

May 13, 1997

COUNCIL CHAMBER
Regular Meeting.
May 13, 1997

The thirty-seventh meeting of the City Council of Charleston was held this date convening at 6:10 p.m. in City Hall.

A notice of this meeting and an agenda were mailed to the news media May 9, 1997 and appeared in The Post and Courier May 11, 1997.

PRESENT

The Honorable Joseph P. Riley, Jr., Mayor, and Councilmembers Hagerty, Kinloch, Lewis, Jefferson, Washington, Scott (arrived at 7:05 p.m.), Waring, Evans, Ader, Shirley, Hart, and Thomas C- 13.

Councilmember Waring called on Rabbi David Radinsky to open the meeting with a prayer.

Councilmember Waring led City Council in the Pledge of Allegiance

Council first considered four presentations and proclamations. The first was a proclamation in recognition of the *Days of Remembrance - Holocaust Remembrance Day*. Mayor Riley invited Rabbi David Radinsky and Mr. Pincus Kolender, a Holocaust survivor, to join him on the platform. The Mayor said for many years, with great respect, the City Council of Charleston has proudly held this Holocaust memorial service. He quoted Herman Wouk, saying "the ending of war lies in its remembrance" and the security for the prevention against the Holocaust lies with its remembrance and the reminder when prejudice and bigotry are tolerated it can lead to tragic human events.

A copy of the proclamation was placed on Councilmembers' desks, and Mayor Riley read the following:

PROCLAMATION

WHEREAS; the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewry by Nazi Germany and its collaborators between 1933 and 1945; Jews were the primary victims 6 million were murdered; Gypsies, the handicapped and Poles were also targeted for destruction or decimation for racial ethnic or national reasons; and

WHEREAS; the United States became the homeland to many thousands of Holocaust survivors who, having deep appreciation for the freedom and opportunities afforded by this nation, greatly contributed to the culture and strength of their adopted homeland; and

WHEREAS; we the people of the City of Charleston should always remember the terrible events of the Holocaust and should remain vigilant against bigotry and tyranny; and

WHEREAS; we the people of the City of Charleston should continually rededicate ourselves to the principles of equality and justice for all; and

WHEREAS; the Days of remembrance have been set aside for the people of the City of Charleston to remember the inhumanity of those who perpetrated the Holocaust as well as to reflect upon our own humanity and the need for respect of all peoples; and

WHEREAS; pursuant to an Act of Congress (Public Law 96-388, October 7, 1980) the United States Holocaust Memorial Council designates the Days of Remembrance of the victims of the Holocaust to be Sunday, May 4-11, 1997, including the international Day of Remembrance known as Yom Hashoah, May 4.

NOW, THEREFORE, I, Joseph P. Riley, Jr., Mayor, City of Charleston, do hereby proclaim the week of Sunday, May 4, 1997 - Sunday, May 11, 1997 as the:

DAYS OF REMEMBRANCE OF THE VICTIMS OF THE HOLOCAUST.

On motion of Mayor Riley, seconded by Councilmember Waring, the Proclamation was adopted, and the Mayor presented it to Mr. Kolender.

Rabbi Radinsky conducted the lighting of the Yom Hashoah Yellow Candles. A candle was placed before each Councilmember and the Mayor, and they lighted them at Rabbi Radinsky's instruction. The Rabbi explained the candles are the traditional way to remember the soul of the deceased. The Bible says the soul of the human being is the light of God.

Continuing, Rabbi Radinsky explained briefly why the Holocaust is remembered and why we must never forget - so that it will never happen again. If we remember the evil a human being is capable of, we will make sure that no one will perpetrate that evil. There are many among us, even in this blessed United States, who are filled with irrational, inexcusable hatred. We must remember that human beings are capable of terrible evil and that Holocaust can occur again. We must be ever vigilant that atrocities such as the Holocaust never occur again.

The second presentation was the report and recognitions pertaining to Charleston Clean City Sweep. Mayor Riley invited Georgia B. Smith, the City's Coordinator for Charleston Clean City Commission to join him at the podium for the presentations.

The Mayor reported that between April 7 and April 12, 1997 results show that 8,511 volunteers removed 1,789,000 pounds of litter trash and debris from streets, vacant lots, and neighborhoods. The volunteers also planted hundreds of flowers and trees in their respective neighborhoods. One hundred forty-four groups participated including neighborhood associations, schools, churches, MUSC, U.S. coast Guard, and AmeriCorps. GLAD Wrap and Bags provided commemorative hats and 38,000 trash bags. Volunteer judges gave of their time and energy to rate cleanup contests and corporate sponsors provided cash awards.

Mayor Riley went on to commend the many City departments that provided invaluable assistance including the Police Department and the Parks Department. The assistance from the Department of Recreation was outstanding as they conducted art and essay contests in schools as well as providing children's activities for the celebration at Charles Towne Landing.

The Mayor commented on the many hours the Department of Sanitation toiled to assure the prompt removal of the debris. Sanitation employees Joe Simmons, Delores McPherson, along with driver Richard Hollington worked in the rain on Saturday to load 18,640 pounds of trash by hand. Eugene Palmer, another Sanitation employee, operated a claw to load 17,900 pounds of debris.

The Mayor then invited the following City Sanitation employees to join him and Ms. Smith at the podium to receive \$50.00 gift certificate for their "above the call of duty" participation: Joe Simmons, a City employee for 22 years, Delores McPherson, a City employee for 15 years, Richard Hollington, a city employee for 22 years, and Eugene Palmer, a city employee for 262 years. The Mayor thanked each of the employees, and an extended round of applause followed.

Mayor Riley also recognized other members of the Clean City Sweep Commission who were present. A round of applause followed.

The third presentation was a proclamation to recognize Citizenship Week, May 12 - 16, 1997. A copy of the document was placed on Councilmembers' desks. The Mayor commented the City was very pleased to participate in the President's Volunteer Summit because it was an honor to be asked. Not every city in America was asked. Charleston was asked because of the wonderful foundation of volunteerism that exists in the City. He noted that so much more can be done. He spoke of the exciting plans for Citizenship Week including an exciting civic forum that would be held May 13, 1996 between 6:30 and 8:00 p.m. at the

Lightsey Conference Center. Former Governor Winter of Mississippi will be joining the Mayor for this free forum to discuss the role of cities and citizenship in the modern South.

Mayor Riley read the following Proclamation:

PROCLAMATION

WHEREAS; a basic ingredient in the foundation of this nation is the commitment to volunteerism by private citizens and organizations, and this commitment is largely responsible for our country's remarkable progress and development; and

WHEREAS; many citizens of Charleston contribute to the well-being of our children and fellow residents and the health of our community by giving tirelessly of their time and energy without desire for recognition; and

WHEREAS; every individual has a special contribution to offer for the benefit of others, and everyone's services are urgently needed by the agencies, organizations, and individuals working to solve the problems facing our youth and the community; and

WHEREAS; volunteer service frees up other community resources, increases understanding, and enriches the volunteer's own life as they give of themselves in serving others; and

WHEREAS; every child in Charleston needs to have an ongoing relationship with a caring adult; a healthy start in life, a safe place to learn and grow; a marketable skill through education; and an opportunity to give back to the community through volunteer service.

WHEREAS; Charleston has a strong commitment and dedication to the well-being of all of our citizens, especially our children, and will continue to lead the nation in using volunteer efforts to improve the lives of our citizens.

NOW, THEREFORE, I, Joseph P. Riley, Jr., Mayor, City of Charleston, do hereby proclaim the week of May 12-16, 1997 as:

CITIZENSHIP WEEK

On motion of Councilmember Evans, seconded by Councilmember Jefferson the Proclamation was adopted.

The last presentation was a Proclamation to recognize National Try Transit Week, May 12 - 16, 1997. The Mayor read the following Proclamation:

PROCLAMATION

WHEREAS; increased public investment in transit services provides the potential to create jobs and enhance business prosperity; and

WHEREAS; public transportation is vital to the quality of life and economic well being of the citizens of Charleston, South Carolina; and

WHEREAS; workers, school children, senior citizens, people with disabilities, and those unable to afford an automobile use public transportation to gain access to jobs, schools, medical facilities and other fundamental services; and

WHEREAS; the nation, our communities and our citizens face risks to health and the environment that are brought on by automobile exhaust emissions; and

WHEREAS; traffic congestion which wastes productive time can be alleviated through the increased availability and use of public transportation and other forms of high-occupancy, shared-ride services; and

WHEREAS; the City of Charleston the American Public Transit Association, the American Association of State Highway and Transportation Officials, the Association of Commuter transportation, the National League of Cities, America's Coalition for Transit NOW, the Association of Metropolitan Planning Organizations, Citizen Action, the Surface Transportation Policy Project, and the U. S. Conference of Mayors have declared May 12-16, 1997 to be **TRY TRANSIT WEEK** and call upon all citizens to join in a nationwide effort to promote transit's benefits, honor transit employees, and encourage new riders.

NOW, THEREFORE, I, Joseph P. Riley, Jr., Mayor, City of Charleston, do hereby proclaim May 12-16, 1997 as **TRY TRANSIT WEEK**, and call upon all citizens to examine their personal travel choices to commute via transit or share the ride during this week and to become more active in education and advocacy efforts to promote the vital role of public transit in the City of Charleston and across the United States.

On motion of Councilmember Ader, seconded by Councilmember Waring, the Proclamation was adopted.

The Mayor then reported that Councilmember Hart had recently represented the City in a very important recognition and service. Without objection, Councilmember Hart reported he had attended the Fraternal Order of Police Memorial Service on May 10, 1997, at Brittlebank Park. He noted this is National Police Officer Memorial Week and May 15th is National Police Memorial Day. There were 125 police officers killed in the line of duty in 1996 in the United States.

Continuing, he said the last Charleston Police officer to be killed in the line of duty was Officer C. A. Snider who was killed on March 2, 1979 while attempting to apprehend a shoplifter.

Councilmember Hart encouraged everyone to visit the monument at Brittlebank Park. He then read the following names of other Charleston Police Department officers killed in the line of duty:

John Harlow	December 22, 1879
John J. Bean, Jr.	April 21, 1899
Julian C. Bunch	May 1, 1932
Snyder Lee Risher	May 6, 1932
Lawrence M. Strock	October 10, 1932
Purse A Wansley	July 14, 1936
Walter L. Miller	July 14, 1940
William H. Wilson	December 8, 1942
Keith Ellsworth	October 6, 1944
Junius P. Lewis	December 6, 1951
Lawrence B. Aytes	June 17, 1955
James F. Tindal	June 17, 1955
Jessie C. Benton	June 17, 1955
Joseph Vega	October 12, 1955
Wesley J. Smith	December 16, 1975

Charles A. Snider March 2, 1979

The next item on the agenda was a public hearing called for by the following advertisement which appeared in The Post Courier on May 2, 1997.

PUBLIC NOTICE

The public hereby is advised that the City Council of Charleston will hold a public hearing on Tuesday, May 13, 1997, beginning at 6:00 p.m., at City Hall, 80 Broad Street, on the proposed renaming of Discher Street to Birdie Garrett Street. Discher Street is located in the Rosemont Neighborhood and runs generally in a westerly direction from the Interstate Route 26 right-of-way to its terminus.

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

Vanessa Turner-Maybank
Clerk of Council

Mayor Riley commented Mr. Garrett was a most wonderful neighborhood leader, and a dear friend of his. He was one of the most courteous, gentle, right-spirited people the Mayor has ever known. He was the leader, along with Mr. Rice and Mr. Whaley, in helping to bring Rosemont into the City of Charleston.

The Mayor then invited comments from the public on changing the name of Discher Street to Birdie Garrett Street. The following persons spoke in support of the street name change:

1. Jennifer Ferguson Smith asked Council to support the change to Birdie Garrett Street. As a long time resident of the Rosemont community, she had known Mr. Garrett all of her life. She called Mr. Garrett a pioneer of the democratic process in the community. She spoke of her memories of Mr. Garrett. Rosemont is a very family oriented community, and she felt naming a street in his honor would keep the legacy of his life alive.

2. Sylvia Garrett Mack, one of the daughters of Mr. Garrett, asked Council to consider renaming Discher Street after her father. She introduced her mother, Mrs. Pearl Simmons Garrett. She said her father had died a year ago, and he had truly been her hero. He was a giant who will be long remembered.

3. Nancy Button, secretary of the neighborhood association and niece of Mr. Garrett, said the necessary paperwork to request this name change had been submitted to the City Engineer. She asked, on behalf of the neighborhood association and the family, that Council rename this street in honor of a great legacy, a giant, a man who truly deserved having a street renamed in his honor. He was active politically well over 40 years, a gentleman, a man among men.

4. Rev. Robert Mack, Jr., son-in-law of Mr. Garrett, spoke of the goodness of Mr. Garrett. He was a leader in his time, and Rev. Mack asked Council to support this street name change.

5. Wendell Gilliard, resident of West Ashley, also asked Council to support this street name change to honor a good man. He said this is a great day when good residents get together to ask City Council to do something that is good, to recognize the people in the community who have done good and gone on. If Mr. Garrett was alive, Mr. Gilliard would call him his "Charlie Hall Hall of Fame".

The following person expressed opposition to the renaming of Discher Street.

1. Romarie Whaley, President of Rosemont Neighborhood Association, was opposed to renaming the street. She spoke of the changes that would be necessary for the citizens who live on the street driver's license, billing address, etc. She was also concerned about calls to 911 because there is a Garrett Street in North Charleston with the same zip code.

Ms. Whaley agreed that Mr. Garrett made a lot of contributions to the Rosemont Neighborhood, and she wanted to affirm his life and the work he did. She said it was not personal to object to the renaming of Discher Street; her decision was based on a practical and comprehensive assessment of all the factors that are involved. She spoke of the many people who had portions of interstate highways and interchanges named after them. She noted that no one lives on interstate highways.

Ms. Whaley suggested changing the name of Hagood Street which is the entrance to Rosemont. She said no one lives on Hagood Street so that would be an easier change.

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

When Councilmember Thomas asked if this matter had gone before committee, Laura Cabiness, Director of Public Service replied it had gone before the Committee on Public Works and Utilities. The City's engineering office assisted in getting signatures. The majority of the property owners on the street consented to the name change. She estimated there were 28 property owners on the street and 24 of them had signed to agree to the name change.

In response to a question from Councilmember Thomas, Ms. Cabiness replied the name change does not have to be approved by Traffic and Transportation. It is necessary to check with 911, and that has been done. The proposed name has been checked and 911 has no problem with it.

Councilmember Hagerty said he would support this name change since such an overwhelming majority of the residents supported it.

There were no further questions of Council

On motion of Councilmember Washington, seconded by Councilmember Kinloch, City Council voted to adopt the following Resolution renaming Discher Street to Birdie Garrett Street. Discher Street is located in the Rosemont Neighborhood and runs generally in a westerly direction from the Interstate Route 26 right-of-way to its terminus.

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON that Discher Street located in the Rosemont Neighborhood and running from its beginning in an easterly direction until it runs into the Interstate Route 26 right-of-way shall and is hereby renamed Birdie Garrett Street.

Council then considered the public hearings called for by the following advertisement which appeared in the Post & Courier on April 12 and April 25, 1997, and in the Chronicle and the Coastal Times on April 16, 1997.

PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, May 13, 1997 beginning at 6:00 p.m. at City Hall, 80 Broad Street on the request that the Zoning Ordinance of the City of Charleston be changed in the following respects:

REZONINGS

1. To rezone 772 Saint Andrews Boulevard (TMS# 418-15-00-105) .2 acre from Single-Family Residential (SR-1) classification to GO (General Office) classification.
2. To rezone 720 Magnolia Road (TMS# 418-09-00-001, 002, 155) 5 acres from General Office (GO) classification to Single-Family Residential (SR-2) classification.
3. To rezone 2015 Pittsburgh Avenue (TMS# 466-16-00-009) .1 acre from General Business (GB) classification to Light Industrial (LI) classification.
4. Daniel Island, Berkeley County (TMS# 272-00-00-001, 275-00-00-025 and 277-00-00-002, 003) Request approval to amend the Daniel Island Development Agreement as follows:

a. The property description for the Development Agreement (Section 2.34 and Exhibit 2.34) is to be amended to:

1. Eliminate Parcel DD, Phases 1, 2 and 3 (26 acres of which) and Parcel AA, Phase 3 totaling approximately 320 acres, more or less, as more fully shown on the rezoning application by the State Ports Authority ("SPA Rezoning Application") and the plat by Southeastern Surveying submitted in connection with this application (the "SPA Plat").

2. Eliminate Parcel AA, Phase 4, measuring 17.263 acres, more or less, as more fully described on the SPA Rezoning Application and the SPA Plat.

3. Eliminate Parcel M, Phase I, measuring 9.656 acres, more or less, as more fully described on the SPA Rezoning Application and the SPA Plat.

4. Add Rhoden Island to the Master Plan under the designation of "DI-R", "Daniel Island-Residential". Rhoden Island is shown on the attached amended Exhibits to the Master Plan and contains approximately 233 acres of highland.

5. Change the total acreage to approximately 2,972 acres.

b. The Exhibit 5.4 "Land Specifications" is to be amended to change the language relating to the District Park South of the Mark Clark ("SMCP")

c. Section 5.3 and Exhibit 5.3 "Collateral Land Tract" is to be deleted and substitute language inserted to reflect the transfer of permanent title of approximately 128 acres to the City and the pledge of approximately 81 acres (the "Park Restricted Lands") to the City by the State Ports Authority in Parcels EE and DD. The permanent title to the City includes:

1. Approximately 20 acres in Parcel AA/Phase 2

2. Approximately 31 acres in Parcel AA/Phase 5

3. Approximately 45 acres in Parcel EE/Phase 2

4. Approximately 25 acres in Parcel R/Town Center

5. Approximately 7 acres in Parcel N/known as Etiwan Park

5. Daniel Island, Berkeley County (TMS# 275-00-00-025) Request approval to amend Daniel Island Master Plan by changing the zoning of 20 acres of Parcel AA from Daniel Island Park (DI-P) to Daniel Island Light Industrial (DI-LI).

6. Daniel Island, Berkeley County (A portion of TMS# 277-00-00-003, 277-00-00-002, A portion of TMS# 275-00-00-025 and 272-00-00-001) Request approval to amend the Daniel Island Master Plan as described below:

a. Eliminate from the Master Plan certain parcels which are to be transferred to the South Carolina State Ports Authority and added to a master plan and development agreement for port facilities on Daniel Island.

1. Parcel DD, Phases 1, 2 and 3 (26 acres of which) and Parcel AA, Phase 3 totaling approximately 320 acres, more or less, as more fully shown on the rezoning application by the State Ports Authority ("SPA Rezoning Application") and the plat by Southeastern Surveying submitted in connection with this application (the "SPA Plat").

2. Parcel AA, Phase 4, measuring 17.263 acres, more or less, as more fully described on the SPA Rezoning Application and the SPA Plat.

3. Parcel M, Phase 1, measuring 9.656 acres, more or less as more fully described on the SPA Rezoning Application and the SPA Plat.

b. Add Rhoden Island to the Master Plan under the designation of "DI-R", Daniel Island-Residential". Rhoden Island is shown on the attached amended Exhibits to the Master Plan and contains approximately 233 acres of highland.

c. Modify the zoning designation in Parcel X so that all of the acreage is zoned "DI-LI", "Daniel Island-Light Industrial".

d. Modify the text of the Master Plan and the Exhibits to reflect the above changes and the changes requested by the State Ports Authority.

