

City Hall  
80 Broad Street  
March 14, 2017  
5:00 p.m.

## **CITY COUNCIL**

### **A. Roll Call**

### **B. Invocation – Councilmember Riegel**

### **C. Pledge of Allegiance**

### **D. Presentations and Recognitions**

1. Proclamation recognizing Burke High School State Champion Boys Basketball Team - Councilmember Gregorie ***(To be sent under separate cover)***
2. Proclamation recognizing Bishop England State Champion Girls Basketball Team ***(To be sent under separate cover)***
3. Proclamation recognizing Charleston County Clerk of Court, Julie Armstrong – Councilmember Shahid

### **E. Public Hearings**

1. An ordinance authorizing the Mayor to execute on behalf of the City Quit-Claim Deeds, approved as to form by the Office of Corporation Counsel, to the owners of those properties abutting each side of Hayne Street, running from Church Street to Anson Street, conveying to such owners one-half of the width of Hayne Street as said street abuts the respective owner's property, subject to any and all easements or other matters of record.

### **F. Act on Public Hearing Matters**

### **G. Approval of City Council Minutes:**

1. February 28, 2017

### **H. Citizens Participation Period**

### **I. Petitions and Communications:**

- a. Boards and Commissions Appointments and Reappointments: ***(To be sent under separate cover)***
  - (i) Accommodations Tax Advisory Committee

- (ii) Community Development Advisory Committee
- (iii) Municipal Election Commission
- (iv) Recreation Commission
- (v) Redevelopment and Preservation Commission

**J. Council Committee Reports:**

**1. Committee on Public Safety: (Meeting was held on Friday, March 10, 2017 at 10:30 a.m.)**

- a. Updates:
  - Fire Department
  - Police Department
  - Emergency Management

**2. Committee on Public Works and Utilities: (Meeting was held on Tuesday, March 14, 2017 at 3:30 p.m.)**

**a.) Acceptance and Dedication of Rights-of-Way and Easements:**

- i. Acceptance and dedication of a new exclusive 13-foot wide entry and use permanent storm drainage easement as noted on the plat entitled "Oakland Subdivision and Stonecreek Subdivision, City of Charleston, Charleston County, SC (TMS 310-12-00-119) to allow access for maintenance of storm drainage piping at 399 Clayton Drive.
  - a. Plat
  - b. Exclusive Storm Water Drainage Easements
- ii. Acceptance and dedication of a new exclusive 7-foot wide entry and use permanent storm drainage easement as noted on the plat entitled "Oakland Subdivision and Stonecreek Subdivision, City of Charleston, Charleston County, SC (TMS 310-12-00-043) to allow access for maintenance of storm drainage piping at 403 Clayton Drive.
  - a. Plat
  - b. Exclusive Storm Water Drainage Easements

**3. Committee on Ways and Means:**

- (Bids and Purchases
- (Budget Finance and Revenue Collections: Approval of the 2017 Master Lease

