September 27, 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 Mesothelioma Awareness Day
   2. Proclamation recognizing the Champion Charleston RiverDogs *(To be distributed under separate cover)*

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 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, September 26th:

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/](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 35 and 37 Prioleau Street (Peninsula) (approximately 0.22 acre) (TMS #458-09-02-007) (Council District 1), be rezoned to be included in the Accommodations Overlay Zone (A-1) classification. The property is owned by Prioleau Enterprises, 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 92 President Street (Peninsula) (approximately 0.05 acre) (TMS #460-11-04-021) (Council District 6), be rezoned from the 4 Story Old City Height District Classification to the 5 Story Old City Height District Classification. The property is owned by 96 President Street, LLC.

3. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 29 Avondale Avenue (Avondale- West Ashley) (approximately 0.34 acre) (TMS #418-14-00-030) (Council District 9), annexed into the City of Charleston August 16, 2022 (#2022-126), be zoned Single- Family Residential (SR-1) classification. The property is owned by Jay and Julia Langston.

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 309 Cessna Avenue (Dupont Station- West Ashley) (approximately 0.18 acre) (TMS #350-09-00-028) (Council District 5), annexed into the City of Charleston August 16, 2022 (#2022-124), be zoned Single- Family Residential (SR-1) classification. The property is owned by Marshall and Fiona Sanderson.

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 2157 Wappoo Drive (Riverland Terrace- James Island) (approximately 0.22 acre) (TMS #343-06-00-174) (Council District 11), annexed into the City of Charleston August 16, 2022 (#2022-125), be zoned Single- Family Residential (SR-1) classification. The property is owned by John and Maggie Guerry.

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 1989 Maybank Highway (Woodland Shores- James Island) (approximately 1.52 acre) (TMS #343-03-00-208) (Council District 11), annexed into the City of Charleston July 19, 2022 (#2022-104), be zoned General Business (GB) classification. The property is owned by Maywood LLC.

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. September 13, 2022

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.

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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. Sign-up to speak or leave comments for City Council by completing the form at http://innovate.charleston-sc.gov/comments/ by Monday, September 26th at 12:00 p.m.

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

I. Petitions and Communications:

   1. Report from the Resiliency and Sustainability Advisory Committee – Katie McKain, Director of Sustainability

J. Council Communications:

K. Council Committee Reports:

1. Committee on Community Development: (Meeting was held Thursday, September 15, 2022 at 3:00 p.m.)

   a. Old Business
      (i). Discussion of ADU Ordinance Amendment

      (ii). City of Charleston Department of Planning, Preservation and Sustainability – Presentation: Board of Architectural Review (BAR) North of Line Street Demo Policy Update

   b. New Business
      (i). A Resolution Certifying Property Located At 90 Cannon Street (Charleston County TMS No. 460-08-03-021) As An Abandoned Building Site Under Section 12-67-160 of The South Carolina Code.

      (ii). Discussion of SC Senate Bill 233 – Property Tax Exemption

      (iii). Discussion of City of Charleston Code Sec. 21-52. – Constituting a Public Nuisance and Sec. 21-61. – Structures that pose a danger to human life and a hazard to public health.
(iv). Discussion to remove Dupont Road from Sam Rittenberg to Savannah Highway and Orleans Road from Sam Rittenberg to Savannah Highway from the Design Review Corridor

(v). Executive Session pursuant to S.C. Code 30-4-70(a)(2) to receive a legal update on 8 Peecksens Court

2. Committee on Public Works and Utilities: (Meeting was held Monday, September 26, 2022 at 5:00 p.m.)

a. Public Service Department Updates:

(i). Environmental Services Update

b. Stormwater Management Department Updates:

(i). Check Valves - Recommend Approval of a Construction Contract to install check valves at Washington St and Union Pier with B&C Utilities Inc. for $365,800. Project will be cost shared with CWS reimbursing $100,000, SCSPA reimbursing $100,000 and the City contributing $165,800 from the Stormwater Operations Budget.

(ii). CWS – Recommend Approval of an MOU between CWS and the City of Charleston for CWS to reimburse the City $100,000 for the installation of the check valves at Washington St and Union Pier.

(iii). Church Creek – Recommend Approval of Fee Amendment #3 with Biohabitats, Inc. to provide CEI services for construction of Bridgepointe Ecological Park and Wolk Drive Projects as well as additional design services for Bridgepointe Ecological Park Amenities in the amount of $375,308. Funding is available within the existing Drainage Fund Allocation for the Project and the two National Fish and Wildlife Foundation Grants supporting the work.

(iv). Spring/Fishburne – Approval of Fee Amendment #24 with Davis & Floyd to develop an electronic security and operations monitoring system for the Pump Station infrastructure for $27,910. Funding is available within the existing project allocation.

(v). Discussion of areas at high risk for significant flooding impacts (Requested by Councilmember Waring)

3. Special Committee on Public Safety: (Meeting was held Tuesday, September 27, 2022 at 2:00 p.m.)

a. Approval to accept the 2022 Port Security Grant in the amount of $82,500 for retrofit of the SAFE Boat Vessel

b. Discussion regarding disturbances on King Street

4. Committee on Ways and Means:

(Bids and Purchases)
(Housing and Community Development: Mayor and City Council approval is requested to approve a grant request to the Department of Housing and Urban Development with the Continuum of Care as the Lead Applicant. The amount of funds requested by the City of Charleston is $225,000.00 to cover the salary and benefits for three years for an Outreach Specialist with mental health licensure and background/expertise. This person would outreach to the unsheltered in our community. The grant requires a match in the amount $56,250.00. The match will be covered by a portion of salary for the Homelessness Specialist and Outreach Coordinator, the Deputy Director and Director of the Department of Housing and Community Development, as well as in-kind donation of office space and computer software.

(Legal Department: Authorization for the Mayor to execute on behalf of the City of Charleston a Memorandum of Agreement with Charleston Parks Conservancy. Under this MOU, the City would be committing to $250,000.00 in annual ongoing support to the Charleston Parks Conservancy effective 2023. The City currently provides $70,000 in annual support to the CPC paid out of the Parks Department’s Grounds Maintenance Division, Professional and Contracted Services line item. [Ordinance]

(Police Department: Approval to accept of the 2022 Port Security Grant in the amount of $82,500.00 for retrofit of the SAFE Boat Vessel. There is a 25% match ($27,500) of the total approved project cost required. The match will be included in the 2023 Budget.

