court (50' R/W) - Pierpont Point on the Ashley
- B. Acceptance and Dedication of Delahow Street (50' R/W), Indian Corn Street (36' R/W), Legge Lane (20' R/W), Gillideau Lane (20' R/W) - Daniel Island, Parcel I
- C. Acceptance and Dedication of Publishers Lane (20' R/W), Purcell Lane (R/W varies), a portion of Daniel Island Drive (R/W varies), a portion of Bennett Stock Lane (20' R/W), Abijah Lane (20' R/W), a portion of Blakeway Street (50' R/W) and Smythe Street (50' R/W) - Daniel Island Parcel Y
- D. Acceptance and Dedication of St. Pauls Parrish Lane (50' R/W) and Widows Court (50' R/W) - Gates of Fenwick Plantation, Phase III
- E. Acceptance and Dedication of Santa Elena Way (50' R/W) - Gates of Fenwick Plantation, Phase 2A
- F. Acceptance and Dedication of a portion of Pine Harbor Drive (50' R/W) and a portion of Palm Cove Road (50' R/W) - The Peninsula, Phase 6B
- G. Acceptance and Dedication of a portion of Palm Cove Road (50' R/W) and a portion of Pine Harbor Drive (50' R/W) - The Peninsula, Phase 6C
- H. Acceptance and Dedication of a portion of Palm Cove Road (50' R/W) and Ole Oak Drive (50' R/W) - The Peninsula, Phase 6D
- I. Acceptance and Dedication of Ole Oak Drive (50' R/W) and Wando Shores Drive (50' R/W) - The Peninsula, Phase 6E
- J. Acceptance and Dedication of Mizzen Mast Drive (60' R/W) and Transom Court (50' R/W) - Ashley Pointe
- K. Acceptance and Dedication of a portion of Hamilton Grove Boulevard (50' R/W), a portion of Ashley Garden Boulevard (50' R/W), future stub-out Hamilton Grove (R/W varies) and Summer Rain Court (50' R/W) - Hamilton Grove, Phase 2
- L. Acceptance and Dedication of Winding Creek Road (50' R/W), Newport Court (50' R/W), Island View Loop (50' R/W) and Rivershore Road (50' R/W) - Beresford Creek, Phase 6
- M. Acceptance and Dedication of Parrot Point Drive (50' R/W) - Belle Terre

Paul E. Tinkler, Chair

Deborah Morinelli, Vice-Chair Larry

D. Shirley

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On motion of Councilmember Tinkler, seconded by Councilmember Shirley, Council voted to adopt the report of the Committee on Public Works and Utilities and to adopt Resolutions for the acceptance and dedication of streets as recommended by the Committee.

The following Resolutions were adopted:

**RESOLUTION**

**ACCEPTANCE AND DEDICATION OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL those certain streets, roads, drives and cul-de-sacs, situate lying and being in the City of Charleston, Charleston County, State of South Carolina, designated as Virginia Oak Court (50' R/W) on a plat entitled "FINAL PLAT OF A SUBDIVISION SURVEY SHOWING THE SUBDIVISION OF LOT 19- SECTION ONE PIERPONT TO FORM LOTS 1 THRU 5, PIERPONT POINT ON THE ASHLEY," dated August 15, 2004, prepared by Joe Eelman, revised August 20, 2004. Recorded in the RMC office for Charleston County in Plat Book --, at Page--, Conveyed by deed dated November 4, 2004, recorded in the RMC Office fro Charleston County in Plat Book --, at Page --. Be and the same is hereby dedicated and accepted as public-right-of-way.

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**RESOLUTION**

**DEDICATION AND ACCEPTANCE OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL, those certain street, roads, drives and cul-de-sacs. situate, lying and being in the City of Charleston, Berkeley County, South Carolina, designated as Delahow Street (50' R/W), Indian Corn Street (36' R/W), Legge Lane (20' R/W), Gillideau Lane (20' R/W) on a plat entitled " FINAL SUBDIVISION PLAT OF PARCEL I, BLOCK D AND BLOCK E, LOTS E-1 THROUGH E-7 AND BLOCK C, LOTS C-1 THROUGH C-9 AND C-15 THROUGH C-17, OWNED BY DANIEL ISLAND ASSOCIATES, LLC, DANIEL ISLAND, CITY OF CHARLESTON, BERKELEY COUNTY, SC." Dated August 15, 2004, prepared by F. Elliotte Quinn, III, PLS No. 10292, of Thomas and Hutton Engineering Company, Recorded in the ROD Office for Berkeley County in Plat Cabinet --, at Page --, conveyed by deed dated September 14, 2004. recorded in the ROD Office for Berkeley in Plat Cabinet --, at Page --. Be and the same are hereby dedicated and accepted as public right-of-way.

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**RESOLUTION**

**DEDICATION AND ACCEPTANCE OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIO OF CHARLESTON THAT ALL those certain streets, roads, drives and cul-de-sacs, situate, lying and being in the City of Charleston, Berkeley County, South Carolina, designated as Publishers Lane (20' R/W), Purcell Lane (R/W Varies), a portion of Daniel Island Drive (R/W Varies), a portion of Bennett Stock Lane (20' R/W), Abijah Lane (20' R/W), a portion of Blakeway Street (50' R/W) AND Smythe Street (50' R/W) on a plat entitled "FINAL SUBDIVISION PLAT OF MASTER PLAN PARCELS Y,Z,BB,PARCEL Y, BOLCK D, LOTS D1-D8, BLOCK E, LOTS E1-E8, AND BLOCK F, LOTS F1-F4, PARCEL Z, BLOCK A, LOTS A1-A4, OWNED BY DANIEL ISLAND ASSOCIATES, LLC, DANIEL ISLAND, CITY OF CHARLESTON, BERKELEY

COUNTY, SC” Dated November 4, 2004, prepared by F. Elliottt Quinn, III, PLS No. 10292, of Thomas and Hutton Engineering Company. Recorded in the RMC Office for Berkeley County in Plat Cabinet --, at Page --. Conveyed by deed dated November 10, 2004, recorded in the ROD Office for Berkeley County in Plat Cabinet -- at Page --, be and the same are hereby dedicated and accepted as public right-of-way.

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**RESOLUTION**

**DEDICATION AND ACCEPTANCE OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL those certain streets, roads, drives and cul-de-sacs, situate, lying and being in the City of Charleston, Charleston County, South Carolina, designated as St. Paul’s Parrish Lane (50’ R/W), Widows Court (50’ R/W) shown on a plat entitled “ SUBDIVISION PLAT SHOWING THE GATES AT FENWICK PLANTATION, PHASE 3, A 10.735 ACRE TRACT OF LAND, A PORTION OF TRACT “D” PROPERTY OF THE WINSTON-CARLYLE COMPANY, LOCATED ON JOHNS ISLAND, IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA.” Dated October 4, 2004, prepared by Richard A. Aldridge, PLS, recorded in the RMC Office for Charleston County in Plat Book --, at Page --. Conveyed by deed dated November 4, 2004, recorded in the RMC Office for Charleston County in Plat Book --, at Page---, be and the same are hereby dedicated and accepted as public right-of-way.

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**RESOLUTION**

**DEDICATION AND ACCEPTANCE OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL those certain streets, roads, drives and cul-de-sacs, situate, lying and being in the City of Charleston, Charleston County, State of South Carolina, designated as Santa Elena Way (50’ R/W) on a plat entitled“ SUBDIVISION PLAT SHOWING THE GATES AT FENWICK PLANTATION, PHASE 2A, A 3.762 ACRE TRACT OF LAND, A PORTION OF TRACT “D”, PROPERTY OF WINSTON-CARLYLE COMPANY, LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, CHARLESTON, SOUTH CAROLINA.” Dated October 20, 2003, prepared by Richard A. Aldridge, PLS, recorded in the RMC Office for Charleston County in Plat Book --, at Page --, Conveyed by deed dated November 17, 2004, recorded in the RMC Office for Charleston County, in Plat Book --, at Page--, be and the same are hereby dedicated and accepted as public right-of-way.