- Purchase Financing Agreement with TD Equipment Finance, 40 Calhoun Street, Charleston, SC in the amount of \$6,025,853; Solicitation #17-B001C [Ordinance]
- (Budget Finance and Revenue Collections: Approval to renew the Workers Compensation Excess Insurance contract with Safety National in the amount of \$311,960. The 2017 policy renewal rate is flat, but the premium is increasing by 7% due to the increased payroll. This policy runs April 1, 2017 to April 1, 2018. Councilmember Riegel, the HR Committee Chair, has been briefed on the recommendation and approved adding this item to the Ways and Means agenda.
- (Fire Department: Approval to apply for a SLED grant in the amount of \$96,000 for the Low Country Regional Collapse Search & Rescue Team-Charleston. Funds will be used to purchase new and replacement equipment. No City match is required.
- (Mayor's Office for Children Youth & Families: Approval to accept the Youth Volunteer Corps Grant award in the amount of \$200 for the Service-Learning Implementation program. No City match is required.
- (Office of Cultural Affairs: Approval to submit a grant application to the SC Arts Commission in the amount of \$10,000 for the Lowcountry Quarterly Arts Grants Program. A City match of \$10,000 is required. The grant period is 7/1/17 through 6/30/18. The matching funds will be included in the 2018 Community Assistance budget if the grant is awarded.
- (Office of Cultural Affairs: Approval to submit a grant application to the USDA Agricultural Marketing Service Farmers Market Promotion Program in the amount of \$250,000. Funds will be used for the Charleston Farmers Market and the West Ashley Farmers Market. No City match is required.
- (Parks-Capital Projects: Approval of a Construction Contract with MUSCO Sports Lighting, LLC in the amount of \$559,500 for the purchase and installation of eight new MUSCO lighting structures at Governors Park athletic fields. This is being done through a cooperative purchase agreement with the National Joint Powers Alliance. The project timetable is scheduled for 100 days. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council approved budget. The Construction Contract will obligate \$559,500 of the \$700,000 project budget. The funding sources for this project are: S.C. Sports Development Funding Grant (\$350,000) and 2013 General Fund Reserves (\$350,000).
- (Parks-Capital Projects: Approval of a Construction Contract with MUSCO Sports Lighting, LLC in the amount of \$462,500 for the purchase and installation of six new MUSCO lighting structures at Bayview Soccer Complex. This is being done through a cooperative purchase agreement with the National Joint Powers Alliance. The project timetable is scheduled for 100 days. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council approved budget. The Construction Contract will obligate \$462,500 of the \$505,000 project budget. The funding sources for this project are: 2012 General Fund Reserves (\$9,269.18) and 2013 General Fund Reserves (\$495,730.82).
- (Parks-Capital Projects: Approval of the Louis Waring, Jr. West Ashley Senior Center Fee Amendment #3 to the Professional Services Contract with Liollo Architecture in the amount of \$43,100 for an additional 135 days of construction administration. This approval will result in a budget transfer of \$43,100 to the Liollo Architecture

Professional Services Contract from the Project Contingency. The total project budget remains unchanged. The total contract time is increased by 135 days. The approval of Fee Amendment #3 will result in a \$43,100 increase to the Liollo Architecture Professional Services Contract from \$623,437 to \$666,537. The funding sources for this project are: 2012 General Fund Reserves, 2014 GO Bond, 2013 General Fund Reserves, 2014 General Fund Reserves, and Capital Contribution from Roper St. Francis.

(Public Service: Approval for B&C Land Development to install a pipe check valve in the amount of \$53,625 at the Limehouse Street/Battery outfall. This replaces a failed Tideflex valve. The work was performed as an emergency repair due to the need to prevent potential flooding of the surrounding streets and properties.

(Police Department: Approval of a law enforcement assistance and support agreement with the United States Marshal Service. They have agreed to sign once approved by and signed by all necessary parties from the City.

(Police Department: Approval of the Law Enforcement Assistance and Support Agreement with Colleton County Sheriff's Office.

(Police Department: Approval of a contract between CPD and Turning Leaf Project. Turning Leaf Project provides pre-release and post-release reentry programs for CCDC inmates. The amount to be paid by the City is \$85,000. This is the same amount for a similar contract approved in 2016.

(Request approval of the Agreement whereby Charleston County School District and the City agree to reestablish the southeast quadrant of Hampstead Square for use as a public park (TMS: 459-09-02-151). The property was established as a Public Mall in 1871.

(Request approval of the Second Amendment to Agreement of Purchase and Sale whereby the City and SC State desire to remove certain reversionary interests benefitting the City from the Deed requirements set forth therein, and language imposing a deadline for the construction of the Community Center. (Corner of Lee and America Street; TMS: 459-05-04-210). The property is owned by the City of Charleston. [Ordinance]

(Consider the following annexation:

-- 1522 Grimball Road (TMS# 427-00-00-008) 0.41 acre, James Island (District 6); This property is owned by Francina Backman.

-- 2205 Ramsay Street (TMS# 343-05-00-125) 0.25 acre, James Island (District 11); This property is owned by Edward Mungo.

-- 1524 Grimball Road (TMS# 427-00-00-085) 0.58 acre, James Island (District 6); This property is owned by Clyde J. Smalls and Carol J. Smalls.

-- Grimball Road Extension and Cooper Judge Lane (TMS#'s 427-00-00-081 and 427-00-00-113) 1.19 acres, James Island (District 6); This property is owned by JJR Development LLC.

-- Vacant property off of Folly Road (TMS# 427-00-00-114) 0.99 acre, James Island (District 6); This property is owned by Clyde J. Smalls and Carol J. Smalls.

