February 22, 2022
5:00 p.m.
City Hall
80 Broad Street
Conference Call: 1-929-205-6099
Access Code: 912096416

CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Waring

C. Pledge of Allegiance

D. Presentations and Recognitions

1. Proclamation recognizing Officer Kyle Skeels

E. Public Hearings

(City Council may give second reading, order to third reading, give third reading, and order engrossed for ratification any bill listed on the agenda as a second reading.)

Any person who speaks at a City Council meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and is asked to observe Section 2-28 (a) of the Code of the City of Charleston, Rules of Decorum. Violation of the Rules of Decorum may result in the forfeiture of audience before Council and/or removal from the meeting.

Citizens may sign-up to speak in person at the Council meeting until 5:00 p.m. at the meeting location.

If participating virtually, citizens may use one of the following methods to request to speak at the meeting or provide comments for City Council. Requests to speak at the meeting and comments must be received by 12:00 p.m., Monday, February 21st:

1. Request to speak (via Zoom or telephone) or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at http://innovate.charleston-sc.gov/comments/.

3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

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 3351, 3357 and 3363 Maybank Highway (Johns Island)
(approximately 6.9 acres) (TMS #279-00-00-189, 184, 185 and 307) (Council District 5), be
rezoned from General Office (GO) classification to Business Park (BP) classification. The
property is owned by Hoyt+Berenyi, LLC.

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 265, 275, 277, 279 Huger Street, and 581, 583,
585, 587, 589, 591 Meeting Street (Peninsula) (approximately 3.16 acre) (TMS #463-16-04-
018, 054 and 055) (Council District 4), be rezoned from General Business (GB) and Diverse
Residential (DR-2) classifications to Mixed-Use/Workforce Housing (MU-1/WH) classification. The properties are owned by City of Charleston Housing Authority. (SECOND READING)

3. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning
Ordinance) by changing Article 3, Part 4 to add two new sections providing for shared
parking. (SECOND READING)

4. An ordinance to amend Article 2 (Land Use Regulations), Part 4 (Accessory Uses) of
Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to clarify certain
allowed outdoor activities under home occupations. (SECOND READING)

5. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone
Map, which is a part thereof, so that 2221 S Dallerton Circle (West Ashley) (approximately
0.5 acre) (TMS #310-07-00-059) (Council District 11), annexed into the City of Charleston
January 11, 2022 (#2022-007), be zoned Single-Family Residential (SR-1) classification. The
property is owned by Zachary Carnevale.

6. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone
Map, which is a part thereof, so that 2216 S Dallerton Circle (West Ashley) (approximately
0.26 acre) (TMS #310-07-00-044) (Council District 11), annexed into the City of Charleston
January 25, 2022 (#2022-012), be zoned Single-Family Residential (SR-1) classification. The
property is owned by Danielle D Cerasi.

7. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone
Map, which is a part thereof, so that 1506 N Edgewater Drive (West Ashley) (approximately
1.59 acres) (TMS #349-09-00-026) (Council District 11), annexed into the City of Charleston
January 25, 2022 (#2022-013), be zoned Rural Residential (RR-1) classification. The
property is owned by Ellison C and Jeanne R Livingston.

8. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone
Map, which is a part thereof, so that 30, 32 and 34 Wedgepark Road, 43 and 49 Lolandra
Avenue (West Ashley) (approximately 0.99 acre) (TMS #418-13-00-254, 255, 256, 260 and
262) (Council District 3), annexed into the City of Charleston January 25, 2022 (#2022-014),
be zoned Single-Family Residential, (SR-1) classification for Lolandra Avenue parcels and
(SR-2) classification for Wedgepark Road parcels. The properties are owned by Glory
Holdings, LLC.

9. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone
Map, which is a part thereof, so that 2319 Lazy River Drive (West Ashley) (approximately 0.62
acre) (TMS #310-14-00-014) (Council District 11), annexed into the City of Charleston January
be zoned Rural Residential (RR-1) classification. The property is owned by Carl E Seel, Sr and Jean B Seel.

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:
   1. January 25, 2022
   2. February 8, 2022 (Special Meeting)

H. Citizens Participation Period

   PLEASE NOTE THAT THE CITIZENS’ PARTICIPATION PERIOD IS 30 MINUTES AND WILL BE LIMITED TO THE FIRST 30 SPEAKERS. SPEAKERS RESIDING IN OR MAINTAINING A BUSINESS LICENSE WITH THE CITY OF CHARLESTON SHALL SPEAK FIRST.

   Any person who speaks at a City Council meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and is asked to observe Section 2-28 (a) of the Code of the City of Charleston, Rules of Decorum. Violation of the Rules of Decorum may result in losing the opportunity to speak before Council and/or removal from the meeting.

   Citizens may sign-up to speak in person at the Council meeting until 5:00 p.m. at the meeting location.

   If participating virtually, citizens may use one of the following methods to request to speak at the meeting or provide comments for City Council. Requests to speak at the meeting and comments must be received by 12:00 p.m., Monday, February 21st:

   1. Request to speak or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

   2. Sign-up to speak or leave comments for City Council by completing the form at http://innovate.charleston-sc.gov/comments/ by Monday, February 21st at 12:00 p.m.

   3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

I. Petitions and Communications:

   1. Update on the City’s response to COVID-19 - Mayor John J. Tecklenburg, Tracy McKee, Chief Innovation Officer, and Mary Cummings, RN, Wellness Program Manager

J. Council Communications:

   1. Discussion regarding amending the Rules of Council to allow for limited virtual participation at Ways and Means and City Council meetings for reasons other than emergency or illness (Requested by Councilmember Mike Seekings)

   2. Discussion of the creation of an Ad Hoc Redistricting Council Committee (Requested by
Councilmember Peter Shahid)

K. Council Committee Reports:

1. Committee on Traffic and Transportation: (Meeting was held Tuesday, February 22, 2022 at 1:00 p.m.)
   a. Lowcountry Rapid Transit Municipal State Highway Project Agreement
   b. Intergovernmental Agreement - Municipal Golf Course and Fleming Rd.
   c. Pedicab Ordinance Amendment
   d. MOU Berkeley County, Seven Farms Road Pedestrian Crosswalk Improvement Project

Give first reading to the following bill from Traffic and Transportation:

An ordinance amending Chapter 19, Article XVI, of the Code of the City of Charleston, Pedicabs, to amend the operating decal application process and the requirements for issuance of decals to the successful bidder.

2. Committee on Public Works and Utilities: (Meeting was held Tuesday, February 22, 2022 at 2:00 p.m.)
   a. Stormwater Management Department Update:
      (i) Low Battery Seawall Project Phase 2 – Recommend Approval of Change Order #7 with Gulf Stream Construction Company, Inc., in the amount of $73,258.51 for additional quantity of repairs to the veil wall and remaining vertical wall beyond the estimated quantity approved in the original contract. Approval of this change order will increase the construction contract from $11,998,112.91 to $12,071,371.42. Funds are available within the allocated budget for the project. (Agreement is included in the Ways and Means agenda)
      (ii) Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to discuss proposed purchase of property.
      (iii) Barberry Woods Drainage Improvement Project – Recommend Approval of Fee Amendment #3 for $714,353.00 with WK Dickson for design and permitting services to take the project from its current 30% plans to construction bidding as well as providing real estate services for property acquisition. The funding for this work is available within the existing project allocation from the Drainage Fund. (Agreement is included in the Way and Means agenda)