(Parks-Capital Projects: Approval of Fee Amendment #1 with ADC Engineering in the amount of $17,470.00. Fee Amendment #1 includes architectural and consultant fees necessary for additional scope of services at the Concord/Cumberland Garage and VRTC Garage. Approval of this Fee Amendment will increase the professional services contract by $17,470.00 (from $929,344.10 to $946,814.10). The project is funded by Parking Facilities-Structural Repairs.

(Stormwater Management: Approval of a construction contract for $365,800 with B&C Utilities Inc., to install check valves at Washington Street and Union Terminal. Funds are cost shared between SCSPA, CWS, and City Stormwater. The $365,800 is available within the Stormwater Drainage Fund Check Valve Allocation. $100,000 will be reimbursed by CWS and $100,000 will be reimbursed by the SCSPA.

(Stormwater Management: Approval of a cost sharing MOU with CPW (DBA CWS) for installation of check valves at Union Pier near Washington Street. The $365,800 is available within the Stormwater Drainage Fund Check Valve Allocation. $100,000 will be reimbursed by CWS through this MOU, and $100,000 will be reimbursed by the SCSPA.

(Stormwater Management: Approval of Church Creek NFWF Renaturalization, Habitat Restoration and Flood Protection Project Fee Amendment #3 with Biohabitats, Inc., in the amount of $375,308 for park feature design for Phase 2 of Bridgepointe Park including pedestrian bridges, walking trails, playground, and utility stub-out connections. Additionally, this amendment includes CEI services for the construction of Bridgepointe Park Phase 1 and Wolk Drive projects. Approval of Fee Amendment #3 will increase the professional services contract by $375,308.00 (from $1,205,608.00 to $1,580,916.00). Funding sources for this project are: Drainage Fund ($1,724,825.00, and two National Fish and Wildlife Foundation (NFWF) Grants ($125,000.00, $1,345,000.00).

(Stormwater Management: Approval of Spring-Fishburne Drainage Improvements Phase 4 Fee Amendment #24 with Davis & Floyd in the amount of $27,910.00 for the development of design plans and specifications of a video security system for the Spring / Fishburne Pump Station to monitor and record activity around the perimeter of the pump station and to monitor operations within the pump station. Approval of Fee Amendment #24 will increase the Phase 4 portion of the professional services contract by $27,910.00 (from $9,315,544.00 to $9,343,454.00). The funding sources for this
(project are: King Street Gateway TIF ($9,006,421.80) and South Carolina Transportation Infrastructure Bank ($56,312,650.90).

(Approval of the 1st Amendment to the Governmental Lease Agreement for 22 West Edge abating back rent from April 2, 2020, to May 31, 2020, due to impacts from COVID on subleasing / renting the space. The City will receive rent abatement in the amount of $35,200 and shall not be asked for repayment by the Landlord under any circumstances.

Authorization for the Mayor to execute the First Amendment to the Donation Agreement between the City and HR Charleston VI, LLC for 1.1 acres of donated land on Heriot Street. The Amendment exempts the City from mandatory membership in the Magnolia Owners Association, provides an easement for construction of future traffic improvements, and extends the closing date for the transaction. (2112-2114 Heriot Street, Charleston, SC 29401) (TMS No. 464-13-00-014, 464-13-00-012, 464-13-00-011, 464-13-00-010, and 464-13-00-023) (To be distributed under separate cover by the Housing and Community Development Department)

Authorization for the Mayor to execute the Second Amendment to the Magnolia Development Agreement between the City and HR Charleston I, LLC (“HRC I”), HR Charleston II, LLC (“HRC II”), HR Charleston III, LLC (“HRC III”), HR Charleston VI, LLC (“HRC VI”), HR Charleston VII, LLC (“HRC VII”), and HR Charleston IX, LLC (“HRC IX”). The Amendment stipulates that future donations of land for affordable housing shall occur within one (1) year of the completion of streets and other infrastructure improvements within the Magnolia Development. (To be distributed under separate cover by the Housing and Community Development Department) [Ordinance]

(Please consider the following annexations:
- 1239 Wisteria Road (0.14 acre) (TMS# 351-12-00-085), West Ashley, (District 9). The property is owned by Janice L. Fetter.
- 17 Lindendale Avenue (0.35 acre) (TMS# 418-14-00-013), West Ashley, (District 9). The property is owned by Eloise and Eric Thome.

(Executive Session pursuant to S.C. Code Sec. 30-4-70(a)(2) to receive legal advice and consideration of potential land purchase.

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

An ordinance authorizing the Mayor to execute on behalf of the City a Memorandum of Agreement with Charleston Parks Conservancy.

An ordinance authorizing the Mayor to execute the Second Amendment to the Magnolia Development Agreement between the City and HR Charleston I, LLC (“HRC I”), HR Charleston II, LLC (“HRC II”), HR Charleston III, LLC (“HRC III”), HR Charleston VI, LLC (“HRC VI”), HR Charleston VII, LLC (“HRC VII”), and HR Charleston IX, LLC (“HRC IX”).

An ordinance to provide for the annexation of property known as 1239 Wisteria Road (0.14 acre) (TMS# 351-12-00-085), 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 property is owned by Janice L. Fetter.

An ordinance to provide for the annexation of property known as 17 Lindendale Avenue (0.35 acre) (TMS# 418-14-00-013), 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 property is owned by Eloise and Eric Thome.
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. 277-00-00-003, within the Right of Way shown on reference Drawing D-78456, to permit installation of overhead electric line to the soccer field and lacrosse field on Daniel Island.

2. An ordinance authorizing the Mayor to execute on behalf of the City a Quitclaim Deed and any other necessary documents, approved as to form by the Office of Corporation Counsel, to quitclaim a portion of Floyd Drive, as shown on the attached survey, to the record owner(s) of Charleston County TMS No. 301-00-00-795, subject to any and all easements and utilities and further subject to the conditions set forth herein.

3. An ordinance authorizing the Mayor to accept, on behalf of the City of Charleston, as Grantee, irrevocable deed restrictions in favor of the City in and to 838 Morrison Drive, from Morrison Yard Owner, LLC, as Grantor, in connection with Grantor's request for quality outdoor public space incentive points and height/density bonuses under the City’s Upper Peninsula District Zoning Ordinance.

4. An ordinance authorizing the Mayor to execute on behalf of the City a two-year renewable license agreement to allow the use of a portion of TMS#:458-01-01-002 (Parcel 5) for ingress and egress to 51/2 Alexander Street.

5. An ordinance to provide for the annexation of property known as 2 Trail Hollow Drive (.63 acre) (TMS# 358-07-00-051), 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 10. The property is owned by Jose A. Torres, Tracie A. Stemmer-Torres, Ann Stemmer (Thomas).