*Give first reading to the following bill coming from Ways and Means:*

An ordinance to authorize the execution and delivery of Lease/Purchase and Security Agreements with TD Equipment Finance, Inc. in order to provide for the acquisition of certain Police, Fire, Public Service, Fleet, Stormwater and IT equipment and vehicles; to provide the terms and conditions of such Lease/Purchase and Security Agreements; to provide for the granting of a security interest to secure all obligations of Lessee under the Lease/Purchase and Security Agreements; to authorize the execution and delivery of all documents necessary or appropriate to the consummation of such Lease/Purchase and Security Agreements; and to provide for other matters related thereto.

An ordinance authorizing the Mayor to execute on behalf of the City a Second Amendment to the Purchase and Sale Agreement between the City and South Carolina State University pertaining to property located in the Cooper River Bridge Redevelopment area and such other documents as may be required to effect the transfer of said property.

An ordinance to provide for the annexation of property known as 1522 Grimball Road Extension (0.41 acre) (TMS# 427-00-00-008), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6. The property is owned by Francina Backman.

An ordinance to provide for the annexation of property known as 2205 Ramsay Street (0.25 acre) (TMS# 343-05-00-125), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Edward Mungo.

An ordinance to provide for the annexation of property known as 1524 Grimball Road Extension (0.58 acre) (TMS# 427-00-00-085), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6. The property is owned by Clyde J. Smalls and Carol J. Smalls.

An ordinance to provide for the annexation of property known as Grimball Road Extension and Cooper Judge Lane (1.19 acres) (TMS# 427-00-00-081; and 427-00-00-113), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6. The property is owned by JJR Development LLC.

An ordinance to provide for the annexation of property known as vacant property off Folly Road (0.99 acre) (TMS# 427-00-00-114), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6. The property is owned by Clyde J. Smalls and Carol J. Smalls.

**K. Bills up for Second Reading:**

1. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 573 Meeting Street and 35 Walnut Street*

*(Peninsula) (2.145) (TMS #463-16-04-022 and 463-16-04-035) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by Charleston Interfaith Crisis Assistance Ministry.*

- 2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1991 Holliday St (West Ashley) (0.20 acre) (TMS #355-15-00-101) (Council District 2), annexed into the City of Charleston January 24, 2017 (#2017-007), be zoned Single-Family Residential (SR-1) classification. The property is owned by Sabrina A. Perkins.*
- 3. An ordinance to amend Sec.14-50(a) of the Code of the City of Charleston to provide that electronic waste shall no longer be collected by the City.*
- 4. An ordinance to repeal Ordinance No. 2008-52, as amended by Ordinance No. 2008-66 authorizing the transfer of 26 Reid Street to Charleston Area Community Development Corporation.*
- 5. An ordinance authorizing the Mayor to execute on behalf of the City a Transfer Agreement between the City and Habitat for Humanity, Inc. pertaining to property owned by the City at 26 Reid Street, to include any and all deeds, bills of sale or other documents as may be necessary to effectuate the transfer.*
- 6. An ordinance to provide for the annexation of property known as 2935 Maybank Highway and adjacent vacant lot (4.60 acres) (TMS# 313-00-00-091 and 313-00-00-089), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by James Coyne and Laure Vandermoere.*
- 7. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by revising Section 54-220 (b) (1) (e) (15) pertaining to limits on the number of rooms in facilities; and by changing the map pertaining to the Accommodations Overlay Zone district in the Peninsula portion of the City in accordance with the maps attached to this ordinance. (DEFERRED FOR PUBLIC HEARING)*
- 8. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding to Article 9, Administration and Enforcement, a new part 6, Temporary Moratorium. (DEFERRED FOR PUBLIC HEARING)*
- 9. An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) pertaining to Article 2, Part 15 – Mixed Use 1 - Workforce Housing District and Mixed Use 2 - Workforce Housing District. (DEFERRED FOR PUBLIC HEARING)*

10. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to prohibit mini-warehouse/self-storage uses in the Urban Commercial (UC) Zone District and change mini-warehouse/self-storage uses from a conditional use to a special exception use in the General Business (GB) Zone District. (DEFERRED FOR PUBLIC HEARING)*
11. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by repealing part thereof (Old and Historic District and Old City District Regulations) and substituting in its place and stead a new Part 6 establishing regulations for the Old and Historic District and the Old City District. (DEFERRED FOR PUBLIC HEARING)*
12. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) pertaining to Sec. 54-306, Old City Height Districts. (DEFERRED FOR PUBLIC HEARING)*
13. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-208.1 Bed and Breakfasts not located within the Old and Historic District, to clarify where Bed and Breakfasts are permitted in areas outside the Old and Historic District. (DEFERRED FOR PUBLIC HEARING)*
14. *An ordinance to amend the Old and Historic District and Old City District Regulations of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to amend the definition of structure, to provide definitions for height, scale, mass and immediate surroundings, immediate surrounding area and neighborhood, to clarify the authority of the Board of Architectural Review as it pertains to its review of height, scale and mass of new construction to achieve compatibility and proper form and proportion between new structures and those in its immediate surroundings, and to codify certain policy statements for the use in evaluation applications. (DEFERRED FOR PUBLIC HEARING)*
15. *An ordinance to provide for the annexation of property known as property located on Ashley Hall Plantation Road (44.59 acres) (TMS# 353-00-00-003 and 353-00-00-004), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 2. The property is owned by the Estate of Rosina Kennerty Siegnious. (DEFERRED)*
16. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Ashley Hall Plantation Road (West Ashley) (approximately 44.59 acres) (TMS #353-00-00-003 and 353-00-00-004) (Council District 2), be zoned to Single-Family Residential (SR-1) classification and Landmark Overlay Zone (LMK) on a portion of the property. The property is owned by the Estate of Rosina Kennerty Siegnious. (DEFERRED)*

**L. Bills up for First Reading**

1. An ordinance to amend Chapter 29, Article V, Sec.29-212 (g), Weather Conditions, Subparts (7) and (8) of the Code of the City of Charleston pertaining to weather conditions for the operation for animal-drawn vehicles used for the purposes of touring.
2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that portions of 573 Meeting Street and 35 Walnut Street (Peninsula) (approximately 1.76 acres) (portions of TMS # 463-16-04-022 and 463-16-04-035) (Council District 4), be rezoned from 55/30 Old City Height District classification to 80/30 Old City Height District classification. The property is owned by Charleston Interfaith Crisis Assistance Ministry. *(DEFERRED)*
3. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-220 Accommodations Overlay Zone, by inserting language to preserve Mixed-Use Districts; prohibit the displacement of housing by accommodations and consider the effects of housing units to be altered or replaced on the housing stock and whether requirements to protect the affordability of the housing units should be attached to an accommodations special exception approval; prohibit the displacement or reduction of office space by accommodations to be located within areas on the Peninsula designated "A-1" on the Accommodations Overlay Zoning Map and on streets with office use as a predominant use; prohibit the displacement of more than 25 percent of ground floor, store front retail space by accommodations uses on streets with ground floor, store front retail as a dominant use; prohibit an overconcentration of accommodations units within areas on the Peninsula designated "A-1" on the Accommodations Overlay Zoning Map; amend revised Subsection B. 1. (g) by deleting wording regarding pedestrian activity and transit system usage and inserting language regarding the location and design of guest drop off and pick up areas; and amend revised Subsection B. 1. (h) 15 to require additional information on parking and public transit provisions for employees **(AS AMENDED)** *(DEFERRED)*
4. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located off North Westchester Road (West Ashley) (2.225 acres) (TMS #309-15-00-070) (Council District 7), be rezoned from Light Industrial (LI) classification to General Business (GB) classification. *(DEFERRED)*.

**M. Miscellaneous Business:**

1. The next regular meeting of City Council will be March 28, 2017 at 5:00 p.m. at the James Island Recreation Complex, 1088 Quail Drive.





