

A RESOLUTION OF CHARLESTON COUNTY COUNCIL RES. NO. _____

WHEREAS, THE CHARLESTON COUNTY IS A PARTY TO A THREE-PARTY INTERGOVERNMENTAL AGREEMENT (THE "IGA") WITH THE SOUTH CAROLINA TRANSPORTATION INFRASTRUCTURE BANK (THE "SCTIB") AND SC DEPARTMENT OF TRANSPORTATION (THE "SCDOT") REGARDING THE MARK CLARK EXPRESSWAY/I526 COMPLETION PROJECT; AND

WHEREAS, CHARLESTON COUNTY COUNCIL ("COUNTY COUNCIL") HAS CONTEMPLATED VARIOUS OPTIONS WITH REGARD TO MOVING FORWARD WITH THE PROJECT; AND

WHEREAS, COUNTY COUNCIL HAS RECEIVED INNUMERABLE PUBLIC COMMENTS REGARDING THE PUBLIC'S DESIRES WITH REGARD TO THE PROJECT; AND

WHEREAS, COUNTY COUNCIL HAS ALSO RECEIVED INFORMATION FROM ITS STAFF, THE STAFF OF THE SCDOT, REPRESENTATIVES OF ORGANIZED GROUPS IN OPPOSITION TO THE PROJECT IN CERTAIN FORMS; AND

WHEREAS, COUNTY COUNCIL MEMBERS HAVE ALSO RESEARCHED AND INVESTIGATED IMPACTS OF THE PROJECT, OPINIONS OF THE PEOPLE, AND OTHER PERTINENT INFORMATION REGARDING THE PROJECT; AND

WHEREAS, COUNTY COUNCIL NOW WISHES TO MAKE DETERMINATIONS AND DIRECTIVES REGARDING MOVING THE PROJECT FORWARD:

NOW, THEREFORE, BE IT RESOLVED, BY COUNTY COUNCIL IN MEETING DULY ASSEMBLED AS FOLLOWS:

1. County Council hereby finds that it is in the best interests of the County to proceed with the permitting, design, financing and construction of the project referred to herein.
2. Subject to full environmental and other permitting approvals, Council endorses the proposed conceptual route known as "Alternative G", EXPRESSLY WITH THE FOLLOWING MODIFICATIONS which have been proposed by SCDOT staff (together with other modifications which may be made as a result of public comments received during the Environmental Impact Statement ("EIS") process the "Modified Project"):

a grade-separated interchange at Folly Road, including an overpass at Up on the Hill Road on James Island

an overpass at East Shore Lane West Ashley

a speed limit of 45 MPH on the mainline

3. Staff is directed to pursue additional modifications, including but not limited to eliminating traffic lights on the Modified Project and adding the overpass at Riley Road which is already under consideration.

4. Staff is directed to pursue any and all modifications to the IGA with the SCTIB and/or the SCDOT which are necessary or helpful to proceeding with the Modified Project, including, but not limited to:

Memorializing the Modified Project

Updating the funding commitment of the SCTIB

Modifying the contract exhibit regarding the county's match projects to reflect the elimination of the Folly Road Loop Ramp Project and the substitution(s) therefor

5. The Chairman of Council is authorized to execute any and all modifications to the IGA or other documents or instruments necessary or helpful to the completion of the Modified Project as authorized herein.

6. Staff is directed to work with the SCDOT to complete the Final Environmental Impact Statement (the "FEIS") and to receive the US Army Corps of Engineers 404 Permit and any and all other applicable permits.

7. Staff is directed to manage the completion of the Modified Project through the a management system similar to the SCDOT's local and public agency administration ("LPAA") process following completion of the FEIS.

8. Staff is directed to issue and pursue Requests for Qualifications ("RFQ's") and Requests for Proposals ("RFP's") and other appropriate procurement documents and procedures as soon as practicable for engineering, design, construction and inspection services, construction, Design-Build and other necessary or appropriate services.

9. In concert with the requirements of the FEIS and other permitting processes, staff is directed to take all reasonable steps beneficial to avoiding the displacement of residences caused by the Modified Project.

10. Staff is directed to immediately begin hardship and/or protective acquisition of properties in the expected Right of Way of the Modified Project, and to seek payment therefor from the SCTIB.
11. Staff is expressly empowered and urged to take all such further actions and make such further efforts to expedite completion of the Modified Project as are consistent with approved SCTIB funding, existing County ordinances, Council Directives and all other applicable agreements, laws, rules and regulations.

THIS RESOLUTION APPROVED IN MEETING DULY ASSEMBLED THIS THIRTEENTH DAY OF DECEMBER IN THE YEAR 2012.

(Anna Johnson's amendments to
Elliott Summey's motion including
Condon's amendments at County Council)
Mark Clark Extension (MCE) Project

James Island Site Visit

Residents' Concerns:

Safety and Increased Traffic - Residents believe that if you increase the traffic count near Riley Rd, Delaney Rd, and Up on the Hill Rd (James Is. Roads) there will be a greater likelihood of increased crime and speeding in their communities. The residents would like to prevent their communities from becoming cut-through streets so their streets can be safe for children and pedestrians.

Noise, Light, and Emissions - Construction of the Mark Clark and its use as an interstate highway will cause increased noise, lighting along the roadway, and harmful emissions and dust in close proximity to the homes within 1,000-feet of the Mark Clark. The residents would like sound barriers installed, limited lighting and illuminated signalization, and natural vegetative buffers preserved or planted to reduce dust and emissions.

Property Values - The residents within 1,000 feet of the proposed path of the Mark Clark believe their property values will be adversely impacted. The residents would like to be compensated for this diminution in value without having to pursue an inverse condemnation action in court.

Intersections - The residents want no or limited access from MCE to Riley Road, Up on the Hill Road, and/or Riverland Dr. If the MCE were built they would prefer grade separated crossings at those roads.

Other Factors:

Total Loss of Property – The four (4) residents of James Island who will lose their homes if the MCE is constructed are not opposed to building the MCE.

Pastor Support – Various pastors in the community are not opposed to building the MCE.

Park Space – The PRC is not opposed to building the MCE and is willing to work with the County.

Conditions of Approval:

Staff must provide Council with a report on the potential diminution in value to any residence within 1,000 feet of the proposed alignment of the MCE.

Staff must provide Council with a revised proposed MCE project plan that eliminates the at grade intersections at Riley Road and Up on the Hill Road.

Staff must provide Council with a revised proposed MCE project plan that institutes safety precautions for the students walking to Murray-Lasaine School and Oakland Elementary.

Staff must make good faith efforts to evaluate and consider claims made by residents for compensation due to the impact of the MCE on their property (even if there is no physical taking of their property and without the need for filing an inverse condemnation action).

Staff will conduct a public improvements study of roads and drainage projects.

-for communities and neighborhoods that are adjacent to or within 1,000 feet of the proposed alignment of the MCE. Staff will report to Council its findings and present a proposed plan to improve the roads and drainage in the impacted communities and neighborhoods.

Staff will explore opportunities to preserve the green space adjacent to the right of way of the MCE to establish a permanent buffer non build-able area along the MCE.