7. Daniel Island, Berkeley County (Part of TMS# 275-00-00-025, 044, 057 and 277-00-00-002, 003) Request rezoning of these parcels to Conservation (C) and Light Industrial

(LI) as shown on the proposed zoning map for the State Ports Authority. This request affects approximately 417 acres of which 65 acres is proposed to be zoned Conservation.

8. Daniel Island, Berkeley County (TMS# 275-00-00-025, 044, 057 and 277-00-00-002, 003) (1,246 acres) Request approval of the South Carolina State Ports Authority Development Agreement.

9. To rezone 1075 Jenkins Road (TMS# 351-14-00-006) .1 acre from General Business (GB) classification to Single-Family Residential (SR-1) classification.

ZONINGS

To zone the following properties annexed December 17, 1996:

10. TMS# 454-05-00-042; as well as 454-07-00-110, 111, 090, 071, 106 and 107, 454-07-00-109 Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-270.

11. 1899 Capri Drive (0.5 acre) (TMS# 350-14-00-052) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-271.

12. Properties located on James Island (TMS# 340-03-00-009, 340-03-00-011, 341-00-00-056, 341-00-00-048, 343-04-00-023, 425-12-00-097, 425-12-00-241, 425-12-00-243, 425-12-00-095, 425-12-00-092, 425-12-00-091, 425-12-00-180, 425-16-00-030, 426-06-00-111, 426-06-00-136, 426-07-00-081, 426-07-00-079, 426-15-00-019, 431-07-00-003, 452-06-00-065, 452-06-00-068, 452-06-00-081, 452-06-00-082, 454-01-00-072, 454-02-00-034, 454-06-00-213, 454-06-00-192, 454-06-00-176, 454-06-00-170, 454-07-00-055, 454-11-00-051, 454-10-00-015 (15.3 acres) Request zonings of Single-Family Residential (SR-1) classification; except for TMS# 425-12-00-243 and 095, which shall be zoned Diverse Residential (DR-1) classification; and TMS# 431-07-00-003, which shall be zoned Rural Residential (RR-1) classification. Annexation Ordinance Number 1996-272.

13. 2107 Saint James Drive (TMS# 343-02-00-088) (0.25 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-278.

14. 505 Kell Place (TMS# 343-14-00-012) (0.250 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-279.

15. 2167 Wappoo Road (TMS# 343-06-00-170, 171) (0.25 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-280.

16. 1078 Honeysuckle Lane (TMS# 425-16-00-042) (0.25 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-282.

17. 1312 Honeysuckle Lane (TMS# 425-16-00-111) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-283.

18. 1311 Camp Road (TMS# 425-16-00-116) (0.25 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-284.

19. 1305 Driftwood Drive (TMS# 425-16-00-075) (0.25 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-285.

20. 1304 Honeysuckle Lane (TMS# 425-16-00-109) (0.25 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-286.

21. 1162 Landsdowne Drive (TMS# 425-15-00-022) (0.25 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-287.

22. 1247 Oakcrest Drive (TMS# 425-14-00-035) (0.25 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-288.

23. 1077 Harborview Road (TMS# 426-11-00-026) (0.25 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-289.

24. 842 Centerwood Drive (TMS# 425-02-00-032) (0.25 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-290.

25. 1132 Harborview Road (TMS# 426-03-00-059) (0.25 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-291.

26. 694 Fort Sumter Drive (TMS# 426-03-00-060) (0.5 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-292.
27. 686 Fort Sumter Drive (TMS# 426-03-00-061) (0.63 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-293.
28. 1074 Fort Sumter Drive (TMS# 426-03-00-026) (0.25 acres) Single-Family Residential (SR-1). Annexation Ordinance Number 1996-294.
29. 1089 Harborview Road (TMS# 426-11-00-027) (0.25 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-295.
30. 627 Seaward Drive (TMS# 452-06-00-043) (0.25 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-296.
31. 1231, 1239, and 1260 Oakcrest Drive; 2271 Burris Drive; 1227 and 1235 Downer Drive (TMS# 425-14-00-031, 033, 041, 058, 065, 066, 067) (5.5 acres) Single-Family Residential (SR-1) classification. Annexation Ordinance Number 1996-297.

To zone the following properties annexed December 31, 1996:

33. Properties located on James Island (TMS# 343-03-00-158, 425-04-00-087, 425-04-00-067, 425-09-00-133, 425-09-00-067, 425-09-00-066, 426-06-00-041, 426-06-00-075, 426-06-00-099, 426-08-00-013, 426-10-00-150, 426-10-00-126, 426-15-00-021, 427-03-00-010, 431-02-00-003, 431-07-00-002, 452-06-00-031, 452-06-00-033, 452-06-00-037, 454-01-00-043, 454-09-00-030, 454-09-00-049)

Request zonings of Single-Family Residential (SR-1) classification except for TMS# 431-07-00-002, which shall be zoned Rural Residential (RR-1) classification. Annexation Ordinance Number 1996-298.

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

VANESSA TURNER-MAYBANK
Clerk of Council

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

MEMORANDUM

TO: Vanessa turner Maybank, Clerk of Council
FROM: Lee C. Batchelder, Zoning Administrator
SUBJECT: Planning and Zoning Commission Report for March 19, 1997
DATE: March 31, 1997

Enclosed is the report of the Planning and Zoning Commission meeting of March 19, 1997. Mrs. Turner-Maybank has informed me that City Council will hold a public hearing for Item Number 1-33 on May 13, 1997. Item Number 16 has already been advertised for a public hearing before City Council on April 8, 1997.

cc: Yvonne Fortenberry, Director, Planning and Urban Development

The City Planning and Zoning Commission met on March 19, 1997 and reports the following:

TO THE MAYOR AND COUNCILMEMBERS

THE CITY COUNCIL OF CHARLESTON:

The City Planning and Zoning Commission has studied the following requests and recommends the following:

REZONINGS

1. 772 SAINT ANDREWS BOULEVARD (TMS# 418-15-00-105) .2 ACRE
Request rezoning from SR-1 (Single-Family Residential) to GO (General Office).

RECOMMENDATION: Approval.

2. 720 MAGNOLIA ROAD (TMS# 418-09-00-001, 002, 155) 5 ACRES
Request rezoning from GO (General Office) to SR-2 (Single-Family Residential).

RECOMMENDATION: Motion to recommend approval of rezoning failed by virtue of a tie vote.

3. 2015 PITTSBURGH AVENUE (TMS# 466-16-00-009) .1 ACRE
Request rezoning from GB (General Business) to LI (Light Industrial).

RECOMMENDATION: Approval.

4. DANIEL ISLAND, BERKELEY COUNTY (TMS# 272-00-00-001, 275-00-00-025 AND 277-00-00-002, 003)

Request approval to amend the Daniel Island Development Agreement as follows:

- a. The property description for the Development Agreement (Section 2.34 and Exhibit 2.34) is to be amended to:
 1. Eliminate Parcel DD, Phases 1, 2 and 3 (26 acres of which) and Parcel AA, Phase 3 totaling approximately 320 acres, more or less, as more fully shown on the rezoning application by the State Ports Authority ("SPA Rezoning Application") and the plat by Southeastern Surveying submitted in connection with this application (the "SPA Plat").
 2. Eliminate Parcel AA, Phase 4, measuring 17.263 acres, more or less as more fully described on the SPA Rezoning Application and the SPA Plat.
 3. Eliminate Parcel M, Phase I, measuring 9.656 acres, more or less as more fully described on the SPA Rezoning Application and the SPA Plat.
 4. Add Rhoden Island to the Master Plan under the designation of "DI-R", "Daniel Island-Residential". Rhoden Island is shown on the attached amended Exhibits to the Master Plan and contains approximately 233 acres of highland.
 5. Change the total acreage to approximately 2,972 acres.
 - b. The Exhibit 5.4 "Land Specifications" is to be amended to change the language relating to the District Park South of the Mark Clark ("SMCP")
 - c. Section 5.3 and Exhibit 5.3 "Collateral Land Tract" is to be deleted and substitute language inserted to reflect the transfer of permanent title of approximately 128 acres to the City and the pledge of approximately 81 acres (the "Park Restricted Lands") to the City by the State Ports Authority in Parcels EE and DD. The permanent title to the City includes:
 1. Approximately 20 acres in Parcel AA/Phase 2
 2. Approximately 31 acres in Parcel AA/Phase 5
 3. Approximately 45 acres in Parcel EE/Phase 2
 4. Approximately 25 acres in Parcel R/Town Center
 5. Approximately 7 acres in Parcel N/known as Etiwan Park

RECOMMENDATION: Approval.

5. DANIEL ISLAND, BERKELEY COUNTY (TMS# 275-00-00-025)

Request approval to amend Daniel Island Master Plan by changing the zoning of 20 acres of Parcel AA from Daniel Island Park (DI-P) to Daniel Island Light Industrial (DI-LI).

RECOMMENDATION: Approval.

6. DANIEL ISLAND, BERKELEY COUNTY (A PORTION OF TMS# 277-00-00-003, 277-00-00-002, A PORTION OF TMS# 275-00-00-025 AND 272-00-00-001)

Request approval to amend the Daniel Island Master Plan as described below:

- a. Eliminate from the Master Plan certain parcels which are to be transferred to the South Carolina State Ports Authority and added to a master plan and development agreement for port facilities on Daniel Island.
 1. Parcel DD, Phases 1, 2 and 3 (26 acres of which) and Parcel AA, Phase 3 totaling approximately 320 acres, more or less, as more fully shown on the rezoning application by the State Ports Authority ("SPA Rezoning Application") and the plat by Southeastern Surveying submitted in connection with this application (the "SPA Plat").
 2. Parcel AA, Phase 4, measuring 17.263 acres, more or less as more fully described on the SPA Rezoning Application and the SPA Plat.
 3. Parcel M, Phase 1, measuring 9.656 acres, more or less as more fully described on the SPA Rezoning Application and the SPA Plat.

b. Add Rhoden Island to the Master Plan under the designation of "DI-R", Daniel Island-Residential". Rhoden Island is shown on the attached amended Exhibits to the Master Plan and contains approximately 233 acres of highland.

c. Modify the zoning designation in Parcel X so that all of the acreage is zoned "DI-LI", "Daniel Island-Light Industrial".

d. Modify the text of the Master Plan and the Exhibits to reflect the above changes and the changes requested by the State Ports Authority.

RECOMMENDATION: Approval.

7. DANIEL ISLAND, BERKELEY COUNTY (PART OF TMS# 275-00-00-025, 044, 057 AND 277- 00-00-002, 003)

Request rezoning of these parcels to Conservation (C) and Light Industrial (LI) as shown on the proposed zoning map for the State Ports Authority. This request affects approximately 417 acres of which 65 acres is proposed to be zoned Conservation.

RECOMMENDATION: Approval.

8. DANIEL ISLAND, BERKELEY COUNTY (TMS# 275-00-00-025, 044, 057 AND 277-00-00-002, 003) 1,246 ACRES

Request approval of the South Carolina State Ports Authority Development Agreement.

RECOMMENDATION: Approval.

9. 1075 JENKINS ROAD (TMS# 351-14-00-006) .1 ACRE

Request rezoning from GB (General Business) to SR-1 (Single-Family Residential).

RECOMMENDATION: Approval.

ZONINGS

The following annexations were ratified December 17, 1996:

10. TMS# 454-05-00-042; AS WELL AS 454-07-00-110, 111, 090, 071, 106 AND 107, 454-07-00- 109

Request zonings of SR-1 (Single-Family Residential). The properties were zoned RS-10 in the county. (Annexation Ordinance Number 1996-270)

RECOMMENDATION: Approval.

11. 1899 CAPRI DRIVE (0.5 ACRE) (TMS# 350-14-00-052)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-271)

RECOMMENDATION: Approval.

12. PROPERTIES LOCATED ON JAMES ISLAND (TMS# 340-03-00-009, 340-03-00-011, 341-00-00-056, 341-00-00-048, 343-04-00-023, 425-12-00-097, 425-12-00-241, 425-12-00-243, 425-12-00-095, 425-12-00-092, 425-12-00-091, 425-12-00-180, 425-16-00-030, 426-06-00-111, 426-06-00-136, 426-07-00-081, 426-07-00-079, 426-15-00-019, 431-07-00-003, 452-06-00-065, 452-06-00-068, 452-06-00-081, 452-06-00-082, 454-01-00-072, 454-02-00-034, 454-06-00-213, 454-06-00-192, 454-06-00-176, 454-06-00-170, 454-07-00-055, 454-11-00-051, 454-10-00-015 (15.3 ACRES)

Request zonings of SR-1 (Single-Family Residential); except for TMS# 425-12-00-243 and 095, which shall be zoned DR-1 (Diverse Residential); and TMS# 431-07-00-003, which shall be zoned RR-1 (Rural Residential). All properties were zoned comparably in the County. (Annexation Ordinance Number 1996-272)

RECOMMENDATION: Approval.

13. 2107 SAINT JAMES DRIVE (TMS# 343-02-00-088) (0.25 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-278)

RECOMMENDATION: Approval.

14. 505 KELL PLACE (TMS# 343-14-00-012) (0.250 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-279)

RECOMMENDATION: Approval.

15. 2167 WAPPOO ROAD (TMS# 343-06-00-170, 171) (0.25 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-280)

RECOMMENDATION: Approval.

16. PROPERTY LOCATED ON MAYBANK HIGHWAY BEHIND JAMES ISLAND SHOPPING CENTER (TMS# 424-00-00-001) (22.24 ACRES)

Request zoning of DR-4 (Diverse Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-281)

RECOMMENDATION: Approval.

17. 1078 HONEYSUCKLE LANE (TMS# 425-16-00-042) (0.25 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-282)

RECOMMENDATION: Approval.

18. 1312 HONEYSUCKLE LANE (TMS# 425-16-00-111)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-283)

RECOMMENDATION: Approval.

19. 1311 CAMP ROAD (TMS# 425-16-00-116) (0.25 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-284)

RECOMMENDATION: Approval.

20. 1305 DRIFTWOOD DRIVE (TMS# 425-16-00-075) (0.25 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-285)

RECOMMENDATION: Approval.

21. 1304 HONEYSUCKLE LANE (TMS# 425-16-00-109) (0.25)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-286)

RECOMMENDATION: Approval.

22. 1162 LANDSDOWNE DRIVE (TMS# 425-15-00-022) (0.25 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-287)

RECOMMENDATION: Approval.

23. 1247 OAKCREST DRIVE (TMS# 425-14-00-035) (0.25 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-288)

RECOMMENDATION: Approval.

24. 1077 HARBORVIEW ROAD (TMS# 426-11-00-026) (0.25 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-289)

RECOMMENDATION: Approval.

25. 842 CENTERWOOD DRIVE (TMS# 425-02-00-032) (0.25 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-290)

RECOMMENDATION: Approval.

26. 1132 HARBORVIEW ROAD (TMS# 426-03-00-059) (0.25 ACRES) Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county.

(Annexation Ordinance Number 1996-291)

RECOMMENDATION: Approval.

27. 694 FORT SUMTER DRIVE (TMS# 426-03-00-060) (0.5 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-292)

RECOMMENDATION: Approval.

28. 686 FORT SUMTER DRIVE (TMS# 426-03-00-061) (0.63 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-293)

RECOMMENDATION: Approval.

29. 1074 FORT SUMTER DRIVE (TMS# 426-03-00-026) (0.25 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-294)

RECOMMENDATION: Approval.

30. 1089 HARBORVIEW ROAD (TMS# 426-11-00-027) (0.25 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-295)

RECOMMENDATION: Approval.

31. 627 SEAWARD DRIVE (TMS# 452-06-00-043) (0.25 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-296)

RECOMMENDATION: Approval.

32. 1231, 1239, AND 1260 OAKCREST DRIVE; 2271 BURRIS DRIVE; 1227 AND 1235 DOWNER DRIVE (TMS# 425-14-00-031, 033, 041, 058, 065, 066, 067) (5.5 ACRES)

Request zoning of SR-1 (Single-Family Residential). The property was zoned RS-10 in the county. (Annexation Ordinance Number 1996-297)

RECOMMENDATION: Approval.

The following annexation was ratified December 31, 1996:

33. PROPERTIES LOCATED ON JAMES ISLAND (TMS# 343-03-00-158, 425-04-00-087, 425-04-00-067, 425-09-00-133, 425-09-00-067, 425-09-00-066, 426-06-00-041, 426-06-00-075, 426-06-00-099, 426-08-00-013, 426-10-00-150, 426-10-00-126, 426-15-00-021, 427-03-00-010, 431-02-00-003, 431-07-00-002, 452-06-00-031, 452-06-00-033, 452-06-00-037, 454-01-00-043, 454-09-00-030, 454-09-00-049)

Request zonings of SR-1 (Single-Family Residential) except for TMS# 431-07-00-002, which shall be zoned RR-1 (Rural Residential). All properties were zoned comparably in the county. (Annexation Ordinance Number 1996-298)

RECOMMENDATION: Approval.

SUBDIVISIONS

34. FISHBURNE STREET (TMS# 460-00-00-007)

Request final subdivision approval of pump station lot. Zoned GB.

RECOMMENDATION: Approval.

35. WEST BRIDGE ROAD, VILLAGE GREEN (TMS# 301-00-00-033)

Request preliminary subdivision approval for 63 lots. Zoned PUD.

RECOMMENDATION: Approval.

36. DANIEL ISLAND, BERKELEY COUNTY (TMS# 275-00-00-002, 003, 025, 001)

Request final subdivision approval for 14 lots.

RECOMMENDATION: Approval.

37. MINUTES

RECOMMENDATION: Approval.

Council considered the public hearing regarding the bill to rezone 772 Saint Andrews Boulevard (TMS# 418-15-00-105) from Single-Family Residential (SR-1) classification to GO (General Office) classification. Yvonne Fortenberry, Director of Planning and Urban Development, reported this property is one of five lots, three of which have already been zoned

General Offices. She pointed out the location on a large map, and said this rezoning does fit in with the plan to modify this block. Planning Staff and the Planning and Zoning Commission recommend approval of this rezoning.

When Councilmember Thomas asked if Commercial Transitional zoning had been considered, Ms. Fortenberry replied General Office is more restrictive because it restricts the property to only office use where the Commercial Transitional would allow other retail activity.

In response to another question from Councilmember Thomas, Ms. Fortenberry replied he was thinking of the Residential Office category.

The following person addressed Council in support of the rezoning:

1. Twyla Spencer, agent with Coldwell Banker O'Shaughnessy Realty, spoke on behalf of the applicant. She said the rezoning would facilitate the highest and best use of this property.

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

There were no further questions from Council.

On motion of Councilmember Evans, seconded by Councilmember Ader, City Council voted to adopt the City Planning and Zoning Commission's recommendation and to give first reading to a bill to rezone 772 Saint Andrews Boulevard.

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 772 SAINT ANDREWS BOULEVARD (0.2 ACRES) (TMS# 418-15-00-105) BE REZONED FROM SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION TO GO (GENERAL OFFICE) CLASSIFICATION.

The next matter before Council was the public hearing to rezone 720 Magnolia Road. Ms. Fortenberry reported this property is located at the intersection of Sycamore and Magnolia Road. Pointing out the location on a large map, she explained Albemarle Elementary School occupied the property at one time. For many years, this property was zoned SR-2; the school was allowed to locate in the neighborhood.