6. An ordinance to provide for the annexation of property known as 1592 Southwick Drive (.37 acre) (TMS# 579-07-00-057), 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 Matthew Antol.

7. An ordinance to provide for the annexation of property known as 7 Oakdale Place (.27 acre) (TMS# 418-15-00-055), 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 3. The property is owned by Greta Pierson.

8. An ordinance to provide for the annexation of property known as 1630 Wappoo Drive (.06 acre) (TMS# 351-12-00-006), 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 property is owned by Joshua A. Mitchell and Kimberly B. Mitchell.

9. 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 The Citadel, encumbering a
portion of the City’s real property designated as Charleston County TMS No. 460-00-00-002, within the right of way shown on plat dated February 7, 2022, entitled “Plat showing a new variable width general utility easement”, attached as Exhibit A, to permit installation of a steam line adjacent to the east side of The Citadel campus.

10. An ordinance to provide for the annexation of property known as 1766 Ashley River Road (.49 acre) (TMS# 351-11-00-003), 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 property is owned by Irmgard S. Titus. (DEFERRED)

11. An ordinance to provide for the annexation of property known as 1776 Ashley River Road (.56 acre) (TMS# 351-11-00-004), 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 9. The property is owned by Morris N. and Nancy B. Harper Revocable Trust. (DEFERRED)

12. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1776 and 1766 Ashley River Road (West Ashley) (approximately 1.05 acres) (TMS #351-11-00-003 and 351-11-00-004) (Council District 9), be zoned General Business (GB) classification. The property is owned by Morris N. and Nancy B. Harper Revocable Trust and Irmgard S. Titus. (DEFERRED FOR PUBLIC HEARING)

13. 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)

14. 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. (TO BE WITHDRAWN AT THE REQUEST OF THE APPLICANT)

15. 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)

16. 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)

M. Bills up for First Reading:

1. An ordinance to amend Chapter 2 (Administration), Article IV (Boards and Commissions), Division 11 (Special Commission on Equity, Inclusion, and Racial Conciliation) of the Code of the City of Charleston Section 2-207.

2. An ordinance authorizing the Mayor to execute on behalf of the City a Third Amendment to the Development Agreement for Cainhoy Plantation- Trust# 2 with Cainhoy Land & Timber, LLC, a Delaware limited liability company (“CLT”) and Seven Sticks, LLC, a Delaware limited liability company (“Seven Sticks”) (CLT and Seven Sticks collectively the “Owner”) the successors in interest to Peter O. Lawson-Johnston and the Morgan Guaranty Trust
3. An ordinance to amend Chapter 7, Article IV-Housing, of the Code of the City of Charleston, South Carolina, to add a new Division 4 implementing a pilot program for the registration and licensing of residential rental units and providing regulations, fees, violations, and penalties therefore. *(DEFERRED)*

4. An ordinance to amend Article 3, Part 2 (Old City Height Districts and View Corridor Protection), Sections 54-306 through 54-306.i. of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to amend the standards related to height adjustments. *(DEFERRED)*

5. An ordinance to authorize the Mayor to execute a deed and any other necessary documents, approved as to form by the Office of Corporation Counsel, Quit-claiming to Children’s Museum of Charleston the City of Charleston’s right, title, interest, if any, to that certain portion of property bearing Tax Map Number: 460-16-02-010, and subject to certain exceptions and other matters to be approved by the Office of Corporation Counsel. *(TO BE WITHDRAWN)*

6. An ordinance to amend Chapter 16, Article IV, Section 16-18 of the Code of the City of Charleston; to delete and replace with new language Sections 16-20, 16-22, 16-23, and 16-24 of the Code of the City of Charleston; and to create Sections 16-24.01, 16-24.02, 16-24.03, 16-24.04, 16-24.05, 16-24.06, 16-24.07, 16-24.08, 16-24.09, 16-24.10, and 16-24.11 of the Code of the City of Charleston, the purpose of which is to adopt a City of Charleston Fair Housing Act which is substantially equivalent to the Federal Fair Housing Act. *(AS AMENDED) (DEFERRED)*

**N. Miscellaneous Business:**

1. Executive session pursuant to S.C. Code 30-4-70(a)(2) for legal update and consideration of Fire Station 11 resolution.

2. Executive Session pursuant to S.C. Code Sec. 30-4-70(a)(2) to receive legal advice and consideration of potential land purchase.

3. Executive Session pursuant to S.C. Code Sec. 30-4-70(a)(2) to receive legal advice and consideration of corrective filing on Dewberry settlement.

4. Executive Session pursuant to S.C. Code Sec. 30-4-70(a)(2) to receive legal advice and consideration of proposed Harmony litigation settlement.

5. A virtual City Council Workshop will be held on Tuesday, October 4, 2022 at 4:00 p.m.

6. The next regular meeting of City Council will be Tuesday, October 11, 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.
WHEREAS, Mesothelioma is an aggressive, asbestos-related cancer that affects the linings of the lungs, abdomen, heart or other organs; and

WHEREAS, the heavy use of asbestos in manufacturing, industry and construction has been recognized as “the worst occupational health disaster in U.S. history;” and

WHEREAS, asbestos was used in the construction of virtually all office buildings, public schools, and homes built before 1975; and

WHEREAS, a high percentage of all mesothelioma victims were exposed to asbestos on naval ships and in shipyards, including in Charleston, South Carolina; and

WHEREAS, this is now believed to include many of the firefighters, police officers, and rescue workers from Ground Zero on September 11, 2001; and

WHEREAS, exposure to asbestos for as little as one month can result in mesothelioma 30 years later;

WHEREAS, because of occupational, Navy service-related, household or even incidental exposures and the very long latency of the disease, tens of millions of Americans are now at risk for developing mesothelioma; and

WHEREAS, for decades, the need for research to develop effective treatments for mesothelioma was overlooked; and

WHEREAS, the result of this neglect is that treatments available today generally have only a limited effect and most patients die within only 12 to 15 months of diagnosis;

WHEREAS, the establishment of Mesothelioma Awareness Day would raise public awareness of the disease and of the need to develop effective treatments for it.

NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, do hereby proclaim September 26, 2022, as:

MESOTHELIOMA AWARENESS DAY

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 27th day of September 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, September 27, 2022 beginning at 5:00 p.m. at City Hall, 80 Broad Street and via Conference Call #1-929-205-6009, 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, September 26th:

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

REZONINGS

1. To rezone 35 & 37 Prioleau Street (French Quarter - Peninsula) (Approx. 0.22 acre) (TMS # 458-09-02-007) to be included into the Accommodations Overlay (A-1).
2. To rezone 92 President Street (Cannonborough/Elliottborough - Peninsula) (approx. 0.55 acre) (TMS # 460-11-04-021) from the 4 Story Old City Height District to the 5 Story Old City Height District.