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**RESOLUTION**

**DEDICATION AND ACCEPTANCE OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL those certain streets, roads, drives and cul-de-sacs, situate, lying and being in the City of Charleston, Berkeley County, State of South Carolina designated as a portion of Pine Harbor Drive (50’ R/W), a portion of Palm Cove Road (50’ R/W) on a plat entitled “CONDITIONAL/FINAL SUBDIVISION PLAT OF PHASE 6B THE PENINSULA PREPARED FOR D. R. HORTON,” dated November 11, 2004, prepared by Thomas and Hutton Engineering Company, recorded in the ROD Office for Berkeley County in Plat Book --, at

Page--, Conveyed by deed dated November 29, 2004 recorded in the ROD Office for Berkeley County in Plat Cabinet --, at Page --, be and the same are hereby dedicated and accepted as public right-of-way.

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**RESOLUTION**

**DEDICATION AND ACCEPTANCE OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL those certain street, roads, drives and cul-de-sacs, situate, lying and being in the City of Charleston, Berkeley County, State of South Carolina, designated as a portion of Palm Cove Road (50' R/W), a portion of Pine Harbor Drive (50' R/W), shown on a plat entitled "CONDITIONAL/FINAL PLAT OF PHASE 6C THE PENINSULA, PREPARED FOR D. R. HORTON" dated November 11, 2004, prepared by Thomas and Hutton Engineering Company, recorded in the ROD Office for Berkeley County in Plat Cabinet --, at Page --, Conveyed by deed dated November 29, 2004 recorded in the ROD Office for Berkeley County in Plat Cabinet --, at Page --, be and the same are hereby dedicated and accepted as public right-of-way.

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**RESOLUTION**

**DEDICATION AND ACCEPTANCE OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL those certain streets, roads, drives and cul-de-sacs situate, lying and being in the City of Charleston, Berkeley County, State of South Carolina, designated as a portion of Palm Cove Road (50' R/W), Ole Oak Plantation (50' R/W), shown on a plat entitled "CONDITIONAL/FINAL PLAT OF PHASE 6D THE PENINSULA, PREPARED FOR D.R. HORTON," dated November 11, 2004, prepared by Thomas and Hutton Engineering Company, recorded in the ROD Office for Berkeley County in Plat Cabinet --, at Page --, Conveyed by deed dated November 29, 2004, recorded in the ROD Office for Berkeley County in Plat Cabinet--, at Page --, be and the same are hereby dedicated and accepted as public right-of-way

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**RESOLUTION**

**DEDICATION AND ACCEPTANCE OF STREETS**

BE IT RESOLVED BY TH EMAYOR AND CITY COUNCIL OF CHARELSTON THAT ALL those certain streets, roads, drives and cul-de-sacs, situate, lying and being in the City of Charleston, Berkeley County, State of South Carolina, designated as Ole Oak Drive (50' R/W), Wando Shores Drive (50' R/W), shown on a plat entitled "CONDITIONAL/FINAL PLAT OF PHASE 6E, THE PENINSULA, PREPARED FOR D. R. HORTON," dated May 6, 2004, prepared by Thomas and Hutton Engineering, recorded in the ROD Office for Berkeley County in Plat Cabinet--, at Page --, Conveyed by deed dated July 26, 2004, recorded in the ROD Office for Berkeley County in Plat Cabinet --, at Page --, be and the same are hereby dedicated and accepted as public right-of-way.

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**RESOLUTION**

**DEDICATION AND ACCEPTANCE OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL

those certain streets, roads, drives and cul-de-sacs, situate, lying and being in the City of Charleston, Charleston County, State of South Carolina, designated as Mizzen Mast Drive (60' R/W), Transom Court (50' R/W) shown on a plat entitled "PLAT SHOWING THE SUBDIVISION OF NEW LOT 4A, COMBINED ASHLEY POINTE LOCATED IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA." Dated December 12, 2004, prepared by M. Mason Lindsay, recorded in the RMC office for Charleston County in Plat Book --, at Page --, conveyed by deed dated December 13, 2004, recorded in the RMC Office for Charleston County in Plat Book --, at Page --, be and the same are hereby dedicated and accepted as public right-of-way.

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**RESOLUTION**

**DEDICATION AND ACCEPTANCE OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL those streets, roads, drive sand cul-de-sacs situate, lying, and being in the City of Charleston, Charleston County, State of South Carolina, designated as a portion of Hamilton Grove Blvd. (50' R/W), a portion of Ashley Garden Blvd. (50' R/W), future stub-out Hamilton Grove (R/W Varies), Summer Rain Court (50' R/W), on a plat entitled "FINAL SUBDIVISION PLAT SHOWING HAMILTON GROVE, PHASE2, 36.988 ACRES, PROPERTY OF BEAZER HOMES, INC., LOCATED IN BEES LANDING, THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA." Dated October 4, 2004, prepared by Richard A. Aldridge, PLS of Trico Engineering Consultants, recorded in the RMC Office for Charleston County in Plat Book --, at Page--, conveyed by deed dated November 16, 2004, recorded in the RMC Office for Charleston County in Plat Book --, at Page --, be and the same are hereby dedicated and accepted as public right-of-way.

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**RESOLUTION**

**DEDICATION AND ACCEPTANCE OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL those certain streets, roads, drives and cul-de-sacs, situate, lying and being in the City of Charleston, Berkeley County, State of South Carolina designated as Winding Creek Road (50' R/W), Newport Court (50' R/W), Island View Loop (50' R/W), and Rivershore Road (50' R/W) shown on a lat entitled "SUBDIVISION PLAT SHOWING BERESFORD CREEK, PHASE 6, LOTS 114-147, PROPERTY OF SOUTHERN LIFESTYLES II, LLC, LOCATED IN THE CITY OF CHARLESTON, BERKELEY COUNTY, SOUTH CAROLINA." Dated March 24, 2004, prepared by Richard A. ALDRIDGE, PLS, recorded in the ROD Office for Berkeley County in Plat Cabinet --, at Page --, conveyed by deed dated December 2, 2004, recorded in the ROD Office for Berkeley County in Plat Cabinet --, at page --, be and the same are hereby dedicated and accepted as public right-of-way.

**RESOLUTION**

**DEDICATION AND ACCEPECTANCE OF STREETS**

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON THAT ALL those certain streets, roads, drive sand cul-de-sacs, situate, lying and being in the City of Charleston, Charleston County, State of South Carolina, designated as Parrot Point Drive (50' R/W) shown on a plat entitled "FINAL PLAT SHOWING LOTS 7-28, BELLE TERRE, F/K/A/

PARROT POINT SUBDIVISION, LOCATED ON JAMES ISLAND IN THE CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA,” dated November 9, 2004, revised January 10, 2005, prepared by Trico Engineering, recorded in the RMC Office for Charleston County in Plat Book --, at Page--, conveyed by deed dated January 11, 2005, recorded in the RMC Office for Charleston County in Plat Book --, at Page --, be and the same are hereby dedicated and accepted as public right-of-way.

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

*The Committee on Ways and Means Reports:* 1/25/05

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.) **REISSUANCE OF BOND ANTICIPATION NOT BORROWING NOT TO EXCEED \$3,577,000 FOR PURCHASE OF THE CARTA LEEDS AVENUE MAINTENANCE FACILITY:**

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 a General Obligation Bond Anticipation Note of the City of Charleston, South Carolina in the principal amount of not exceeding \$3,577,000, the proceeds of which shall be used to refund the \$3,569,500 Bond Anticipation Note dated March 10, 2004 and to pay costs of issuance; to provide for the payment thereof; and other matters relating thereto.”*

Councilmember Campbell was not present to vote on this matter.

2.) **RESOLUTION RATIFYING, CONFIRMING AND APPROVING CERTAIN AGREEMENTS FROM THE CHARLESTON POLICE DEPARTMENT:**

The Committee on Ways and Means recommends City Council adopt the following Resolution:

*“A Resolution Ratifying, Confirming and Approving Certain Agreements Attached Hereto and Incorporated by Reference.”*

The vote was not unanimous with Councilmembers Campbell and George voting nay.

3.) **PARKING AGREEMENT EXTENSION WITH THE MEDICAL UNIVERSITY OF SOUTH CAROLINA FOR THE USE OF THE JOSEPH P. RILEY, JR. BALLPARK VIP PARKING LOT:**

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 Lease Amendment between the City of Charleston and the Medical University of South Carolina for 72 surface parking spaces in the eastern one-half of the VIP Parking Lot immediately adjacent to the Joseph P. Riley, Jr. Ball Park on Fishburne Street, in the City and County of Charleston, State of South Carolina, bearing TMS #460-00-00-019, said Lease Amendment being marked as Exhibit I, attached hereto and incorporated by reference herein.”*

This is a one-month extension with the Medical University of South Carolina for the use of 72 parking spaces in the VIP Parking Lot at the Joseph P. Riley, Jr. Ballpark until February 28, 2005, while their parking lot at Line and Hagood Streets was being extended.