She went on to say that a use variance was granted in 1986 to operate a residential care facility on the property. Based on that use variance, that use and subsequent uses are allowed on the property. The property is currently used for daycare, counseling, and recreation facilities for the Charleston - Dorchester Mental Health Association.

Approximately a year ago (1/96), the owner of the property applied for a rezoning from SR-2 to the GO (General Office) zoning which was approved. Pursuant to that the owner has since been working with the Charleston - Dorchester Mental Health Association to expand some of their activities. She noted that would be allowed in general office zoning. Based on concerns from neighboring residential areas, this matter was before City Council at an earlier date. City Council referred the rezoning of this property from GO back to SR-2 back to the Planning and Zoning Commission. That is why the matter is before Council again.

She explained the surrounding uses. There are residential neighborhoods surrounding the property. She explained that near St. Andrews Boulevard there is Limited Business zoning which comes very close to the property. She pointed out some commercial uses, the post office, and a cemetery. She showed some of the locations that are zoned General Business. These included the Food Lion, Ryan's Steak House, and some vacant commercial locations. There is also multi-family immediately west or south of the General Business.

The Department of Planning recommended leaving the General Office zoning on this property. The property was evaluated at the time of the request of 1996, and staff felt the General Office zoning was still appropriate. It conforms to the uses that currently occurring on the property. She noted the property has always been used as an institution, either as a school or health care services.

Ms. Fortenberry said the vote at the Planning and Zoning Commission meeting had been a 4-4 tie vote, therefore, there was no recommendation to Council from the Commission. She noted the owner of the property had filed a letter of protest regarding this proposed rezoning. She explained a 3/4 vote of Council would be required to rezone this property to SR-2.

When Councilmember Shirley asked if there was one SR-1 property in the City, Ms. Fortenberry thought the correct zoning for the property was SR-2; there may have been an error on the map. Referring to the map, she pointed out on the map, there was an area with one lot in the County and one lot in the City. The neighborhood across Magnolia and the multi-family area are in the City.

Councilmember Shirley expressed concern about the condition of some of the houses. He noted one of the houses was abandoned and had not been boarded up completely.

There were no further questions from Council.

The following persons addressed Council in favor of this rezoning:

1. Frank Frasier, president of the Forest Neighborhood Coalition, spoke about the need to preserve the neighborhood. He asked Council to rezone the property SR-2. He spoke of the efforts to reach an agreement with the mental health association. However, no agreement had been reached. He expressed the homeowners' concerns regarding additional noise, increase in vehicular and pedestrian traffic, general activity in the area. He wanted Council to know that he was not making comments about the mental health patients, and he was not asking Council to close the facility. He said the neighbors were concerned about "preservation, not discrimination".

2. Will Sheppard, vice-president of the Forest Neighborhood Coalition, expressed concern about increased traffic and the expansion of commercialism. He commented that both Sycamore Street and Magnolia Road are single-lane highways and cannot handle additional traffic. He also expressed concern about safety and security. He asked for a "stop in the reduction of property values". He asked Council to zone the property back to SR-2. He was concerned there were no guarantees about future use of the property.

Mr. Sheppard pointed out a member of the judicial circuit court resides across the street from the facility. He commented that person is responsible for assigning individuals to the facility for mental care. He felt this might be cause for retaliation. He did not think that should occur.

3. Richard Wigfall, resident of West Oak Forest, asked Council to vote favorably for the rezoning. He said several neighborhoods had representatives present to request the rezoning. He referred to the neighborhood as "self-perpetuating". Children move into the houses when the parents leave. He said the residents were doing everything they could for the area, and they were asking Council to help them fight off the commercial growth and expansion in the community. He said there are no sidewalks in the area. Any increase in traffic will cause more traffic.

Mr. Wigfall was concerned the facility may become residential care. He said there would be no guarantees that would not happen. He spoke of the "mental health" of the residents.

4. Linda Lombard, former resident of the neighborhood, said her parents still reside in there. She had met in Senator Glenn McConnell's office with Leonard Heere, owner of the property, and representatives from the neighborhoods. She said Mr. Heere had agreed he would not continue this structure. She was concerned about the additional traffic. She invited Councilmember Shirley to join her to see the properties that are maintained. Councilmember Shirley noted the property about which he had spoken earlier is located on Sycamore Street.

She understood 25 clients per hour would be seen at the facility, and she was concerned about the traffic. She spoke of the diversity of the neighborhood where the residents come from different economic and societal backgrounds and live together.

She said this would be the end of this neighborhood. First, the mental health facility; then the houses across the street would be rezoned commercial on this two-lane street. She urged Council to vote in support of this rezoning to SR-2.

5. Audreyole McCants Parker, Realtor with Coldwell Banker O'Shaughnessy Real estate, said she had researched and found many locations West of the Ashley that would be much more appropriate for the facility. She was concerned about the facility being built next to a daycare facility. She was concerned about safety and the lives of the children in the area.

6. Charles Karesh, officer in the Ashley Bridge District Neighborhood Association, spoke in support of the SR-2 rezoning. He compared the rezoning with a previous rezoning that had to do with the substance abuse facility. He said it was inappropriate to allow the mental health facility in the neighborhood. He was at the meeting to support the Forest Neighborhood Coalition in their efforts to get this property rezoned.

7. William Glover, resident on 1303 S. Sherwood Drive in West Oak Forest, urged Council to vote to rezone the property SR-2 to the safety, security, and prosperity of his neighborhood. He spoke of an incident that occurred on his property with a patient from a mental facility. He felt these incidents may become more frequent.

8. Milton Schwartz, resident of 1054 Keats Road, said the community had been built during World War II for shipyard workers. After World War II most of the houses were destroyed; only a few remained. He agreed there might be four houses in that area that are dilapidated. Those houses are not part of the East Oak or West Oak Forest neighborhoods.

Mr. Schwartz went on to say he has lived in the neighborhood for 35-40 years. It is a real working-class neighborhood. This is one of the few working-class neighborhoods within the City that has maintained its value and is well-kept. He noted many older citizens live in the neighborhood until they die of old age. Young people are moving in with children. Throughout the neighborhood, the property is maintained and the lawns are tended. He felt the community had maintained its character and value, and the residents do not want anything that will disturb that.

When the Mayor asked for a show of hands of those present who supported the rezoning to SR-2, approximately 40 people raised their hands.

The following persons spoke in opposition to the rezoning to SR-2:

1. Leonard Heere, resident of 3-2 Lamboll Street and owner of the subject property, clarified some earlier remarks that had been made by Ms. Lombard. While he had agreed he would not continue with the mental health facility on the property, but he said that was based on "if we could work out an agreeable resolution with the neighbors". He has been trying to work with the neighbors to do just that.

Mr. Heere offered a brief history of the subject property, noting this had not been residential property for almost 50 years. In 1986 the property known as the old Albemarle School was approved for commercial use as a residential care facility. Office space has been in the facility since 1986. In 1995 he said the City allowed the mental health use to go into the facility. In 1996 he said the City rezoned the property commercial. He felt it was unfair for the City to rezone property that has been in nonresidential use for fifty years. He commented he had filed a formal letter of protest with the City. A copy of that letter is on file in the office of the Clerk of Council.

He said the issues that had been raised by the neighbors included traffic, property values, safety, and mental health itself. He went on to explain in 1995 there had been approximately 210 employees at that time. He said there will be an estimated 269 employees in both the existing building and the proposed new building. He said the number of programs will be reduced to three to try to mediate with the neighbors. He said this will amount to less than a 25 percent increase.

Mr. Heere said the property values have increased from a median of \$39,700 when the mental health facility moved into the neighborhood two years ago to a median over the last year

of \$70,500. He went on to say the facility will remain at this location even though the property might be rezoned to residential because this is a pre-existing condition. He had been informed by City officials this would remain for the term of the lease and any extensions thereof.

He said traffic is not an issue or the Department of Planning would not have recommended approval of the facility.

He questioned why this is an issue at this time. He said if the neighbors had objected in 1986 he would not have purchased the property. He was unaware of any objections to the use of this property.

He said the property has sidewalks the entire length of the property on both Sycamore and Magnolia. He asked if safety is an issue why do the neighborhood children play soccer on the property. He had photographs of the children playing on the property. He pointed out on the map an area where a City park is planned and noted apartments are also planned in the area.

Mr. Heere said representatives of the neighborhood association had informed him the residents do not want mental health in their neighborhood. He said the existing facility which is 25,000 square feet can continue as a mental health facility.

He went on to say if the property is rezoned residential he will have no alternative but to consider it a taking, and he will have no recourse but assess his damages and evaluate the possibility of legal action.

Councilmember Shirley expressed concern that nothing concerning traffic had been presented to the Department of Traffic and Transportation. Mr. Heere responded the property is under option to the mental health people and they will have to go through the processes for approval for the proposed building.

2. Rose Anderson said she "suffers with mental illness" and receives medication and counseling from Magnolia House (subject property). She went on to inform Council that she is a college graduate and currently employed as a school teacher. She expressed how difficult it was for her to share this information, but she thought she must do so because of the stigma attached to mental illness. She urged Council to support the current zoning and the proposed facility, saying it will be a valuable resource to the community.

When Councilmember Jefferson asked Ms. Anderson where she lives, she replied she had recently moved from Charleston to North Charleston.

3. Clementine White has been diagnosed bi-polar with disassociative disorder. She briefly explained her condition. She is an employee and has been a client at Magnolia House for approximately two years. She felt she could not have gotten her life back together without Magnolia House. She asked Council to support the new facility. She pointed out the facility had been there two years, and she stressed there had been no problems during that time. She asked Council to support the current zoning on the property.

4. Jermaine Rivers lives in North Charleston and goes to Magnolia House daily. He told how Magnolia House had helped to straighten out his life. He felt there had been no danger to the residents of the area in the past two years. He asked Council to support the new facility.

5. Patsy Hancock, West Ashley resident, spoke of her child who had been diagnosed manic depressive in the second year of college. She shared what she and her family had gone through with her child. She spoke as a supporter of mental health care. She said had it not been for a facility such as Magnolia House her child might still be confined to a treatment facility. She told of her child's progress and accomplishments, saying it had taken eight years to complete college. She spoke of her family's pride in this child. He is employed full time and has a second job to pay for a condominium. She told of the discrimination her child had suffered because of mental illness. She thought it was discrimination for the community to oppose this facility. She asked members of Council how they would feel and

what they would do if they had a family member with mental health problems. She asked Council to support the proposed facility, saying there is a need for this.

6. Danny Webber, graduate of the Citadel, retired professor from the Citadel with a MBA and a Ph.D. from the University of South Carolina, lived West of the Ashley at one time and now resides in Mt. Pleasant. He spoke of the events in his personal life and how he had suffered with mental illness. Two psychiatrists had diagnosed his illness as manic depressive, bi-polar. He briefly described his illness, saying he had been in almost every hospital in Charleston and two in Columbia. In 1990 a Charleston County probate court judge ordered him to report to a Charleston mental health center for treatment. He told of the treatment and said he had not had one episode since 1991. He spoke of the great staff that had treated him and said that staff will be located in the new facility. He spoke of the need for this type of facility. He is no longer under court order, and he voluntarily follows the treatment plan and keeps the appointments scheduled for him. He spoke of the need for one central location to serve the community.

7. Rosalind Brown, board member, said many of the reasons she supports this facility had already been given. She wanted to appeal to the human side of this issue. She is not a resident of the community; she is not a politician; she is not a community leader; she is not a real estate developer. She is a former employee of Charleston Mental Health Center who became a board member. She spoke of the way mental health patients had been treated when she grew up, saying everyone with mental illness was said to have had a "nervous breakdown". She said no one is immune to mental illness. Depression is, she said, any life change that is caused by events often beyond your control that damages the structure that gave your life meaning. She spoke of the varying degrees of mental illness and the different treatment needed. She asked Council to support the new facility and oppose rezoning the property.

8. Fred Brown, resident of Wappoo Hall Road, spoke of changes in the community. This is no longer a location for a school, but it is a place for a decent mental health facility. Speaking as a citizen, he commented the process is going backwards. He said the property is currently zoned for offices, and a group is trying to unzone it. He felt the burden should be on those who were trying to get the property rezoned.

9. Claire Willette asked there be no change to the zoning. The plan for this building began nine years ago and processed seven years ago. She said statements regarding choosing North Charleston property then moving West Ashley are untrue. Over 25 properties have been considered. There are few properties that meet the criteria. While there are some available, many of those require piling. It would be impossible to get approval to spend money on piling. The funds need to go into a building. Many of the properties are not large enough. Some have had environmental problems. This is not an overnight decision. She spoke of the steps that had been taken to notify the nearby residents of the intent to build a facility.

When the neighbors asked that this not be a residential center, they agreed. She said the planned facility would not meet the requirements for a residential facility. They also agreed the building would not be high rise. As a concession, they had also agreed to remove the children's program from the plan. She did not feel traffic would be a problem. She pointed out the City had already agreed to a park and the development of apartments in the area. She reminded Council the Federal Government, in the Americans with Disabilities Act, has said the mentally ill cannot be discriminated against. She expressed concern that the very best care be provided to the mentally ill. She commented the money spent at the various facilities around the area will never help anyone except the property owners. She wanted to convert the money to serviceable needs. She said the people who come to the facility look just like everyone else. She said there had been three meetings without resolving these concerns. She urged Council to leave the zoning in place.

When the Mayor asked for a show of hands of those present who opposed the rezoning to SR-2, approximately 25 people raised their hands.

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

Council was in receipt of the following letter from Mr. Heere, the property owner:

CHARLESTON COMMERCIAL PROPERTY MANAGEMENT, INC.

1579B Savannah Highway

Charleston, South Carolina 29407

May 1, 1997

Mayor and City Council

City of Charleston DELIVERED BY HAND

Charleston, South Carolina

RE: 720 Magnolia Road

Dear Mayor and City Councilmembers:

On March 19, 1997 the Planning and Zoning Commission of the City of Charleston voted 4-4 on whether to rezone the Old Albemarle School property at 720 Magnolia Road (at Sycamore Avenue) from office to residential. Previously City Council has requested the Commission to consider the issue.

It is my understanding that the deadlock in the Commission vote means that the request will go to City Council with no recommendation.

Per Article 9: Administration and Enforcement; Part 3: Planning and Zoning Commission; Changes and Amendments; 54-940 Procedure b. of the City Zoning Code, I request that City Council consider this letter as my protest to the Re-zoning of my property. It is my understanding that my protest of the Re-Zoning will now require a favorable vote of three-fourths of all members of the City Council instead of a simple majority.

I am the 100% Shareholder of Charleston Commercial Property Management, Inc. which is the 100% owner of the Property.

Please present this protest to City Council at the May meeting when this issue will be discussed.

Sincerely yours,

/s/ Leonard J. Heere

President

Mayor Riley reminded Council a three-quarter (3/4) vote of all the members of Council was required.

When Councilmember Hagerty asked what opportunity for compromise would exist after this vote on the matter pertaining to 720 Magnolia Road, the Mayor replied the bill will before Council for second and third readings at the next meeting; Councilmember Hagerty will have an opportunity to address this issue again at that time if he so desires.

On motion of Councilmember Ader, seconded by Councilmember Waring, City Council voted to give first reading to a bill to rezone 720 Magnolia Road (TMS# 418-09-00-001, 002, 155) from General Office (GO) classification to Single-Family Residential (SR-2) classification.

The vote was not unanimous. Councilmembers Kinloch and Washington and Mayor Riley voted nay.

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 720 MAGNOLIA ROAD (5 ACRES) (TMS# 418-09-00-001, 002, 155) BE REZONED FROM GENERAL OFFICE (GO) CLASSIFICATION TO SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION.

Council next considered the bill rezoning 2015 Pittsburgh Avenue (0.1 acres) (TMS# 466-16-00-009) from General Business (GB) classification to Light Industrial (LI) classification. Ms. Fortenberry reported this property is completely surrounded by industrial activities. The Land Use Plan calls for General Business along Meeting Street and industrial uses on the back

part of this block. This request is in compliance with the Long Range Plan. Staff and the Planning and Zoning Commission recommended approval of this rezoning.

Ms. Fortenberry said the adjacent property owners have indicated they will also be seeking rezoning for their properties.

The following person spoke in favor of this proposed rezoning:

1. Connie Lassiter, speaking on behalf of the applicant, asked Council to support the rezoning. She said the owner would like the property to be conforming, and that will require Light Industrial zoning.

In response to a question from Councilmember Shirley, Ms. Lassiter replied an industrial asbestos removal company is on one side, and the Nielson Van and Storage is on the other side.

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

When Councilmember Scott asked if all the businesses would then conform to Light Industrial, Ms. Fortenberry replied affirmatively.

At the request of Councilmember Washington, Ms. Fortenberry pointed out the location of the Rosemont and Four Mile neighborhoods.

There were no further questions from Council.

On motion of Councilmember Hart, seconded by Councilmember Scott, City Council voted to adopt the City Planning and Zoning Commission's recommendation and to give first reading to a bill to rezone 2015 Pittsburgh Avenue.

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 2015 PITTSBURGH AVENUE (0.1 ACRES) (TMS# 466-16-00-009) BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO LIGHT INDUSTRIAL (LI) CLASSIFICATION.

The Mayor remarked the next six (6) public hearings (Items E-5 through E-10 on the agenda) pertained to Daniel Island. Frances Cantwell, Assistant Corporation Counsel, reported that the State Ports Authority (SPA) now owns approximately 800 acres on Daniel Island. She pointed out the location of the property and the transportation corridor on a large map. A copy of the referenced map is on file in the office of the Department of Planning and Urban Development. The SPA acquired the property some years ago; the property is zoned Light Industrial. That is where Terminal X will be located.

She spoke of the SPA's recent proposal to expand their land holdings on Daniel Island to provide for a larger Terminal X to account for its future needs. The SPA will seek to acquire approximately 10 acres (outlined in pink on the map) known as Parcel M. They will also acquire a small parcel (outlined in purple) which is currently part of Parcel AA in the Daniel Island Master Plan. It will remain subject to the Daniel Island Master Plan. They will acquire a strip, approximately 17 acres, along the southern edge of what is now Parcel AA as well as a 15-acre wedge that is currently part of Parcel AA.. This 15-acre parcel is currently owned by the City and is being used as part of the spoil site for the Maritime Center disposal.

The SPA will additionally acquire approximately 320 acres in the area on the eastern tip of Daniel Island which is part of Parcel DD and will also acquire part of Parcel EE containing approximately 85 acres that will essentially cap off the northern part of their property on the eastern end of Daniel Island. The matter was before Council because some of the properties the SPA seeks to use as a port are now currently part of the Daniel Island Master Plan. In order for them to proceed with their project, it will be necessary to amend that plan, to delete certain properties from the plan, and to change the zoning of some of the properties that will be purchased by the SPA but will remain in the plan. She said that specifically applied to a portion

of Parcel AA which was proposed for rezoning to Light Industrial. Parcel EE will retain its current zoning.

The Daniel Island Master Plan and Development Agreement must be amended to delete these properties and to change the configuration of the properties as shown on the map. The SPA, as part of its proposal, is offering that its properties including the parcels it will be acquiring and the properties they have already purchased will be developed under a master plan and a development agreement with City Council. That development agreement will provide that the parcels that are subject to the development agreement (Parcel M which will be deleted from the Daniel Island Master Plan, the area outlined in blue, the transportation corridor along the western edge of the island, the entirety of the southern tip of the island outlined in blue on the map, the area outlined in light red on the very tip of the island) will be subject to a master plan and a development agreement between the City and the SPA. That agreement will provide for the areas shown in blue to be zoned Light Industrial to accommodate port uses. The areas shown in light red will be zoned Conservation.

