

The Post and Courier

July 15, 2013

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Clearing up misinformation about Mark Clark Expressway

07/13/2013 12:01 AM

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BY TEDDIE PRYOR

The completion of the Mark Clark Expressway has been polarizing, misunderstood and controversial. Charleston County Council did its best to resolve a tough issue that has passionate advocates on both sides. Recent news articles have misconstrued County Council's action in voting to complete the Mark Clark Expressway. These articles fail to mention council's vote to alter the Preferred Recommended Alternative G, which downgraded the project from an interstate to a highway. This is not an attempt to reconcile the divide between those for and against the completion of the Mark Clark, but to explain the conditions that were part of the 5-4 vote to proceed with the project.

The intention of council's action, based on Councilwoman Anna Johnson's motion, was not only to proactively research impacts within 1,000 feet of the road alignment, but also to allow residents to identify potential impacts to their property and articulate those concerns in writing to the county. In turn, the county would determine whether viable claims exist and the best way to mitigate the claim, if necessary. This condition in no way limits a taxpayer's ability to sue the county in court.

Most importantly, county staff will carefully study the project for potential impacts to individual properties, as well as more general impacts to the area and the environment. We will seek to mitigate or eliminate those impacts as the project is designed and built. We always do this in our road projects and we will do so even more diligently on this critical project. Therefore, the goal is to minimize or eliminate impacts to properties, rather than to carelessly cause impacts and think they can be ignored just by writing a check.

Nevertheless, the conditions for approval of the project are clear and provide another avenue for residents to bring grievances to their local government. No lawsuit is required to get the ear of your county government. If a citizen believes his property is "impacted" by the Mark Clark Expressway, Council requires that staff "must make good faith efforts to evaluate and consider claims made by residents for compensation..." The condition goes further by stating a resident may bring a claim to Charleston County "even if there is no physical taking of their property and without the need for filing an inverse condemnation action." This allows all residents within 1,000 feet who believe the Mark Clark Expressway has impacted their property to discuss this with the county, not just those residents whose

property is directly purchased for purposes of the Mark Clark Expressway's completion. Of course, it will be difficult to determine some impacts until the project has been completed.

Shouldn't citizens be able to voice their concerns to local government and expect to be heard? Lawsuits are time-consuming and expensive. The conditions on the resolution do not limit a person's ability to pursue remedies through the court system but enable taxpayers to go straight to the source, Charleston County, about any impacts the Mark Clark may have to their property. Don't pick on people with good intentions like Councilwoman Anna Johnson to advance nefarious political or ideological agendas.

Statements such as "the idea of compensating folks for lost property values was a bad one from the start," in Brian Hicks' July 5 column, incorrectly state the county's condition. Mr. Hicks further states that "compensating folks" for any injury to their property is "a horrible precedent." The allegations are far from the truth and confuse feelings with actions. Council's intention is clear: "Staff must make good faith efforts to evaluate and consider claims made by residents for compensation." As I have stated on numerous occasions, the county will first consider "efforts such as building sound barriers" and other forms of mitigation to prevent as many impacts as we reasonably can. That's good government.

To say that "Charleston County is not going to pay off folks whose property loses value because of Interstate 526" is misleading. The county will do exactly what County Council said. This statement from Mr. Hicks' July 5 column implies that council's condition is an all-or-nothing one. Council always strives to be fair to its citizens and will look at any claims on a case-by-case basis. Is it really fair that a person's sole remedy of relief is in a court of law if that person can clearly demonstrate where he or she has been harmed by the construction of Mark Clark, without mitigation? Isn't the primary role of government to help its citizens? Councilman Henry Darby, who voted against the Mark Clark Expressway, would say so. It is inconceivable to think councilmembers like Mr. Darby, regardless of their votes on the Mark Clark completion, would do otherwise. For Mr. Hicks to claim Council's good faith requirement was a "ruse" is just plain wrong.

As members of County Council, it is our duty to protect the best interests of our citizens. In fact, that's why we were elected. The completion of the Mark Clark was an issue charged with strong feelings on both sides of the decision. Obviously, that is still the case and will continue to be. County Council made the decision to complete the Mark Clark through extensive research, numerous discussions and many presentations. Our decision was the product of debate and compromise, and it was not made lightly.

County Council's action provides a mechanism to the citizens allowing them a potential avenue to recover outside of the timely, costly court system. Shouldn't the ability for an affected citizen to request help from local government be a fundamental right in our society? The county will determine whether a citizen is entitled to "compensation due to the impact of the Mark Clark extension on their property." We never guaranteed payouts to all who ask. What council did was vote to use "good faith efforts to evaluate and consider claims made by residents for compensation due to the impact of the MCE on their property."

Council plans to abide by its word.

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