4.) **LEASE AMENDMENT WITH THE SOUTH CAROLINA MARITIME HERITAGE FOUNDATION FOR THE USE OF A PORTION OF CONCORD PARK, FORMERLY KNOWN AS THE CALHOUN STREET MULTI-PURPOSE FIELD:** 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 Lease Amendment between the City of Charleston and South Carolina Maritime Heritage Foundation for the use of a portion of Concord Park f/k/a Calhoun Street Multi-Purpose Field located on Concord Street in the City and County of Charleston, State of South Carolina, on the terms more fully set forth in the Lease Amendment, which is marked as Exhibit A, attached hereto, and incorporated by reference herein.”*

The amendment would extend the current lease to December 31, 2005. The Foundation has plans to move the tall ship being constructed on this site to North Charleston if it is not completed by the end of 2005 and the City does not extend the lease further.

5.) **LEASE RENEWAL WITH CLEMSON UNIVERSITY FOR USE OF THE PARKING LOTS AT 13 AND 15 GEORGE STREET:** The Committee, based on the recommendations of the Committee on Real Estate, recommends City Council approve, and authorize the Mayor to sign, a lease renewal with Clemson University for the use of the parking lots at 13 and 15 George Street on a month-to-month basis. The parking lots are located adjacent to the Spoleto office building on George Street. Clemson University was not ready to start construction on their new Architecture School, so they have agreed to extend the parking lease on a month-to-month basis with a 45-day written termination notice. The lease extension states any rent received from parking fees would be paid as rent to Clemson University.

6.) **TERMINATION AGREEMENT WITH TWO EIGHTY EIGHT, LLC FOR THE PARKING AGREEMENT AT 13 GEORGE STREET:** The Committee, based on the recommendations of the Committee on Real Estate, recommends City Council approve, and authorize the Mayor to sign, a Termination Agreement with Two Eighty Eight, LLC for the Parking Agreement at 13 George Street effective January 31, 2005. The Parking Agreement with Two Eighty Eight, LLC for the use of the parking lot at 13 George Street would be terminated effective January 31, 2005. The approval and execution of this agreement is contingent upon the approval and execution of the lease renewal with Clemson University.

7.) **PARKING AGREEMENT EXTENSION WITH TWO EIGHTY EIGHT, LLC FOR THE USE OF THE PARKING LOT AT 15 GEORGE STREET:** The Committee, based on the recommendations of the Committee on Real Estate, recommends City Council approve, and authorize the Mayor to sign, a Parking Agreement Extension with Two Eighty Eight, LLC for the use of the parking lot at 15 George Street on a month-to-month basis for the rate of \$945 per month. The Parking Agreement with Two Eighty Eight, LLC would be extended on a month-to-month basis at a rate of \$945 per month with a 30-day written termination notice. The approval and execution of this extension is contingent upon the approval and execution of the lease renewal with Clemson University.

8.) **FACILITY RENTAL AGREEMENT FOR THE USE OF THE SILCOX GYM FOR THE CITY’S ADULT SOCCER LEAGUE - NOT TO EXCEED \$1,040 - COLLEGE OF CHARLESTON - ACCOUNT #511300-52206:** The Committee, based on the recommendations of the Committee on Real Estate, recommends City Council approve, and

authorize the Mayor to sign, a Facility Rental Agreement in an amount not to exceed \$1,040 with the College of Charleston for the use of the Silcox Gym for the Adult Soccer League. Funds will come from account #511300-52206. This is an annual agreement with the College of Charleston for the City's Recreation Department to use the Silcox Gym for the Adult Indoor Soccer League. The rent is \$80 per each day the facility is used by the soccer league for the spring season. The rent will be paid by fees collected from the participants.

9.) **ANNEXATIONS:**

1. 449 Fleming Road (a portion of) 0.2 acres  
TMS #343-07-00-056 (a portion of)
2. 1950, 1954, 1956, 1962, 1966, 1970 & 2 vacant lots on Delaney Drive; 756 and 764 Riverland Drive 5.75 acres total

TMS #340-00-00-026, 026, 027, 050, 076, 077, 081, 098, 099 and 128

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 a portion of 449 Fleming Road (0.2 acre) (a portion of TMS #343-07-00-056), James 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 1.”*

*“An ordinance to provide for the annexation of property known as 1950, 1954, 1956, 1962, 1966 and 1970 Delaney Drive and 2 vacant parcels on Delaney Drive; 756 and 764 Riverland Drive (5.75 acres) (TMS #340-00-00-025, 026, 027, 050, 076, 077, 081, 098, 099 and 128), James 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 1.”*

449 Fleming Road is currently zoned Industrial in the County and the property owner has requested a zoning of Light Industrial, which is comparable. The properties on Delaney Drive and Riverland Drive are single-family lots and two (2) vacant lots located on a dirt road.

LARRY SHIRLEY, Vice-Chair      HENRY B. FISHBURNE, JR.

DEBORAH MORINELLI      JAMES LEWIS, JR.

KWADJO CAMPBELL      WENDELL G. GILLIARD

YVONNE D. EVANS      PAUL E. TINKLER

ANNE FRANCES BLEECKER      G. ROBERT GEORGE

JOSEPH P. RILEY, JR., Mayor

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The Report from the Committee on Ways and Means included two (2) annexation petitions.

The following list of properties requested annexation into the City of Charleston:

1. 449 Fleming Road (a portion of) 0.2 acre TMS #343-07-00-056 (a portion of). The petition was signed by James R. and Myra T. Maull.
2. 1950, 1954, 1956, 1962, 1966, 1970 and 2 vacant lots on Delaney Drive; 756 and 764 Riverland Drive 5.75 acres total TMS #340-00-00-025, 026, 027, 050, 076, 077, 081, 098, 099 and 128. The petitions were signed by Isaac J. Godfrey, Jr., Carolyn Richardson-Mikell, Patricia R. Scott, Annabelle D. Richardson, Carolyn R. Mikell, and Douglas G. Richardson. Without objection and at the request of Councilmember George, the Resolution pertaining to ratifying,

confirming and approving certain agreements from the Charleston Police Department was divided from the issue. Council first considered the subject Resolution. On motion of Councilmember Tinkler, seconded by Councilmember Bleecker, Council voted to adopt the subject Resolution.

The vote was not unanimous. Councilmembers Campbell and George voted nay. The following Resolution was adopted:

**RESOLUTION**

City of Charleston, South Carolina

Ratifying, Confirming and Approving Certain Agreements Attached Hereto and Incorporated by Reference

**WHEREAS** the attached agreements relative to the temporary assignment of City of Charleston Police Officers on the terms described therein were executed by the Chief of Police of the City of Charleston and the Chief of Police of certain local or county governments, state or federal agencies or their respective public officials; and

**WHEREAS** Section 23-1-210, Code of Laws of South Carolina, is cited as authority for the attached agreements. Pursuant to the agreements, the City of Charleston Police Officers have performed law enforcement duties as described in the agreements. City Council has determined to ratify, confirm and approve these agreements.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and City Council of the City of Charleston that the attached agreements are hereby ratified, confirmed and approved as of the date of each agreement and for the terms stated therein.

**PASSED** by the City Council of the City of Charleston, this 25<sup>th</sup> day of January, 2005. **AND**

**APPROVED** by me this 25<sup>th</sup> day of January, 2005.

/s/ Joseph P. Riley, Jr., Mayor

**ATTESTED and FILED** in my office this

25<sup>th</sup> day of January, 2005.

/s/ Vanessa Turner-Maybank, Clerk of Council

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On motion of Councilmember Evans, seconded by Councilmember Bleecker, Council voted to adopt the remainder of the Committee on Ways and Means Report, accept the two annexation petitions, to give first reading to bills to annex the subject property and to give first reading to two additional bills.