# City of Charleston

JOHN J. TECKLENBURG  
MAYOR

## PROCLAMATION

- WHEREAS; the **CHARLESTON COUNTY CLERK OF COURT** is a South Carolina State Constitutional Office in which the clerk is elected to a four-year term and is responsible for the County Court House and County Judicial Complex; and
- WHEREAS; the **CHARLESTON COUNTY CLERK OF COURT** is responsible for all papers, pleadings, records, and documents filed in the Court of Common Pleas, Court of General Sessions, and the Family Court for Charleston County, and for managing the trials and hearings for all cases filed for these three courts. The office has over 80 employees, manages over 25,000 cases filed, and is responsible for \$36 million in revenue collected and processed; and
- WHEREAS; elected in 1992 as the Charleston County Clerk of Court, **JULIE J. ARMSTRONG** is a citizen and resident of the City of Charleston who has continuously and dutifully served in this role for 25 years; and
- WHEREAS; **JULIE J. ARMSTRONG** has established the Office of the Charleston County Clerk of Court as the most recognized technology-based county clerk's office in the state, being the first county clerk's office to offer website document management information, online docket meetings, online juror summons response forms, and online access for alimony and child support payers; and
- WHEREAS; during her tenure, **JULIE J. ARMSTRONG** has overseen the renovation of the Historic Charleston Court House, which constitutes one of the renowned "Four Corners of Law," and has overseen the construction of the Charleston County Judicial Complex, ensuring the presence of an active judicial center in downtown Charleston where all civil, criminal, and family court cases are held; and
- WHEREAS; **JULIE J. ARMSTRONG** is a member of the South Carolina Association of Clerks of Court and Register of Deeds, having served as treasurer, vice president, and president, and is currently the president of the South Carolina Association of the Counties.

**NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, do hereby proclaim Tuesday, March 14, 2017 as:**

### **JULIE J. ARMSTRONG DAY**

in the City of Charleston in recognition of her 25 years of exceptional public service to the citizens of the City and County of Charleston, and applaud her untiring efforts to ensure the efficient and orderly administration of our judicial system in the City and County of Charleston and the State of South Carolina.



John J. Tecklenburg, Mayor

## PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, March 14, 2017 beginning at 5:00 p.m. at City Hall, 80 Broad Street, on a closing and abandonment as follows:

A portion of Hayne Street from its intersection at Anson Street heading in a westerly direction for approximately 133 feet to its intersection with Church Street, consisting of 0.131 acres (5,692 SF) As shown on an exhibit entitled "AN EXHIBIT DRAWING OF TMS 458-05-03-017 AND 458-05-03-005, CHURCH, N. MARKET, ANSON & PINCKNEY STREETS" A copy of this map is available for review in the Engineering office at 2 George Street.

VANESSA TURNER MAYBANK  
Clerk of Council

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to [schumacherj@charleston-sc.gov](mailto:schumacherj@charleston-sc.gov) three business days prior to the meeting.

Please insert as a Display Ad in the Post Courier on Saturday, February 18, 2017. Charge account PC103190.

Please insert in the Chronicle as a Display Ad on Wednesday, February 22, 2017. **Please provide an affidavit of publication for all public hearings.**

E1.)



Ratification  
Number \_\_\_\_\_

# A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY QUIT-CLAIM DEEDS, APPROVED AS TO FORM BY THE OFFICE OF CORPORATION COUNSEL, TO THE OWNERS OF THOSE PROPERTIES ABUTTING EACH SIDE OF HAYNE STREET, RUNNING FROM CHURCH STREET TO ANSON STREET, CONVEYING TO SUCH OWNERS ONE-HALF OF THE WIDTH OF HAYNE STREET AS SAID STREET ABUTS THE RESPECTIVE OWNER'S PROPERTY, SUBJECT TO ANY AND ALL EASEMENTS OR OTHER MATTERS OF RECORD.

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

Section 1. At its meeting held on March 14, 2017, after conducting a duly noticed public hearing, City Council voted to abandon a portion of Hayne Street, running from Church Street to Anson Street.

Section 2. The Mayor is hereby authorized to execute on behalf of the City quit-claim deeds, approved as to form by the Office of Corporation Counsel, to owners of properties abutting each side of Hayne Street, running from Church Street to Anson Street, conveying to such owners one-half of the width of Hayne Street as said Street abuts the respective owner's property, subject to any and all easements or other matters of record.