ZONINGS

1. 29 Avondale Avenue (Avondale - West Ashley) (Approx. 0.34 acre) (TMS # 418-14-00-030) Single Family Residential (SR-1).
2. 309 Cessna Avenue (Dupont Station - West Ashley) (Approx. 0.18 acre) (TMS # 350-09-00-028) Single Family Residential (SR-1).
3. 2157 Wappoo Drive (Riverland Terrace - James Island) (Approx. 0.22 acre) (TMS # 343-06-00-174) Single Family Residential (SR-1).
4. 1989 Maybank Highway (Woodland Shores - James Island) (Approx. 1.52 acre) (TMS # 343-03-00-208) General Business (GB).

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

MEETING OF AUGUST 17, 2022

REZONING RECONSIDERATION

1. 179 & 181 Fishburne St (Westside - Peninsula) TMS # 4600702173, 175 & 242 - approx. 0.23 ac. Request reconsideration of the Planning Commission’s recommendation on July 20, 2022 under Article V Section 4 of the Zoning Code of disapproval to rezone from the 2.5 Story Old City Height District to the 3 Story Old City Height District.

Deferred by applicant

REZONING

1. 313 Ashley Ave (Westside - Peninsula) TMS # 4600702053 - approx. 0.13 ac. Request rezoning from the 2.5 Story Old City Height District to the 3 Story Old City Height District.

Deferred by applicant

2. 0 Orrs Ct (Westside - Peninsula) TMS # 4600702071 - approx. 0.07 ac. Request rezoning from the 2.5 Story Old City Height District to the 3 Story Old City Height District.

Deferred by applicant

3. 18 Orrs Ct (Westside - Peninsula) TMS # 4600702070 - approx. 0.06 ac. Request rezoning from the 2.5 Story Old City Height District to the 3 Story Old City Height District.

Deferred by applicant

4. 20 Orrs Ct (Westside - Peninsula) TMS # 4600702069 - approx. 0.13 ac. Request rezoning from the 2.5 Story Old City Height District to the 3 Story Old City Height District.

Deferred by Applicant

5. 35 & 37 Prioleau St (French Quarter - Peninsula) TMS # 4580902007 - approx. 0.22 ac. Request rezoning to be included into the Accommodations Overlay (A-1).

Motion: APPROVAL (4-2)

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<tr>
<th>1st: KARESH</th>
<th>2nd: LESANE</th>
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<tbody>
<tr>
<td>Jimmy Bailey</td>
<td>ABSENT</td>
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<tr>
<td>Loquita Bryant-Jenkins</td>
<td>OPPOSED</td>
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<tr>
<td>Erika V. Harrison</td>
<td>FAVOR</td>
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6. 92 President St (Cannonborough/Elliottborough - Peninsula) TMS # 4601104021 - approx. 0.05 ac. Request rezoning from the 4 Story Old City Height District to the 5 Story Old City Height District.

Motion: **APPROVAL (6-0)**

**1st:** JACOBS  **2nd:** LESANE

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**PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT RECONSIDERATION**

1. 0 Castlereagh Rd (Hemmingwood - West Ashley) TMS # 3530200167 - approx. 0.28 ac. Request reconsideration of the Planning Commission's recommendation on May 18, 2022 of disapproval of an ordinance to amend the Zoning Ordinance of the City of Charleston, by amending Ordinance 2006-187, which adopted the Hemmingwood Planned Unit Development (HW-PUD) Master Plan and Development Guidelines for a property located on Castlereagh Road (TMS# 3530200167) as Appendix L of the Zoning Ordinance, to delete references to a park common area, including subsection “VIII. Park Area” in its entirety, and increase the total number of single-family lots within the Hemmingwood PUD to 64 lots from 63 lots, to permit TMS# 3530200167 to be used for a single-family detached home.

Deferred by applicant

**SUBDIVISION PROPERTY CONVERSION RECONSIDERATION**

1. 0 Castlereagh Rd (Hemmingwood - West Ashley) TMS # 3530200167 - approx. 0.28 ac. Request reconsideration of the Planning Commission's recommendation on May 18, 2022 under Section 54-81.5 of the Zoning Code of disapproval to convert the parcel from common area/park parcel (reserve parcel) to a building site for a single-family residence.

Deferred by applicant

**ZONING**

1. 29 Avondale Ave (Avondale - West Ashley) TMS # 4181400030 - approx. 0.34 ac. Request zoning of Single Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Motion: **APPROVAL (6-0)**

**1st:** HARRISON  **2nd:** BRYANT-JENKINS
2. 309 Cessna Ave (Dupont Station - West Ashley) TMS # 3500900028 - approx. 0.18 ac. Request zoning of Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in Charleston County.

Motion: APPROVAL (6-0)  

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1st: HARRISON 2nd: BRYANT-JENKINS

3. 2157 Wappoo Dr (Riverland Terrace - James Island) TMS # 3430600174 - approx. 0.22 ac. Request zoning of Single Family Residential (SR-1). Zoned Single Family Residential (R-4) in Charleston County.

Motion: APPROVAL (6-0)  

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Motion: APPROVAL (6-0)  

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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 35 AND 37 PRIOLEAU STREET (PENINSULA) (APPROXIMATELY 0.22 ACRE) (TMS #458-09-02-007) (COUNCIL DISTRICT 1), BE REZONED TO BE INCLUDED IN THE ACCOMMODATIONS OVERLAY ZONE (A-1) CLASSIFICATION. THE PROPERTY IS OWNED BY PRIOLEAU ENTERPRISES, 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 to be included in the Accommodations Overlay Zone (A-1) classification.

Section 2. The property to be rezoned is described as follows:
35 and 37 Prioleau Street (Peninsula) (approximately 0.22 acre) (TMS #458-09-02-007)

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
City of Charleston Zoning Map

REZONING 5

35 & 37 Prioleau St (French Quarter - Peninsula) TMS # 4580902007 - approx. 0.22 ac. Request rezoning to be included into the Accommodations Overlay (A-1).