3. Committee on Ways and Means:
(Bids and Purchases)
(Budget and Finance Revenue Collections: An ordinance providing for the issuance and sale of a not exceeding $14,600,000 Special Obligation Redevelopment Bond (Charleston Neck Redevelopment Project Area), Series 2022, of the City of Charleston, South Carolina, and other matters relating thereto.
(Fire Department: Approval to submit after-the-fact the 2021 Staffing for Adequate Fire and Emergency Response (SAFER) Grant for $4,526,172 for 15 firefighter positions over 3 years to staff a ladder company on Johns Island. Due to time constraints, this grant was submitted on February 3, 2022. There is no match required.
(Housing and Community Development: Request the Mayor and City Council approve $126,618 in 2020 program year HOPWA funding for the rehabilitation of two (2) rental apartments located at 60 Nassau Street and owned by St. Luke Reformed Episcopal Church. The apartments will be dedicated to affordable rental housing for thirty (30) years. The partnership with Roper Hospital Inc., is twenty (20) years and will serve persons or households with HIV/AIDS.
(Police Department: Approval to submit an application for the FFY22 SCDPS SRO Grant for funding for two School Resource Officers in connection with Charleston County School District in the amount of $186,756.60. The amount will cover salary and fringe benefits for the two officers. This is an annual renewal. This application is due on February 25, 2022. There is no match required for this grant.
(Stormwater Management: Approval of Low Battery Seawall Repairs – Phase II Change Order #7 with Gulf Stream Construction Company, Inc., in the amount of $73,258.51 for additional repairs and concrete sheet pile repairs. Approval of Change Order #7 will increase the construction contract by $73,258.51 (from $11,998,112.91 to $12,071,371.42). Funding sources for this project are: Hospitality Funds ($17,077,901.53), Municipal Accommodations Tax Funds ($15,651,479.68), and Charleston County Accommodations Tax Fees ($400,000).
(Stormwater Management: Approval of Barberry Woods Improvement Fee Amendment #3 with W.K. Dickson & Co., Inc., in the amount of $714,353 for design services from 30% completion to final design and permitting as well as real estate services and appraisals. Approval of Fee Amendment #3 will increase the professional services contract by $714,353 (from $719,895 to $1,434,248). Funding for this project is the Drainage Fund.
(Parks-Capital Projects: Approval to apply for a LWCF (Land & Water Conservation Fund) grant for public access improvements at the Fort Pemberton site in the amount of $261,000. This is a Federal grant offered by the National Park Service and administered through SCPRT. This is a 50/50 grant. Applications are due 3/04/2022. Proposed improvements include a small parking area, accessible trails, improvements to existing docks, and historic interpretation. This application proposes to use an existing Greenbelt allocation for limited improvements on site as matching funds for the work. If selected, funds will be awarded in October 2022. Funding for the City Match of $261,000 will come from the existing County Greenbelt allocation, awarded May 30, 2019.
(Traffic and Transportation: Approval to authorize the Mayor to execute an Intergovernmental Agreement for the City of Charleston Municipal Golf Course Crossing and Fleming Road sidewalk.
(Traffic and Transportation: Approval of a Resolution on behalf of the City of Charleston, to allow Berkeley Charleston Dorchester Council of Governments (BCDCOG), the South Carolina Department of Transportation (SCDOT), and Charleston County to perform construction and improvements on Hagood Avenue, Spring Street, Lockwood Drive, Bee Street, Courtenay Drive, Calhoun Street, Meeting Street, Meeting Street Road, and King Street extension to facilitate the Lowcountry Rapid Transit.
(Traffic and Transportation: Approval to authorize the Mayor to execute a Memorandum of Agreement between Berkeley County and City of Charleston regarding crosswalk improvements on Seven Farms Drive.

(Office of Cultural Affairs: Approval to apply for $15,000 from Charleston County Local Accommodations Tax Funding, to support the 2022 MOJA Arts Festival. The project period is 9/15/2022-11/15/2022. There is no City match required.

(Office of Cultural Affairs: Approval to apply for $10,000 from Charleston County Local Accommodations Tax Funding, to support the 2022 Free Verse Poetry Festival. The project period is 10/15/2022 – 11/15/2022. There is no City match required.

(Office of Cultural Affairs: Approval to apply for $10,000 from Charleston County Local Accommodations Tax Funding, to support the 2022 Holiday Magic in Historic Charleston. The project period is 12/1/2022 – 12/31/2022. There is no City match required.

(Office of Cultural Affairs: Approval to apply for $15,000 from Charleston County Local Accommodation Tax Funding, to support the 2023 Piccolo Spoleto Festival. The project period is 5/26/2023 – 6/19/2023. There is no City match required.

(Office of Cultural Affairs: Approval to apply for $17,000 from South Arts to support dance programming for the 2022 MOJA Arts Festival. The project period is March through October 2022. A 2:1 City match is required. Funding is already secured from private donation.

(Office of Cultural Affairs: Approval to apply for $6,000 from South Carolina PRT’s Tourism Advertising Grant Program, to support the 2022 MOJA Arts Festival. A 2:1 City match is required. Matching funds will come from corporate sponsorship and private donation.

(An ordinance to authorize the Mayor to execute on behalf of the City a lease between the City of Charleston and Marina Variety Store. The property is owned by the City of Charleston. (9 Lockwood Dr.) (TMS No. 460-14-00-016).

(Request the Mayor to execute the necessary documents for the purchase of 11 Cunnington Avenue, a 0.08-acre property, which includes a recently renovated building of 3,316 total square feet, located in the Neck Area of the City, for $1,300,000 subject to the conditions outlined in the attached Agreement of Purchase and Sale. (TMS No, 464-14-00-118) (11 Cunnington Avenue, Charleston, SC 29405).

(Please consider the following annexation:

-- 1939 Piper Drive (0.25 acre) (TMS# 350-09-00-067), West Ashley, (District 5). The property is owned by Susan J. Vigen.

Give first reading to the following resolution and bills from Way and Means:

Resolution on behalf of the City of Charleston, to allow Berkeley Charleston Dorchester Council of Governments (BCDCOG), the South Carolina Department of Transportation (SCDOT), and Charleston County to perform construction and improvements on Hagood Avenue, Spring Street, Lockwood Drive, Bee Street, Courtenay Drive, Calhoun Street, Meeting Street, Meeting Street Road, and King Street extension to facilitate the Lowcountry Rapid Transit.

An ordinance providing for the issuance and sale of a not exceeding $14,600,000 Special Obligation Redevelopment Bond (Charleston Neck Redevelopment Project Area), Series 2022, of the City of Charleston, South Carolina, and other matters relating thereto.
An ordinance authorizing the Mayor to execute on behalf of the City a lease between City of Charleston and Marina Variety Store.

An ordinance to provide for the annexation of property known as 1939 Piper Drive (0.25 acre) (TMS# 350-09-00-067), 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 5. The property is owned by Susan J Vigen.

L. Bills up for Second Reading:

(City Council may give second reading, order to third reading, give third reading, and order engrossed for ratification any bill listed on the agenda as a second reading.)

1. An ordinance authorizing the Mayor to execute on behalf of the City a utility easement, approved as to form by the office of Corporation Counsel, to Dominion Energy South Carolina, Inc., encumbering a portion of the City’s real property designated as Charleston County TMS No. 459-05-04-116, within the right-of-way shown on drawing D-84107, to permit installation of duct bank to transfer electricity to multiple affordable housing projects, including James Lewis, Jr. Eastside Apartments.

2. An ordinance authorizing the Mayor to execute on behalf of the City a utility easement, approved as to form by the office of Corporation Counsel, to Dominion Energy South Carolina, Inc., encumbering a portion of the City’s real property designated as Charleston County TMS No. 459-05-03-005, within the right-of-way shown on drawing D-84107, to permit installation of duct bank to transfer electricity to multiple affordable housing projects, including James Lewis, Jr. Eastside Apartments.

3. An ordinance authorizing the Mayor to execute, on behalf of the City of Charleston (“City”) that certain Option to Lease and acquire real property to RHG Housing Development, LLC (“Developer”) the City’s real property, containing 12.647 acres, more or less, and designated as Charleston County TMS No. 346-00-00-004, under which the developer will develop a minimum of 90 affordable residential rental units and 28 affordable for sale units.

4. An ordinance to provide for the annexation of property known as 2131 Clayton Drive (0.25 acre) (TMS# 310-12-00-018), 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 11. The property is owned by David William Ogden and Erin Hope Leach-Ogden.

5. An ordinance to provide for the annexation of properties known as 1517 and 1521 Wappoo Drive (0.54 acre) (TMS# 351-12-00-115 and 207), 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 9. The properties are owned by Little Dudes LLC and the Dude Invests LLC.