She noted, for Council's information, the location of the circular area shown on the map on the very southern tip of the island is approximate. This 55-acre area will be developed into a community park by the SPA; they will then deed it to the City. The exact location of the park will go through the review process that most of the City parks go through. It will be a joint review between the City and the SPA; it will be generally located on the southern tip of the island with the idea of siting the park for the best views of the harbor. There will be, if navigation does not prevent it, a perpendicular pier. If navigation prevents that, there will be some type of bulkhead or parallel pier along the shorelines to maximize access to the water. The park will include an icon parking and support structures. Access to the park will be constructed by the SPA. The preferred access will come off the tip of a planned road through Parcel BB, depending on permitting requirements. If that cannot be done, the SPA will build an alternate access that will go through Parcel AA to the park. The timing of the construction of the park is tied to the timing of the construction of the terminal.

She said a sketch of the masterplan for the terminal was included in the material provided to Council. It is anticipated at this point there will be berths along the Cooper River and perhaps the Wando River side of the island. The support facilities for the port uses will be in the interior of the space. It could be an office building; it certainly will be storage yards; it could be railyards.

The design and construction of the park will commence when the project has reached 50 percent build up, which is estimated to be five (5) berths. If, however, that has not been reached when the development agreement is over, the park will be constructed five (5) years thereafter. She cited the example, if Council entered into the agreement today and nothing happened, at the end of 25 years the City would have a park at the tip of the island. The development agreement will vest the zoning for the SPA for a period of twenty (20) years with Light Industrial and Conservation in the areas indicated. It will require the SPA to construct the park and access to the park as outlined.

The development agreement will provide that Parcels EE shown in green on the map, which will remain subject to the Daniel Island Development Agreement, will be restricted to park use and will be available to the City for incorporation into the City's regional park immediately adjacent to the west. The SPA will be entitled to have detention ponds in a portion of Parcel EE and into the park on the southern tip of the island. The agreement will be amended, if approved by Council, that the SPA to the extent they provide detention or retention ponds will be responsible for maintaining the ponds throughout the life of their use.

Because the City will be asked to convey property it owns in Parcel DD as well as property that is now part of the Maritime Disposal Center to the Daniel Island Development Company, it is necessary for the City to have substitute collateral land to secure the obligation that Daniel Island Development Company and the Guggenheim Foundation have to the City to

provide public spaces. The SPA has agreed to give the City a mortgage or a lien on the properties it will own in Parcel EE. In return, that will free up the City to be able to convey this back to the Daniel Island Development Company. The City would still be protected acre for acre for every piece of property that the Guggenheim Foundation and/or Daniel Island Development Company still owes to the City.

To reach the point as proposed, it will be necessary for Council to consider a number of things. Council will first need to amend the Daniel Island Master Plan and Development Agreement as follows:

a. The property description for the Development Agreement (Section 2.34 and Exhibit 2.34) is to be amended to:

1. Eliminate Parcel DD, Phases 1, 2 and 3 (26 acres of which) and Parcel AA, Phase 3 totaling approximately 320 acres, more or less, as more fully shown on the rezoning application by the State Ports Authority ("SPA Rezoning Application") and the plat by Southeastern Surveying submitted in connection with this application (the "SPA Plat").

2. Eliminate Parcel AA, Phase 4, measuring 17.263 acres, more or less, as more fully described on the SPA Rezoning Application and the SPA Plat.

3. Eliminate Parcel M, Phase I, measuring 9.656 acres, more or less, as more fully described on the SPA Rezoning Application and the SPA Plat.

4. Further amend the agreement by changing the zoning of 20 acres of Parcel AA from Daniel Island Park (DI-P) to Daniel Island Light Industrial (DI-LI).

5. Add Rhoden Island to the Daniel Island Agreement and Master Plan under the designation of "DI-R", "Daniel Island-Residential". Rhoden Island is shown on the amended Exhibits to the Master Plan and contains approximately 233 acres of highland. Rhoden Island hugs the northeast corner of the island; it was acquired by the Guggenheim Foundation after the development agreement was adopted. It was contemplated from the beginning that it would be brought into the development agreement and subject to the master plan.

6. Change the total acreage to approximately 2,972 acres.

b. The Exhibit 5.4 "Land Specifications" is to be amended to change the language relating to the District Park South of the Mark Clark ("SMCP")

c. Section 5.3 and Exhibit 5.3 "Collateral Land Tract" is to be deleted and substitute language inserted to reflect the transfer of permanent title of approximately 128 acres to the City and the pledge of approximately 81 acres (the "Park Restricted Lands") to the City by the State Ports Authority in Parcels EE and DD. The permanent title to the City includes:

1. Approximately 20 acres in Parcel AA/Phase 2

2. Approximately 31 acres in Parcel AA/Phase 5

3. Approximately 45 acres in Parcel EE/Phase 2

4. Approximately 25 acres in Parcel R/Town Center

5. Approximately 7 acres in Parcel N/known as Etiwan Park

Council was also asked to approve amending the Daniel Island Master Plan pertaining to Daniel Island, Berkeley County (A portion of TMS #277-00-003, 277-00-00-002, a portion of TMS #275-00-00-025 and 272-00-00-001) as described below:

a. Eliminate from the Master Plan certain parcels which are to be transferred to the South Carolina State Ports Authority and added to a master plan and development agreement for port facilities on Daniel Island.

1. Parcel DD, Phases 1, 2 and 3 (26 acres of which) and Parcel AA, Phase 3 totaling approximately 320 acres, more or less, as more fully shown on the rezoning application by the State Ports Authority ("SPA Rezoning Application") and the plat by Southeastern Surveying submitted in connection with this application (the "SPA Plat").

2. Parcel AA, Phase 4, measuring 17.263 acres, more or less, as more fully described on the SPA Rezoning Application and the SPA Plat.

3. Parcel M, Phase 1, measuring 9.656 acres, more or less as more fully described on the SPA Rezoning Application and the SPA Plat.

b. Add Rhoden Island to the Master Plan under the designation of "DI-R", Daniel Island-Residential. Rhoden Island is shown on the amended Exhibits to the Master Plan and contains approximately 233 acres of highland.

c. Modify the zoning designation in Parcel X which is immediately north of Parcel AA to Daniel Island Light Industrial (DI-LI) so the use will be consistent.

d. Modify the text of the Master Plan and the Exhibits to reflect the above changes and the changes requested by the State Ports Authority.

Council also considered rezoning parcels on Daniel Island, Berkeley County, (Part of TMS# 275-00-00-025, 044, 057 and 277-00-00-002, 003) to Conservation (C) and Light Industrial (LI) as shown on the proposed zoning map for the State Ports Authority. This request affects approximately 417 acres of which 65 acres is proposed to be zoned Conservation.

Ms. Cantwell explained after deleting properties from the Daniel Island Plan (which requires an ordinance) and authorizing an amendment between the City and the Guggenheim Foundation and Daniel Island Development as to the development agreement including the zoning changes as well as the text changes included in the packets to Council, it will be necessary to zone the deleted properties to accommodate port uses. They would be zoned Light Industrial and Conservation.

She explained further Council would also need to adopt a Master Plan for the port properties that will be subject to a development agreement and authorize a development agreement between the City and the SPA. She referred Council to the proposed bills included in the agenda packets. She noted Rhoden Island had been referred to as Parcel FF in the material distributed to Council.

She outlined the action needed from Council as follows: (1) authorization to amend the plan, (2) to adopt a plan for SPA, (3) to amend the City's Development Agreement with the Daniel Island Company, (4) to authorize a Development Agreement with the SPA, (5) to authorize the Mayor, as and when the agreements are finalized and the City receives title to its collateral properties, on behalf of the City to execute the appropriate documents to allow for the transfer of the City-owned property in Parcels AA and DD.

Councilmember Thomas questioned the number of units that would be involved on Rhoden Island. Ms. Cantwell replied there would be 400 units. Councilmember Thomas noted the increase indicated there would be 500 units, and he wanted to know where the additional 100 units would go. Ms. Fortenberry explained Parcel BB was not originally envisioned as being developed residentially; it had been planned as institutional. Since that time, the institutional use of the property had not materialized; the owners want the option to build houses instead of the institutional development.

When Councilmember Thomas asked for an example of institutional development, Ms. Fortenberry cited schools and hospitals. When Councilmember Thomas asked for clarification, Ms. Fortenberry said the change would allow residential development in the parcel.

Councilmember Thomas referred to Page 47 and asked if the reference to "districts" had been in the original Master Plan. Ms. Fortenberry replied affirmatively.

When Councilmember Thomas asked about changes, Ms. Fortenberry replied the wording basically related to a predominantly residential parcel. She said the intent of the open-space parks was for residential parcels. Prior to this, the language might have been misleading, and this language clarifies that commercial parcels are not included. She explained further that commercial properties are not counted in determining the open-space requirements for the residential areas.

Ms. Fortenberry further clarified this matter by saying the open space could be aggregated. In other words, where one parcel may require two acres, another parcel may

require one acres, this could be congregated into three acres to serve both parcels. This is not a change.

When Councilmember Thomas asked about changes to Pages 76, 77, and 78, Ms. Fortenberry referred to the chart labeled Table 1 and said the number of units would change in Parcel DD. There will be a new Parcel FF which is Rhoden Island. She also pointed out the areas affected by zoning changes from Daniel Island-Residential to Daniel Island-Light Industrial (DI-LI).

She explained the changes on Page 78 were technical in nature. There were no substantive changes. When Councilmember Thomas asked if the one parking space per unit was the same as it had been, Ms. Fortenberry replied affirmatively. He then asked what the requirement was in the City. She said it is two per unit; in multi-family it is generally one and one-half (1.5); it is less for affordable housing. Councilmember Thomas expressed concern about whether that was enough parking.

In response to a question from Councilmember Ader, Ms. Cantwell pointed out the round outline of the 55-acre park was conceptual. She thought the park would essentially take the very southern tip. Councilmember Ader asked if the cranes would be directly opposite Hobcaw Point. Ms. Cantwell said there could be.

In response to a question from Councilmember Shirley, Ms. Cantwell replied she was not sure what the anticipated development phasing would be. She said the land on the Cooper River was more ready for development than the land on the Wando side.

When Councilmember Washington asked about possible drawbacks, Ms. Cantwell replied as far as the City's plans are concerned, this will be consistent with what has been anticipated. She noted this would be a change on the Wando River side. She pointed out the property on the exhibit map, saying it is now spoil and at this point in time it would not support any residential uses. Long, long term this area, under the Master Plan, was zoned for Conservation or for Park. There was never a plan in place to ever develop it. It was never a City responsibility to develop it; the City did not control it.

When Councilmember Thomas questioned the term of the agreement with the SPA, Ms. Cantwell replied at the twentieth anniversary of the adoption, the agreement ends unless the SPA has requested an extension. At that time, the City would negotiate the terms of the extension. It means at the end of twenty (20) years the City will no longer be obligated to maintain the current zoning. The Mayor explained further the property would still be zoned, but the City could change it at the end of the 20 years; within the 20 years, the City cannot change the zoning.

When Councilmember Thomas asked if everyone understood those terms, Ms. Cantwell replied affirmatively.

When Councilmember Thomas questioned the development schedule, Ms. Cantwell apologized that she had not included it in the information to Council. She noted representatives of the SPA were present and could answer questions regarding the schedule. State law requires the City to estimate the phasing of the project in five-year intervals. She noted that is what the exhibit addressed.

In response to a question from Councilmember Thomas, Ms. Cantwell said the body of the agreement would include the requirement that the SPA would maintain the retention ponds if constructed. Councilmember Thomas expressed concern about the standards that would be used. Ms. Cantwell said all of the retention areas, from a visual appearance, must serve as amenities to the park. Councilmember Thomas felt that was a good starting point. He suggested that City standards should be added. Ms. Cantwell did not think that was an unreasonable request, and that will also be added to the body of the agreement.

When Councilmember Ader asked about the location of the rail line, Ms. Cantwell pointed out the location on the large map. The Mayor agreed that was the correct location.

There were no further questions or comments from Council at this time.

The following persons addressed Council in support of the matters pertaining to Daniel Island:

1. Bernard S. Groseclose, Jr., President and Chief Executive Officer of the South Carolina State Ports Authority (SPA), said the Ports Authority was seeking certain zoning changes on Daniel Island property which it is acquiring. He said the SPA was also seeking to enter into a development agreement with the City.

He went on to say the Harry Frank Guggenheim Foundation and the Daniel Island Development Company support these requests and are seeking to amend their development agreement accordingly. He noted that Frank Brumley would report to Council on the Guggenheim and Daniel Island requests. He assured Council that all of these organizations have worked closely and strongly believe that the action they were seeking will not only benefit their organizations but will most especially benefit the City of Charleston.

The Port is acquiring additional property on the Wando River side of Daniel Island. He felt this acquisition would significantly and positively affect the Port's ability to be an important economic engine to the Charleston region.

He gave two reasons for the acquisition: (1) faster-than-anticipated growth at the Port of Charleston, and (2) the need to meet the demands of the Port's major shipping line customers who require the Port to demonstrate now that it will be able to accommodate the new 1,000-ft mega-container ships which those lines have on order and are putting into service.

Mr. Groseclose went on to explain the only way the Port could competitively accommodate these mega-container ships is with a rail-served terminal facility on the Wando River. He said navigational restrictions make it too costly to accommodate them on the Cooper River, and there is no rail service at the Wando Welch Terminal, which is already operating at near capacity. He pointed out Daniel Island will already have rail service for the Port's facility on the island's Cooper River side.

He spoke of the jobs the Port provides, saying there are already more than 14,900 Port-related jobs in the Charleston area. He said those jobs on average pay 27% more than the average jobs in this region. These jobs are in a diverse range of professions - including longshoremen, harbor pilots, truckers, stevedores, brokers, shipping lines and more.

He commented that almost two-thirds of the Charleston area economic development announcements over the past two years have attributed their presence to the Port of Charleston. He felt if the needs of the shipping line customers continue to be met, the Port will generate a total of more than 25,000 Port related jobs by the year 2015.

He went on to point out some of the many aspects of the SPA's presence on Daniel Island such as: (1) a beautiful new 55-acre public park at the tip of the island, accessible by an attractive parkway. That park will be the size of Hampton Park and provide extraordinary views out into the harbor; (2) a large public park, almost twenty times the size of the Charleston Waterfront Park, in the buffer zone along the northern edge of the terminal facility; (3) rail service to the Daniel Island terminal facilities will significantly reduce truck traffic; (4) the SPA has helped secure financing to assure the construction of the new Mark Clark Expressway interchange on Daniel Island.

He spoke of the responsibility the Port feels toward its neighbors on Daniel Island and the sense of responsibility to its neighbors across the river in Mount Pleasant. He had met several times with Mayor Cheryll Woods-Flowers, Mayor of Mount Pleasant, the Hobcaw Point neighborhood president, the commodore and other officers of the Hobcaw Yacht club, as well as many individual residents in the Hobcaw Point neighborhood, and with a broad spectrum of civic and business leadership in Mount Pleasant. He planned to continue meeting with the residents of Mount Pleasant and to be responsive to their questions.

He noted this request was for rezoning, the beginning of the process. He explained the SPA must still make application to ten state and federal agencies, each of which has strictly enforced regulations to which the Port must comply. The environmental permitting process will

provide numerous opportunities for public comment and input. He said a scoping meeting to initiate the process has already been scheduled for late June.

Mr. Groseclose provided answers to many of the questions that had been raised, and a copy of his statement is on file with the Clerk of Council in the meeting folder of this date.

He thanked Council for consideration of the Port application and urged them to support the SPA.

2. Frank Brumley, representing the Daniel Island Development Company and the Harry Frank Guggenheim Foundation, spoke in support of the proposed changes on behalf of the owners of the balance of the undeveloped property on Daniel Island. They are also the co-applicants in this process for the amendment of the Daniel Island Development Agreement and Master Plan.

He spoke of working very favorably with the planners for the City as well as those working for the SPA. He said Daniel Island has always been planned as a mixed-use community. The SPA, with light industrial zoning to support it, residential, commercial, and office have always been planned for Daniel Island. This expansion of the SPA facility is very much in keeping with the plan, and has provided several very positive benefits for Daniel Island.

Mr. Brumley commented that the ability to work with the SPA and fund the interchange was critical. There was no funding available particularly with the need to replace the Cooper River Bridges. Not only will the Hampton Park-size park on the tip become a reality because of SPA funding, but the buffer park between the SPA and the residential area will be twenty times the size of the Waterfront Park.

The site for the SPA was designated as open space; it was unfunded, unplanned; it is a mud slab. The property is inappropriate, unacceptable, and undevelopable for either residential or commercial use. He said the SPA is a very appropriate use for the land. It literally is a wasteland, a spoil.

He reported that Bishop England High School is under construction on Daniel Island, and the opening is planned in the fall of 1998. There will be 1,000 students and 200 staff members. He explained the interchange will be very critical so that student traffic and residential traffic is not mixed with the SPA traffic.

He urged Council to support this matter.

3. John Hassell, resident of the City of Charleston and President of the Maritime Association, spoke of the jobs in a seaport. This port has formed the economic foundation for this community throughout history and particularly in the wake of the closing of the Charleston Naval Base. This entity is one of the major job generators the City has.

He felt that having 1,300 acres right in the middle of this active seaport is an asset that ports around the world would love to have. It opens up a future of prosperity that is almost impossible for a lot of people to envision who are outside the industry.

He spoke of the choice before the City as one to go forward or go backward. If the volumes of cargo cannot be handled in Charleston, it will go somewhere else. Either the port grows or it dies. He felt the SPA would be dealing with environmental issues sensitively. He remarked the Maritime Association would be working with the SPA in the development process.

The Maritime Association held a public forum in March in Mt. Pleasant that was well attended by Hobcaw residents. Mr. Groseclose, representatives of the U. S. Army Corps of Engineers, and representatives of the State Office of Coastal Resource Management spoke of the rigorous permitting process the SPA will go through and addressed the public participation in that process.

He spoke of the 10,000 jobs that will be filled by "our children" and asked Council, on behalf of the Maritime Association, to give favorable consideration to these requests.

4. Elizabeth "Sis" Marshall, Regional Director for BellSouth and former President of the Charleston Metro Chamber of Commerce, spoke in support of the SPA request. She reminded Council of the concern about jobs at the time of the closing of the base. She talked

of a report that had been done by a national, renown economic development expert. That report named the SPA as the one key to the recovery and future growth closing the base closing.

She spoke of the formation of Economic Development Alliance composed of members from the three counties: Charleston, Berkeley, and Dorchester. Working with the SPA, for the first time in the history of the State of South Carolina, this region led the State in economic development and the number of new jobs. It would not have happened if there had not been a SPA..

She asked Council to support the SPA in their endeavor to grow. She understood the environmental process would be a long, tedious one, but it will provide everyone an opportunity to give input and have their voices heard. She said as the SPA grows, so will the City, region, and State grow. She spoke of the "good, high-paying jobs" that come with the Port.

5. Manly Eubank, President of Charleston Metro Chamber of Commerce which consists of over 2,700 business members in the tri-county area, said the Board had voted unanimously to ask Council to support the changes to the Daniel Island Master Plan.