First reading was given to five (5) bills entitled:

**AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF A GENERAL OBLIGATION BOND ANTICIPATION NOTE OF THE CITY OF CHARLESTON, SOUTH CAROLINA IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$3,577,000, THE PROCEEDS OF WHICH SHALL BE USED TO REFUND THE \$3,569,500 BOND ANTICIPATION NOTE DATED MARCH 10, 2004 AND TO PAY COSTS OF ISSUANCE; 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 LEASE AMENDMENT BETWEEN THE CITY OF CHARLESTON AND THE MEDICAL UNIVERSITY OF SOUTH CAROLINA FOR 72 SURFACE PARKING SPACES IN THE EASTERN ONE-HALF OF THE VIP PARKING LOT IMMEDIATELY ADJACENT TO THE JOSEPH P. RILEY, JR. BALL PARK ON FISHBURNE STREET, IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, BEARING TMS #460-00-00-019, SAID LEASE AMENDMENT BEING MARKED AS EXHIBIT 1, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN LEASE AMENDMENT BETWEEN THE CITY OF CHARLESTON AND SOUTH CAROLINA MARITIME HERITAGE FOUNDATION FOR THE USE OF A PORTION OF CONCORD PARK F/K/A CALHOUN STREET MULTI-PURPOSE FIELD LOCATED ON CONCORD STREET IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, ON THE TERMS MORE FULLY SET FORTH IN THE LEASE AMENDMENT, WHICH IS MARKED AS EXHIBIT A, ATTACHED HERETO, AND INCORPORATED BY REFERENCE HEREIN.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS A PORTION OF 449 FLEMING ROAD (0.2 ACRE) (A PORTION OF TMS #343-07-00-056), JAMES 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 1.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1950, 1954, 1956, 1962, 1966 AND 1970 DELANEY DRIVE AND 2 VACANT PARCELS ON DELANEY DRIVE; 756 AND 764 RIVERLAND DRIVE (5.75 ACRES) (TMS #340-00-00-025, 026, 027, 050, 076, 077, 081, 098, 099 AND 128), JAMES 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 1.

The next matter before Council was four (4) bills up for second reading.

On motion of Councilmember Tinkler, the four (4) bills received second reading. They passed second reading on motion of Councilmember Campbell and third reading on motion of Councilmember Bleecker. On the further motion of Councilmember Evans, the rules were suspended and the bills were immediately ratified as:

**RATIFICATION NO.**

**2005-18**

AN ORDINANCE TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF AN UNDERGROUND UTILITY FEE AND CONNECTION COST FOR NON-STANDARD SERVICE FROM THE PROPERTY OWNERS WITHIN THE CRESCENT NEIGHBORHOOD UNDERGROUND UTILITY DISTRICT AND TO PROVIDE FOR AMENDMENT OF SECTION 30-174 OF THE CODE OF THE CITY REGARDING NOTICE. BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF CHARLESTON, SOUTH CAROLINA IN COUNCIL ASSEMBLED.

**FINDINGS:**

**WHEREAS**, Ordinance Number -established the Crescent Neighborhood Underground Utility District (the District) pursuant to § 30-171 through § 30-177 of the Code of the City of Charleston and authorized the expenditure from the non-standard service fund (the Fund) for the portion of the funding for the improvements within the District to be paid by South Carolina Electric and Gas (SCE&G) and the City of Charleston (the City); and

**WHEREAS**, § 6-1-330 of the South Carolina Code of Laws, as amended, provides in part that a governmental body may charge and collect a service or user fee where a service or program benefits a specific group; and

**WHEREAS**, Crescent Neighborhood has complied with the procedure by which the above ground utility lines may be placed underground and a fee may be collected by the City or its agent from the property owners in the District and deposited into the Fund until 15% of the total cost of the non-standard service within the District is collected; and

**WHEREAS**, more than 66-2/3% of the residents situate within the District have signed a Petition providing for granting of necessary easements to SCE&G and acknowledging the cost estimate for the installation of the primary non-standard service and connection cost and further providing for a lien on the property in the event the final assessment for non standard service (excluding Neighborhood Street Lighting) is financed; and

**WHEREAS**, the underground utility fee to be collected from the property owners within the District is based on a combination of 50% of the assessed value and 50% of the front footage on all real property located within the District with the exception of marshes, wetlands or detention ponds that cannot be developed under applicable federal, state or local law; and

**WHEREAS**, the final assessment for non-standard service (excluding neighborhood street lighting cost but including the connection fee) may be financed at the request of the property owner within the District and collected over a period of ten years with financing cost at SCE&G's weighted average cost of long term capital as provided in Section 10 of Ordinance Number 1996-113.

**WHEREAS**, Section 30-174 of the Code of the City provides in part for notice of the establishment of the district to be sent within 30 days after the District is established, and it is now desirable to amend the notice requirement to provide for notice to be made within 60 days after passage of the Ordinance which provides for assessment and collection of an underground utility fee and connection cost within a utility district.

**Section I**

The Council hereby authorizes the assessment and collection of an Underground Utility Fee from the property owners in the District which is more fully described on Exhibit A attached hereto and incorporated by reference herein.

**Section II**

The Underground Utility Fee shall be collected by the City or its agent in the same manner as property taxes or by some other lawful means at the election of the City.

**Section III**

The property owners within the District shall pay a sum equal to 15% of the total cost of the non-standard service within the District; the specific charges allocated to the individual parcels for non standard service are set forth on Exhibit A, provided however, that the charges may increase

or decrease based on the final cost of the installation of the primary non standard service as actually incurred by SCE&G.

**Section IV**

The property owners located within the District shall be required pursuant to § 30-174 of the Code of the City to make the modifications to facilities on their property in order to receive such underground service and shall pay the actual cost to connect to the underground system; a preliminary estimate is identified in Exhibit A as a Service Cost and shall be collected in the same manner as the Underground Utility Fee and shall be deposited into the Fund.

**Section V**

All property owners within the Crescent Neighborhood Underground Utility District are required to connect to the underground service to be installed in accordance with this Ordinance and shall pay the cost for connection.

**Section VI**

Section 30-174 of the Code of the City is amended to provide as follows:

Within sixty (60) days after the passage of an Ordinance which provides for the assessment and collection of an underground utility fee and connection costs within a utility district, the clerk of council shall mail a notice of such action to all affected utilities and all persons owning real estate in the affected area. Such notice shall be directed to the last known address of such utility or property owner, as shown on the records of the city treasurer. Such notice shall advise property owners that overhead wires, poles and associated structures are to be removed, and if such property owners or their tenants desire to continue to receive utility service or services, such property owners shall at their expense make the necessary modifications to facilities on their property in order to receive such underground service from the utilities' specified terminal point. If no other changes are made in owner's facilities, then only that portion being modified to receive underground service shall be upgraded to conform to the city electrical code.

**Section VII**

This Ordinance shall be come effective upon ratification.

**2005-19**

**RATIFICATION NUMBER**

AN ORDINANCE TO AMEND SECTION 2-270(e) OF THE CODE OF THE CITY OF CHARLESTON TO PROVIDE THAT MISREPRESENTATION OF INFORMATION REQUIRED BY HOSPITALITY TAX RETURNS OR THE FAILURE TO COLLECT OR TIMELY REMIT TO THE CITY THE HOSPITALITY TAX IMPOSED BY SECTION 2-270 SHALL RESULT IN THE NONRENEWAL OF THE BUSINESS LICENSE OF THE OFFENDING ESTABLISHMENT AS MAY BE DETERMINED AFTER A HEARING BY THE BUSINESS LICENSE COMMITTEE.

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

Section 1. Section 2-270(e) of the Code of the City of Charleston is hereby amended by inserting the phrase “or the business license of the offending establishment shall not be renewed,” in the second sentence of the paragraph that follows subparagraph (5) of Section 2-270(e), and such amended sentence shall now read as follows:

“Notwithstanding the foregoing, any misrepresentation of the information required by return(s) as set forth in subsection (b) hereof or the failure to collect or timely remit to the city the taxes imposed by this section shall result in the suspension and/or revocation of the business license of the offending establishment, or the business license of the offending establishment shall not be renewed, as may be determined, after a hearing by the business license committee.” Section 2. This ordinance shall become effective upon ratification.