Owner: Prioleau Enterprises, LLC
Applicant: AJ Capital Partners LLC

Department of Planning, Preservation & Sustainability
www.charleston-sc.gov
2 George St, Charleston, SC 29401
843.724.3765
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 92 PRESIDENT STREET (PENINSULA) (APPROXIMATELY 0.05 ACRE) (TMS #460-11-04-021) (COUNCIL DISTRICT 6), BE REZONED FROM THE 4 STORY OLD CITY HEIGHT DISTRICT CLASSIFICATION TO THE 5 STORY OLD CITY HEIGHT DISTRICT CLASSIFICATION. THE PROPERTY IS OWNED BY 96 PRESIDENT STREET, 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 the 4 Story Old City Height District classification to the 5 Story Old City Height District classification.

Section 2. The property to be rezoned is described as follows:
92 President Street (Peninsula) (approximately 0.55 acre) (TMS #460-11-04-021)

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 6

92 President St (Cannonborough/Elliottborough - Peninsula) TMS # 4601104021 - approx. 0.05 ac.
Request rezoning from the 4 Story Old City Height District to the 5 Story Old City Height District.

Owner: 96 President Street, LLC
Applicant: Edward K. Pritchard, III, Esq.

Department of Planning, Preservation & Sustainability
www.charleston-sc.gov
2 George St, Charleston, SC 29401
843.724.3765
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 29 AVONDALE AVENUE (AVONDALE- WEST ASHLEY) (APPROXIMATELY 0.34 ACRE) (TMS #418-14-00-030) (COUNCIL DISTRICT 9), ANNEXED INTO THE CITY OF CHARLESTON AUGUST 16, 2022 (#2022-126), BE ZONED SINGLE- FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY JAY AND JULIA LANGSTON.

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:

29 Avondale Avenue (Avondale- West Ashley) (approximately 0.34 acre) (TMS #418-14-00-030)

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
City of Charleston Zoning Map

29 Avondale Ave (Avondale - West Ashley)
TMS # 4181400030 - approx. 0.34 ac.
Request zoning of Single Family Residential (SR-1), Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Jay and Julia Langston
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 309 CESSNA AVENUE (DUPONT STATION- WEST ASHLEY) (APPROXIMATELY 0.18 ACRE) (TMS #350-09-00-028) (COUNCIL DISTRICT 5), ANNEXED INTO THE CITY OF CHARLESTON AUGUST 16, 2022 (#2022-124), BE ZONED SINGLE- FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY MARSHALL AND FIONA SANDERSON.

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:

309 Cessna Avenue (Dupont Station- West Ashley) (approximately 0.18 acre) (TMS #350-09-00-028)

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

309 Cessna Ave (Dupont Station - West Ashley)
TMS # 3500900028 - approx. 0.18 ac.

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

Owner: Marshall D. and Fiona R. Sanderson
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2157 WAPPOO DRIVE (RIVERLAND TERRACE- JAMES ISLAND) (APPROXIMATELY 0.22 ACRE) (TMS #343-06-00-174) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON AUGUST 16, 2022 (#2022-125), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY JOHN AND MAGGIE GUERRY.

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:

2157 Wappoo Drive (Riverland Terrace- James Island) (approximately 0.22 acre) (TMS #343-06-00-174)

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
City of Charleston Zoning Map

ZONING 3

2157 Wappoo Dr (Riverland Terrace - James Island) TMS # 3430600174 - approx. 0.22 ac.

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

Owner: John and Maggie Guerry

Department of Planning, Preservation & Sustainability
www.charleston-sc.gov
2 George St, Charleston, SC 29401
843.724.3765
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1989 MAYBANK HIGHWAY (WOODLAND SHORES-JAMES ISLAND) (APPROXIMATELY 1.52 ACRE) (TMS #343-03-00-208) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON JULY 19, 2022 (#2022-104), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY MAYWOOD LLC.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS 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:

1989 Maybank Highway (Woodland Shores-James Island) (approximately 1.52 acre) (TMS #343-03-00-208)

Section 2. That the said parcel of land described above shall be zoned General Business (GB) 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
City of Charleston Zoning Map

ZONING 4
1989 Maybank Hwy (Woodland Shores - James Island) TMS # 3430300208 - approx. 1.52 ac. - Request zoning of General Business (GB).

Zoned James Island Maybank Highway Overlay and Planned Development (OD_JA-MHC, PD) in Charleston County.

Owner: Maywood LLC

Area

Department of Planning, Preservation & Sustainability
www.charleston-sc.gov
2 George St, Charleston, SC 29401
843.724.3765
RESOLUTION No. ___

A RESOLUTION CERTIFYING PROPERTY LOCATED AT 90 CANNON STREET (CHARLESTON COUNTY TMS NO. 460-08-03-021) AS AN ABANDONED BUILDING SITE UNDER SECTION 12-67-160 OF SOUTH CAROLINA CODE

WHEREAS, the South Carolina Abandoned Buildings Revitalization Act of 2013 (the "Act") was enacted in Title 12, Chapter 67 of the South Carolina Code of Laws to create an incentive for the rehabilitation, renovation and redevelopment of abandoned buildings located in South Carolina; and

WHEREAS, the Act provides that restoration of abandoned buildings into productive assets for the communities in which they are located serves a public and corporate purpose and results in job opportunities; and

WHEREAS, Section 12-67-120 of the Act provides the following definitions (in pertinent part):

(1) "Abandoned Building" means a building or structure, which clearly may be delineated from other buildings or structures, at least sixty-six percent of the space in which has been closed continuously to business or otherwise nonoperational for income producing purposes for a period of at least five years immediately preceding the date on which the taxpayer files a "Notice of Intent to Rehabilitate". For purposes of this item, a building or structure that otherwise qualified as an "abandoned building" may be subdivided into separate units or parcels, which units or parcels may be owned by the same taxpayer or different taxpayers, and each unit or parcel is deemed to be an abandoned building site for purposes of determining whether each subdivided parcel is considered to be abandoned.

(2) "Building Site" means the abandoned building together with the parcel of land upon which it is located and other improvements located on the parcel. However, the area of the building site is limited to the land upon which the abandoned building is located and the land immediately surrounding such building used for parking and other similar purposes directly related to the building's income producing use; and

WHEREAS, Section 12-67-140 of the Act provides that a taxpayer who rehabilitates an abandoned building is eligible either for a credit against certain income taxes, license fees or premium taxes, or a credit against local real property taxes; and
WHEREAS, YP and Hogarty, LLC (the “Taxpayer”) is the owner and developer of certain real property located at 90 Cannon Street (the “Property”), as referenced in that certain deed dated August 25, 2021, and recorded August 31, 2021 in the Charleston County Register of Deeds Office in Book 1028 at Page 137, which property is further identified on the Charleston County Tax Maps as TMS No. 460-08-03-021; and

WHEREAS, the taxpayer intends to renovate the building by demolishing a rear one-story section and construct a new addition to the rear of the building containing approximately 675 square feet. Upon completion, the total square footage will be 2227 square feet and its intended use will be used as mixed-use commercial and residential rental property. (“Building Site”); and

WHEREAS, the Property is located within the city limits of Charleston, South Carolina; and

WHEREAS, the Taxpayer has requested that the City certify that each of the Building Site is abandoned as defined by Sections 12-67-120(1) and (2).