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord, 2017, and in the \_\_\_\_th Year of the Independence of the United States of America

\_\_\_\_\_  
John J. Tecklenburg  
Mayor, City of Charleston

ATTEST:

\_\_\_\_\_  
Vanessa Turner Maybank  
Clerk of Council

STATE OF SOUTH CAROLINA	)	<b>EXCLUSIVE STORM</b>
	)	<b>WATER DRAINAGE</b>
	)	<b>EASEMENT</b>
COUNTY OF CHARLESTON	)	<b>CITY OF CHARLESTON</b>

This Agreement is made and entered into this 24 day of FEBRUARY, 2017, by and between the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina (herein the "City"), and Arthur B. Schirmer, III and Joyce K. Schirmer (herein the "Owner").

WHEREAS, THE CITY OF CHARLESTON, is desirous of maintaining a storm water drainage pipe and appurtenances ("Storm Water System") across a portion of Lot 50 Stonecreek Subdivision designated by Charleston County tax map number 310-12-00-119 and to accomplish this objective, the City must obtain an entry and use easement from the Owner permitting the maintenance of the Storm Water System through a portion of the Owner's property as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto it an exclusive entry and use easement in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City a **NEW EXCLUSIVE THIRTEEN (13) – FOOT WIDE ENTRY AND USE PERMANENT STORM DRAINAGE EASEMENT**, more fully shown on a plat entitled "Oakland Subdivision and Stonecreek Subdivision, City of Charleston, Charleston County, S.C.", prepared by E. M. Seabrook Engineers & Surveyors, dated December 29, 2016, executed by Lewis E. Seabrook, on February 2, 2017, and recorded in Plat Book \_\_\_\_\_ at page \_\_\_\_\_ in the R.M.C. Office for Charleston County, South Carolina (herein the "Plat"). A copy of said plat is attached heretofore as "Exhibit A" and incorporated herein.

SAID EXCLUSIVE STORM DRAINAGE EASEMENT having such size, shape, location, and butting, and bounding as shown on said Plat, reference to which is hereby made for a more complete description.

The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive Thirteen (13) -Foot Wide Permanent Stormwater Drainage Easement for purposes of periodic inspection, maintenance, repair and replacement of the Stormwater System. This Exclusive Thirteen (13) -Foot Wide Permanent Stormwater Drainage Easement shall be commercial in nature and shall run with the land.

The City has no obligation to repair, replace or to compensate the Owners for trees,

plants, grass, shrubs or other elements damaged or destroyed within the confines of the Exclusive Thirteen (13) -Foot Wide Permanent Stormwater Drainage Easement during the conduct of its allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against us and our heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, the parties have set the Hands and Seals the day and year above written.

*W. H. Stahl*

Witness #1

*Stephen Lewis*

Witness #2

OWNER

Name: *Arthur B. Schirmer, III & Joyce K. Schirmer*  
Arthur B. Schirmer, III & Joyce K. Schirmer

Date: 2-21-17

WITNESSES:

CITY OF CHARLESTON

\_\_\_\_\_  
Witness #1

\_\_\_\_\_  
By: Laura S. Cabiness  
Its: Director of Public Service  
Date: \_\_\_\_\_

\_\_\_\_\_  
Witness #2

STATE OF SOUTH CAROLINA

)

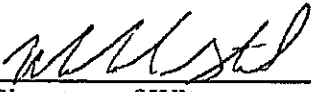
PROBATE

)

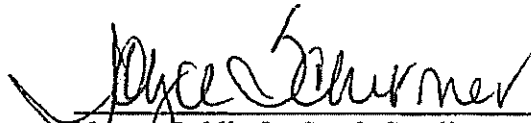
COUNTY OF CHARLESTON

)

PERSONALLY appeared before me the above named witness, who, on oath, says that (s)he saw the within named Arthur B. Schirmer, III & Joyce K. Schirmer sign, on behalf of, Grantor, the within Exclusive Permanent Stormwater Drainage Easement, and seal said Exclusive Permanent Stormwater Drainage Easement, and as its act and deed, deliver the same, and that (s)he with the other witness named, witnessed the execution thereof.

  
\_\_\_\_\_  
Signature of Witness

SWORN to before me this  
27 day of Feb, 2017.

  
\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: 11-1-20

STATE OF SOUTH CAROLINA

)

**PROBATE**

)

COUNTY OF CHARLESTON

)

PERSONALLY appeared before me the above named witness, who, on oath, says that (s)he saw the within named Laura S. Cabiness sign, on behalf of, The City of Charleston, the within Exclusive Permanent Stormwater Drainage Easement, and seal said Exclusive Permanent Stormwater Drainage Easement, and as its act and deed, deliver the same, and that (s)he with the other witness named, witnessed the execution thereof.