He quoted State Representative Henry Brown of Berkeley County, Chairman of the House Ways and Means Committee of the General Assembly, who had said at a recent public forum that the South Carolina Ports are the most valuable economic asset in the State of South Carolina, bar none. Mr. Eubanks felt the importance of the port in Charleston expands to the State and probably to the Nation.

6. Dewey Teske, resident West of the Ashley and Executive Director of the South Carolina World Trade Center Charleston, spoke in support of the SPA.. He said the South Carolina World Trade Center Charleston is a private, non-profit organization with about 400 members. It is the largest organization in Charleston whose mission is to advance international trade to advance South Carolina economy.

He said the members represent every aspect of international trade and the services that support it. The members reside in the Lowcountry. The port activity provides their livelihood. The Board of Directors passed a Resolution in support of the activities of the SPA on Daniel Island. Council was in receipt of a copy of that Resolution. A copy of the Resolution is on file in the office of the Clerk of Council in the meeting folder of this date.

Mr. Teske said the South Carolina World Trade Center Charleston wholeheartedly supports the SPA and their plan and has the highest trust in the port to adequately address all the issues as they proceed in the future. He asked Council to consider the economic impact of the port and the requirements for the larger ships to come into Charleston. He urged Council to support the SPA.

7. Bill Moody, Gamble, Givens and Moody, resident at 300 Betsy Road, and former President of the Charleston Metro Chamber of Commerce, spoke in support of the SPA. He said the port is the most important asset the City has. "If we don't protect it, if we don't import jobs or create jobs, we will surely export our children and grandchildren to go look for jobs somewhere else."

He noted that statistics indicate approximately one-third of the people who live within a small radius of the Wando Terminal have moved there since it opened. When the residents of that area put a house on the market, it sells within 39 days. When it sells, the seller gets 97 percent of the asking price. The SPA has not been a negative impact on that area, and he felt it would not be a negative impact on Daniel Island.

8. Mary Dean Richards, tourism industry, spoke in support of the SPA. She expressed concern about "moat mentality", the theory that the last one in wants to build a moat and pull up the drawbridge so nothing else happens. She said the port is a conduit to the world, not only for South Carolina but also for the southeast region.

She spoke of the time when the Naval Base closed. She felt the economy of Charleston could not rest alone on the revenues of the tourist and travel industry. She said the port is vital to future prosperity, it must be supported in to move to develop a world-class facility.

She called on everyone to work together, not only to enhance the local economy, but to add the worldwide recognition and secure the financial future of the entire Charleston community.

9. Sam Applegate, former South Carolina State Senator and former President of the Charleston Metro Chamber of Commerce, strongly endorsed the plans of the SPA and urged Council to vote for these changes.

10. Bill Scarborough also wanted the record to reflect his support of the SPA.

11. Ike Ryba, Chairman of the Board, S. C. World Trade Center, voiced support on the SPA. He asked everyone to look at what is best for the overall community.

12. Tom Holt, port chaplain of the British International Sailors Society, spoke of the environmental nightmare along the ship canal in Houston, Texas with chemical factories and oil refineries back to back. He commented the least impacting portion of the shipping industry is container traffic. He remarked that people fish off the Wando Terminal; sailors fish off the back of ships; and he has eaten fish and shrimp from that water. He spoke of the dolphins who swim around the ships. He spoke of the wildlife he had observed. He also told of the quiet times after 5:00 p.m. and on weekends.

He told how the SPA has gone out of its way to accommodate special use of the wasters as in the recent *Charleston to Bermuda Race* and the *Assault on Castle Pinckney*. Both of these projects were coordinated with ship movements to allow maximum enjoyment of the harbor by all of the citizens.

He asked Council to support the SPA.

13. Ray Huff, resident of the City of Charleston and the City's representative to the Alliance, spoke of the importance of the SPA to the region. He said sometimes choices are difficult for the few and perhaps benefit the many. While he felt those who opposed the SPA may have legitimate concerns, he asked Council to consider the advantages to be gained by the many in making this decision.

14. Jenks Gibbs, President of Atlantic Services Group, spoke in support of the SPA. This company employs 125 people with a \$6,000,000 payroll and makes a living handling the material that comes in and goes out across the docks. While the growth of the port is important to the business, it is also important to the community.

Mr. Gibbs is also Chairman of the Maritime Association and also voiced his support of the SPA in that capacity.

15. Barbara Rivers, one of the first Daniel Island residents, spoke in support of the SPA. She resides on Daniel Island along with 30 other "pioneers". She approved of the negotiations between Daniel Island Development Company and the SPA. She said the residents will receive about 20 times the amount of waterfront area they would not have and an additional park. She spoke of her appreciation for the interchange. She explained that she works on the Peninsula and this will shorten her commute to and from work.

Ms. Rivers said she has a great deal of faith in the developers on Daniel Island. She asked Council to consider the developer's credibility in making its decision. She also felt the port was very much a part of the success of the community. She asked Council to vote favorably in this matter.

16. Billy Mills, former Mayor of Mt. Pleasant, resident of Mt. Pleasant with an office on Meeting Street, spoke in support of the SPA. He told Council about his brother who is a Senior Corporate Officer and member of the Board of Directors for Kay Line. His brother had told him Kay Line would be pulling out of Charleston because they could not make a living here. He said his brother had heard from Mr. Groseclose about the plans to put in the resources to be competitive in the future so that Kay Line would be able to come back to Charleston.

He spoke of the combined effort of the area governments on many issues. He thanked Mayor Riley for the assistance in bringing the Medal of Honor Society to this region. He went on to express concern about rumors that the SPA was not a good neighbor. Mr. Mills was the Mayor of Mt. Pleasant when the negotiations with the SPA took place regarding annexation into Mt. Pleasant. He said the SPA was an outstanding corporate citizen who had honored all of its commitments.

He told Council of boating with his family. He said if Council knew what he knows about this matter they would vote unanimously with "unbridled enthusiasm" in support of the SPA.

When the Mayor asked for a show of hands from those who supported the Daniel Island matters, approximately 35 people raised their hands in opposition.

The following persons addressed Council in opposition to the matters pertaining to Daniel Island:

1. Yvonne Michelle, resident of Daniel Island, expressed concern about changes to the quiet residential area she lives in. She was sold on the Master Plan that was described to her about the development of Daniel Island. She quoted from a Post and Courier newspaper article published on December 4, 1994, which stated the City would stick to the Master Zoning Plan. She went on to say Council was now voting to change the Master Plan.

She told Council she was not opposed to development, growth, or jobs. However, she was concerned about the quality of life. She expressed uncertainty about what had been said. She suggested the Navy Base as a place for the SPA. She thought perhaps the river was cleaner and safer, not because of the SPA, but because Mt. Pleasant had put in a sewer system.

She pointed to the map and wanted to know how there could be a beautiful vista of the harbor with cranes lined up and down the area; how could there be a beautiful road, tree-lined and buffered, through the railyards; how will the traffic go back and forth; and what will it actually look like when she is 75 years old and the park is established 25 years from now? She asked how the plan can protect the residents, the Wando, and Daniel Island. She again asked about alternatives and why the Navy Base was not an appropriate choice.

Ms. Michelle outlined the way the plan had been presented to her and questioned how that could happen. She wanted to speak against not voting for the rezoning, not doing this, but understanding how there could be a large, viable, dynamic port and quality of life, recreation on the Wando, good fishing, and good living.

Councilmember Kinloch suggested limiting the amount of time for each person to speak.

2. John Pratt, resident of Hobcaw on Mt. Pleasant, said it was impossible to leave his windows open in the evening because of the roar of a diesel train, the horns beeping on eighteen wheelers, annoying high-pitched, backup beepers that can be heard day or night. He expressed doubt that the SPA would keep its word. He agreed with the previous speaker and wanted to know why the SPA could not go into the former Navy Base.

Mr. Pratt understood the Drum Island curve is a problem; a ninety degree turn in the river is a big problem for big ships. He felt the obstacles were largely manmade, saying the jetty was unnecessary. He said the sediments on the end of Daniel Island and the end of Drum Island are manmade; they are from spoil. He said these could all be removed. He said that would create a 40 degree turn rather than a 90 degree turn and eliminate the problem. He suggested checking into these things before destroying Daniel Island, before destroying the whole western perimeter of Mt. Pleasant.

3. William Lee, President of Hobcaw Point Homeowners Association, said there are other alternatives. He spoke of consulting with a professor at the Maine Maritime Academy, the only institution in the country that awards a degree in shipping. Mr. Lee understood that Jacksonville, Charleston, and Norfolk are all destined for expansion. He called the loss of jobs a "scare tactic". He questioned that the spoil area was not suitable for residential development,

saying Murray Boulevard was spoil area at one time. The Patriots Point Golf Course was spoil area at one time.

Mr. Lee said the water is cleaner because the ecoli bacteria count is less because Mt. Pleasant went on sewer treatment. He said the Wando River does not flush.

He went on to say the noise is excessive and unbearable at times. He did not feel negotiations with Mr. Groseclose had been successful. He spoke of the terms of the original *Save the Wando Agreement*, and he felt it had not been honored. He noted that Hobcaw Point is directly across from the huge towering cranes at the SPA; there is no way to mitigate the noise.

Mr. Lee did not feel 500 acres of waterfront land should be rezoned to industrial waterfront. He did not think it was good for Daniel Island, the lower Wando River, for Mt. Pleasant or for any Charleston resident.

He asked Council to vote against this matter or to at least delay it until other alternatives could be considered. He cited a quotation from on a plaque outside the Council Chamber: "John P. Grace, Mayor of Charleston, As a tribute to his public service and in recognition of the untiring zeal and devotion with which he labored to obtain the command of the waterfront of the City of Charleston as a heritage to be owned and operated by her people".

4. Charles Hipp, local construction businessman representing the *Save the Wando* group, stated that the *Save the Wando* group does not oppose port expansion. He spoke of concern about the expansion "in front of a community that we hold very dear to our hearts". He said downtown Charleston wanted the port to move out for tourists, and the City of North Charleston does not want the port at the former Navy Base because they want taxpaying businesses. He went on to say the original plan for Daniel Island did not include the port. He did not feel the SPA had tried hard enough to figure out alternative sites. He did not see why, with the use of tugboats and reworking the channel, the Cooper River could not be better used for port expansion.

Mr. Hipp questioned how a 600-acre pier could hold the port. He compared the problems of the new Joseph P. Riley, Jr. Park which had been built on fill land. He did not feel the port facility could be built economically. He spoke about the \$15,000,000 Maritime Center and the impact of the courthouse in downtown Charleston. He asked Council to consider an expenditure that will exceed several billion dollars and to give more time to public debate on the expansion the port needs.

5. Dr. Gordon Heniger spoke of establishing an eleemosynary corporation in 1972 that is still active. He planned to remark further on this subject at the environmental hearings. He said the SPA will adhere to the State and Federal Governments when it comes to environmental issues. He said *Save the Wando Association* is viable, active, and is in the interest of the environment from all aspects.

6. Henry Thomas, resident of Hobcaw Point and Pawley's Island, spoke of an agreement reached in 1979 so the SPA could co-exist with the residents of Mt. Pleasant and Hobcaw Point. He had a copy of a Federal court order. He said there were 25 pages of promises made by the SPA in order to build the Wando Terminal. He felt any similarity between the promises and what had happened over the past 15 years was coincidence. A copy of this document is on file in the office of the Clerk of Council in the meeting file of this date.

The SPA was to be limited in its use of the Wando River to that which was necessary for the Wando Terminal. He said air and water quality devices were taken down in 1984. He said light shields were required, but the SPA had told the *Save the Wando Association* the light shields were installed but they were not working. All of the creeks around the Wando River have been choked because of the constant dredging around the berthing areas. Erosion was to have been periodically checked; there are no records. The site of the terminal is a spoil

area. He asked where the next spoil area will go. Was the spoil area not needed? He said the Federal court order called for no more spoil areas on the Wando River for 30 years.

He asked Council to delay approval until they could be sure they were not allowing the SPA to violate a Federal court order.

7. Kim Lee, co-chair of the *Save the Wando Association*, said one of the most compelling reasons to vote against rezoning the Wando side of Daniel Island is for the protection of a fragile and important environment. She went on to quote Mayor Riley as saying: "Charleston's waterfront is a treasure that must remain accessible to the public". She said the Guggenheim Foundation stated in their Daniel Island Concept Plan: "The coastal environment, and particularly the Wando River Basin, are important considerations". She then quoted The Charleston Harbor Project Guide by DHEC as saying: "After its history, the area's most prized natural resource is the harbor".

She went on to say the Wando is not a headwater river that flushes into the ocean, but a tidal estuary. The water there simply sloshes back and forth. So, whatever is dumped into the Wando stays there and spreads up into the marshes and creeks that are so important to the fish and shellfish. Every dredging stirs up mud and resuspends toxins that spread throughout the estuary and into the eco system. She commented further on some of the problems unique to the Wando River.

She noted the terminal will be very close to heavily populated residential areas. She spoke of increased risk of an accident and problems that may arise if evacuation becomes necessary. She felt there were other options for expansion that would not cause harm or endangerment to the environment. She said *Save the Wando* will be watching the entire permitting process. She plans to do everything in her power to save the Wando.

8. Daniel Island resident who did not give his name said he had purchased a wonderful concept on Daniel Island when he purchased his home about one week prior to Christmas 1996. He spoke of incremental destruction of the concept in the four or five months he and his family have been living on Daniel Island. He understood the port is an economic, viable entity. He also wanted clarification of the location of the rail line. He expressed concern that he would be living in the middle of an industrial park. He said, if a terminal is considered light industrial, he was very concerned about the definition of heavy industrial. He was concerned about changes to the concept that had been sold to him.

9. Frenchie Richards, *Save the Wando Association* Advisory Council, said Council had been asked to make an enormous decision with very little information which she did not feel was fair to Council or the many, many people the decision would affect. She quoted from a recent article in the Post and Courier, saying: "Big ships can generate dangerous wakes, making the harbors more treacherous to the increasing numbers of recreational boaters. Some boaters have reported wakes as high as seven feet". All it would take is one stalled engine or a child who could not get a sailboat out of the way in time to produce a horrible accident. Children are major users of this natural resource. They learn to ski, sail, fish, and swim in the Wando from two points: the public boat landing at Remley's Point and the harbor entrance. The Wando is different from most rivers in that there are not a number of access tributaries to come in to use it. It is open to public access and private enjoyment in a way that not many rivers are. She said there is really only one way in, and it is at the mouth of the river. She referred to this plan as putting "a cork in a bottle".

Ms. Richards asked Council to wait for more information to study the alternatives as well as the recreational safety impact problems. She was concerned about minimizing the safety of the hundreds of people who use the Wando River. She said there are some things money cannot buy, and the Wando River is one of those things.

10. Bob Collins, resident of Daniel Island, retired from the U. S. Navy and chose Daniel Island because of the concept of Daniel Island. The family home at Virginia Beach was sold, and his family relocated to Daniel Island. He expressed concern about the changes that

have been made after having been assured the Daniel Island Master Plan would not change. He stated he was adamantly opposed to the changes to the plan.

11. Deborah Myer, Hobcaw Point resident, commended Council for the manner in which they had handled an earlier issue regarding the facility on Magnolia Road. She went on to say she is subjected to the noises of the SPA, but she can live with that. She said she is concerned for her children. She felt that fishing, sailing and boating in general, and water skiing had been ruled out for them. She invited Council to visit in her backyard after 5:00 p.m. so they could better understand her concern for her children.

12. A gentlemen who resides in Mt. Pleasant and did not identify himself questioned the area shown earlier on the map as a park. He pointed out the brown area was shown as park area. He said that was being changed to swap park area for port area. He felt that was just not right.

13. Theodore Myer, resident of Mt. Pleasant since June 1996, said there was similarity between this issue and the Magnolia Road issue considered by Council earlier this evening. He said those residents were opposed to commercial expansion into a residential area. He saw a similarity in that the Wando River is predominantly residential. He asked that the expansion of the port be placed in an appropriate area and that the residential areas of Mt. Pleasant and Daniel Island be allowed to exist without that interference.

It was 11:05 p.m. when the Mayor asked if anyone else wished to speak for or against this matter. No one expressed a desire to be heard. The Mayor declared this public hearing concluded. He then thanked everyone for their courteous attention, their patience and stamina.

When the Mayor asked for a show of hands from those who opposed the Daniel Island matters, approximately thirty-five people raised their hands in opposition.

Councilmember Hagerty stated he would be voting in support of this matter. He stressed the importance to the tri-county and the entire state. He went on to explain this is the first step in the process. He felt the vigilance of this City Council, *Save the Wando Association*, Coastal Conservation League, and every other group that would be affected would be needed. He shared that he had grown up on the harbor and had turned over in boats in front of tankers. This is not going to help the environment or benefit fishing; there will be a big price to pay. He wanted the community to understand that Council was not naive about this. He felt the decision must be made on what was best for the state and for our children in the long run.

He felt it would be very important for Council to get involved in the public interest reaction section of the Federal Review. He said this was not a right or wrong issue, but it was a decision to start the process. He strongly felt that Council should start the process.

Councilmember Ader felt she would oppose this because of the constant changes to the Daniel Island Plan. She recalled that Council had come in between Christmas and New Year's to approve the annexation. At that time there were no railroads, no SPA cranes. She felt there must be something else that could be done.

Councilmember Shirley expressed some mixed feelings about this issue. He spoke of the importance of the environment. He commended the people who had addressed Council on both sides of the issue. He agreed with Councilmember Ader about the changes. He planned to vote no on this matter, not because he does not want it, to send a message to the whole community that the environment is protected. He felt the Master Plan could be massaged, but it should not be changed again once it has been massaged.

Mayor Riley said the plaque to Mayor Grace was, most respectfully, about his acquisition of the land on the water's edge to rebuild the Port of Charleston. John P. Grace was the forerunner of the South Carolina Ports Authority. The Mayor commented the port had died; war killed it; the earthquake liquefied it. Mayor Grace knew for the community to be rebuilt it needed the sinew and the strength of a viable port.

He went on to say it is not true that the City is running the SPA out of the downtown area. He said the City was happy to have the port downtown. They have been a good

neighbor. They have always been a part of Charleston. The Union Pier Terminal will be closed eventually simply because they do not have the elbow room for the modernization requirements.

He expressed pride in the plan for Daniel Island, saying it is a national model. He said the rail was always planned there, coming in on the western end. The port terminal on the Cooper River was going to be served by rail. It is not a gated community; it is public access. The park on the tip ensures that the tip is accessible to a beautiful park and the park along the Wando will be huge and very beautiful. He spoke of the area that had been pointed out earlier. That was to be a regional park. It was not a City park.

He explained that it would be preferable for the port not to be on the Wando River side. It was not in the plan in the beginning. He planned to vote in favor of this matter because circumstances have changed. He was convinced that for the future health of the port. The successful ports must be full-service ports. They must be ports where all ranges of ships can call including the larger ones because the lines will have all sizes of ships. They will gravitate to the ports where they can receive full service. He had told the SPA when they originally came to him that he could not support this unless he was convinced that the future of the Port of Charleston was at stake.

He said that while there is pride in whether the port is first, fourth, or seventh, it is more important that it is a viable port that gives the energy to the community and to the State that it needs. He felt the larger ships could not make the turn. He, respectfully, did not believe environmentally, practically, or otherwise, that the hunk of Drum Island could be renewed. He said it could not be handled on the old Navy Base even if the City of North Charleston favored it. It is a compromise. There are ramifications of it. There is a compromise quotient of it just as the harbor might be ultimately more beautiful and pristine if there was no port here, no ship ever called, and there were no tugboats. That would not be realistic in a community that wants to provide jobs for its children and grandchildren.