6. 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 518 E Bay Street and 81 Washington Street (Peninsula) (approximately 0.67 acre) (portions of TMS #459-13-02-011 and 459-13-02-010) (Council District 4), be rezoned from Light Industrial (LI) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification and from 5 Story and WP Old City Height District classifications to 6 Story Old City Height District classification. The properties are owned by
7. An ordinance to provide for the annexation of property known as 1851 Old Folly Beach Road (0.702 acre) (TMS# 334-05-00-055), 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 12. The property is owned by Battery Island Community LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT) (Expires December 21, 2022)

8. 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 on Cumberland Street, Church Street and Linguard Street (Peninsula) (approximately 0.68 acre) (TMS #458-05-03-089, 090, 091, 093 and 087) (Council District 1), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by Cumberland, LLC. (DEFERRED)

9. 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 on Cumberland Street, Church Street and Linguard Street (Peninsula) (approximately 0.68 acre) (TMS #458-05-03-089, 090, 091, 093 and 087) (Council District 1), be removed from the Accommodations Overlay Zone. The property is owned by Cumberland, LLC. (DEFERRED)

10. An ordinance requiring face coverings in certain circumstances in City of Charleston to reduce risk of exposure to COVID-19 during the public health emergency and recovery. (AS AMENDED)(DEFERRED)

11. An ordinance to provide for the annexation of property known as 3255 Maybank Highway (1.64 acre) (TMS# 279-00-00-206), 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 GANB LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

12. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Article 2, Part 3, Table of Permitted Uses to add Utility-Scale Battery Storage Facilities as a principal use category and make this use a permitted use within the Light Industrial and Heavy Industrial Zoning Districts. (DEFERRED)(Expires March 23, 2022)

13. An ordinance to amend Sec. 2-23(b) of the Code of the City of Charleston to provide for keeping summary minutes and video recordings of its proceedings. (DEFERRED)

14. An ordinance to amend Chapter 29, Article V1, Sec. 29-240 of the Code of the City of Charleston pertaining to the procedure of accident reporting. (DEFERRED)

15. An ordinance to amend Article III (Stormwater Management Utility) of Chapter 27 (Stormwater Management and Flood Control) of the Code of the City of Charleston, South Carolina, by eliminating the “Homestead Exemption” in Sec. 27-140(a), applicable to the payment of Stormwater Utility Fees; by deleting Sec. 27-132(j), (k), and (l), which contain certain findings associated with the adoption of the “Homestead Exemption” with respect to Stormwater Utility Fees; and to provide that the elimination of the “Homestead Exemption” in Sec. 27-140(a) shall not apply until January 1, 2020. (DEFERRED FOR PUBLIC
M. Bills up for First Reading:

1. An ordinance to amend Part 4 (Accessory Uses) of Article 2 (Land Use Regulations) of the Zoning Ordinance of the City of Charleston, by modifying Sec. 54-214 (Accessory Dwelling Unit) thereof to add a thirty (30) year affordability period for Accessory Dwelling Units and to clarify the existing procedures and requirements for approval of Accessory Dwelling Units. (Expires December 21, 2022) (DEFERRED)

N. Miscellaneous Business:

1. Executive Session in accordance with Section 30-4-70(a)(2) of the South Carolina Code to receive legal update and advice regarding the pending Charleston School of Law litigation. Action may or may not be taken after coming out of Executive Session.

2. Executive Session in accordance with Section 30-4-70(a)(2) of the South Carolina Code to receive legal advice regarding the hearing on objections to the Johns Island Municipal Improvement District. Action may or may not be taken after coming out of Executive Session.

3. The next regular meeting of City Council will be Tuesday, March 8, 2022 at 5:00 p.m.

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 three business days prior to the meeting.
PROCLAMATION

WHEREAS, the City of Charleston wishes to recognize one of its most dedicated employees, OFFICER KYLE SKEELS; and

WHEREAS; before beginning his work in law enforcement, OFFICER KYLE SKEELS, a Pennsylvania native, was a catcher for Coastal Carolina University's 2016 National Championship baseball team; and

WHEREAS, OFFICER KYLE SKEELS was selected by the St. Louis Cardinals in the 2019 Major League Baseball Draft. He recorded a .250 batting average with 2 home runs and 9 RBIs over 27 games with the Johnson City Cardinals minor-league baseball team; and

WHEREAS, after the minor leagues, OFFICER KYLE SKEELS returned to South Carolina to fulfill a longtime dream by beginning a career in law enforcement. He joined the Charleston Police Department in June 2020; and

WHEREAS, OFFICER KYLE SKEELS, along with other Charleston and North Charleston police officers, responded to a call at the North Bridge for a citizen in distress on the night of January 20, 2022. He was the first officer to arrive on the scene; and

WHEREAS, OFFICER KYLE SKEELS sprang into action using his crisis-intervention training, which taught him how to respond safely and quickly to people with serious mental illnesses in crisis, emphasizing de-escalation techniques and active listening skills. He was able to pull the citizen to safety and save his life; and

WHEREAS, the City of Charleston is deeply appreciative of the heroic efforts of OFFICER KYLE SKEELS, and of all the remarkable men and women of the Charleston Police Department who protect and serve our citizens every day.

NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, do hereby proclaim Tuesday, February 22, 2022 as: OFFICER KYLE SKEELS DAY.

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 22nd day of February in the year of 2022.

John J. Tecklenburg, Mayor
PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, February 22, 2022 beginning at 5:00 p.m. at City Hall, 80 Broad Street and via Conference Call # 1-929-206-5099, Access Code 912 096 416, on the request that the Zoning Ordinance of the City of Charleston be changed in the below respects. The public may participate by signing-up to speak in person at the meeting or by using one of the following virtual options:

Requests to speak at the meeting and comments must be received by 12:00 p.m., Monday, February 21st:

1. Request to speak (via Zoom or telephone) or leave a comment for City Council via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at http://innovate.charleston-sc.gov/comments/

3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

REZONING

1. To rezone 3351, 3357 & 3363 Maybank Highway (Johns Island) (Approx. 6.9 acres) (TMS # 279-00-00-189, 184, 185 & 307) from General Office (GO) classification to Business Park (BP) classification.

2. To rezone 265, 275, 277, 279 Huger Street & 581, 583, 585, 587, 589, 591 Meeting Street (East Central – Peninsula) (Approx. 3.16 acres) (TMS # 463-16-04-018, 054 & 055) from Diverse Residential (DR-2) and General Business (GB) to Mixed-Use Workforce Housing (MU-1/WH). (Second Reading)

ORDINANCE AMENDMENTS

1. To amend Article 3 (Site Regulations), Part 4 (Off-Street Parking Requirements) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding two new sections to provide for shared parking. (Second Reading)

2. To amend Article 2 (Land Use Regulations), Part 4 (Accessory Uses) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to clarify certain allowed outdoor activities under Home Occupations. (Second Reading)

ZONINGS

1. 2221 S Dallerton Circle (Sylcope - West Ashley) (Approx. 0.5 acre) (TMS # 310-07-00-059) Single-Family Residential (SR-1).

2. 2216 S Dallerton Circle (Sylcope - West Ashley) (Approx. 0.26 acre) (TMS # 310-07-00-044) Single-Family Residential (SR-1).

3. 1506 N Edgewater Drive (Edgewater Park - West Ashley) (Approx. 1.59 acres) (TMS # 349-09-00-026) Rural Residential (RR-1).

4. 30, 32 & 34 Wedgepark Road, 43 & 49 Lolandra Avenue (Carolina Terrace - West Ashley) (Approx. 0.99 acre) (TMS # 418-13-00-025, 255, 256, 260 & 262) Single-Family Residential (SR-2) for properties fronting Wedgepark Road and Single-Family Residential (SR-1) for properties fronting Lolandra Avenue.

5. 2319 Lazy River Drive (Parkdale - West Ashley) (Approx. 0.62 acre) (TMS # 310-14-00-014) Rural Residential (RR-1).