\_\_\_\_\_  
Signature of Witness

SWORN to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_





STATE OF SOUTH CAROLINA	)	<b>EXCLUSIVE STORM</b>
	)	<b>WATER DRAINAGE</b>
	)	<b>EASEMENT</b>
COUNTY OF CHARLESTON	)	<b>CITY OF CHARLESTON</b>

This Agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between the City of Charleston, a Municipal Corporation organized and existing pursuant to the laws of the State of South Carolina (herein the "City"), and Charles A. Rowell and Virginia H. Rowell (herein the "Owner").

WHEREAS, THE CITY OF CHARLESTON, is desirous of maintaining a storm water drainage pipe and appurtenances ("Storm Water System") across a portion of Lot 27 Oakland Subdivision designated by Charleston County tax map number 310-12-00-043 and to accomplish this objective, the City must obtain an entry and use easement from the Owner permitting the maintenance of the Storm Water System through a portion of the Owner's property as hereinafter described; and

WHEREAS, the undersigned Owner of the property is desirous of cooperating with the City and is minded to grant unto it an exclusive entry and use easement in and to the property necessary therefor.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the property, the Owner has granted, bargained, sold, released and conveyed by these present and does grant, bargain, sell, release and convey unto the City a **NEW EXCLUSIVE SEVEN (7) – FOOT WIDE ENTRY AND USE PERMANENT STORM DRAINAGE EASEMENT**, more fully shown on a plat entitled "Oakland Subdivision and Stonecreek Subdivision, City of Charleston, Charleston County, S.C.", prepared by E. M. Seabrook Engineers & Surveyors, dated December 29, 2016, executed by Lewis E. Seabrook, on February 2, 2017, and recorded in Plat Book \_\_\_\_\_ at page \_\_\_\_\_ in the R.M.C. Office for Charleston County, South Carolina (herein the "Plat"). A copy of said plat is attached heretofore as "Exhibit A" and incorporated herein.

SAID EXCLUSIVE STORM DRAINAGE EASEMENT having such size, shape, location, and butting, and bounding as shown on said Plat, reference to which is hereby made for a more complete description.

The City shall at all times have the right of ingress and egress to the land affected by the said Exclusive Seven (7) -Foot Wide Permanent Stormwater Drainage Easement for purposes of periodic inspection, maintenance, repair and replacement of the Stormwater



System. This Exclusive Seven (7) -Foot Wide Permanent Stormwater Drainage Easement shall be commercial in nature and shall run with the land.

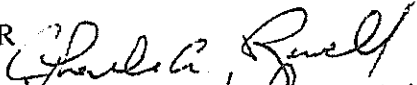
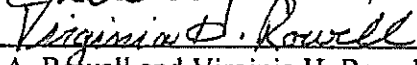
The City has no obligation to repair, replace or to compensate the Owners for trees, plants, grass, shrubs or other elements damaged or destroyed within the confines of the

Exclusive Seven (7) -Foot Wide Permanent Stormwater Drainage Easement during the conduct of its allowable activities as described above.

TO HAVE AND TO HOLD, all and singular, the said before mentioned unto the said CITY OF CHARLESTON, its successors and assigns, against us and our heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

IN WITNESS WHEREOF, the parties have set the Hands and Seals the day and year above written.

  
\_\_\_\_\_  
Witness #1  
  
\_\_\_\_\_  
Witness #2

OWNER   
Name:   
Charles A. Rowell and Virginia H. Rowell  
Date: 2/28/17.

WITNESSES:

CITY OF CHARLESTON

\_\_\_\_\_  
Witness #1  
\_\_\_\_\_  
Witness #2

\_\_\_\_\_  
By: Laura S. Cabiness  
Its: Director of Public Service  
Date: \_\_\_\_\_



STATE OF SOUTH CAROLINA                    )  
  )  
COUNTY OF CHARLESTON                    )     **PROBATE**

PERSONALLY appeared before me the above named witness, who, on oath, says that (s)he saw the within named Laura S. Cabiness sign, on behalf of, The City of Charleston, the within Exclusive Permanent Stormwater Drainage Easement, and seal said Exclusive Permanent Stormwater Drainage Easement, and as its act and deed, deliver the same, and that (s)he with the other witness named, witnessed the execution thereof.

\_\_\_\_\_  
Signature of Witness

SWORN to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission Expires: \_\_\_\_\_



L1.)



Ratification  
Number \_\_\_\_\_

# A N O R D I N A N C E

TO AMEND CHAPTER 29, ARTICLE V, SEC.29-212 (g), WEATHER CONDITIONS, SUBPARTS (7) and (8) OF THE CODE OF THE CITY OF CHARLESTON PERTAINING TO WEATHER CONDITIONS FOR THE OPERATION FOR ANIMAL-DRAWN VEHICLES USED FOR THE PURPOSES OF TOURING.

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

Section 1. Findings. In August 2016, a Carriage Animal Temperature and Heat Index Committee was formed to study and discuss issues related to the current temperature and heat index that governs when animals used in the carriage touring business should be pulled from the street, to review the current process for when to cease and resume carriage operations and to determine where the official thermometer should be located. After a series of meetings with input from interested parties, the Committee recommended that the measures of temperature and heat index for when animals should be pulled from touring operations be modified, as well as the procedure to use when taking such measurements. The Committee also discussed moving the official thermostat to a different location for the official thermostat. City Council passes this Ordinance to codify the recommendations and discussions of the Committee on these issues.

Section 2. Section 29-212 (g) (7) and (8) of Chapter 29 of the Code of the City of Charleston is hereby amended by deleting text show below with a strikethrough and adding text shown below with a double-underline:

Sec. 29-212 –General health care and management requirements

(g) Weather conditions

(7) When either the ambient temperature reaches ~~ninety-eight (98)~~ ninety-five (95) degrees Fahrenheit or the Heat Index reaches one hundred ten (110) ~~one hundred twenty five (125)~~ degrees Fahrenheit, as determined by the department of livability and tourism or the police department after having received ~~two (2)~~ four (4) consecutive ambient temperature and/or heat index readings, which readings were taken at least fifteen (15) minutes apart that demonstrate that the ambient temperature and/or heat index equals or is above the stated ambient temperature or heat index as provided herein, the carriage company operators shall discontinue working their animals and

remove them from the streets until the temperature decreases below the above-stated temperatures as authorized by the department of livability and tourism or the police department. When such a determination is made, the authorized city employee of the department of livability and tourism or the police department making the determination shall contact the medallion gate and the carriage operators of such determination and require that all carriage operations shall be discontinued until such time as the department of livability and tourism or the police department authorizes the carriages to return to the streets. After such determination is made, the department of livability and tourism or the police department shall monitor the temperature and heat index and authorize the carriage operations to begin operating on the streets again after the department of livability and tourism or the police department has received two (2) consecutive readings which were taken at least fifteen (15) minutes apart that demonstrate that the ambient temperature is below ~~98~~ 95 degrees Fahrenheit and/or the heat index is below ~~125~~ 110 degrees Fahrenheit, at which time the authorized city employee of the department of livability and tourism or the police department making the determination shall notify the medallion gate and the carriage operators to advise that the medallion gate and carriage operators shall be permitted to resume the operation of the medallion gate and the working of their animals for tours on the streets.

(8) The official thermometer used for determining the temperature and the heat index shall be located at the ~~Dock Street Theater located at 135 Church Street~~ Doubletree Hotel located at 181 Church Street in the City and County of Charleston, South Carolina. In the event this thermometer is out of service, as determined by the department of livability and tourism or the police department, the back-up thermometer shall be the thermometer at the ~~Doubletree Hotel located at 181 Church Street~~ Dock Street Theater located at 135 Church Street in the City and County of Charleston, South Carolina, or as determined by the department of livability and tourism if the back-up thermometer is no longer available at the said ~~Doubletree Hotel~~ Dock Street Theater.

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this \_\_\_\_\_ day of  
\_\_\_\_\_ in the Year of Our Lord, 2017,  
and in the \_\_\_\_\_<sup>th</sup> Year of the Independence of  
the United States of America

\_\_\_\_\_  
John J. Tecklenburg, Mayor

ATTEST:

\_\_\_\_\_  
Vanessa Turner Maybank  
Clerk of Council