He went on to say the environmental controls have increased, not diminished. The State and Federal regulatory processes, the *Save the Wando*, the environmental interested groups and watchdog groups will all have a role. He expressed absolute confidence in the word of Mr. Groseclose and the State Ports Authority. He said the City was dealing with people of honor and good faith.

The Mayor asked that the following letter from his good friend and colleague, Mayor Woods-Flowers of Mt. Pleasant, be incorporated into the record:

TOWN OF MOUNT PLEASANT

The Honorable Joseph P. Riley, Jr.

Mayor, City of Charleston

P. O. Box 304

Charleston, SC 29402-0304

Dear Mayor Riley:

While it has not been my practice to involve myself in City of Charleston issues, I feel that I must make an exception with regard to the rezoning of Daniel Island property on the Wando River. I make this exception because the intended use will likely impact residents in Mount Pleasant as much or more than those on Daniel Island.

I must first say that my position may not be that of the Town of Mount Pleasant since the Town has not voted to take any position. The Town may or may not take an official position at some time in the near future.

Having lived here all of my life, I understand the important role that the Port has played in the economy of our region. I am not and have never been "anti-port". I also understand that there are positives and negatives attached to any major effort and there are certain costs that go along with any benefit.

My full concern centers around our region's ability to maintain a healthy balance between Port progress and quality of life; quality of life that is driven by our enjoyment of our waterways and our waterfront vistas.

What will our harbor, our rivers, and our shorelines look like in ten years and will there be future expansions? Will we look like New York or Baltimore? Can we prosper with a Port that may not be the biggest or the busiest? Where is the balance and is enough ever enough?

I believe that these questions should be studied and answered in the best interest of citizens and all who are connected with the Port.

As you are considering the rezoning request, please be advised that any mitigation provided to residents of Daniel Island would be expected by Mount Pleasant residents affected by the Wando Terminal. I respectfully request that you pass this expectation to Port representatives during your consideration.

Thank you for indulging me by considering my comments.

Sincerely,

/s/ Cheryll N. Woods-Flowers

Mayor

TOWN OF MOUNT PLEASANT

cc: Town Council

cc: Mac Burdette

cc: Joel Ford

cc: Dr. William Lee

He noted Mayor Woods-Flowers had mentioned the mitigation measures for Mt. Pleasant. The Mayor supported those measures and remarked that some of the measures had been mentioned by Mr. Groseclose. He believed there could be a terminal on the Wando side of Daniel Island and still have a model, livable, beautiful, diverse community on Daniel Island just as this marvelous City existed with Union Pier, Laurens Street, the banana boats when they were south of the Dockside, and the Columbus Street Terminal. Some of the most expensive houses in this part of the United States of America are within earshot and within a stone's throw of the ships that are calling and the port activity. He expressed belief the Wando River could be respected with the terminal facility on Daniel Island, and he expressed confidence the City's stewardship of the future strength of this economy demands approval of the rezoning that will allow the facility to eventually be constructed.

Councilmember Hart spoke of his father who had raised four children working at the shipyard. He said the shipyard is gone now and asked where the City's children will work twenty years from now. He said the SPA has the answer to the question. He noted the current and past three presidents of the Chamber of Commerce had addressed Council in favor of this matter. He agreed with Councilmember Hagerty a price would be paid. He felt the Federal regulations at best will minimize the tradeoff. He urged Council to support the change to the Master Plan.

The Mayor commented on some controversy in Savannah about taking property in expanding the port. He said there is not a tree growing; there is not a business operating; and there is no home or neighborhood on this property. It is spoil. Given the myriad of choices a community usually has for a port to expand, this is, in that respect, optimum.

Councilmember Washington said he would be voting in favor of the change, but he expressed disappointment that Council had not been given the anticipated drawbacks. He said it was unfortunate that citizens from Mt. Pleasant had to present those drawbacks to this Council. He said he would be voting in favor of the SPA to be consistent with his earlier vote regarding the mental health center on Magnolia Road.

There were no further questions or comments from Council.

On motion of Councilmember Hart, seconded by Councilmember Hagerty, City Council voted to adopt the City Planning and Zoning Commission's recommendations and to give first reading to the bills pertaining to Daniel Island.

First reading was given to the following bills entitled:

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AN AMENDMENT TO THE DEVELOPMENT AGREEMENT DATED AS OF JUNE 1, 1995, BETWEEN THE CITY AND THE HARRY F. GUGGENHEIM FOUNDATION AND THE DANIEL ISLAND DEVELOPMENT COMPANY, INC.

AN ORDINANCE TO AMEND DANIEL ISLAND MASTER PLAN.

AN ORDINANCE TO REZONE CERTAIN PROPERTIES LOCATED ON DANIEL ISLAND.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY WITH THE SOUTH CAROLINA STATE PORTS AUTHORITY PERTAINING TO CERTAIN LANDS WITHIN THE CITY LOCATED ON DANIEL ISLAND.

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE DOCUMENTS NECESSARY, INCLUDING DEEDS OF CONVEYANCE, TO PROVIDE FOR THE TRANSFER OF TITLE OF CERTAIN PROPERTIES OWNED BY THE CITY ON DANIEL ISLAND TO THE DANIEL ISLAND DEVELOPMENT COMPANY, INC.

Council next considered the remaining public hearings (Items E-11 through E-34 on the agenda). The remaining public hearings included one rezoning and twenty-three (23) zonings similar to what they had been in the County.

Mayor Riley asked if anyone was present to speak on the following:

(1) Rezoning of 1075 Jenkins Road (TMS# 351-14-00-006) from General Business (GB) classification to Single-Family Residential (SR-1) classification.

(2) Zoning of TMS# 454-05-00-042; as well as 454-07-00-110, 111, 090, 071, 106 and 107, 454-07-00-109, annexed into the City of Charleston December 17, 1996 (#1996-270), to Single-Family Residential (SR-1) classification.

(3) Zoning of 1899 Capri Drive (0.5 acres) (TMS# 350-14-00-052), annexed into the City of Charleston December 17, 1996 (#1996-271), to Single-Family Residential (SR-1) classification.

(4) Zoning of properties located on James Island (15.3 acres) (TMS# 340-03-00-009, 340-03-00-011, 341-00-00-056, 341-00-00-048, 343-04-00-023, 425-12-00-097, 425-12-00-241, 425-12-00-243, 425-12-00-095, 425-12-00-092, 425-12-00-091, 425-12-00-180, 425-16-00-030, 426-06-00-111, 426-06-00-136, 426-07-00-081, 426-07-00-079, 426-15-00-019, 431-07-00-003, 452-06-00-065, 452-06-00-068, 452-06-00-081, 452-06-00-082, 454-01-00-072, 454-02-00-034, 454-06-00-213, 454-06-00-192, 454-06-00-176, 454-06-00-170, 454-07-00-055, 454-11-00-051, 454-10-00-015), annexed into the City of Charleston December 17, 1996 (#1996-272), to Single-Family Residential (SR-1) classification; except for TMS# 425-12-00-243 and 095, which shall be zoned Diverse Residential (DR-1) classification; and TMS# 431-07-00-003, which shall be zoned Rural Residential (RR-1) classification.

(5) Zoning of 2107 Saint James Drive (0.25 acres) (TMS# 343-02-00-088), annexed into the City of Charleston December 17, 1996 (#1996-278), to Single-Family Residential (SR-1) classification.

(6) Zoning of Kell Place (0.25 acres) (TMS# 343-14-00-012), annexed into the City of Charleston December 17, 1996 (#1996-279), to Single-Family Residential (SR-1) classification.

(7) Zoning of 2167 Wappoo Road (0.25 acres) (TMS# 343-06-00-170, 171), annexed into the City of Charleston December 17, 1996 (#1996-280), to Single-Family Residential (SR-1) classification.

(8) Zoning of 1078 Honeysuckle Lane (0.25 acres) (TMS# 425-16-00-042), annexed into the City of Charleston December 17, 1996 (#1996-282), to Single-Family Residential (SR-1) classification.

(9) Zoning of 1312 Honeysuckle Lane (TMS# 425-16-00-111), annexed into the City of Charleston December 17, 1996 (#1996-283), to Single-Family Residential (SR-1) classification.

(10) Zoning of 1311 Camp Road (0.25 acres) (TMS# 425-16-00-116), annexed into the City of Charleston December 17, 1996 (#1996-284) to Single-Family Residential (SR-1) classification.

(11) Zoning of 1305 Driftwood Drive (0.25 acres) (TMS# 425-16-00-075), annexed into the City of Charleston December 17, 1996 (#1996-285) to Single-Family Residential (SR-1) classification.

(12) Zoning of 1304 Honeysuckle Lane (0.25 acres) (TMS# 425-16-00-109), annexed into the City of Charleston December 17, 1996 (#1996-286), to Single-Family Residential (SR-1) classification.

(13) Zoning of 1162 Landsdowne Drive (0.25 acres) (TMS# 425-15-00-022), annexed into the City of Charleston December 17, 1996 (#1996-287), to Single-Family Residential (SR-1) classification.

(14) Zoning of 1247 Oakcrest Drive (0.25 acres) (TMS# 425-14-00-035), annexed into the City of Charleston December 17, 1996 (#1996-288), to Single-Family Residential (SR-1) classification.

(15) Zoning of 1077 Harborview Road (0.25 acres) (TMS# 426-11-00-026), annexed into the City of Charleston December 17, 1996 (#1996-289), to Single-Family Residential (SR-1) classification.

(16) Zoning of 842 Centerwood Drive (0.25 acres) (TMS# 425-02-00-032), annexed into the City of Charleston December 17, 1996 (#1996-290), to Single-Family Residential (SR-1) classification.

(17) Zoning of 1132 Harborview Road (0.25 acres) (TMS# 426-03-00-059), annexed into the City of Charleston December 17, 1996 (#1996-291), to Single-Family Residential (SR-1) classification.

(18) Zoning of 694 Fort Sumter Drive (0.5 acres) (TMS# 426-03-00-060), annexed into the City of Charleston December 17, 1996 (#1996-292), to Single-Family Residential (SR-1) classification.

(19) Zoning of 686 Fort Sumter Drive (0.63 acres) (TMS# 426-03-00-061), annexed into the City of Charleston December 17, 1996 (#1996-293), to Single-Family Residential (SR-1) classification.

(20) Zoning of 1074 Fort Sumter Drive (0.25 acres) (TMS# 426-03-00-026), annexed into the City of Charleston December 17, 1996 (#1996-294), to Single-Family Residential (SR-1) classification.

(21) Zoning of 1089 Harborview Road (0.25 acres) (TMS# 426-11-00-027), annexed into the City of Charleston December 17, 1996 (#1996-295), to Single-Family Residential (SR-1) classification.

(22) Zoning of 627 Seaward Drive (0.25 acres) (TMS# 452-06-00-043), annexed into the City of Charleston December 17, 1996 (#1996-296), to Single-Family Residential (SR-1) classification.

(23) Zoning of 1231, 1239, and 1260 Oakcrest Drive; 2271 Burris Drive; 1227 and 1235 Downer Drive (5.5 acres) (TMS# 425-14-00-031, 033, 041, 058, 065, 066, 067), annexed into the City of Charleston December 17, 1996 (#1996-297), to Single-Family Residential (SR-1) classification.

(24) Zoning of properties located on James Island (TMS# 343-03-00-158, 425-04-00-087, 425-04-00-067, 425-09-00-133, 425-09-00-067, 425-09-00-066, 426-06-00-041,

426-06-00-075, 426-06-00-099, 426-08-00-013, 426-10-00-150, 426-10-00-126, 426-15-00-021, 427-03-00-010, 431-02-00-003, 431-07-00-002, 452-06-00-031, 452-06-00-033, 452-06-00-037, 454-01-00-043, 454-09-00-030, 454-09-00-049), annexed into the City of Charleston December 17, 1996 (#1996-298), to Single-Family Residential (SR-1) classification, with the exception of TMS# 431-07-00-002, which shall be zoned Rural Residential (RR-1) classification.

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

There were no questions from Council.

On motion of Councilmember Thomas, seconded by Councilmember Scott, City Council voted to adopt the City Planning and Zoning Commission's recommendations and to give first reading to the remaining twenty-four bills:

First reading was given to the following twenty-four (24) bills (Items E-11 through E-34 on the agenda) 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 1075 JENKINS ROAD (0.1 ACRES) (TMS# 351-14-00-006) BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT TMS# 454-05-00-042; AS WELL AS 454-07-00-110, 111, 090, 071, 106 AND 107, 454-07-00-109, ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-270), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1899 CAPRI DRIVE (0.5 ACRES) (TMS# 350-14-00-052), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-271), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTIES LOCATED ON JAMES ISLAND (15.3 ACRES) (TMS# 340-03-00-009, 340-03-00-011, 341-00-00-056, 341-00-00-048, 343-04-00-023, 425-12-00-097, 425-12-00-241, 425-12-00-243, 425-12-00-095, 425-12-00-092, 425-12-00-091, 425-12-00-180, 425-16-00-030, 426-06-00-111, 426-06-00-136, 426-07-00-081, 426-07-00-079, 426-15-00-019, 431-07-00-003, 452-06-00-065, 452-06-00-068, 452-06-00-081, 452-06-00-082, 454-01-00-072, 454-02-00-034, 454-06-00-213, 454-06-00-192, 454-06-00-176, 454-06-00-170, 454-07-00-055, 454-11-00-051, 454-10-00-015), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-272), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION; EXCEPT FOR TMS# 425-12-00-243 AND 095, WHICH SHALL BE ZONED DIVERSE RESIDENTIAL (DR-1) CLASSIFICATION; AND TMS# 431-07-00-003, WHICH SHALL BE ZONED RURAL RESIDENTIAL (RR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2107 SAINT JAMES DRIVE (0.25 ACRES) (TMS# 343-02-00-088), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-278), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 505 KELL PLACE (0.25 ACRES) (TMS# 343-14-00-012), ANNEXED INTO THE CITY OF

CHARLESTON DECEMBER 17, 1996 (#1996-279), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2167 WAPPOO ROAD (0.25 ACRES) (TMS# 343-06-00-170, 171), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-280), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1078 HONEYSUCKLE LANE (0.25 ACRES) (TMS# 425-16-00-042), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-282), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1312 HONEYSUCKLE LANE (TMS# 425-16-00-111), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-283), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1311 CAMP ROAD (0.25 ACRES) (TMS# 425-16-00-116), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-284) BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1305 DRIFTWOOD DRIVE (0.25 ACRES) (TMS# 425-16-00-075), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-285) BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1304 HONEYSUCKLE LANE (0.25 ACRES) (TMS# 425-16-00-109), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-286), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1162 LANDSDOWNE DRIVE (0.25 ACRES) (TMS# 425-15-00-022), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-287), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1247 OAKCREST DRIVE (0.25 ACRES) (TMS# 425-14-00-035), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-288), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1077 HARBORVIEW ROAD (0.25 ACRES) (TMS# 426-11-00-026), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#19960289), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 842 CENTERWOOD DRIVE (0.25 ACRES) (TMS# 425-02-00-032), ANNEXED INTO THE

CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-290), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1132 HARBORVIEW ROAD (0.25 ACRES) (TMS# 426-03-00-059), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-291), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 694 FORT SUMTER DRIVE (0.5 ACRES) (TMS# 426-03-00-060), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-292), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 686 FORT SUMTER DRIVE (0.63 ACRES) (TMS# 426-03-00-061), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-293), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1074 FORT SUMTER DRIVE (0.25 ACRES) (TMS# 426-03-00-026), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-294), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1089 HARBORVIEW ROAD (0.25 ACRES) (TMS# 426-11-00-027), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-295), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 627 SEAWARD DRIVE (0.25 ACRES) (TMS# 452-06-00-043), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-296), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1231, 1239, AND 1260 OAKCREST DRIVE; 2271 BURRIS DRIVE; 1227 AND 1235 DOWNER DRIVE (5.5 ACRES) (TMS# 425-14-00-031, 033, 041, 058, 065, 066, 067), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-297), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTIES LOCATED ON JAMES ISLAND (TMS# 343-03-00-158, 425-04-00-087, 425-04-00-067, 425-09-00-133, 425-09-00-067, 425-09-00-066, 426-06-00-041, 426-06-00-075, 426-06-00-099, 426-08-00-013, 426-10-00-150, 426-10-00-126, 426-15-00-021, 427-03-00-010, 431-02-00-003, 431-07-00-002, 452-06-00-031, 452-06-00-033, 452-06-00-037, 454-01-00-043, 454-09-00-030, 454-09-00-049), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 17, 1996 (#1996-298), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION, WITH THE EXCEPTION OF TMS# 431-07-00-002, WHICH SHALL BE ZONED RURAL RESIDENTIAL (RR-1) CLASSIFICATION.

Next on the agenda was the approval of the minutes of City Council's April 22, 1997, meeting. The minutes were approved as published on motion of Councilmember Thomas.

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

The next matter before Council concerned the estate of Ethel M. McKnight. Council was in receipt of the following memorandum from Frances I. Cantwell, Assistant Corporation Counsel:

MEMORANDUM

Date: May 7, 1997

To: Hon. Joseph P. Riley, Jr., Mayor &
Members of City Council

From: Frances I. Cantwell, Esq.

Re: Estate of Ethel M. McKnight

Ethel M. McKnight, now deceased, bequeathed to the James Island YMCA a gift of \$7,500.00. Since the James Island YMCA has been acquired by the City, and because the City is now providing services formally provided by the YMCA to residents of James Island, the Personal Representative of the estate and its attorney have secured the permission of the probate court and the residual beneficiary to transfer the gift to the City as successor to the James Island YMCA.

I am requesting that this matter be brought before City Council at its next meeting, so that the minutes of Council will reflect this generous gift, and the City's appreciation to the Estate of Ethel M. McKnight and the residual beneficiary, in accommodating the transfer of the gift of the City.

The proceeds will be utilized at the James Island Recreational Center to purchase two scoreboards for the baseball/softball complex; a public address system for the baseball/softball complex; and mirrors for the gymnastics program.

Ms. Cantwell informed Council that the City had received a gift from Ethel M. McKnight, and she presented a check in the amount of \$7,500 to Mayor Riley. She noted the money was to be used at the James Island Recreation Center. She thanked the residual beneficiary, Norman Massey, who made this gift possible.

On motion of Councilmember Thomas, seconded by Councilmember Hart, Council voted to accept this donation and for the Mayor to write a letter of appreciation on behalf of City Council

Council next considered nine (9) annexation petitions. The following list of properties requested annexation into the City of Charleston:

- 1) Properties located in St. Andrews Parish, in Charleston County described as follows: TMS# 285-00-00-048, 285-00-00-101, and 285-07-00-001. Various owners.
- 2) Property known as 963 Yorktown Drive (0.3 acres) (TMS# 337-04-00-027), James Island. The petition was signed by Margaret Leland.
- 3) Property known as 1914 Grimboll Road (0.4 acres) (TMS# 334-15-00-050), James Island. The petition was signed by Winifred Sanders.
- 4) Property known 1856 Central Park Road (0.25 acres) (TMS# 340-03-00-013), James Island. The petition was signed by Benjamin F. and Roslyn C. Robinson.
- 5) Property known as 1841 Wilshire Drive (0.25 acres) (TMS# 352-09-00-025), St. Andrews Parish. The petition was signed by Gerald Keegan and Lynn Keegan.
- 6) Property known as 1734 Mohawk Avenue (0.25 acres) (TMS# 424-09-00-114), James Island. The petition was signed by Eugene M. Irwin and Dero J. Irwin.
- 7) Property known as 1230 Hepburn Street (0.25 acres) (TMS# 425-15-00-004), James Island. The petition was signed by Agnes G. Wade.
- 8) Property known as 971 Carmel Drive (0.25 acres) (TMS# 426-08-00-047), James Island. The petition was signed by Dorothy W. Rey.