JENNIFER COOK
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 schumacherj@charleston-sc.gov three business days prior to the meeting.
City of Charleston
Planning Commission

Minutes

Request approval of minutes from the December 15, 2021 Planning Commission meeting.

Motion: APPROVAL (7-0)

1st: Jacobs 2nd: Leesne

Jimmy Bailey IN FAVOR Charlie Karesh IN FAVOR
Loquita Bryant-Jenkins IN FAVOR Sunday Lempesis IN FAVOR
Erika V. Harrison ABSENT Harry Leesne IN FAVOR
Donna Jacobs IN FAVOR
Angie Johnson IN FAVOR

Rezonings

1. 3351, 3357 & 3363 Maybank Hwy (Johns Island) TMS # 2790000189, 184, 185 & 307 – approx. 6.9 ac. Request rezoning from General Office (GO) to Business Park (BP).

Motion: APPROVAL (7-0)

1st: Leesne 2nd: Lempesis

Jimmy Bailey IN FAVOR Charlie Karesh IN FAVOR
Loquita Bryant-Jenkins IN FAVOR Sunday Lempesis IN FAVOR
Erika V. Harrison ABSENT Harry Leesne IN FAVOR
Donna Jacobs IN FAVOR
Angie Johnson IN FAVOR

Ordinance Amendment

1. To Amend Article 3 (Site Regulations), Part 4 (Off-Street Parking Requirements) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding two new sections to provide for shared parking.

Motion: APPROVAL (7-0)

1st: Jacobs 2nd: Bailey

Jimmy Bailey IN FAVOR Charlie Karesh IN FAVOR
Loquita Bryant-Jenkins IN FAVOR Sunday Lempesis IN FAVOR
Erika V. Harrison ABSENT Harry Leesne IN FAVOR
Donna Jacobs IN FAVOR
Angie Johnson IN FAVOR
2. To amend Article 2 (Land Use Regulations), Part 4 (Accessory Uses) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to clarify certain allowed outdoor activities under Home Occupations.

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<tr>
<th>Motion: APPROVAL (6-0)</th>
<th>1st: LEMPESIS</th>
<th>2nd: JACOBS</th>
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<tr>
<td>Jimmy Bailey</td>
<td>ABSENT</td>
<td>Charlie Karesh</td>
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<td>Angie Johnson</td>
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**ZONING**

1. **2221 S Dallerton Circle (Sylcope - West Ashley) - TMS # 3100700059** – approx. 0.5 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

<table>
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<tr>
<th>Motion: APPROVAL (6-0)</th>
<th>1st: LESESNE</th>
<th>2nd: JOHNSON</th>
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<td>Jimmy Bailey</td>
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<td>Loquita Bryant-Jenkins</td>
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<td>Erika V. Harrison</td>
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2. **2216 S Dallerton Circle (Sylcope - West Ashley) - TMS # 3100700044** – approx. 0.26 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

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<tr>
<th>Motion: APPROVAL (7-0)</th>
<th>1st: LESESNE</th>
<th>2nd: BRYANT-JENKINS</th>
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</tbody>
</table>
3. 1506 N Edgewater Dr (Edgewater Park - West Ashley) - TMS # 3490900026 – approx. 1.59 ac. Request zoning of Rural Residential (RR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Motion: APPROVAL (7-0)  
Jimmy Bailey  IN FAVOR  
Loquita Bryant-Jenkins  IN FAVOR  
Erika V. Harrison  ABSENT  
Donna Jacobs  IN FAVOR  
Angie Johnson  IN FAVOR  

1st: JACOBS  IN FAVOR  
2nd: JOHNSON  IN FAVOR  
Charlie Karesh  IN FAVOR  
Sunday Lempesis  IN FAVOR  
Harry Lesesne  IN FAVOR  


Motion: APPROVAL (7-0)  
Jimmy Bailey  IN FAVOR  
Loquita Bryant-Jenkins  IN FAVOR  
Erika V. Harrison  ABSENT  
Donna Jacobs  IN FAVOR  
Angie Johnson  IN FAVOR  

1st: LEMPESIS  IN FAVOR  
2nd: BRYANT-JENKINS  IN FAVOR  
Charlie Karesh  IN FAVOR  
Sunday Lempesis  IN FAVOR  
Harry Lesesne  IN FAVOR  

5. 2319 Lazy River Dr (Parkdale – West Ashley) – TMS # 3101400014 – approx. 0.62 ac. Request zoning of Rural Residential (RR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Motion: APPROVAL (7-0)  
Jimmy Bailey  IN FAVOR  
Loquita Bryant-Jenkins  IN FAVOR  
Erika V. Harrison  ABSENT  
Donna Jacobs  IN FAVOR  
Angie Johnson  IN FAVOR  

1st: LESSESNE  IN FAVOR  
2nd: BAILEY  IN FAVOR  
Charlie Karesh  IN FAVOR  
Sunday Lempesis  IN FAVOR  
Harry Lesesne  IN FAVOR  

**Election of Chair and Vice-Chair**

Commission selection of a chairperson and vice-chairperson to serve until January 2023.

**Motion:** RE-ELECT CHAIR KARESH AND VICE-CHAIR LESESNE (7-0)  
1st: LEMPESIS  2nd: JACOBS

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<th>Name</th>
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AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 3351, 3357 AND 3363 MAYBANK HIGHWAY (JOHNS ISLAND) (APPROXIMATELY 6.9 ACRES) (TMS #279-00-00-189, 184, 185 AND 307) (COUNCIL DISTRICT 5), BE REZONED FROM GENERAL OFFICE (GO) CLASSIFICATION TO BUSINESS PARK (BP) CLASSIFICATION. THE PROPERTY IS OWNED BY HOYT+BERENYI, LLC.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from General Office (GO) classification to Business Park (BP) classification.

Section 2. The property to be rezoned is described as follows:

3351, 3357 and 3363 Maybank Highway (Johns Island) (approximately 6.9 acres) (TMS #279-00-00-189, 184, 185 and 307)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ______ day of ________________ in the Year of Our Lord ____________, in the ______ Year of Independence of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council
REZONING 1
3351, 3357 & 3363 Maybank Hwy (Johns Island)
TMS # 2790000189, 184, 185 & 307
approx. 6.9 ac.
Request rezoning from General Office (GO) to Business Park (BP).
Owner: Berkeley Electric Cooperative, Inc.
Applicant: Hoyt+Berenyi, LLC
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 265, 275, 277, 279 HUGER STREET, AND 581, 583, 585, 587, 589, 591 MEETING STREET (PENINSULA) (APPROXIMATELY 3.16 ACRE) (TMS #463-16-04-018, 054 AND 055) (COUNCIL DISTRICT 4), BE REZONED FROM GENERAL BUSINESS (GB) AND DIVERSE RESIDENTIAL (DR-2) CLASSIFICATIONS TO MIXED-USE/WORKFORCE HOUSING (MU-1/WH) CLASSIFICATION. THE PROPERTIES ARE OWNED BY CITY OF CHARLESTON HOUSING AUTHORITY.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the properties described in Section 2 hereof by changing the zoning designation from General Business (GB) and Diverse Residential (DR-2) classifications to Mixed-Use/Workforce Housing (MU-1/WH) classification.

Section 2. The properties to be rezoned are described as follows:

265, 275, 277, 279 Huger Street, and 581, 583, 585, 587, 589, 591 Meeting Street (Peninsula) (approximately 3.16 acres) (TMS #463-16-04-018, 054 and 055)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ______ day of ____________________ in the Year of Our Lord ____________________, in the ________ Year of Independence of the United States of America.

By:

John J. Tewkillenburg
Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council
City of Charleston
Zoning Map

City Council
February 8, 2022

REZONING
265, 275, 277, 279 Huger St. and 581, 583, 585, 587, 589, 591 Meeting St. (East Central - Peninsula) TMS # 463160418, 034 & 035 approx. 3.16 ac.

Request rezoning of subject properties from Diverse Residential (DR-2) and General Business (GB) to Mixed-Use Workforce Housing (MU-1/WH).