**2005-20**

**RATIFICATION NUMBER**

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN CONTRACT FOR THE ISSUANCE OF QUITCLAIM DEED OR WAIVER OF REVERSIONARY INTEREST BETWEEN THE CITY OF CHARLESTON AND THE CITY OF NORTH CHARLESTON FOR THE CITY OF CHARLESTON’S REVERTER RIGHTS IN 42.898 ACRES ON THE FORMER CHARLESTON NAVAL BASE LOCATED IN THE CITY OF NORTH CHARLESTON, COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, BEING A PORTION OF TMS #400-00-00-004, FOR THE SUM OF ONE MILLION FIVE HUNDRED FIFTY-SEVEN THOUSAND AND 00/100 (\$1,557,000.00) DOLLARS, SAID CONTRACT FOR THE ISSUANCE OF QUITCLAIM DEED OR WAIVER OF REVERSIONARY INTEREST BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN. **(AS AMENDED)**

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 Contract for the Issuance of Quitclaim Deed or Waiver of Reversionary Interest between the City of Charleston and the City of North Charleston for the City of Charleston’s reverter rights in 42.898 acres on the former Charleston Naval Base located in the City of North Charleston, County of Charleston, State of South Carolina, being a portion of TMS #400-00-00-004, for the sum of One Million Five Hundred Fifty-Seven Thousand and 00/100 (\$1,557,000.00) Dollars, said Contract for the Issuance of Quitclaim Deed or Reversionary Interest being marked as Exhibit I, attached hereto and incorporated by reference herein. **Section 2.** This Ordinance shall become effective upon ratification.

**EXHIBIT I** ) **CONTRACT FOR THE ISSUANCE OF**  
STATE OF SOUTH CAROLINA )  
) **QUITCLAIM DEED OR WAIVER OF**  
) **REVERSIONARY INTEREST**  
COUNTY OF CHARLESTON )

This agreement (hereinafter “Agreement”) is made and entered into this 25<sup>th</sup> day of February 2005 by and between the City of Charleston, South Carolina (hereinafter referred to as “Charleston”) and the City of North Charleston, South Carolina and its assignees (hereinafter referred to as “North Charleston”).

**WITNESSETH:**

WHEREAS, North Charleston, or its assignee, has agreed to pay consideration to Charleston for the issuance of a Quit-Claim Deed or Waiver by Charleston of any interest it may have in certain real property hereinafter described located in Charleston County, South Carolina, (hereinafter “the Premises”) upon the terms and conditions hereinafter set forth; and WHEREAS, this agreement sets forth the entire agreement between the parties with regard to the purchase and sale.

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein and other good and valuable consideration, the parties hereby agree as follows:

1. Property. Charleston claims a right of reverter in approximately 42.898 acres on the former Charleston Naval Base located in the City of North Charleston, Charleston County, South Carolina. North Charleston seeks to acquire a quit-claim deed or waiver from Charleston to allow for the unencumbered transfer of this property from the Charleston Naval Complex Redevelopment Authority (RDA) to North Charleston by means of certain legislation providing for such transfer, then to The Noisette Company, LLC pursuant to its Purchase and Sale Agreement executed with Noisette on November 1, 2002. The property is more particularly described as follows:

- (a) Approximately 42.898 acres at McMillan Avenue and Spruill Avenue in the City of North Charleston, South Carolina, a portion of TMS #400-00-00-004;
- (b) A drawing and legal description of the premises is attached to this Agreement and is identified as Exhibit 1 (hereinafter referred to as the “Property”).

2. Consideration. The consideration for the Quit-Claim Deed or waiver for the Property is One million five hundred fifty seven thousand dollars (\$1,557,000). The full amount of the consideration shall be paid, in cash, by North Charleston, or its assignee on the Closing Date as hereinafter defined in Paragraph 4.

3. Assignment. It is agreed and understood that North Charleston may assign its rights and responsibilities under this agreement to The Noisette Company, LLC as contemplated by and described in the Purchase and Sale Agreement between the City of North Charleston and The Noisette Company, LLC dated November 1, 2002.

4. Closing. This Agreement together with the Quit Claim Deed or waiver shall be executed and payment of the Consideration to Charleston shall be made to Charleston as soon as is practicable following approval by the City Councils of Charleston and North Charleston of this transaction. It is anticipated by the parties that the execution of this Agreement, the issuance of the Quit Claim Deed or waiver and payment of the Consideration will occur within 30 days of the approval of this Agreement (hereinafter referred to as the “Closing”); contingent upon approval by all necessary governmental authorities to a contemporaneous transfer of title to this Property from the RDA to North Charleston and North Charleston to the Noisette Company and the provision of the funds necessary to pay the consideration, plus incidental transaction costs by Noisette. It is understood that the Closing will occur as soon as is practicable after securing the necessary governmental approvals and the provision of the funds by Noisette. It is further understood that Charleston is not required to issue the quitclaim deed or waiver until and unless the above contingencies are met and it receives the full consideration described above. (a)

Closing Costs. North Charleston, or its assignee, shall pay all costs associated with this Agreement.

(b) Conveyance. Charleston shall deliver to North Charleston or its assignee a Quit-Claim deed or waiver of whatever interest, legal or equitable, it may have in the Property which is the subject of this Agreement in "AS IS" condition on the date of Closing. , subject to all encumbrances which may exist of record, all agreements, covenants, conditions, including but not limited to environmental, drainage, stormwater run-off, right-of-ways and utility conditions, and restrictions, zoning laws, ordinances and licenses, leases, uses, easements, restrictions and liens of record which may affect the Property, and all facts which are shown on any survey of the property. To the extent allowed by law, Charleston is entitled to claim the warranties and protections afforded recipients of real property from the United States government under the BRAC laws, as provided in the United States' deed to the RDA dated September 8, 2000.

5. Representations, Warranties and Covenants of Charleston. In order to induce the City of North Charleston or its assignee to enter into this Agreement, Charleston hereby makes the following representations, warranties and covenants:

(a) Authority. Charleston is and at closing shall be duly authorized to consummate the transaction contemplated hereby. Charleston has all consents of any person whomsoever required to perform fully under this Agreement.

(b) No default. Neither the execution of this Agreement nor the consummation of the transaction contemplated herein will

(i) conflict with, result in breach of the terms, conditions or provisions of, or constitute a default under any agreement or instrument to which Charleston is a party to

(ii) violate any restriction to which Charleston is subject or

(iii) constitute a violation of any applicable code, resolution, law, statute, regulation, ordinance, rule, judgment, decree or order.

6. Representations, Warranties, Covenants and Acknowledgments of North Charleston.

In order to induce Charleston to enter into this Agreement, North Charleston hereby makes the following representations, warranties, covenants and acknowledgments:

(a) Authority. North Charleston is and as of closing will be duly authorized to consummate the transaction contemplated hereby. North Charleston has all consents of any person whomsoever required to perform fully under this Agreement.

(b) No default. Neither the execution of this Agreement nor the consummation of the transaction contemplated herein will

(i) conflict with, result in breach of the terms, conditions or provisions of, or constitute a default under any agreement or instrument to which North Charleston is a party to (ii)

violate any restriction to which North Charleston is subject or

(iii) constitute a violation of any applicable code, resolution, law, statute, regulation, ordinance, rule, judgment, decree or order.

(c) Acknowledgments. North Charleston acknowledges that it has inspected the Property, is aware of the condition of the Property and accepts the Property "AS IS". North Charleston further acknowledges that, upon conveyance of Charleston's interest in the Property to North Charleston or its assignee, it accepts the Property without recourse against Charleston for any liability, including but not limited to liability under CERCLA, RECRA, or any other federal, state or local laws, rules or regulations with respect to the Property. This provision shall survive the Closing. Noisette agrees to add Charleston as an additional insured to a private environmental liability policy it will acquire to cover the Property. To the extent that

underwriters will not name Charleston as an additional named insured because it has no insurable interest in their judgment, Noisette will indemnify Charleston for any environmental claims under CERCLA, RECRA, or any other federal, state or local laws, rules or regulations brought by a third party as described in this paragraph.

7. Remedies and Costs. In addition to any remedies expressly provided herein, either party shall be entitled to sue the other party for specific performance of this Agreement. If either party shall bring any action or legal proceeding for an alleged breach of any provision of this Agreement, or to terminate this Agreement or otherwise to enforce this Agreement, the prevailing party shall be entitled to recover from the other party reasonable attorneys fees, courts costs and expert fees incurred as a result of bringing such action or legal proceeding.