9) Property known as 1222 Taliaferro Avenue (0.25 acres) (TMS# 426-09-00-013), James Island. The petition was signed by Eula Margaret Dupree.

On motion of Councilmember Hart, seconded by Councilmember Thomas, Council voted to accept the nine annexation petitions and to give first reading to bills to annex the subject property:

The bills received first reading with the understanding the Clerk of Council would verify the district for 1841 Wilshire Drive (Item I-6 on the agenda). Councilmember Thomas believed this property to be located in District 11. If so, the bill will be amended for second reading.

First reading was given to nine (9) bills entitled:

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTIES LOCATED IN ST. ANDREWS PARISH, IN CHARLESTON COUNTY DESCRIBED AS FOLLOWS: TMS# 285-00-00-048, 285-00-00-101, AND 285-07-00-001 AND ALL PUBLIC WATERS AND MARSHES, AND RIGHTS-OF-WAY, TO THE CITY OF CHARLESTON AND TO MAKE THE SAME A PART OF DISTRICT 11.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 963 YORKTOWN DRIVE (0.3 ACRES) (TMS# 337-04-00-027), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND MAKE IT PART OF DISTRICT 12.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1914 GRIMBALL ROAD (0.4 ACRES) (TMS# 334-15-00-050), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND MAKE IT PART OF DISTRICT 12.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1856 CENTRAL PARK ROAD (0.25 ACRES) (TMS# 340-03-00-013), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND MAKE IT PART OF DISTRICT 12.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1841 WILSHIRE DRIVE (0.25 ACRES) (TMS# 352-09-00-025), ST. ANDREWS PARISH, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND MAKE IT PART OF DISTRICT 12.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1734 MOHAWK AVENUE (0.25 ACRES) (TMS# 424-09-00-114), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND MAKE IT PART OF DISTRICT 12.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1230 HEPBURN STREET (0.25 ACRES) (TMS# 425-15-00-004), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND MAKE IT PART OF DISTRICT 12.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 971 CARMEL DRIVE (0.25 ACRES) (TMS# 426-08-00-047), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND MAKE IT PART OF DISTRICT 12.

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1222 TALIAFERRO AVENUE (0.25 ACRES) (TMS# 426-09-00-013), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON AND MAKE IT PART OF DISTRICT 12.

Council next considered a request from Councilmember Evans to amend boundaries pertaining to the area of concern for the Town and Gown Committee (College Impact Zone) to include all of Mazyck-Wraggborough (east on Chapel Street to Alexander/America Streets and north to Mary Street and West to King Street).

Councilmember Evans also asked that a block of Radcliffeborough which had been inadvertently omitted be added to the College Impact Zone. Without objection, and by unanimous consent, Council agreed to extend the College Impact Zone as outlined above and, in addition, to include changing the boundary from Radcliffe Street to extend to Morris Street.

Council received the following report of the Committee on Public Works and Utilities which had met Tuesday, May 13, 1997:

The Committee on Public Works and Utilities reports: 5/13/97
TO THE MAYOR AND COUNCILMEMBERS,
THE CITY COUNCIL OF CHARLESTON:

The Committee on Public Works and Utilities recommends that City Council:

- a.) accept and dedicate Asheford Place Drive (60 feet of right-of-way), Wadsbury Lane (50 feet right-of-way), Marsh Lake Court (50 feet right-of-way), and Wicklowe Drive (60 feet right-of-way).
- b.) set a public hearing for the closing and abandonment of Moultrie Street (a paper portion of Huger Street between Meeting Street and I-26)
- c.) set a public hearing for the closing and abandonment of Sabin Street (a portion of east of Jonathan Lucas Street to its intersection with Ashley Avenue).

Hilda Hutchinson-Jefferson, Chair
Richard C. Hagerty, MD
Greg S. Hart
Mayor Joseph P. Riley, Jr.

On motion of Councilmember Jefferson, seconded by Councilmember Ader, Council voted to adopt the report of the Committee on Public Works and Utilities including the adoption of a Resolution for the acceptance and dedication of streets in Asheford Place in Canterbury Woods and setting a public hearing June 17, 1997 for the closing and abandonment of a portion of Moultrie Street and a portion of Sabin Street.

The following Resolution was 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, County of Charleston, State of South Carolina and designated as Asheford Place Drive (60 feet right-of-way), Wadsbury Lane (50 feet right-of-way), Marsh Lake Court (50 feet right-of-way), and Wicklowe Drive (60 feet right-of-way) in Asheford Place at Canterbury Woods, as shown on a plat entitled "Plat of Asheford Place at Canterbury Woods" prepared by A. H. Schwache & Associates, dated April 10, 1997, and recorded in Plat Book EB, Page 794 in the RMC Office of Charleston County and conveyed to the City by deed dated April 29, 1997, 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:
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.) **COMCAST CORPORATION: INTER-FAMILY CHANGE OF OWNERSHIP:** The Committee on Ways and Means recommends City Council approve the change in control of Comcast Corporation from Ralph J. Roberts to his son, Brian L. Roberts. It appears Brian L. Roberts is already President of Comcast, and already owns a substantial amount of the Corporation, and that his father, Ralph J. Roberts, is giving him a gift of one-half of his holdings, which will effectively put the son in control.

2.) **U.S. CABLE: FRANCHISE CONSENT FOR ASSIGNMENT TO REFINANCE DEBTS:** The Committee on Ways and Means recommends City Council, and authorize the Mayor to sign, a Resolution authorizing the assignment and the assets in the franchise of U.S. Cable of Coastal-Texas, L.P., formerly known as U.S. Cable of Lake County, as collateral for current and future indebtedness.

RESOLUTION

AUTHORIZING THE ASSIGNMENT AND ASSETS IN THE FRANCHISE OF U.S. CABLE OF COASTAL-TEXAS, L.P., FORMERLY KNOWN AS U.S. CABLE OF LAKE COUNTY, AS COLLATERAL FOR CURRENT AND FUTURE INDEBTEDNESS.

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

WHEREAS, U. S. Cable of Lake County currently owns and operates a cable television system (the system) in the City of Charleston pursuant to that certain Ordinance No. 1987-95 dated August 18, 1987, as amended (the Franchise); and

WHEREAS, U. S. Cable of Lake County and U. S. Cable of Coastal-Texas, L.P., have entered into a Partnership Division Agreement (the Division Agreement), dated as of April ____, 1997, providing for, among other things, the transfer of the System and transfer of the Franchise to U. S. Cable of Coastal-Texas, L.P. (the Transfer); and

WHEREAS, U. S. Cable of Coastal-Texas, L.P., and its partners contemplate granting one or more security interests and/or liens (the Security Interest Grant) in or upon the Franchise and the System from time to time on or after the closing date of the Transfer in order to secure the present and future indebtedness of U. S. Cable of Coastal-Texas, L.P.; and

WHEREAS, U. S. Cable of Coastal-Texas, L. P., has requested the City Council of the City of Charleston to consent to the Security Interest Grant; and

WHEREAS, City Council believes it is in the interest of the City of Charleston to allow U. S. Cable of Coastal-Texas, L. P., to secure its present and future indebtedness with the Security Interest Grant and to allow the parties owning or controlling U. S. Cable of Coastal-Texas, L. P. to pledge their equity interests to secure the current and future indebtedness U. S. Cable of Coastal Texas, L. P.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Charleston as follows that U. S. Cable of Coastal-Texas, L. P. is authorized to pledge, mortgage, transfer in trust and otherwise hypothecate the property and assets used or held for use in connection with the ownership and operation of the System, including the Franchise, and the parties owning or controlling U. S. Cable of Coastal-Texas, L. P. as collateral security for such loans and financing (or for guarantees of such loans and financing) as may be incurred or assumed by U. S. Cable of Coastal-Texas, L. P. from time to time in connection with the ownership and operation of the System.

ADOPTED by the City Council of Charleston on this 13th day of May, 1997.

3.) **JOSEPH P. RILEY, JR. PARK: TELEVISION WIRING - \$14,000 -**

ACCOMMODATIONS TAX FUND: The Committee on Ways and Means recommends City Council approve the television wiring at the Joseph P. Riley, Jr. Park in the amount of \$14,000. A price break-down was provided indicating how the stadium would be wired. The conditions have been discussed with the three (3) major television stations, and they have concurred in this wiring plan. The funds will come from the local accommodation tax since these broadcasts will be a form of marketing of and for the City of Charleston and an appropriate use of tourism funding.

The vote was not unanimous with Councilmember Hart voting "Nay".

4.) **ISTEA PROJECT GRANT: WEST ASHLEY GREENWAY PHASE I - \$60,000 (\$48,000 FROM SCDOT AND \$12,000 FROM CITY) - ACCOUNT #GF-555-5306:**

The Committee on Ways and Means recommends City Council approve, and authorize the Mayor to sign, an ISTEA Project Grant for the West Ashley Greenway, Phase I. The City of Charleston received a \$60,000 grant from the South Carolina Department of Transportation (SCDOT) for the design and construction of pavement and improvements on the West Ashley Greenway. This is a 80/20 grant with \$48,000 from the SCDOT and \$12,000 from the City's account #GF-555-5306.

5.) **ISTEA PROJECT GRANT: WEST ASHLEY GREENWAY PHASE II - \$110,000 (\$88,000 FROM SCDOT AND \$22,000 FROM CITY) - 1998 BUDGET:** The Committee on Ways and Means recommends City Council approve, and authorize the Mayor to sign, an ISTE A Project Grant for the West Ashley Greenway, Phase II. The City of Charleston received a \$110,000 grant from the South Carolina Department of Transportation (SCDOT) for the design and construction of pavement and improvements on the West Ashley Greenway. This is a 80/20 grant with \$88,000 from the SCDOT and a \$22,000 match to be budgeted in 1998.

6.) **THE JOHN AND KATHLEEN RIVERS FOUNDATION (DONATION OF \$7,000): PALMETTO TREES ALONG MURRAY BOULEVARD - \$6,935.90 - PALM TREES LIMITED - ACCOUNT #GF-555-5672:** The Committee on Ways and Means recommends City Council approve, and authorize the Mayor to sign, a contract with Palm Trees Limited in the amount of \$6,935.90. The John and Kathleen Rivers Foundation graciously donated \$7,000 to the City to plant forty-three palmetto trees in the medians along Murray Boulevard. This planting will complete a project that began at White Point Garden by the Rivers Foundation in 1994. The remainder of the money will be used to purchase mulch. The funds were deposited in account #GF-555-5672.

Councilmember Shirley abstained from voting on the John and Kathleen Rivers Foundation issue and his *Statement of Potential Conflict of Interest* is on file in the office of the Clerk of Council, but the issue was not divided.

7.) **LOCKWOOD MUNICIPAL COMPLEX: METHANE MONITORING PROPOSAL - \$17,000 - GENERAL ENGINEERING - ACCOUNT #CO-LMC-5411:** The Committee on Ways and Means recommends City Council approve, and authorize the Mayor to sign, a proposal and environmental services agreement with General Engineering covering methane monitoring and consulting services for the proposed Lockwood Municipal Complex.

General Engineering will:

1. Review all plans
2. Install methane monitoring points
3. Establish a baseline methane monitoring program
4. Report on findings
5. Prepare methane - specific site health and safety plan
6. Establish a construction base methane monitoring program
7. Provide design input and recommendations to the architect

The estimated cost for these services is \$17,000 and funding will come from account #CO-LMC-5411.

8.) **WEST ASHLEY PARK: SUBDIVISION PLAT - \$8,420 - SOUTHEASTERN SURVEYING - ACCOUNT #CO-WJP-5404:** The Committee on Ways and Means recommends City Council approve, and authorize the Mayor to sign, a contract with Southeastern Surveying in the amount of \$8,240 for the preparation of a subdivision plat for the properties being conveyed to the City of Charleston by the Ross Development Corporation for the West Ashley Park. The plat will be recorded and the properties will be conveyed to the City as per an agreement being executed by Corporation Counsel. Funds will come from account #CO-WJP-5404.

The vote was not unanimous with the Chair and Councilmember Thomas voting "Nay".

9.) **AROUND ALONE RACE (FORMERLY THE BOC CHALLENGE):** The Committee on Ways and Means recommends City Council approve the concept of funding the Around Alone Race. The City of Charleston is currently in a heated competition with other ports along the East Coast to serve as the host city for this wonderful event. The Charleston Maritime Commission has requested a \$150,000 commitment from the City as part of the City's proposal package. The money would be paid \$50,000 per year over three years beginning January 1, 1998 and will come from the Accommodations Tax fund.

The vote was not unanimous with Councilmembers Lewis and Hart voting "Nay".

10.) **HAMPTON PARK CAFE CONCESSION AGREEMENT:** The Committee on Ways and Means recommends City Council approve, and authorize the Mayor to sign, a contract with Harold Shaw to manage and run the Hampton Park Cafe. Mr. Shaw is a former police officer and well respected in the community. He would be an excellent choice to manage the concession area in Hampton Park. Legal staff has worked out a one-year agreement with a one-year extension option. The rent will be \$150 per month plus utilities.

11.) **CAPITAL LEASE PURCHASE AGREEMENT: GE CAPITAL PUBLIC FINANCE, INC.:** The Committee on Ways and Means recommends City Council approve, and authorize the Mayor to sign, a Resolution (which is part of the agreement and identified as Exhibit D-1: Resolution Relating to Master Lease Agreement, on file in the office of the Clerk of Council) to enter into a lease purchase agreement with GE Capital Public Finance, Inc. to finance the City's 1997 capital lease purchases.

12.) **UPDATE STATUS OF MUSC PARKING AGREEMENT AT FISHBURNE STREET LOT:** The Committee, based on the recommendation of the Committee on Real Estate, recommends City Council receive the following as information:

MUSC has not been paying for the use of the lot, because of improvements they made to the lot. The City has now made greater improvements to the lot and will be charging MUSC for parking. Staff is still negotiating an agreement.

13.) **SALE OF 175 SMITH STREET, 177 SMITH STREET AND 86-1/2 MORRIS STREET:** The Committee, based on the recommendation of the Committee on Real Estate, recommends City Council give first reading to a bill conveying 175 Smith Street, 177 Smith Street and 86-1/2 Morris Street to William Storen in the amount of \$35,000.

14.) **SALE OF 36 COOPER STREET:** The Committee, based on the recommendation of the Committee on Real Estate, recommends City Council give first reading to a bill conveying 36 Cooper Street to Benjamin Green in the amount of \$76,000.

15.) **STATUS OF GATEHOUSE PROPERTY AT CYPRESS GARDENS:** The Committee, based on the recommendation of the Committee on Real Estate, recommends City Council receive the following as information:

The City transferred Cypress Gardens to Berkeley County last year. About 3 years ago, the Dupont Corporation was going to purchase the Gatehouse for \$83,500, but the deal fell through at the last minute. Now Berkeley County has expressed an interest in purchasing the Gatehouse property. The Committee on Real Estate recommended continued negotiations with Berkeley County.

16.) **SUB-LEASE OF SOUTH CAROLINA AQUARIUM TO SOUTH CAROLINA AQUARIUM CORPORATION:** The Committee, based on the recommendation of the Committee on Real Estate, recommends City Council give first reading to a bill authorizing the Mayor to sign a sub-lease for the South Carolina Aquarium to the South Carolina Aquarium Corporation with the correction as noted below:

A correction was made to the sublease on Page 6, Paragraph 4(b). The word "excess" will be added and the paragraph will read: "The remaining fifty percent (50%) of said annual excess revenues shall be paid annually to the City of Charleston to reduce the City Bond indebtedness in the principal amount of \$9.5 million, until such debt has been paid in full."

17.) **LEASE AGREEMENT FOR PICCOLO SPOLETO AT STATE PORTS AUTHORITY PARKING LOT:** The Committee, based on the recommendation of the Committee on Real Estate, recommends City Council approve, and authorize the Mayor to sign, a lease for the use of the State Ports Authority's parking lot during the Piccolo Spoleto Festival. The total expense will be \$1,640.

18.) **LEASE AGREEMENT FOR POLICE SUBSTATION AT MARION SQUARE MALL:** The Committee, based on the recommendation of the Committee on Real Estate, recommends City Council approve, and authorize the Mayor to sign, a lease agreement for a Police substation at the Marion Square Mall. The former Grants store on the corner of King and

Calhoun Streets has been renovated and the Police Department will be using a portion of the building for a police substation. The City will pay \$150 per month to cover expenses related to utilities and use of the common areas.

19.) **WEST ASHLEY PARK - AGREEMENT WITH ROSS DEVELOPMENT:** The Committee, based on the recommendation of the Committee on Real Estate, recommends City Council approve, and authorize the Mayor to sign, an agreement with Ross Development for the West Ashley Park with several changes as noted below:

1.) Page 3, Paragraph B. A provision has been added that Ross Development will assign to the City the rights to fill under any Corps of Engineers permit that they have. The last clause, "or cause such wetlands to be filled prior to closing", will be deleted.

2.) Page 4, Paragraph C. This section deals with Ross Development discharging stormwater into certain parcels of the property, but Parcel A was not addressed. The City has agreed to allow Ross Development to discharge stormwater provided the City agrees to the amount and location.

3.) Page 4, Paragraph D. This section deals with the sale of Parcel A to Henry Stuhr for \$304,000. The change puts a floor on the net profit, after closing expenses, of no less than \$250,000.

4.) Page 5. The City has agreed to allow Ross Development to spend \$5,000 to review the City's plans, at the City's expense. The agreement states \$2,800. The City has already contracted to have all the parcels surveyed including the Stuhr tract, because it would be cheaper. The Stuhr tract will cost \$2,200 to survey which was deducted from the \$5,000. The agreement also acknowledges two things: 1) Ross Development has certain zonings and 2) the area along Church Creek will be deed restricted. That area will be a nature preserve and Ross Development has asked the City to name it for the late J. Ross Hanahan. Mr. Hanahan was the head of Ross Development and passed away about 18 months ago. The agreement is contingent upon the City obtaining permits and easements to build the road from the Glenn McConnell Parkway to the West Ashley Park site.

MAURICE WASHINGTON, Chair
LOUIS WARING
RICHARD C. HAGERTY, M.D.
YVONNE D. EVANS
JEROME KINLOCH
MARY R. ADER
JAMES LEWIS, JR.
LARRY SHIRLEY
GREG HART
JOHN D. THOMAS, M.D.
HILDA HUTCHINSON-JEFFERSON
JOSEPH P. RILEY, JR., Mayor

Councilmember Washington moved for adoption of the report of the Committee on Ways and Means including giving first reading to three bills and adoption of the Resolution pertaining to the Lease Purchase Agreement with GE Capital. Councilmember Hart seconded the motion. The motion carried.