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. The Taxpayer has submitted to the City a request to certify the Building Site pursuant to Section 12-67-160 of the Act (the “Request to Certify”).

Section 2. The City has reviewed the Request to Certify, conferred with the Taxpayer and conducted a review of its records and the Property.

Section 3. The City hereby certifies that (i) the Building Site constitutes a separate abandoned building site as defined in Section 12-67-120(1) of the Act, and (ii) the geographic area of each of the Building Site is consistent with Section 12-67-120(2) of the Act.

Section 4. This Resolution provides no tax relief whatsoever, and the City expresses no opinion regarding the availability of tax relief to the Taxpayer beyond the certification contained herein.

Section 5. This Resolution does not provide any approvals or permits for the project. The Taxpayer is required to obtain all necessary approvals and permits for the project from the City pursuant to the City’s ordinances.

Section 6. This Resolution shall become effective upon the date of enactment.

PASSED AND APPROVED, this ___ day of __________, 2022

__________________________
John J. Tecklenburg, Mayor
City of Charleston

ATTEST:

__________________________
Jennifer Cook
Clerk of Council
Cherrie-Ann Caton
CHARLESTON, CITY OF
116 MEETING ST
CHARLESTON, SC 29401 - 2216

Re: Grant No. EMW-2022-PU-00078

Dear Cherrie-Ann Caton:

Congratulations, on behalf of the Department of Homeland Security, your application for financial assistance submitted under the Fiscal Year (FY) 2022 Port Security Grant Program has been approved in the amount of $32,500.00. As a condition of this award, you are required to contribute a cost match in the amount of $27,500.00 of non-Federal funds, or 25 percent of the total approved project costs of $110,000.00.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Agreement Articles (attached to this Award Letter)
- Obligating Document (attached to this Award Letter)
- FY 2022 Port Security Grant Program Notice of Funding Opportunity.
- FEMA Preparedness Grants Manual

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

In order to establish acceptance of the award and its terms, please follow these instructions:

Step 1: Please log in to the ND Grants system at https://portal.fema.gov.

Step 2: After logging in, you will see the Home page with a Pending Tasks menu. Click on the Pending Tasks menu, select the Application sub-menu, and then click the link for “Award Offer Review” tasks. This link will navigate you to Award Packages that are pending review.

Step 3: Click the Review Award Package icon (wrench) to review the Award Package and accept or decline the award. Please save or print the Award Package for your records.

System for Award Management (SAM): Grant recipients are to keep all of their information up to date in SAM, in particular, your organization's name, address, Unique Entity Identifier (UEI) number, EIN and banking information. Please ensure that the UEI number used in SAM is the same one used to apply for all FEMA awards. Future payments will be contingent on the information provided in the SAM; therefore, it is imperative that the information is correct. The System for Award Management is located at http://www.sam.gov.

If you have any questions or have updated your information in SAM, please let your Grants Management Specialist (GMS) know as soon as possible. This will help us to make the necessary updates and avoid any interruptions in the payment process.
CHRISTOPHER PATRICK LOGAN GPD Assistant Administrator
AN ORDINANCE

TO AMEND CHAPTER 2 (ADMINISTRATION), ARTICLE IV (BOARDS AND COMMISSIONS), DIVISION 11 (SPECIAL COMMISSION ON EQUITY, INCLUSION, AND RACIAL CONCILIATION) OF THE CODE OF THE CITY OF CHARLESTON SECTION 2-207

Section 1. Chapter 2, Article IV, Division 11, Section 2-207, paragraph 4, of the Code of the City of Charleston is hereby amended by adding the text shown with a double-underline and deleting text shown below with a strike-through:

"Sec. 2-207. – Purpose.

HARCC is under no obligation to use the EIRC Commission Report as a blueprint, framework or path forward. Notwithstanding, within the first five months from the first duly called meeting of the HARCC, it shall review the CEIRC Report and submit these recommendations to provide a status report to Council as to its progress on this review in December, and provide what HARCC believes will best achieve equity, inclusion and racial conciliation in accordance with the approved ten-year City Plan and all other relevant sources.

Section 2. Chapter 2, Article IV, Division 11, Section 2-209, paragraph a, of the Code of the City of Charleston is hereby amended by adding the text shown with a double-underline and deleting text shown below with a strike-through:

"Sec. 2-209. - Organization.

(a) Membership. The HARCC shall consist of thirteen (13) members; three (3) of which shall be members of City Council and the remaining ten (10) appointees shall be members of the community. Each Council member who was not appointed to be a member of the Commission and the Mayor shall each nominate one community member, subject to approval by Council. All nominees will be properly vetted and approved by Council consistent with the principles set forth for appointments to other standing City commissions and committees. **In the event any seat remains open for more than three (3) meetings attributable to a council member appointment, the Mayor may offer a nomination for Council consideration.**
(b) This Ordinance shall become effective upon ratification.

Ratified in City Council Chambers this ______
Day of _______________, 2022, in the ______ year of
the Independence of the United States of America.

John J. Tecklenburg, Mayor

(ATTEST)

Jennifer Cook
Clerk of Court
AN ORDINANCE

AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR CAINHOY PLANTATION-TRUST# 2 WITH CAINHOY LAND & TIMBER, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("CLT") AND SEVEN STICKS, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("SEVEN STICKS") (CLT AND SEVEN STICKS COLLECTIVELY THE "OWNER") THE SUCCESSORS IN INTEREST TO PETER O. LAWSON-JOHNSTON AND THE MORGAN GUARANTY TRUST COMPANY OF NEW YORK, AS TRUSTEES OF THE TRUST CREATED BY ARTICLE NINTH OF THE WILL OF HARRY F. GUGGENHEIM, DECEASED ("TRUST #2").