Owner: City of Charleston Housing Authority
Applicant: Belgo Garris Architects

Area:

Location:

265, 275, 277, 279 Huger St. and 581, 583, 585, 587, 589, 591 Meeting St. (East Central - Peninsula) TMS # 463160418, 034 & 035 approx. 3.16 ac.

Request rezoning of subject properties from Diverse Residential (DR-2) and General Business (GB) to Mixed-Use Workforce Housing (MU-1/WH).

Owner: City of Charleston Housing Authority
Applicant: Belgo Garris Architects

Area:

Location:
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY CHANGING ARTICLE 3, PART 4 TO ADD TWO NEW SECTIONS PROVIDING FOR SHARED PARKING.

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

Section 1. Article 3, Part 4 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding the following two new sections after Sec. 54-319, which shall read as follows:

Sec. 54-319.1. – Shared parking.

1. The Technical Review Committee (TRC) may authorize a parking reduction for a new development site or redevelopment site zoned General Business (GB) with multiple uses upon the review of a shared parking analysis that demonstrates that the uses are in close proximity to one another and have different peak parking demands and operating hours. For the purposes of this section, development site shall mean a lot or parcel of land or combination of lots or parcels of land proposed for development. If a development site has more than one (1) parcel or lot with different owners, all property owners will be required to sign the application for shared parking, and shall be required to execute and record in the public records a declaration on a form provided by the Department of Planning, Preservation and Sustainability, hereinafter department, stating that the parcels have been developed as a single unit for purposes of meeting the zoning ordinance requirements. The declaration shall include a legal description of each parcel and shall state that no parcel may be developed separate from the other parcel unless each parcel standing alone meets the requirements of the shared parking approval.

a. Shared parking study. The shared parking analysis shall clearly identify the uses that will use the shared spaces at different times of the day, week, month or year subject to the following:

i. The shared parking analysis shall be based on the Urban Land Institute's (ULI) Shared Parking Model (latest edition). The analysis must be prepared and sealed by a registered engineer in the State of South Carolina with transportation expertise;

ii. The shared parking analysis shall address the size and type of activities, the composition of tenants or, uses, the rate of turnover for proposed shared spaces, and the anticipated peak parking and traffic demands;

iii. The shared parking analysis shall provide for no reduction in the number of handicapped spaces;
iv. The shared parking analysis shall provide a plan to convert reserved space to required spaces; and,

v. The shared parking analysis shall be approved by TRC prior to submittal, based on the feasibility and observations of the uses to share the parking due to their particular peak parking and trip generation characteristics; and

vi. Shared use parking approval shall only be valid for those uses as indicated in the study;

vii. If a parking reduction is approved under the provisions of this section, such approval shall be evidenced by the issuance of an order in the manner prescribed in Section 54-319.1., 2.

b. Change in use. Should any of the approved uses as indicated in the approved shared parking analysis change, or should the Zoning Director or Department of Traffic and Transportation, or its successor, find that any of the conditions described in the approved shared parking analysis or parking reduction order no longer exist, the owner of record shall have the option of submitting a revised shared parking analysis in accordance with the standards of this section or of providing the number of spaces required for each use as if computed separately.

2. Parking reduction order. If an application for shared parking is approved, such approval shall be evidenced in an order executed by the department and a consent to order executed by the applicant. The order shall state the number of parking spaces required to be provided, a legal description of the property where the parking is to be provided and the property served by the parking area and the conditions upon which the shared parking is approved. The parking reduction order shall only take effect upon the recordation of the order in the County Register of Deeds office at the expense of the applicant and filed with the department by applicant.

a. The parking reduction order shall act as a restrictive covenant running with the land and be binding on any successors in interest or assigns of the property owner.

3. If there is a failure of any condition contained in the parking reduction order, the owner of the property or agent shall:

a. Apply for an amended parking reduction order. The application shall show that although the condition has failed, it does not adversely impact the character and integrity of surrounding properties or that additional conditions will be substituted for any failed condition. The department may require a new parking study as provided in subsection A.1.d to support the application.

b. In the event the department agrees with the application, the department may approve the amendment to shared parking.

c. When final, the amended order shall be prepared for execution and recording in the County Register of Deeds office at applicant's expense by the applicant.

d. If the department determines that failure of the condition adversely impacts the character and integrity of surrounding properties, the owner will be required to comply with the condition or obtain a new parking reduction order in accordance with this section. Failure of a condition of a parking reduction order without approval of an amended or new parking reduction order as provided herein shall be a violation of the Zoning Ordinance.

4. If a shared parking application includes the use of an off-site parcel owned by other than the applicant for parking or purposes related to parking, an off-site parking agreement in accordance with Section 54-319.2 will be required.
5. A parking reduction order may be terminated by application of the owner of the property affected by the order to the department if it is shown that parking has been provided which meets the requirements of Article 3, Part 4 Off-street parking requirements, and the use no longer needs a parking reduction. A termination of the parking reduction order shall be executed by the department and recorded in the public records of the county at the applicant's expense. A copy of the recorded order shall be filed with the department by the applicant.

Sec. 54-319.2. – Off-site parking agreement.

1. When the required off-street parking for a shared use parking approval is to be provided on a site at a location different from the site which will be served by the parking as provided in Section 54-319.1, the owner of the off-site parcel of land and the owner of the land intended to be served by such shared use parking approval (if different than the owner of the parcel to be used for parking) shall enter into an agreement with the City. The off-site parking area shall never be sold or transferred except in conjunction with the sale of the parcel served by the off-site parking facilities unless:

   a. The parcel to be sold will continue to be used as provided in the off-site parking agreement and the new owner executes a consent to assume and be bound by the obligations of the owner of the parcel used for parking as provided in the agreement. The consent shall be in a form approved and executed by the department and recorded in the County Register of Deeds Office at the expense of the owner. A copy of the recorded document shall be provided by owner to the department; or

   b. A different parcel complying with the provisions of the Article 3, Part 4 Off-street parking requirements, and subject to a recorded off-site parking agreement as specified herein may be substituted for the parcel of land subject to the off-site parking agreement; or

   c. The parcel being served by the off-site parking no longer requires the parking as evidenced by a written statement executed by the parties executing the off-site parking agreement and as approved by the department and a termination of the off-site parking agreement is executed by the department and recorded in the County Register of Deeds office at owner's expense.

Section 2. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of
_______ in the year of Our Lord, ________
in the _____ Year of the Independence of
the United States of America.

By: ____________________________
    John J. Tecklenburg, Mayor
    City of Charleston

ATTEST: By: __________________________
        Jennifer Cook
        Clerk of Council

3
AN ORDINANCE

TO AMEND ARTICLE 2 (LAND USE REGULATIONS), PART 4 (ACCESSORY USES) OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO CLARIFY CERTAIN ALLOWED OUTDOOR ACTIVITIES UNDER HOME OCCUPATIONS

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

Section 1. Part 4 (Accessory Uses) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding the text shown below with a double-underline and deleting text shown below with a strike-through:

Sec. 54-211. Home occupations.

a. A home occupation may be established in a dwelling unit on a property in any zoning district, as an accessory use to the principal residential use, if the intended home occupation meets the conditions listed below. The business owner must complete and sign a "Home Occupation Application." The completed application shall constitute zoning approval.

1. The home occupation shall be a use that is customarily conducted within a dwelling by the resident of record, is incidental and subordinate to the principal residential use, and does not constitute a nuisance or adversely affect the use and development of adjoining properties in the neighborhood. Home occupations shall include, in general, but not be limited to, personal services such as furnished by an artist, musician, seamstress or instructor. Also, a home occupation may be a business that maintains an office within a dwelling, but conducts business activity at another location away from the dwelling. This includes, but is not limited to, building contractor, lawn care service, painter, pressure washing, interior design, cleaning service, or newspaper delivery. A home occupation shall not include such occupations as adult uses, motor vehicle repairs, motor vehicle rental, motor vehicle sales, tattooing, tea rooms, tourist homes, bed and breakfasts short term rentals, rooming or boarding houses, animal kennels or hospitals, physicians, dentists or other offices for diagnosis, prevention, alleviation, or cure of disease or disability, retail businesses, or occupations which have vehicles, other than vehicles as described below, parked or stored at the dwelling.