8. Notices. All notices, demands or other written communications required under this Agreement shall be made in writing, signed by the parties serving the same and hand delivered or deposited in the registered or certified in the United States mail, return receipt requested, postage prepaid, and

i. if intended for Charleston shall be addressed to: City of Charleston

P.O. Box 652

Charleston, SC 29401

Attn: The Honorable Joseph P. Riley With copy to:

City of Charleston

PO Box 304

Charleston, SC 29402 Attn: Adelaide Andrews ii. if intended for North Charleston shall be addressed to:

City of North Charleston

4900 LaCross Road

North Charleston, SC 29406

Attn: Ray Anderson With a copy to:

J. Brady Hair, Esquire

PO Box 190016

North Charleston, SC 29418

North Charleston, upon assignment of this Agreement, shall deliver a substitute entity and address to receive notice under this provision.

9. Partial Invalidity. Partial invalidity of any term or provision of this Agreement shall to any extent be held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement or the application of such invalid term or provision to other persons or circumstances shall not be affected thereby.

10. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of South Carolina.

11. Entire Agreement. This Agreement represents the entire agreement between the parties hereto and neither North Charleston nor Charleston nor any agent representing either party has made any statement, promise or agreement, verbally or otherwise in addition to or in conflict with the terms of this Agreement. Any representation or agreement made during the

negotiation is hereby merged into this Agreement and if not set forth herein is hereby waived.

12. Captions. The paragraph captions of this Agreement have been inserted only as a matter of convenience and for reference and in no way define, limit or prescribe the scope or intent of these Agreement captions. This Agreement may be modified only by an Agreement in writing and signed by the party against whom enforcement of any waiver, change, modification or discharge is sought.

13. Successors and Assigns. This Agreement is binding upon the parties hereto and their respective personal representatives, successors, heirs and assigns.

14. Warranty of Authority. The individuals actually executing this Agreement personally represent and warrant that they have the necessary power and authority to execute this Agreement on behalf of the party they represent and that their signatures are sufficient to make this Agreement binding and enforceable obligation of such party.

15. Interpretation Presumption. This Agreement has been negotiated by the parties hereto and by the respective attorneys for each party. The parties represent and warrant to one another that each has by counsel or otherwise actively participated in the finalization of this Agreement, and in the event of a dispute concerning the interpretation of this Agreement, each party hereby waives the doctrine that an ambiguity should be interpreted against the party which has drafted the document.

**TIME IS OF THE ESSENCE IN THIS AGREEMENT.**

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed and delivered each unto the other by their respective duly authorized representatives as of the date abovementioned.

**WITNESSES: City of Charleston**

/s/ **Joseph P. Riley, Jr.**

/s/Debra Matthews **By:** Honorable Joseph P. Riley

/s/Cathy Baker **Its:** Mayor

**City of North Charleston**

/s/ R. Keith Summey

/s/Raymond H. Anderson **By:** Honorable Keith Summey

/s/James Bell **Its:** Mayor \_\_\_\_\_

**RATIFICATION NUMBER**

**2005-21**

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2947 CANE SLASH ROAD AND ELEVEN (11) ADJACENT LOTS (91.54 ACRES) (TMS #345-00-00-001, 036, 122, 123, 124, 125, 126, 127, 128, 140, 141 AND 142), 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 (MAP IS ATTACHED TO ORIGINAL ORDINANCE) 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 8 of the City of Charleston, to wit: SAID PROPERTY to be annexed, 2947 Cane Slash Road and eleven (11) adjacent lots, (91.54 acres), Johns Island, is identified by the Charleston County Assessors Office as TMS #345-00-00-001, 036, 122, 123, 124, 125, 126, 127, 128, 140, 141 and 142 (see attached map) (map is attached to original ordinance) and includes all marshes, public waterways and public rights-of-way, shown within the area annexed upon a map attached (map is attached to original ordinance) hereto and made a part hereof.

Section 3. This ordinance shall become effective upon ratification.

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The Mayor noted the next regular City Council meeting would be Tuesday, February 8, 2005 at 5:00 p.m., in the Reuben M. Greenberg Municipal Building, 180B Lockwood Drive.

Mayor Riley commented that WCIV Television Channel 4 had been kind enough to televise the *State of the City* address which had been scheduled for broadcast at 7:30 p.m.

Councilmember Fishburne referred to a memorandum that the Mayor had sent to Council regarding the housing bond issue. Councilmember Fishburne noted that the first sentence of the memorandum referenced “progress on the development of affordable rental housing to be financed by the general obligation bond.”

Continuing, Councilmember Fishburne commented that perhaps he had missed some information, but he had thought that some of the \$10,000,000 would be used to construct housing for sale. He said that the Mayor’s memorandum indicated the money would all be used for rental housing and asked if that was correct.

The Mayor responded affirmatively. He went on to say that he believed this had been a clear presentation to the public. He commented that the idea had been that rental housing would be constructed and the income from the apartments would pay off the bond. Mayor Riley noted that it had not been presented to the public as property that would be for sale.

Councilmember Fishburne remarked that he thought this was good and said he was glad this progress had been made. He noted perhaps this was a discussion for another time, but he said there had been talks in the past about gentrification and how it is getting ahead of us no matter how hard the City tries and other people try.

He then referred to a newspaper article in today’s paper regarding the City’s effort on the East Side. He could not recall the name of committee he had served on several years ago, but he said it seemed to him if the City is going to really attack the problem of affordable housing some way must be found to energize private enterprise to get involved in constructing housing that is affordable to people who work for a living.

Councilmember Fishburne expressed his hope that this effort was still going on and said he thought the City could encourage this in certain ways. He stressed his belief that the City should find ways to get private enterprise involved in this issue and to get them involved in production of housing units whether that is on the East Side or in other parts of the City. He noted that he does not think the City can do everything or be everything to everybody. He restated his hope that there is an ongoing concern and effort to get private enterprise involved.

He suggested the East Side would be a good place to try to concentrate this effort.

Councilmember Lewis commented that he was also happy to receive this memorandum from Mayor Riley. He stated his understanding that Community Development would be working on this. He said his only questions would be about doing affordable housing on Daniel Island. He suggested looking at other areas of the City such as James Island or West Ashley. He remarked that he was glad to see some progress and thanked the Mayor for the outline he had provided.

Mayor Riley spoke of the hard work that had taken place and said he knows this is what our citizens want. He expressed his understanding that this is the policy of this City Council. He explained this is hard work because of the numbers involved in the cost of land and construction costs involved. He noted that he would be mentioning two affordable housing initiatives on Daniel Island in his *State of the City* address. He further noted there would be some West of the Ashley in addition to the peninsula. He added that this is a big challenge everywhere.

Councilmember Tinkler wanted to know if anything could be done about the boat out in the Ashley River.

Councilmember Fishburne said when he asked someone about this, he had been told this is the federal anchoring area.

Councilmember George said the referenced boat is actually on a moor that belongs to the City Marina. He commented at low tide it is possible to see a round white ball to which it is anchored. He stated that it is outside of the channel and the corps does not have jurisdiction to move it. He added that OCRM does not have jurisdiction to move it either. He said that the Coast Guard had taken 200-300 gallons of diesel fuel out of it. He went on to say that the boat had all but sunk twice and said another had sunk right next to this one. Councilmember George suggested speaking to someone at the City Marina about this boat.

Councilmember Gilliard and Councilmember George expressed their concerns about the extremely cold temperature in this room (municipal courtroom). Mayor Riley assured everyone that he would follow up on this matter.

Council recessed at 6:50 p.m. for the Mayor to prepare for the *State of the City* address and reconvened at 8:00 p.m. following the address, which is published in its entirety at the end of these minutes.

There being no further business the meeting adjourned at 8:05 p.m.

Vanessa Turner-Maybank

Clerk of Council

## **STATE OF THE CITY ADDRESS**

JOSEPH P. RILEY, JR.

MAYOR, CITY OF CHARLESTON, SC

JANUARY 25, 2005

When the deadly Tsunami struck southern Asia the day after Christmas, Charlestonians responded with extraordinary acts of generosity. Our citizens' actions were reflective of the

help we received after Hurricane Hugo. We vowed then as a community to never forget and to always seek to respond in kind, and we have. Substantial sums of money were raised and many charitable and humanitarian organizations have been assisted by Charlestonians. Of special consequence is the work of Water Missions International. This non-profit, faith-committed organization is the brainchild of George and Molly Greene. They developed these portable water purification systems that can transform bacteria-filled disease water into water pure to drink. These were the most ideal gifts for Charlestonians to give the disaster-struck people halfway around the world.

Because of your generosity, over \$700,000 has been raised, with another \$200,000 in pledges, for Water Missions. Forty-one systems have been sent or are being sent to communities still reeling from the disaster. These systems are permanent, they will continue to serve many of these impoverished areas. If you would like to find out how you can be a part of Water Missions International, call them at 769-7395, go to the web page at [watermissions.org](http://watermissions.org), or simply call me. Faith-connected charitable endeavors are not new to Charleston. We have a few hundred years of history with them. Another remarkable community service is our Crisis Ministries which is celebrating its 21<sup>st</sup> anniversary and a new Executive Director, Stacy Deneaux. A national model of serving a community's homeless, Crisis Ministries, during this bitter weather, is providing shelter for 165 citizens every night and three hot meals a day for hundreds. Crisis Ministries is served by 3,000 volunteers providing holistic support for those who are without homes. They continue to need our support. Call them at 723-9477 or if you would like more information, call me.

Homelessness is one end of the spectrum of the challenge of affordable housing. As land and construction becomes more expensive, the challenge of people of modest resources finding an affordable place to live becomes increasingly difficult. In the past few months, we have opened, and soon will be opening, a wonderful range of new affordable housing opportunities. Working with the Humanities Foundation, Habitat for Humanity, Charleston Affordable Housing, PASTORS and many other organizations, we seek to increasingly add to the supply of affordable housing. This year we will be expanding those efforts and will be working on the construction of apartments funded by our \$10 million affordable housing bond issue. This will include, among other locations, affordable housing on Daniel Island, where we will also be working with the Humanities Foundation. Affordable housing near places of work is an obvious benefit to those citizens and to our community, also allowing people of modest resources the opportunity to become first-time homebuyers, not only allows them to advance on the ladder of economic success in our community and enhances the diversity of our neighborhoods. We will also see construction of over 40 affordable housing units that will be available to first-time homebuyers homes in Longborough, once known as Shoreview.

Tammy Hoy became the first Executive Director of the Charleston Housing Trust, a valuable new resource for our three-county area.

The new Cooper River Bridge is almost a year ahead of schedule. Its opening in late spring will be an historic moment in our community's history. Eight lanes of traffic and a bicycle and pedestrian lane will produce convenient access across the Cooper River, better connecting neighborhoods and communities. It will also assist our port making the crossing under the bridge safer and more accessible for larger ships, which will boost our economy. And, of course,

it will be a new structural icon that will be a part of our community for at least the next 100 years.

Soon after the new Cooper River Bridge opens, the process of demolishing the existing bridges will begin and this will create a wonderful opportunity for us to reknit the Eastside neighborhoods. The bridges and the approaches will come down, and we will begin the process of rebuilding these neighborhoods and will create new opportunities for housing including affordable housing and other neighborhood uses and activities.

Part of the new Cooper River Bridge funding is to come from the one-half cent sales tax, which the citizens of Charleston overwhelmingly supported last November. No community can succeed without a good public transportation system. We now have the opportunity to create something of greater value with express buses and park and ride systems, smaller buses operating in neighborhoods and more.

There is a host of highway and road construction initiatives and the County's Transportation Planning Committee will be receiving public input to make sure we follow the priorities of our citizens.

Of great interest is the West Ashley Circle. At the intersection of Glen McConnell and Bees Ferry, we have the opportunity to do something new and exciting. Rather than a flyover with no pedestrian amenities and almost unavoidable harsh appearances, we can create a new civic place West of the Ashley that allows people to drive, bike or walk and one that enhances the physical appearance of their neighborhoods. And there will be many other opportunities like this throughout our community.

Of huge importance is the commitment to green space. Another County committee will be working to make sure that the expenditure of these funds is consistent with the wishes of our citizens. Certain to emerge will be a land preservation program to ensure that the green edges of our metropolitan area are preserved and protected for future generations. It is my hope that among these recommendations will be the purchase of development rights proposals so that farmlands and timberlands can next year and 100 next years from now continue to be actively farmed, providing a softened edge to our urban and suburban communities.

Every city, no matter its size, is in the final analysis a dominion of its neighborhoods. We are very proud of our 94 neighborhood associations in our city and the wonderful work that they do with us to enhance our community's quality of life, whether it's our successful legal conclusion of the bar closings issue to require bars to close at 2:00 a.m., our Operation Neighborhood initiatives this year in Rosemont, Ashleyville/Maryville and begun yesterday Operation Neighborhood on the Eastside, or, forcing the closure of the adult bookstore at Maryville or speed humps that are now in dozens of our neighborhoods making those communities safer and more livable, or the conversion of two streets in our city that had been one-way for 40 years, now back to two-way streets that are quieter, safer and yet handle the traffic more efficiently than before.

And tonight we recognized Dr. Keith Kirkland for his preeminence as a neighborhood and community leader.

To better serve our neighborhoods and its citizens we instituted the City of Charleston Help Desk this past year. If you have a question, need for service or idea, in addition to calling the City's Ombudsman, you may also call the Help Desk directly at 724-7311 or access the Help Desk through our website at [www.charlestoncity.info](http://www.charlestoncity.info).

Because we are the Lowcountry, low and flat, above-ground or near-ground gravity systems to handle sewage or storm water are not readily available to us. Therefore, we must often go way underground and create a network of tunnels 100 feet and more below the surface. The Commissioners of Public Works is building a new sewage collection system to replace one that is reaching the end of its life expectancy. This is the same technique that we used for the East Bay/Calhoun Street drainage system and which we will use to implement both the Market Street and the President/Spring/Fishburne drainage systems. Also this year, we will proceed with construction of the Byrnes Down/Avondale drainage construction system in addition to the 93 miles of ditches that our crews attend to every year.

The City's Livability Court, a product of our neighborhoods system, won the top award from the United States Conference of Mayors this year. The Livability Court was seen as a splendid model that other cities could use to make sure that issues of neighborhood safety, quietude and livability can be quickly addressed. Our Court, chaired by Judge Michael Molony and staffed by Sgt. Danny Riccio, is now being studied by cities across our land.

There is a way that we can all help our citizens who are struggling from paycheck to paycheck earning a modest income while having substantial personal family responsibilities. That is through the earned income tax credit, which is a national program to assist working families of very modest income. There is approximately \$17 million left on the table in the Tri-County area that belongs to citizens of our community, who do not apply for the earned income tax credit that they are due. Working with the Trident United Way we can not only help people apply for the earned income tax credit, but also people who qualify for this can also receive assistance at no cost in preparing their tax returns.

If you need help or know of someone who could possibly use help in applying for the earned income tax credit, just dial 211 or 744-HELP from a cell phone.

We are very proud to report to you the City's excellent fiscal condition. Not only did the City not have a tax increase this year, and there has been none since 1990. In fact, the City's tax rate went down 12 of the last 15 years. Both the James Island Public Service District and the St. Andrews Public Service District now have higher tax rates than the City of Charleston. We offer lower taxes to citizens who are adjacent to our City and, of course provide splendid City services. And we again welcome citizens on James Island to join the City of Charleston and to be a voting part of our City. We are very proud that the City of Charleston now provides the recreational services on James Island that benefit all the citizens of that community, is home to most of the schools, many of the churches, most of the shopping areas, the much treasured and award-winning Senior Center, which is now the only certified senior center in South Carolina, retirement communities and parks on James Island are all in the City of Charleston. We welcome James Islanders to join our City where not only are the taxes lower but services are excellent.

Chief among our great City services are those of our Police and Fire Departments. Tomorrow we will formally open the Reuben M. Greenberg Municipal Building, a part of our Police Department complex on Lockwood Drive. Most appropriately named after our excellent Chief of Police, this handsome building will allow our Police Department needed expansion, give our Municipal Court, two new court rooms to better serve our citizens. And among other things, the nerve center of all of the City's traffic signals is operated right here in a state-of-the-art complex. Of course the Police Department is more than this complex of buildings. It is the 362 police

officers who serve you so well under Chief Greenberg's leadership. We will be adding five additional officers to the police force this year as we have in the past several years continued to add police officers to what is the largest police department in our state and I believe the very best in America. We have seen our violent crime rate come down this year and among other things have had some very successful drug busts. Our goal each year is to make our City safer than the year before and you are such an important part of that. If you or your neighborhood has not recently met with our Crime Prevention Unit, I urge you to do so. For more information, dial 720-2436 or call me.