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

Section 1. The Mayor is hereby authorized to execute on behalf of the City a Third Amendment to the Development Agreement for Cainhoy Plantation-Trust #2 with CAINHOY LAND & TIMBER, LLC, a Delaware limited liability company ("CLT") and SEVEN STICKS, LLC, a Delaware limited liability company ("Seven Sticks") (CLT and Seven Sticks collectively the "Owner") the successors in interest to PETER O. LAWSON-JOHNSTON AND THE MORGAN GUARANTY TRUST COMPANY OF NEW YORK, AS TRUSTEES OF THE TRUST CREATED BY ARTICLE NINTH OF THE WILL OF HARRY F. GUGGENHEIM, DECEASED ("Trust #2"), a copy of said Third Amendment being attached hereto as Exhibit A and incorporated herein by reference.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of _____ in the year of Our Lord, 2022, in the ____ Year of the Independence of the United States of America.

By: __________________________
    John J. Tecklenburg, Mayor

ATTEST: By: __________________________
         Jennifer Cook
         Clerk of Council
THIS CONTRACT IS SUBJECT TO ARBITRATION
PURSUANT TO THE SOUTH CAROLINA UNIFORM ARBITRATION ACT

THIRD AMENDMENT TO THE
DEVELOPMENT AGREEMENT
FOR
CAINHOY PLANTATION-TRUST #2
(Cainhoy Land & Timber)

THIS THIRD AMENDMENT TO DEVELOPMENT AGREEMENT (the “Amendment”) is entered into as of ____________, 2022 and made effective as of the date of the Second Amendment which was February 26, 2014 (“Effective Date”) by the CITY OF CHARLESTON, South Carolina, a political subdivision of the State of South Carolina (“City”) and CAINHOY LAND & TIMBER, LLC, a Delaware limited liability company (“CLT”) and SEVEN STICKS, LLC, a Delaware limited liability company (“Seven Sticks”) (CLT and Seven Sticks collectively the “Owner”) the successors in interest to PETER O. LAWSON-JOHNSTON AND THE MORGAN GUARANTY TRUST COMPANY OF NEW YORK, AS TRUSTEES OF THE TRUST CREATED BY ARTICLE NINTH OF THE WILL OF HARRY F. GUGGENHEIM, DECEASED (“Trust #2”).

WHEREAS, the City and Trust #2 entered into that certain development agreement dated August 20, 1996 (the “Development Agreement”) which Development Agreement was recorded in the Register of Deeds for Berkeley County in Book 1543, Page 221; and

WHEREAS, Trust #2 transferred certain property in 2000 and 2001 to certain third parties as set forth on the attached Schedule 2.37 (“Additional Property”); and

WHEREAS, the Additional Property contains two tracts, commonly known as the Horton Tract (Tracts B-2, B-4, and B-7) and the Triton Tract (Tracts B and B-1); and

WHEREAS, the Additional Property was included in the property description of the Development Agreement1;

WHEREAS, the City and Trust #2 amended the Development Agreement by the First Amendment to the Development Agreement dated October 9, 2001 which amendment was recorded on October 11, 2001 in Book 2444, Page 110; and

WHEREAS, the Additional Property was not and is not subject to the First Amendment2; and

1 Development Agreement, Exhibit 2.11
2 First Amendment, Section 2.37
WHEREAS, Trust #2 conveyed to CLT all of its interest in the lands subject to the Development Agreement by deed dated July 19, 2007 and recorded in Book 6734, Page 169 and by corrective deed dated May 15, 2008 and recorded in Book 7368, Page 0001; and

WHEREAS, Tracts B (117.72) and B-1 (35.17) were subdivided by virtue of that certain plat by F. Elliott Quinn of Thomas & Hutton Engineering, Co. dated October 19, 1999 and entitled “Plat of Tracts B & B-1 owned by Peter O. Lawson-Johnson & Morgan Guaranty Trust Co. of N.Y., as Trustees” and recorded in Plat Cabinet O, Page 190-A in the Berkeley County Register of Deeds Office (the “Plat”), having such measurements, metes, butttings and boundings as set forth on the Plat which is incorporated herein by reference. (total 152.89 acres) (“Triton Property”); and

WHEREAS, Tracts B-2 (80.86 acres), B-4 (16.63 acres), and B-7 (8.67 acres) were subdivided by virtue of that certain plat by F. Elliott Quinn of Thomas & Hutton Engineering, Co. dated January 10, 2000 and entitled “PLAT OF THE VILLAGE TRACTS TRACTS B-2, B-4, AND B-7, OWNED BY PETER O. LAWSON-JOHNSON & MORGAN GUARANTY TRUST CO. OF N.Y., AS TRUSTEES” and recorded in Plat Cabinet O, Page 190-B in the Berkeley County Register of Deeds Office (the “Plat”), having such measurements, metes, butttings and boundings as set forth on the Plat which is incorporated herein by reference (“Horton Property”); and

WHEREAS, on February 25, 2014, the City annexed five properties on Clements Ferry Road, Cainhoy Road, and Rivers Reach Drive (738.14 acres) (TMS # 262-00-00-019, 263-00-02-047, 268-00-00-003, 268-00-00-004, and 269-00-00-018) in Cainhoy, Berkeley County, to the City of Charleston (“Annexed Property”); and

WHEREAS, the City and CLT amended the Development Agreement by the Second Amendment to the Development Agreement dated February 26, 2014 which amendment was recorded on March 27, 2015 in Book 11284, Page 1 (“Second Amendment”); and

WHEREAS, the Second Amendment, among other things, substituted the Cainhoy Land & Timber PUD Master Plan and Zoning Text (“Cainhoy PUD”) for the Cainhoy Zoning District and changed the property description for the Development Agreement to the property description used for Cainhoy PUD (“Revised Property Description”); and

WHEREAS, the Additional Property was inadvertently excluded from the Revised Property Description for all purposes of the Development Agreement;

WHEREAS, the Additional Property should only have been excluded as to the Cainhoy PUD and should have remained subject to the Cainhoy Zoning District and all other terms of the

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3 Charleston, S.C., Ordinance 2014-23, February 25, 2014 (ordinance reflects incorrect execution date of 2013)
4 Second Amendment, §2
5 Second Amendment, §2.37
6 See Second Amendment, Amended Exhibit 2.10, Exhibit 1 “Aggregate Property Map.”
Development Agreement, as amended; and

WHEREAS, the Second Amendment also added the Annexed Property to the Development Agreement as the “Annexed Property”\(^7\); and

WHEREAS, the Annexed Property description inadvertently misidentified the property with TMS No. 263-00-02-047 as TMS No. 260-00-00-047; and