2. The home occupation shall be clearly incidental to the principal residential use of the property and shall not change the essential residential character of the property.

3. Outdoor activities. All activities and storage areas associated with home occupations must be conducted in completely enclosed buildings, with the exception of swimming instructions.

4. Use of the dwelling for this purpose shall be limited to thirty-three percent (33%) of the existing principal building and up to 650 square feet of an enclosed accessory building.
5. No outside storage shall be used in connection with the home occupation.

6. No electrical, mechanical, or chemical equipment that is not normally a part of domestic or household equipment shall be permitted. There shall be created no dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold or dampness; electromagnetic or other disturbance; glare; liquid or solid refuse or other waste; or other objectionable substance, condition or element.

7. There shall be no exterior display, no exterior storage of materials, no exterior sign, except as permitted by the applicable district regulations, and no other exterior indication of the home occupation or internal or external alterations inconsistent with the residential use or character of the dwelling.

8. Such occupation shall be carried on by a resident, members of his family living on the premises, and no more than one full-time or part-time nonresident employee who works at the residence used for the home occupation. The home occupation may have other employees who are not working at the residence, but work at other off-site locations, if applicable. For the purpose of this section, the term "nonresident employee" includes an employee, business partner, co-owner, or other person affiliated with the home occupation, who does not live at the site, but who may work at the site as a part of the home occupation.

9. Display of products shall not be visible from the street and only articles made on the premises may be sold on the premises.

10. Instruction in music, dancing, swimming, art and similar instruction shall be limited to two students at a time, with the expectation that pick-up and drop-off times are arranged in a manner that minimizes impact to the neighborhood.

11. A barber shop or beauty shop with not more than one (1) chair shall be permitted as a home occupation if the other requirements of this Section are met.

12. Passenger vehicles only shall be permitted in connection with the conduct of the home occupation. Passenger vehicles include motorcycles, automobiles, pickup trucks and vans. No truck cabs, or other large trucks or semi-truck trailers shall be allowed.

13. No traffic shall be generated by such home occupation in greater volume than would normally be expected in the neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

14. Nothing in this section shall allow zoning approval for a home occupation which creates or causes to be created noises, noxious odors, or conditions injurious to the health, safety, morals, or welfare of the community. The Board of Zoning Appeals-Zoning shall review all appeals to decisions of the Zoning Administrator. Such zoning approval shall be revoked upon a finding that any home occupation established under this Chapter fails at any time to meet the requirements prescribed herein.

In granting the zoning approval for a home occupation, the Zoning Administrator may impose such reasonable and additional stipulations, conditions or safeguards, as deemed necessary to fulfill the purposes and intent of this Chapter.

b. Expiration. The Zoning Permit for a home occupation shall expire under the following conditions:

1. Whenever the applicant ceases to occupy the premises for which the home occupation was issued. No subsequent occupant of such premises shall engage in any home occupation until a new permit has been issued through proper application.

2. Whenever the applicant fails to exercise the use permitted for any period of twelve (12) consecutive months.

3. Whenever in the judgment of the Zoning Administrator the home occupation exceeds the limitations of this Chapter or the restrictions stated on the zoning approval, a notice which revokes the Home Occupation zoning approval shall be mailed by certified mail to the licensee stating the date the permit is to be voided. The licensee
may request a hearing before the Board of Zoning Appeals-Zoning for a reinstatement of the Home Occupation zoning approval.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of ____________ in the Year of Our Lord, 2022, and in the _____ Year of the Independence of the United States of America

________________________________________

John J. Tecklenburg, Mayor

ATTEST:

________________________________________

Jennifer Cook  
Clerk of Council

20210211
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2221 S DALLERTON CIRCLE (WEST ASHLEY) (APPROXIMATELY 0.5 ACRE) (TMS #310-07-00-059) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON JANUARY 11, 2022 (#2022-007), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY ZACHARY CARNEVALE.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

2221 S Dallerton Circle (West Ashley) (approximately 0.5 acre) (TMS #310-07-00-059)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-1) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____day of ______________ in the Year of Our Lord ______________, in the _______ Year of Independence of the United States of America.

By:

______________________________
John J. Tecklenburg
Mayor, City of Charleston

Attest:

______________________________
Jennifer Cook
Clerk of Council
ZONING 1

2221 S Dallerton Circle
(Sylcope - West Ashley)

TMS # 3100700059

approx. 0.5 ac.

Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2216 S DALLERTON CIRCLE (WEST ASHLEY) (APPROXIMATELY 0.26 ACRE) (TMS #310-07-00-044) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON JANUARY 25, 2022 (#2022-012), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY DANIELLE D CERASI.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

2216 S Dallerton Circle (West Ashley) (approximately 0.26 acre) (TMS #310-07-00-044)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-1) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ___________ day of
__________________________________ in the Year of Our Lord
__________________________________ in the _______ Year of Independence
of the United States of America.

By:

__________________________________
John J. Tecklenburg
Mayor, City of Charleston

Attest:

__________________________________
Jennifer Cook
Clerk of Council
ZONING 2

2216 S Dallerton Circle
(Sylcope - West Ashley)

TMS # 3100700044

approx. 0.26 ac.

Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1506 N EDGEWATER DRIVE (WEST ASHLEY) (APPROXIMATELY 1.59 ACRES) (TMS #349-09-00-026) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON JANUARY 25, 2022 (#2022-013), BE ZONED RURAL RESIDENTIAL (RR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY ELLISON C AND JEANNE R LIVINGSTON.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

1506 N Edgewater Drive (West Ashley) (approximately 1.59 acres) (TMS #349-09-00-026)

Section 2. That the said parcel of land described above shall be zoned Rural Residential (RR-1) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ______ day of
__________, in the Year of Our Lord
__________, in the ________ Year of Independence
of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council
ZONING 3
1506 N Edgewater Dr
(Edgewater Park - West Ashley)
TMS # 3490900026
approx. 1.59 ac.

Request zoning of Rural Residential (RR-1). Zoned Single-Family Residential (R-4) in
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 30, 32 AND 34 WEDGEPARK ROAD, 43 AND 49 LOLANDRA AVENUE (WEST ASHLEY) (APPROXIMATELY 0.99 ACRE) (TMS #418-13-00-254, 255, 256, 260 AND 262) (COUNCIL DISTRICT 3), ANNEXED INTO THE CITY OF CHARLESTON JANUARY 25, 2022 (#2022-014), BE ZONED SINGLE-FAMILY RESIDENTIAL, (SR-1) CLASSIFICATION FOR LOLANDRA AVENUE PARCELS AND (SR-2) CLASSIFICATION FOR WEDGEPARK ROAD PARCELS. THE PROPERTIES ARE OWNED BY GLORY HOLDINGS, LLC.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

30, 32 and 34 Wedgepark Road, 43 and 49 Lolandra Avenue (West Ashley) (approximately 0.99 acre) (TMS #418-13-00-254, 255, 256, 260 and 262)

Section 2. That the said parcels of land described above shall be zoned Single-Family Residential, (SR-1) classification for Lolanstra Avenue parcels and (SR-2) classification for Wedgepark Road parcels.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of ______________________ in the Year of Our Lord ____________, in the _______ Year of Independence of the United States of America.

By:

______________________________
John J. Tecklenburg
Mayor, City of Charleston

Attest:

______________________________
Jennifer Cook
Clerk of Council
ZONING 4

30, 32 & 34 Wedgepark Rd, 43 & 49 Lolandra Ave
(Carolina Terrace – West Ashley)

TMS # 4181300254-256, 260 & 262
approx. 0.99 ac.