The following Resolution (coming from Ways and Means) was adopted:

EQUIPMENT SCHEDULE NO. 007

DATED MAY 8, 1997

EXHIBIT F

RESOLUTION RELATING TO LEASE

WITH OPTION TO PURCHASE AGREEMENT

RESOLUTION

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CHARLESTON (the issuer) as follows:

Section 1. Recitals and Authorization. The issuer, as lessee, has heretofore entered into a Lease with Option to Purchase Agreement dated as of May 21, 1992 (the Lease), with GE Capital Public Finance, Inc., as lessor. It is hereby determined that it is necessary and desirable and in the best interests of the Issuer to enter into the Lease for the purposes therein specified, and the execution and delivery of the Lease and the Escrow Agreement specified therein by the Issuer are hereby approved, ratified and confirmed.

First reading was given to the following bills coming from Ways and Means
AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS FOR THE CITY OF CHARLESTON TO CONVEY TITLE TO 175 SMITH STREET (TMS #460-15-02-030); 177 SMITH STREET (TMS #460-15-02-029); AND 86 2 MORRIS STREET (TMS # TO BE ASSIGNED), IN THE CITY OF CHARLESTON AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, TO WILLIAM D. STOREN FOR THE SUM OF THIRTY-FIVE THOUSAND AND 00/100 (\$35,000.00) DOLLARS.
AN ORDINANCE TO AUTHORIZE THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS FOR THE CITY OF CHARLESTON TO CONVEY TITLE TO 36 COOPER STREET IN THE CITY OF CHARLESTON AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, AND BEARING TMS# 459-06-01-008, TO BENJAMIN GREEN FOR THE SUM OF SEVENTY-SIX THOUSAND AND 00/100 (\$76,000.00) DOLLARS.
AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON A SUB-LEASE OF THAT CERTAIN PROPERTY LEASED TO THE CITY OF CHARLESTON BY THE NATIONAL PARK SERVICE LOCATED AT 350 CONCORD STREET IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, TO THE SOUTH CAROLINA AQUARIUM, A NON-PROFIT CORPORATION OF THE STATE OF SOUTH CAROLINA, SAID SUB-LEASE BEING ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

The next matter before Council was five (5) bills up for second reading. The Mayor noted that the bill (Item K-5 on the agenda) pertaining to repealing Sec. 2-268 (Real Estate Transfer Fee) of the City Code was *deferred*.

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

Ratification Number

1997-159

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT TO ESTABLISH THE CHARLESTON AREA REGIONAL TRANSPORTATION AUTHORITY PURSUANT TO THE STATE OF SOUTH CAROLINA REGIONAL TRANSPORTATION LAW.

As an incident to the adoption of this Ordinance, the City Council of the City of Charleston (the "City Council") hereto makes the following findings of fact:

1. By Act No. 417, of 1973, as amended, the South Carolina General Assembly enacted legislation titled the regional Transportation Authority Law. This Act was originally signed into law by the Governor on July 10, 1973, and is now codified, as amended, in the south Carolina Code of Laws 1976, at Sections 58-25-10 to 58-25-100 (the "Enabling Act").

2. Section 58-25-30 of the Enabling Act sets forth the steps which must be taken to activate a regional transportation authority. the first step is to propose a plan of service which must include (a) the area to be served; (b) the procedures to be used to serve the area; and (c) the estimated capital and operating costs by year for the first five years of operation, and the mechanism to be used to raise the local funds necessary to support the operation. Such plan

of service is set forth in Appendix A attached hereto. As set forth at Section 58-25-30 (2), as a second step, an agreement to create a regional transportation authority may be executed upon adoption of the plan of service "by a majority of the governing bodies of general purpose local governments within the service area." As a third step, Section 58-25-30 (3) provides that the agreement becomes operational "upon the execution of the agreement by the governing bodies of the cities and counties which include at least ninety percent of the proposed service area."

3. Attached hereto is the form of an agreement to create the Charleston Area regional Transportation Authority (the "Agreement"). It is specifically found that the steps required at Section 58-25-30 to activate a regional transportation authority are contained in the Agreement. In adopting this Ordinance, City Council authorizes the Mayor to execute the Agreement on its behalf and to take such further action as may be necessary to effect creation of the Authority on behalf of City Council.

NOW, THEREFORE BE IT ORDAINED, AS FOLLOWS:

The Mayor is hereby authorized to execute and deliver on behalf of the city the Agreement in substantially the form before this meeting, with such changes as shall be deemed necessary upon advice of counsel with respect thereto. The execution and delivery of the Agreement shall constitute conclusive evidence of the Mayor's approval of such document.

ADOPTED IN MEETING DULY ASSEMBLED this 13th day of May, 1997.

Ratification Number
1997-160

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON, THE DOCUMENTS NECESSARY TO LEASE TO CHARLESTON BATTERY, INC., THAT CERTAIN PARCEL OF PROPERTY OWNED BY THE CITY, MORE COMMONLY REFERRED TO AS STONEY FIELD, SAID LEASE BEING ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

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

Section 1. The Mayor is hereby authorized to execute on behalf of the City the documents necessary to lease to Charleston Battery, Inc., that certain parcel of property owned by the City, more commonly referred to as Stoney Field, situate lying and being in the City and County of Charleston, State of South Carolina, said lease being attached hereto and incorporated herein by reference (*See Lease Agreement below*).

STATE OF SOUTH CAROLINA

)

)

LEASE AGREEMENT

COUNTY OF CHARLESTON

)

THIS LEASE AGREEMENT (the "Lease") executed this 12th day of, June, 1997, by and between the City of Charleston ("Landlord") and Charleston Battery, Inc., a South Carolina corporation ("Tenant").

W I T N E S S E T H:

WHEREAS, Landlord desires to lease to Tenant and Tenant desires to lease from Landlord the Property defined herein.

NOW, THEREFORE, for and in consideration of the sum of Ten and 00/100 Dollars (\$10.00) in hand paid by Tenant to Landlord, the receipt and sufficiency of which are hereby acknowledged and in consideration of the rents to be paid to Landlord by Tenant, and covenants and agreements herein agreed to be performed by Landlord and Tenant, Landlord does hereby grant and lease to Tenant the following described Property, subject to the following terms and conditions:

1. Property. Landlord does hereby demise, lease and let unto Tenant, and Tenant does hereby hire and take from Landlord, upon the terms and conditions hereinafter set forth, those properties generally known as Stoney Field in Charleston, South Carolina (the

"Property"); together with (i) all easements, rights of way, appurtenances and other rights and benefits pertaining to, running with, or otherwise relating to the Property (the "Real Property"); and (ii) any and all buildings and improvements located on the Real Property (the "Improvements"); and (the Real Property and Improvements being sometimes referred to collectively as the "Property") all as shown on Exhibit A attached hereto and incorporated by reference herein.

2. Term. The term (the "Term") of this Lease shall be April ____, 1997 through September 1, 1997 for the purpose of holding professional soccer games and practicing pursuant to the schedule attached hereto and incorporated herein by reference as Exhibit A. Tenant shall have the right to enter the Property at 9:00 a.m. on game days and shall be able to practice subject to the terms and conditions hereinafter set forth. Notwithstanding anything stated herein to the contrary, Landlord acknowledges that Tenant may schedule games after the regular season and Landlord will use reasonable efforts to allow Tenant to use Stoney Field through the playoffs subject to the rights of Burke High School.

3. Rental. Tenant shall pay to Landlord rent in the amount of its pro-rata share of electricity and water charges on a monthly basis within 30 days of bill receipt.

4. Payment. Landlord desires for Tenant to pay a twenty-five cents (\$.25) per ticket fee for each ticket sold during the term of this Agreement. An accurate accounting of all tickets sold is to be provided to Landlord for the purpose of determining the amount owed. Tenant agrees to pay this fee or provide improvements to Stoney Field, the value of which is not to exceed the contemplated fee. If Tenant elects to make such improvements in lieu of the contemplated ticket fee, all improvements and the value thereof are subject to Landlord's approval. In any event, the contemplated ticket fee must be paid by November 30, 1997 or the contemplated improvements must be completed by January 30, 1998.

5. Use By Burke High School. Notwithstanding anything contained herein, Tenant's use of Property shall not interfere with the use of the Property by Burke High School. If any scheduling conflicts arise, the use of the Property by Burke High School shall prevail.

6. Utilities. After Tenant pays the above Rent, Landlord agrees to pay all utilities for the Property.

7. Taxes and Insurance. Landlord shall pay all real estate taxes and assessments, both general and special, which may be levied or assessed by the lawful taxing authorities against the Property.

8. Liability Insurance. Tenant shall carry \$1,000,000.00 of general liability insurance naming Landlord as an additional insured.

9. Tenant's Responsibilities. Tenant's responsibilities and rights include the following:

- a. Provide security at each game inside the stadium.
- b. Provide supplies and clean up for the stadium restrooms.
- c. Pay for marking the field at \$40.00 per game payable to Department of Parks, Attn:: Danny Burbage.
- d. Supply cleanup of the stadium after each home game, within a 36-hour period, unless another event is scheduled sooner. Cleanup is to include removal of trash from all trash cans on the Property after each home game. Trash is to be placed in bags by gate underneath bleachers for Landlord to pick up.
- e. Open and close the stadium for game preparations and clean up.
- f. Have the right to practice at Stoney Field two nights per week; however, Tenant is to notify Landlord in writing of all scheduled practices at least two (2) weeks in advance. The Department of Parks has the right to cancel any game or practice due to poor field conditions caused by inclement weather.
- g. Have exclusive rights to sell beer and wine in the stadium (upon receipt of a beer permit).

- h. Have exclusive rights to sell merchandise in the stadium.
- i. Have exclusive rights to sell concessions in the stadium.
- j. Post and maintain signage and banners at the stadium throughout the season as approved by the Landlord, such approval not to be unreasonably withheld, which will be removed by no later than September 3, 1997.

*Tenant shall have the right to assign its rights under h), i) and j) to any agent it desires. However, the rights under these paragraphs are only applicable while Tenant is using the Property.

- k. Tenant shall keep fans away from the goals after each game. At all times, Tenant is to keep fans off the playing field unless previously approved by the Department of Parks.

10. Landlord's Responsibilities. Landlord's responsibilities include the following:

- a. The Property will be watered as needed as determined by the Landlord.
- b. Install nets provided by the Tenant, set up freshly painted goals and install corner flags. The Tenant shall be fully responsible for checking nets for proper installation and anchoring prior to each game.
- c. Ensure electrical outlets in the concessions and pressbox are in working order.
- d. Ensure scoreboard is fully operational.
- e. Install restroom signs.
- f. For each game, the City of Charleston will cut and line the field unless inclement weather prevents.

- g. Supply available City gym parking spaces in an amount no less than 20 spaces and provide adequate security outside the stadium for safe public access.

Notwithstanding, patrons of City Gym will have priority.

- h. Landlord shall use its best efforts to allow Tenant to use the lots across the street, South of the Property, at normal prevailing rates.

11. Option. Tenant shall have option (the "Option") of leasing the Property for its 1998 and 1999 season upon terms and conditions as stated herein with modifications as mutually agreed upon between the parties hereto.

12. Indemnification by Tenant. Tenant shall indemnify Landlord for any losses arising out of Tenant's use of the Property.

13. Keys. Landlord shall provide Tenant with all keys to the Property to areas in which Tenant has right to access under this Agreement.

14. Entire Agreement. This Lease contains the entire agreement between the parties hereto and all previous negotiations leading thereto, and it may be modified only by a dated written agreement signed by both Landlord and Tenant. No surrender of the Property or of the remainder of the Term shall be valid unless accepted by Landlord in writing. TIME IS OF THE ESSENCE IN THIS AGREEMENT.

15. Authority. The individuals signing this Lease personally warrant that they have the right and power to enter into this Lease, to grant the rights granted under this Lease, and to undertake the obligations undertaken in this Lease.

16. Captions. The marginal captions herein are done for convenience and reference only and shall not be deemed as part of this Lease or construed as in any manner or as amplifying the terms and provisions of this Lease to which they relate.

17. Severability. If any term or provision of this Lease shall to any extent be held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Lease shall not be effective thereby and a balance of the terms and provisions of this Lease shall be valid and enforceable to the fullest extent either hereunder or as permitted by law.

18. Interpretation Presumption. This Lease 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 Lease, and in the event of a dispute concerning the interpretation of this Lease, each party hereby waives the doctrine that an ambiguity should be interpreted against the party which has drafted the document.

19. Waiver. Either party hereto may waive compliance by the other party of any term or provision of this Lease on the part of such other party. Waiver by any party of a breach of any term or provision shall not be construed as a waiver of any subsequent breach.

20. Applicable Law. The parties executing this Lease agree that South Carolina law shall govern the interpretation of this Lease and the rights and duties of the parties hereto.

21. Benefit, Binding. The terms of this Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have their duly authorized representative to execute this Lease on the day and year first above written.

WITNESS:

LANDLORD:

CITY OF CHARLESTON

WITNESSES:

TENANT:

By: _____
Joseph P. Riley, Jr.
Its: Mayor

CHARLESTON BATTERY, INC.

By: _____
Anthony E. Bakker
Its: Authorized Agent

Section 2. This Ordinance shall become effective upon ratification.

Ratification Number
1997-161

TO AMEND ORDINANCE NUMBER 1997-116, RATIFIED BY COUNCIL ON MARCH 25, 1997, WHICH ESTABLISHED THE MAXIMUM PRICE CHARGEABLE OF FOR-HIRE MOTOR VEHICLE TRANSPORTATION BY A TOW TRUCK WHEN SUCH TRANSPORTATION IS PERFORMED WITHOUT THE PRIOR CONSENT OR AUTHORIZATION OF THE OWNER OR OPERATOR OF THE MOTOR VEHICLE AND WHICH FURTHER PROMULGATED THE POLICE POWERS OF THE CITY REGARDING TOW TRUCKS.

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

SECTION 1. City Council hereby amends Ordinance Number 1997-116, ratified on March 25, 1997 amending Chapter 19, Article XIII, of the Code of the City of Charleston which established the maximum price chargeable of for-hire motor vehicle transportation by tow trucks when such transportation is performed without the prior consent or authorization of the owner or operator of the motor vehicle and which further promulgated the police powers of the city regarding tow trucks. Ordinance Number 1997-116 is hereby amended as follows:

Sec. 19-395. DEFINITIONS.

Add the following sentence to the definition of "Non-consensual tow":

"This definition shall not apply to non-consensual tows that occur as a result of a vehicle repossession by a lien holder having title to the vehicle."

Sec. 19-396 TOWING PERMIT REQUIRED.

Subsection (a), in the first sentence add after the word "carrier" insert the words:

"engaged in the business of performing non-consensual tows"

Add a new Subsection (c), to read as follows:

"The cost of the permit shall be ten (\$10.00) dollars per tow truck or as otherwise set by city council from time to time."

Sec. 19-399. TOWING FROM PRIVATE PROPERTY.

Subsection (a), in the first sentence, strike the words "to remove" and after the word "unlawful" add the words:

"to charge for the removal of"

Subsection (a)(3), after the second comma strike the words:

"the maximum possible cost of the tow and storage, and"

Add a new subsection (5) to Subsection (a) to read as follows:

"The signage requirements in this ordinance are exempt from the requirements for signage contained in the City of Charleston Zoning Ordinance, the requirements in this ordinance shall prevail."

Sec. 19-400. MAXIMUM CHARGE FOR NONCONSENSUAL TOW.

Subsection (a) strike the words "storage for 24 hours"

Add new Subsection (c) to read as follows:

"If dollies are required and used to perform a non-consensual tow, the maximum additional amount that may be charged shall be ten (\$10.00) dollars."

Add new Subsection (d) to read as follows:

"The maximum storage amount that may be charge for a vehicle that has been towed as a result of a non-consensual tow shall be six (\$6.00) dollars per day."

Re-letter the remainder of this section to reflect the additions

SECTION 2. This Ordinance shall become effective on April 15th, 1997.

Ratification Number

1997-162

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY ANY AND ALL DOCUMENTS, INCLUDING DEEDS OF CONVEYANCE, AS MAY BE NECESSARY TO ACCOMPLISH THE TRANSFER OF A 7,682 ACRE TRACT OF LAND, ABUTTING S.C. HIGHWAY 61 EXPRESSWAY (THE GLENN MCCONNELL PARKWAY), FROM ROSS DEVELOPMENT CORPORATION TO STUHR DEVELOPMENT COMPANY, A SOUTH CAROLINA PARTNERSHIP, OR ITS SUCCESSORS AND ASSIGNS.

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

Section 1. The City and Ross Development Corporation have entered into an agreement whereby the City will construct a public right-of-way from the S. C. Highway 61 Expressway (the Glenn McConnell Parkway) to the City owned property that is to serve as the site of a regional park. As part of the agreement, Ross Development Corporation is to assign to the City, and to make available to the City for that purpose the net proceeds of sale of a contract of sale between Ross Development Corporation and Stuhr Development Company, a South Carolina Partnership, of a parcel of land containing approximately 7.682 acres and located on the Glenn McConnell Parkway. In order to accommodate the assignment of the contract of sale to the City and the transfer of the 7.682 acre tract to Stuhr Development Company, it is necessary that the Mayor be authorized to execute any and all documents necessary to further the closing of the contract of sale, including the execution of deeds of conveyance from the City to Stuhr Development Company, a South Carolina Partnership.

Section 2. The Mayor is hereby authorized to execute on behalf of the City any and all documents as may be necessary, including deed(s) of conveyance, to accomplish the transfer of a certain 7.682 acre tract of land as delineated on that certain preliminary plat by Southeastern Surveying, Inc., dated March 31, 1997, as the same may be modified prior to

being finally approved by City review boards, a copy of said plat being attached to this Ordinance and made a part hereof, to Stuhr Development Company, a South Carolina Partnership, or its successors and assigns.

Section 3. This ordinance shall become effective upon ratification.

Council was in receipt of the following memorandum from Mayor Riley:

MEMORANDUM

TO: Charleston City Council
FROM: Joseph P. Riley, Jr., Mayor
SUBJECT: Regional Transportation Authority
DATE: April 28, 1997

As you know, the City of Charleston will have two representatives on the Regional Transportation Authority. I recommend that those two appointments be filled by me as Mayor and Councilmember Brenda Scott who is the Chair of our Traffic and Transportation Committee. I normally would not appoint myself to a position, but I believe that since the other mayors are going to be members of the RTA, that it would be appropriate that I serve as well, certainly in the early years of this very important new initiative. Councilmember Scott, as you know, has chaired our Traffic and Transportation Committee and also has herself used the public transportation system. I believe that she would be an excellent representative for the City of Charleston and ask that you confirm these appointments at our next meeting.

On motion of Councilmember Jefferson, seconded by Councilmember Ader, Council voted to approve appointing the Mayor and Councilmember Brenda Scott to serve on the RTA Board as recommended by Mayor Riley in the above memorandum.

Council was in receipt of a copy of a letter addressed to Steve Livingston, Director of Parks, from Don Sandusky, President, Hickory Hill Plantation Community Association. Mr. Sandusky thanked the Department of Parks "for their kind generosity in donating weed control supplies used in the treatment of City medians located in our subdivision". He commented further the donation was a positive sign of the partnership between the City and Hickory Hill for "a better and more beautiful place to live".

The Mayor noted the next City Council meeting had been scheduled to be held at a downtown location away from City Hall. However, the previously requested location will not be available. There was some brief discussion about possible locations. On motion of Councilmember Thomas, Council voted to meet at 6:00 p.m., May 27, 1997, at City Hall.

There being no further business the meeting adjourned at 11:40 p.m.

Vanessa Turner-Maybank
Clerk of Council