WHEREAS, after the Second Amendment was entered into, CLT conveyed approximately 3,287.077 acres to Seven Sticks by Deed of Cainhoy Land & Timber, LLC dated November 3, 2014 and recorded November 5, 2014 in Book 11054 at Page 1 and by Quit-Claim Deed from Cainhoy Land & Timber, LLC to Seven Sticks, LLC dated April 3, 2018 and recorded April 6, 2018 in Book 2715 at Page 695, and pursuant to Section 7.2 of the Development Agreement, the transfer of an Individual Tract (as defined in the Development Agreement) to a transferee developer shall transfer to the transferee developer the rights and obligations of the City and or CLT and creating a new development agreement with the transferor developer; and

WHEREAS, the City and the Owner desire to correct the Revised Property Description in the Second Amendment to incorporate the Additional Property into the Development Agreement for all purposes other than the Cainhoy PUD zoning text, including without limitation the calculation of the Ad Valorem Taxes and the Minimum City Investment;

NOW, THEREFORE, in consideration of the provisions of this Amendment and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to amend the Development Agreement for Cainhoy Plantation-Trust #2 (Cainhoy Land & Timber), as amended, as follows:

1. The Development Agreement is amended to add the attached Schedule 2.37 (“Additional Property”) and to replace Section 2.37 *Property* with the following:

   Section 2.37 *Property*. The Property consists of Cainhoy Plantation (Cainhoy Land & Timber) and the additional property described on the attached Schedule 2.37 (“Additional Property”). The Property contains more than 2,000 acres of highland and contains approximately 5,912.89 Acres;

2. The Cainhoy Land & Timber PUD Master Plan and Zoning Text shall apply only to Cainhoy Plantation (Cainhoy Land & Timber) and shall not apply to the Additional Property.

3. Section 4.1 Cainhoy Land & Timber PUD Master Plan and Zoning Text is hereby amended to read. The City has adopted the Cainhoy Land & Timber PUD Master Plan and Zoning Text. All of Cainhoy Plantation (Cainhoy Land & Timber) shall be within and subject to the Cainhoy Land & Timber PUD Master Plan and Zoning Text.

\(^7\) Second Amendment, §1
4. Exhibit A, Recently Annexed Property, of the Second Amendment is amended to replace TMS 260-00-00-047 with TMS 263-00-02-047.

4. This Third Amendment shall be effective as of the date of the Second Amendment so that the Ad Valorem Taxes for the Additional Property shall be included in the Minimum City Investment without interruption since the date of the original Development Agreement.

5. All other terms, conditions and provisions of the Development Agreement as amended shall remain in full force and effect, except as expressly modified by the terms of this Amendment.

Signature Pages Follow
IN WITNESS WHEREOF, the parties have executed this Third Amendment to the Development Agreement-Trust #2 (Cainhoy Land & Timber) as of the Effective Date, after due authorization by the Charleston City Council on ________________, 2022.

IN THE PRESENCE OF:  THE CITY OF CHARLESTON, SOUTH CAROLINA

__________________________________________  By:______________________________

__________________________________________  Its: _____________________________

STATE OF SOUTH CAROLINA  )
 )
COUNTY OF CHARLESTON  )

This instrument was acknowledged before me by The City of Charleston, South Carolina, by ______________________, Its ____________________, this ___ day of ______________________, 2022.

SWORN to before me this ___
day of ______________________, 2022.

__________________________________________
Notary Public for South Carolina
My Commission Expires: __________
IN WITNESS WHEREOF, the parties have executed this Third Amendment to the Development Agreement-Trust #2 (Cainho Land & Timber) as of the Effective Date, after due authorization by the Charleston City Council on ________________, 2022.

CAINHOY LAND & TIMBER, LLC

By: __________________________
   Peter Lawson-Johnston, II, Its Managing Member

STATE OF ______________________________
COUNTY OF __________________________

This instrument was acknowledged before me by Peter Lawson-Johnston, II, as the Managing Member of Cainho Land & Timber, LLC this ___ day of ________________, 2022.

SWORN to before me this ___
day of ________________, 2022.

___________________________
Notary Public for ______________
My Commission Expires:
IN WITNESS WHEREOF, the parties have executed this Third Amendment to the Development Agreement-Trust #2 (Cainhoy Land & Timber) as of the Effective Date, after due authorization by the Charleston City Council on ________________, 2022.

SEVEN STICKS, LLC

________________________________________

________________________________________

By: ____________________________________________

Peter Lawson-Johnston, II, Its Managing Member

STATE OF ________________

________________________________________

COUNTY OF ________________

This instrument was acknowledged before me by Peter Lawson-Johnston, II, as the Managing Member of Seven Sticks, LLC, this ___ day of ____________________, 2022.

SWORN to before me this ___ day of ____________________, 2022.

________________________________________

Notary Public for ________________

My Commission Expires: ________________
Schedule 2.37
Additional Property

ALL those certain pieces, parcels or tracts of land situate, lying and being in the City of Charleston, Berkeley County, South Carolina, known as Tract B, measuring and containing 117.72 total acres, more or less, and Tract B-1, measuring and containing 35.17 total acres, more or less all as more fully described on that certain plat by F. Elliott Quinn of Thomas & Hutton Engineering, Co. dated October 19, 1999 and entitled “Plat of Tracts B & B-1 owned by Peter O. Lawson-Johnson & Morgan Guaranty Trust Co. of N.Y., as Trustees” and recorded in Plat Cabinet O, Page 190-A in the Berkeley County Register of Deeds Office (the “Plat”), having such measurements, metes, buttins and boundings as set forth on the Plat which is incorporated herein by reference. (total 152.89 acres) (“Triton Property”).

Being the same property conveyed to Cinhoy Properties, LLC by Deed of Harry Frank Guggenheim Trust recorded March 15, 2000 in Book 1874 at Page 185:

AND

ALL those certain pieces, parcels or tracts of land situate, lying and being in the City of Charleston, Berkeley County, South Carolina, known as Tracts B-2 (80.86 acres), B-4 (16.63 acres), and B-7 (8.67 acres), measuring and containing 106.16 total acres, more or less, all as more fully described on that certain plat by F. Elliott Quinn of Thomas & Hutton Engineering, Co. dated January 10, 2000 and entitled “PLAT OF THE VILLAGE TRACTS B-2, B-4, AND B-7, OWNED BY PETER O. LAWSON-JOHNSON & MORGAN GUARANTY TRUST CO. OF N.Y., AS TRUSTEES” and recorded in Plat Cabinet O, Page 190-B in the Berkeley County Register of Deeds Office (the “Plat”), having such measurements, metes, buttins and boundings as set forth on the Plat which is incorporated herein by reference (“Horton Property”).

Being the same property conveyed to D. R. Horton by Deed of Harry Frank Guggenheim Trust recorded April 9, 2001 in Book 2211 at Page 187.

The Additional Property has the following TMS numbers:

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