Request zoning of Single-Family Residential (SR-2) for properties fronting Wedgepark Rd and Single-Family Residential (SR-1) for properties fronting Lolandra Ave. Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Glory Holdings LLC
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE
MAP, WHICH IS A PART THEREOF, SO THAT 2319 LAZY RIVER DRIVE (WEST ASHLEY)
(APPROXIMATELY 0.62 ACRE) (TMS #310-14-00-014) (COUNCIL DISTRICT 11), ANNEXED INTO THE
CITY OF CHARLESTON JANUARY 25, 2022 (#2022-015), BE ZONED RURAL RESIDENTIAL (RR-1)
CLASSIFICATION. THE PROPERTY IS OWNED BY CARL E SEEL, SR AND JEAN B SEEL.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is
amended, by changing the zone map thereof so that the below described property shall become a part
thereof:

2319 Lazy River Drive (West Ashley) (approximately 0.62 acre) (TMS #310-14-00-014)

Section 2. That the said parcel of land described above shall be zoned Rural Residential (RR-
1) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of
_____________ in the Year of Our Lord
_____________, in the ________ Year of Independence
of the United States of America.

By:

________________________
John J. Tecklenburg
Mayor, City of Charleston

Attest:

________________________
Jennifer Cook
Clerk of Council
ZONING 5
2319 Lazy River Dr
(Parkdale – West Ashley)
TMS # 3101400014
approx. 0.62 ac.

Request zoning of Rural Residential (RR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Owners: Carl E. Seel, Jr. and Jean B. Seel
MUNICIPAL STATE HIGHWAY PROJECT AGREEMENT

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

Road/Route: Hugue Avenue (S-227), Spring Street (US 17), Lockwood Drive (S-658/S C 30), Bee Street (S-551), Courthouse Drive (S-550), Calhoun Street (S-404), Meeting Street (S-107/US 52), Meeting Street Road (US 52), King Street Extension (US 78)

File
Project: Lowcountry Rapid Transit
PIN

WHEREAS, the Berkeley Charleston Dorchester Council of Governments (BCDCOG), the South Carolina Department of Transportation (SCDOT), and Charleston County (COUNTY) propose to construct, reconstruct, alter, or improve certain segments of highway(s) in the State Highway System referenced above which are located within the corporate limits of the City of Charleston (CITY); and

WHEREAS, the CITY wishes to authorize the construction and improvements of the aforesaid highway in accordance with plans to be prepared by or for the BCDCOG, SCDOT, and COUNTY ("the Project Plans").

NOW THEREFORE, BE IT RESOLVED that, pursuant to S.C. Code Ann. §57-5-820 (2013, as amended), the CITY does hereby consent to the construction or improvements of the aforesaid highway(s) within its corporate limits in accordance with the Project Plans, and further, the CITY, having reviewed the plans for said construction, does hereby approve said plans as provided for in Code §57-5-830.

BE IT FURTHER RESOLVED, that the foregoing consent shall be the sole approval necessary from the CITY for BCDCOG, SCDOT, and the COUNTY to complete the project under the Project Plans and constitutes a waiver of any and all other requirements with regard to construction within the CITY’s limits. The foregoing waiver and consent shall also extend to the benefit of utility companies engaged in relocating utility lines on account of the project. Further, the CITY shall exempt all existing and new right-of-way and all other properties purchased in connection with right-of-way for the highway(s) from any general or special assessment against real property for municipal services.

BE IT FURTHER RESOLVED, that the CITY will assist BCDCOG, SCDOT, and the COUNTY in causing all water, sewer and gas pipes, manholes, or fire hydrants, and all other telephone lines or poles located within the existing right-of-way to be relocated at the utility company’s expense, except where the utility can demonstrate a prior right of occupancy. To the extent that CITY owned utilities are to be relocated, those utility lines and/or appurtenances may be replaced upon the new highway right-of-way at such locations as may be approved by BCDCOG, SCDOT, and the COUNTY. BCDCOG, SCDOT and the County shall bear no liability for damages to property or injuries to persons as a consequence of the placing, maintenance, or removal of any utilities by the CITY or its contractors. The CITY agrees to indemnify and hold harmless BCDCOG, SCDOT, and the COUNTY to the fullest extent allowed by law against any and all claims or actions brought against it arising out of the placing, maintenance, or removal of any utilities by the CITY or its contractors. Future utility installations by the CITY within the limits of the new right-of-way after project completion shall be pursuant to a standard utility encroachment permit obtained in the normal course and issued pursuant to SCDOT’s “A Policy for Accommodating Utilities on Highway Rights-of-Way”, August 2005, as revised.

BE IT FURTHER RESOLVED, that the CITY hereby signifies its intention to faithfully observe the provisions of Chapter 5, Title 56, Code of Laws of South Carolina, 1976, and all amendments thereto relating to the regulation of traffic on the street, or streets, to be constructed, reconstructed, altered or improved as hereinabove identified and further agrees to refrain from placing or maintaining any traffic control devices upon any section of said street, or streets, without having first obtained written approval of the SCDOT as required in S.C. Code §56-5-930 (1976, as amended), nor enacting any traffic regulation ordinances inconsistent therewith.

IN WITNESS WHEREOF, this Resolution is adopted and made a part of the Municipal records this day of ___________ __________, 20____, and the original of this Resolution will be filed with the South Carolina Department of Transportation in Columbia.

Dated: ____________________________
Charleston, South Carolina
Municipality

ATTEST:______________________________
Clerk

By:_______________________________
Mayor
STATE OF SOUTH CAROLINA                       )  INTERGOVERNMENTAL AGREEMENT FOR CITY
COUNTY OF CHARLESTON                          )  OF CHARLESTON MUNICIPAL GOLF COURSE
                                              )  CROSSING AND FLEMING ROAD SIDEWALK

THIS INTERGOVERNMENTAL AGREEMENT (hereinafter "Agreement") is entered into this ___ day of __________, 2022, by and between the County of Charleston (hereinafter referred to as the "County") and the CITY OF CHARLESTON, South Carolina (hereinafter referred to as the "City").

WHEREAS, the County will construct the City of Charleston Municipal (hereinafter referred to as the "MUNI") Golf Course Crossing and Fleming Road Sidewalk. The MUNI Golf Course project consists of a HAWK Signal warrant study and construction of a sidewalk leading up to the crossing. The Fleming Road project consists of a new concrete sidewalk from the Maybank Highway/Fleming Road intersection to Standard Way. The project shall also consist of installation of a drainage system along the east side of the road; and

WHEREAS, the City has granted municipal consent of the planned construction pursuant to August 10, 2021 Transportation Committee Meeting; and

WHEREAS, the City hereby agrees to provide a $71,000 match for the MUNI Golf Course and a $100,000 match for Fleming Road from the City’s General Fund pursuant to the August 10, 2021 Transportation Meeting.

NOW, THEREFORE, in consideration of the foregoing premises mutual promises contained herein and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the County and the City hereby agree as follows:

Section 1: Findings. The above recitals and findings are incorporated herein by reference and made a part of this Agreement.

Section 2: Delegation of Authority. The City hereby authorizes the County, and the County hereby agrees to provide the services within its municipal jurisdiction as herein set forth. The County will perform all services hereunder; however, if the City does not adopt ordinances necessary for the County to perform all services hereunder, the County may terminate this Agreement at its sole discretion.

Section 3: Scope of Services. Charleston County shall perform in a satisfactory and workmanlike manner the services designated below. Work elements shall be performed in accordance with the following work description. Specific work activities to be undertaken by Charleston County include:
Obligations of the County:

1. The County agrees to procure and administer the construction contract for the MUNI Golf Course Crossing and Sidewalk project and the Fleming Road Sidewalk project pursuant to the approved plans and contract specifications attached hereto and incorporated by reference.

2. The County agrees to submit documentation of the work completed and funds expended with each reimbursement request cost share funds. Each reimbursement request will reflect the City’s portion of the matching funds. Reimbursement requests will be submitted to the City on a monthly basis to a maximum of $71,000 for the MUNI Golf Course and $100,000 for Fleming Road.

3. The County agrees to manage any warranty claims as required pursuant to the construction contract between the County and the Contractor.

Obligations of the City:

1. The City agrees to provide $71,000 for the MUNI Golf Course and $100,000 for Fleming Road cost share funds to a maximum of $71,000 for the MUNI Golf Course and $100,000 for Fleming Road from the City’s General Fund.