Under the leadership of Chief Rusty Thomas our Fire Department continues to enjoy its national reputation as one of only 44 in the United States of America that enjoys the Class No. One rating. No chief or department in America exceeds them in courage and skill. They are the best. The holiday magic in Marion Square was even more magical with a little bit of the North Pole at a wonderful ice skating rink. Thousands of Charlestonians either learned how to or enjoyed the thrill of ice skating right in the heart of our City. Of course, one can do that year round at the wonderful Carolina Ice Palace.

Our Central Business District continues to experience a remarkable rebirth. It has become a national Main Street success story. Forty new stores opened on King Street this past year, and Upper King Street is becoming increasingly a design district.

Soon another component of our business districts will be the availability of sidewalk dining. City Council approved an ordinance after months of hard work by our City staff and the citizens of our community that will allow sidewalk dining in certain places in our City.

When the City of Charleston created the Digital Corridor concept, we were on the cutting edge in our country and we have seen the benefits of that advanced thinking. Charleston is continuing to attract new information-based companies that are giving us a solid foundation of new technology and economic growth. These companies have moved to places on Upper King Street, other parts of our City, including Daniel Island which itself is becoming a national success story. We had our most successful Family Circle tournament and hosted the semifinal round of the Davis Cup – a first for South Carolina! We also opened a new municipal building housing fire and police departments and EMS service.

We will also build two new fire stations this year in Cainhoy and on Bees Ferry Road.

We have two new special development opportunities this year. The Magnolia area, also known at the Charleston Neck, once a large industrial neighborhood, now has the potential of being a wonderful community for many more people to live. Working with the adjacent neighborhoods, we have prepared a plan for the redevelopment of this area that will enhance the livability for those who now live there and create marvelous new opportunities to live and work right in the heart of our metropolitan area.

We also will go forward with the plans for the Concord Park development, which will include a variety of uses, including affordable housing surrounding a beautiful new park.

The new Stono River Bridge means no more traffic jams because the drawbridge is open or stuck. This is a great enhancement for the citizens who use Maybank Highway. With progress in our community, we must make sure that we protect existing treasures. One of those is the Charleston Municipal Golf Course, now 75 years old. This beautiful golf course is an accessible and affordable place for citizens to play the game of golf, particularly young people and seniors for whom the cost of playing golf is an important consideration. The new Stono River Bridge

made the crossing of Maybank Highway near the bridge an unacceptably dangerous path through the golf course. We have awarded the contract to the low bidder to construct a golf path underneath Maybank Highway which means that this community asset will be preserved. We are continuing our planning of the International African American Museum, chaired by Congressman, James Clyburn. We also are designing the exhibits for the Slave Mart Museum on Chalmers Street, which will present history that relates to this specific site where Ryan's Slave Mart was in the 1800s. The City was very proud to have acquired this building several years ago when it was up for sale, and without the City's action this historic building could have been lost as a part of the public domain.

Sweetgrass baskets are a Lowcountry art form, the products of which are in homes and museums around the world. This small fountain in front of our Visitors Center is a beautiful monument to the artists who create them. The sweetgrass fountain, a place of repose in a busy part of our City, will be a permanent reminder of this art and an encouragement for us to make sure that we protect and preserve it, which will require having publicly owned or protected lands where these delicate grasses will continue to grow.

Protecting and presenting our history also means giving our support to the construction of the Sprit of South Carolina. This exciting initiative means that Charleston and South Carolina will have their own tall ship, a ship for young people to learn ocean-going sailing, a ship to represent Charleston and South Carolina around our country, a ship to allow us to never forget Charleston's ocean-going and sailing heritage.

We must together begin the process of regional planning. Economic growth and physical development are occurring in the Lowcountry of South Carolina at a record pace. It is important that our citizens come together and develop our vision for the future of this very special part of our country. We can no longer think only in isolated geographic or political zones for we are now and increasingly interconnected in a myriad of ways. Charleston, Summerville, Mt. Pleasant, Hollywood, Moncks Corner, Edisto, McClellanville, Hollywood and more, places removed geographically and politically, but all important parts of a region. When the first manned spaceship encircled the moon, as it came from the dark side, we saw the beautiful planet Earth. There were no lines showing the borders of countries, to say nothing of towns or cities. Our common sense of citizenship was overpowering. In a much smaller scale, the area perhaps from the Ace Basin to the southwest and the Santee River to the northeast is a region that must seek to develop a vision for its future. This does not mean any government, any political entity losing prerogatives or responsibilities, it simply means that we must find a way to think about our future together to see what common principles we find most important. We must encourage needed economic growth and physical development, while at the same time hold firm to values and qualities that we collectively treasure.

We should support the Coastal Community Foundation as they seek to convene a group and to begin a process that will allow us as a region to think about our future together. What will be our thoughts and recommendations, what will be our areas of common interest or diverse opinions is something we will find out. But if we do begin the process, not as Mayors or Councilmembers, Legislators or Commissioners, but rather as citizens of this part of our planet who feel a responsibility for the future, then I believe we can develop a vision that will better guide all of us, citizens and elected officials alike, as we execute our responsibility to give to future generations a community more livable and beautiful than we found it.

We are very proud of the Charleston School of Law that opened this year. The applicants to the Law School greatly exceeded expectations. We now can look forward to a law school of over 650 students who will enhance our community by their presence and give many of our sons and daughters the opportunity to be engaged in the practice of law by attending a school in their hometown.

Another wonderful college was birthed this year with the American College of the Building Arts and their acquisition of the McLeod Foundation property. There is no better place in American for the American College of the Building Arts than Charleston as we have more to teach about preserving and protecting buildings than any other community. This is a wonderful enhanced role for our community and the McLeod Plantation will be an ideal and beautiful place for the college to begin.

Speaking of preserving old buildings, our 200-year-old City Hall building is now under major renovation. We have been relocated and will be for almost two years while this remarkable building gets its 200-year restoration. There are structural defects that still exist from the earthquake of 1886 that will be repaired. This building will be preserved for all future generations. We look forward to our return next year.

We are proud of our citizens' ability to help to continue to produce a most wonderful series of Festivals that add to the life, excitement, enjoyment and inspiration of our community. Spoleto and Piccolo Spoleto enjoyed one of their finest seasons this past year and First Night was another beautiful opportunity for our families to come together, celebrate the arts, end one year and happily begin the new. Our Farmers' Market continues to be such a successful happening of families and friends coming together in our beautifully restored Marion Square where we can buy produce grown right here in the Lowcountry.

In most communities the first day of school almost goes unnoticed except for the children who perhaps somewhat sadly are ending their summer. Not so in Charleston. With the support of many people, we had our second First Day of School Celebration with a wonderful free festival the Sunday before school started at Liberty Square and then encouraged businesses and organizations to allow their employees a few hours off to take their children to the first day of school. We hope this initiative will continue to grow and that more parents can go with their children to the first day of school to help their child start school off on the right foot. And for those students who need some additional help, our wonderful SOS tutoring program has gone from a summer initiative to a year-round one. If you would like to volunteer to help tutor a child one afternoon a week to help them to enhance their academic skills, call Communities in Schools at 720-2346. Also Lunch Buddies is one of many ways we can serve as mentors our community's youth and Lowcountry Promise has a host of opportunities and meaningful ways to be engaged in serving our young. Check out [www.lowcountrypromise.org](http://www.lowcountrypromise.org).

I began this evening talking to you about Charlestonians' remarkable response to the Tsunami disaster and our wonderful non-profits like Water Missions International and, of course, Charleston Interfaith Crisis Ministries.

I would like to conclude by talking about another, in fact, it is a miracle -- the Miracle League Field in Charleston. Spearheaded by a wonderful young community leader, Channing Proctor, Charleston is now the 15th community in our country to have a Miracle Field. The field, constructed with generous donations from the Joseph Griffith Company, many others and with support from the City of Charleston, is located West of the Ashley as a part of the W. L.

Stephens Recreational Complex. This field, designed for mentally and physically challenged children, means that those who were never able to play baseball can now do so. If you know of a child who would like to participate or if you would like to volunteer, check out their website at [www.charlestonmiracleleague.org](http://www.charlestonmiracleleague.org), call 478-1634 or just let me know.

Charleston is a place where our citizens believe in miracles and in fact they make them happen every day.