2. The City agrees to pay all reimbursement requests within thirty (30) days of receipt of a reimbursement invoice submitted by the County.

Section 4: Term.

1. This Agreement will become effective as of the date listed above, upon execution by authorized representatives of both parties.

2. The term of this Agreement shall be through completion of construction, warranty period and receipt of the final reimbursement request.

Section 5: Termination for Convenience. The County, by advance written notice, may terminate this Agreement when it is in the best interests of the County. If this Agreement is so terminated, the County shall be compensated for all necessary and reasonable direct costs of performing the County’s Obligations. The City will not be compensated for any other costs in connection with a termination for convenience. The City will not be entitled to recover any damages in connection with a termination for convenience.
Section 6: Termination for Cause.

(a) If the City or County breaches any of its obligations under this Agreement, the non-breaching party shall give written notice to the other of such default, specifying with particularity the nature of such default. If the breaching party fails, within thirty (30) days of receipt of such notice of default, to cure such default, or if such default cannot reasonably be cured in a thirty (30) day period, and the breaching party fails to substantially begin such cure within such thirty (30) day period or fails thereafter to diligently pursue completion of such cure, the breaching party shall be deemed to be in default under this Agreement.

(b) If either the City or County defaults, the non-defaulting party shall have the option, in its sole discretion, to terminate this Agreement, effective upon written notice of such termination to the Designated Representative of the Party that is in default, and upon such termination, the non-defaulting Party shall have no further obligation or liability under or pursuant to this Agreement.

Section 7: Entire Agreement. This Agreement constitutes the entire understanding between the County and City and supersedes all prior and contemporaneous written and oral agreements regarding the subject of this Agreement. This Agreement may not be changed, altered, amended, modified or terminated orally. Any change, alteration, amendment or modification shall be effective only if written and executed by both the County and the City.

Section 8: Notices. Both the County and City designate as a contact for receiving notices pertaining to this Agreement, to include information, coordination, invoice submittals and other Project related matters as follows:

To the County: To the City of Charleston

Steve Thigpen, P.E. Robert Somerville
Director of Public Works Director of Traffic and
County of Charleston Transportation
4045 Bridgeview Drive, Suite B309 City of Charleston
North Charleston, SC 29405 180 Lockwood Drive, Suite C
Charleston, SC 29403

Section 9: Successors and Assigns. This Agreement and all covenants thereof shall be binding upon and insure to the benefit of the successors and assigns of the parties hereto.

Section 10: Responsibilities and Limitation of Liability. This Agreement is made upon the express condition that the County, its agents and employees shall be free from any and all liabilities and claims for damages and/or suits for or by reason of any injury, death to any person or property, or failure of the City, its agents or employees, or third
parties (for any reason) to provide services within the City, or any part thereof during the term of this Agreement.

Section 11: Governing Law. This Agreement shall be governed, construed and enforced in accordance with the laws of South Carolina. In any litigation arising under this Agreement, the Parties agree to a waiver of the right to a trial before a jury, and all such litigation shall be litigated only in a non-jury hearing in the Circuit Court within the Ninth Judicial Circuit in Charleston, South Carolina.

IN WITNESS WHEREOF, the parties hereto by their authorized representative have signed sealed and delivered this agreement at Charleston, South Carolina on the day year written above.

WITNESSES:                COUNTY OF CHARLESTON

______________________________________________

By: Bill Tuten
Its: County Administrator

____________________________

WITNESSES:                CITY OF CHARLESTON

______________________________________________

By: John Tecklenberg
Its: Mayor

____________________________
AN ORDINANCE AMENDING CHAPTER 19, ARTICLE XVI, OF THE CODE OF THE CITY OF CHARLESTON, PEDICABS, TO AMEND THE OPERATING DECAL APPLICATION PROCESS AND THE REQUIREMENTS FOR ISSUANCE OF DECALS TO THE SUCCESSFUL BIDDER.

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

Section 1. Section 19-464(a)(1) of the Code of the City of Charleston is hereby amended to state as follows (deleted text with strikethrough):

"(1) The operating decal application form shall require the following information:

i. The full name, address, and telephone number of the owner;

ii. Physical address of the pedicab storage;

iii. The number of pedicabs to be inspected and a list identifying each pedicab by its model number and unit number;

iiiw. Such other information as the director of traffic and transportation may require."

Section 2. Section 19-467(c) of the Code of the City of Charleston is hereby amended to add a new Paragraph (17) to state as follows (new text in bold and underlined):

"(17) A provision that the successful bidder shall provide the physical address of the pedicab storage location within two (2) weeks after notification of the winning bid before issuance of the operating decal."

Section 3. Section 19-467 of the Code of the City of Charleston is hereby amended to add a new Paragraph (e) to state as follows (new text in bold and underlined):

"(e) No decal shall be issued to a successful bidder until all requirements of this section have been satisfied."
Section 4. This ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of ______
in the Year of Our Lord, 2022, and in the ___ Year
of the Independence of the United States of America.

______________________________
John J. Tecklenburg, Mayor

ATTEST: _______________________
          Jennifer Cook,
            Clerk of Council
WHEREAS, Berkeley County Government (the “County”) has entered into an agreement with Banks Construction Company (the “Contractor”) for the CTC Road Resurfacing Project (the “Project”) dated December 10, 2021; and

WHEREAS, the City of Charleston (the “City”) is constructing, altering, and/or improving the Pedestrian Crosswalk at Seven Farms Drive on Daniel Island, SC in an effort to improve safety and efficiency; and

WHEREAS, the City’s Pedestrian Crosswalk Improvements are occurring within the Project area and have agreed with the County incorporate these improvements within the scope of the Project; and

WHEREAS, the City agrees to contribute all necessary funds to complete the Pedestrian Crosswalk Improvements on Seven Farms Drive, currently estimated to be two hundred ten thousand six hundred forty and 95/100th US Dollars ($210,640.95) (the “City Funds”), which amount includes and is a total of all amounts listed and further described in the agreement; and

WHEREAS, the City further agrees to be responsible for all administrative review, inspection, and approval of the Pedestrian Crosswalk Improvements as completed by the Contractor; and

WHEREAS, all amounts attributable to the Pedestrian Crosswalk Improvements shall be payable thirty (30) days from receipt by the City of any itemized invoice from the County; and

WHEREAS, the City consents to the completion of the Pedestrian Crosswalk Improvements by the Contractor and wishes to authorize the County to use the aforementioned City Funds for the construction.

NOW THEREFORE, BE IT AGREED, that the Contractor shall be responsible for constructing the Pedestrian Crosswalk Improvements as part and in consideration of, completion of the Project.

AND BE IT FURTHER AGREED, that the City shall hereby contribute the City Funds to the County for, and in consideration for the completion of the Pedestrian Crosswalk Improvements.

AND BE IT FURTHER AGREED, that the City shall be responsible for any cost overruns of change orders that increase the cost of the Pedestrian Crosswalk Improvements above the current amount stated herein.

AND BE IT FURTHER AGREED, that all invoices, notices, demands, or other written communications required under this Agreement shall be made in writing, signed by the parties requested, postage prepaid, and (i) if intended for the County, shall be addressed to:
Berkeley County Government
Attn: Frank Carson, County Engineer
1003 US Highway 52
Moncks Corner, SC 29461
843-719-4179
Frank.Carson@berkeleycountysc.gov

(ii) if intended for City of Charleston, shall be addressed to:

City of Charleston
Robert Somerville, Director of Traffic and Transportation
180 Lockwood Drive, Suite C
Charleston, SC 29403
843-724-7377
somervillerr@charleston-sc.gov

IN WITNESS WHEREOF, this Agreement was entered into and made a part of the record this __________ day of __________________, 2022 and the original of the Agreement will be filed with Berkeley County and the City of Charleston.

WITNESSESS: BERKELEY COUNTY GOVERNMENT

______________________________
Witness 1 By: John Cribb

______________________________
Witness 2 Its: County Supervisor

WITNESSESS: CITY OF CHARLESTON

______________________________
Witness 1 By:

______________________________
Witness 2 Its: