City Hall 80 Broad Street May 14, 2013 5:00 p.m. (REVISED)

CITY COUNCIL

- A. Roll Call
- **B.** Invocation Councilmember Wilson
- C. Pledge of Allegiance
- D. Presentations and Recognitions
 - Recognition of Nine Charleston Residents instrumental in the Desegregation of Charleston County Schools
 - 2. Proclamation honoring Older Americans Month
 - 3. Proclamation honoring Bicycle Month
- E. Public Hearings
- F. Act on Public Hearing Matters
- **G.** Approval of City Council Minutes:
 - 1. April 23, 2013
- H. Citizens Participation Period
- I. Petitions and Communications:
- J. Council Committee Reports:
 - 1. Committee on Public Safety (Meeting was held Thursday, May 2, 2013 at 4:00 p.m.)
 - -- Update on Late Night Entertainment Establishment Ordinance (refer to Agenda Item #L2)
 - -- Review of Fireboat Accident
 - -- Updates:

Police Department Fire Department Emergency Management

2. Committee on Traffic and Transportation (Meeting was held Tuesday, May 14, 2013 at 4:00 p.m.)

(Application for Original Certificate of Public Convenience and Necessity Certificate for Taxi Cab/Limo

-- Atlantic Executive Limousine, LLC (Limo) (Franchised Valet Parking Spaces – Parking Enforcement

3. Committee on Ways and Means:

(Bids and Purchases

- (Budget, Finance, and Revenue Collections: Approval to establish a Parking Garage Management Services Contract with ABM Parking Services, 1459 Hamilton Ave., Cleveland, OH 44114. The contract will begin on July 1, 2013.
- (Police Department: Approval to submit an OJJDP Community Based Violence Prevention Demonstration Program grant application in the amount of \$654,777.44 for the Charleston Police Department Youth Violence Reduction Initiative. No City match is required. The grant was submitted on April 22, 2013.
- (Police Department: Approval to submit the 2013 SC Department of Public Safety S.T.O.P Violence Against Women Act grant application in the amount of \$72,022, for CPD Enhanced Services for the Victims of Violent Crimes. A City in-kind match is required in the amount of \$30,867.
- (Police Department: Approval to submit the Bulletproof Vest Partnership grant application in the amount of \$43,291.50 to purchase 140 vests. A City match of \$43,291.50 is required.
- (Office of Cultural Affairs: Approval to submit a grant application to Target Community Relations in the amount of \$2,000 for the 2013 MOJA Arts Festival Dance Gala and Educational Outreach Programs. No City match is required. Due to time constraints, this application was submitted on April 16, 2013.
- (Office of Cultural Affairs: Approval to submit a grant application to The Henry and Sylvia Yaschik Foundation in the amount of \$5,000 for the 2013 MOJA Arts Finale. No City match is required. Due to time constraints, the application was submitted on April 30, 2013.
- (Office of Cultural Affairs: Approval to submit a grant application to The Henry and Sylvia Yaschik Foundation in the amount of \$10,000 for the 2014 Piccolo Spoleto Spotlight Concert Series. No City match is required. Due to time constraints, the application was submitted on April 30, 2013.
- (Parks-Capital Projects: Approval to submit a grant application to the USTA Facility Program Assistance in an amount not-to-exceed \$50,000 for installing three (3) new courts at Daniel Island Tennis Center. The grant requires a City match of 80% of the total project cost, not to exceed \$250,000. The total project budget for the Daniel island Tennis Center 3 courts is estimated at \$404,000.
- (Parks-Capital Projects: Approval to award a contract to Three Oaks Contractors, Inc., in the amount of \$446,850 for construction of the Harmon Ballfield Renovation.
- (Parks-Capital Projects: Approval to award a contract with Christie Brothers Heat & Air, LLC, in the amount of \$119,000 for installation of new HVAC at the Shaw Center.

- (Public Service: Approval of design services with Cummings & McCrady, Inc. in the amount of \$96,115 to complete design documents, permits and project manuals to reflect changes in the "Turn" portion of the High Battery replacement.
- (Public Service: Approval of B&C Utilities, Inc.'s proposal to repair the storm drain between Dunnemann & Grove in conformance with standard City procedures and details in the amount of \$52,130. This is an emergency repair due to the collapse of the existing storm drain in Wagener Avenue. Work on the road is underway. This is an after-the-fact approval.
- (Housing and Community Development: Approval of an ordinance to execute the necessary documents for the City of Charleston to secure the loan with First Citizens Bank and Trust Company, Inc. The loan is being secured to pay-out the current debt owed to the Charleston Citywide Local Development Corporation. The loan will be secured by a First-Mortgage lien on the property located at 729 East Bay Street, known as the Josiah Smith Tennant House [Ordinance]
- (Request authorization for the Mayor to execute the Memorandum of Agreement between the City and the Housing Authority of the City of Charleston whereby the Authority agrees the Restrictive Covenants governing the affordable rental housing shall have an aggregate term of thirty-five (35) years, and shall be included in the deed conveying Tract C-Affordable to the Authority, which is an increase of 5 years over contemplated affordable period; and the City agrees to contribute \$100,000 towards the Authority's cost of design and construction of the portions of the public roadways "Concord Park West" and "Concord Park South" on which Tract C-Affordable fronts. (New Tract C-Affordable, Concord Park, at the corner of Laurens St. and the railroad right-of-way; a portion of TMS# 458-01-02-063)
- (Request authorization of the Mayor to execute the lease between the Charleston Trident Urban League and the City of Charleston for the lease of the first and third floors of the Josiah Smith Tenant House located at 729 East Bay Street for their continued operation (TMS #459-06-01-067) [Ordinance]
- (Consider the following annexations:

1845 Wilshire Drive (TMS #352-09-00-024) 0.40 acre, West Ashley (District 9)

Give first reading to the following bills and adopt resolutions coming from Ways & Means:

An ordinance authorizing the Mayor to execute and deliver, on behalf of the City of Charleston, the documents necessary or reasonably required by First Citizens Bank and Trust Company, Inc. to obtain a loan from First Citizens Bank and Trust Company, Inc. in the maximum principal amount of \$1,182,500.00 for the refinancing and mortgaging of 729 East Bay Street bearing TMS #459-06-01-067, said property being located in the City and County of Charleston, State of South Carolina, said loan to be memorialized in loan documents, acceptable to the Mayor and City's legal counsel, reflecting the terms and conditions generally set forth in that certain Commitment Letter being marked as *Exhibit I*, attached hereto, and incorporated by reference herein.

An ordinance authorizing the Mayor to execute the necessary documents to enter into that certain Commercial Lease between the City of Charleston and Charleston Trident Urban League for the Lease of the 1st and 3rd floors of the Josiah Smith Tenant House located at 729 East Bay Street in the City and County of Charleston, State of South Carolina, bearing TMS #459-06-01-067, said Commercial Lease being marked as Exhibit I, attached hereto and incorporated by reference herein.

An ordinance to provide for the annexation of property known as 1845 Wilshire Drive (0.40 acre) (TMS# 352-09-00-024), 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.

K. Bills up for Second Reading

- 1. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Maybank Highway (Johns Island) (5.24 acres) (TMS #313-00-00-031) (Council District 5), be rezoned from Diverse Residential (DR-9) classification to Single-Family Residential (SR-6) classification.
- 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 Plow Ground Road & River Road (Johns Island) (462 acres) (TMS #316-00-00-034, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045 & 057) (Council District 5), be rezoned from Conservation (C) classification to Planned Unit Development (PUD) classification. (The Planning Commission recommends disapproval. Approval requires ¾ vote.)
- 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 2060 Vestry Drive (West Ashley) (0.30 acre) (TMS #355-14-00-021) (Council District 2), annexed into the City of Charleston March 12, 2013 (#2013-033), be zoned Single-Family Residential (SR-1) classification.
- 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 Tallent Lane (Johns Island) (9.53 acres) (TMS #313-00-00-043) (Council District 5), annexed into the City of Charleston March 12, 2013 (#2013-034), be zoned Single-Family Residential (SR-6) classification.
- 5. An ordinance to amend the City of Charleston Zoning Ordinance relating to the residency requirements for the Board of Architectural Review, Design Review Board, Board of Zoning Appeals-Zoning, Board of Zoning Appeals-Site Design and the Planning Commission.
- 6. An ordinance authorizing the Mayor to execute the necessary documents to abandon that certain portion of Simons Street and Third Avenue 30' passageway as more particularly described on Exhibit A, attached hereto, and incorporated by reference herein.
- 7. An ordinance to provide for the annexation of property known as 3358 Berryhill Road (0.40 acre) (TMS# 277-07-00-001), 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.
- 8. An ordinance amending the Zoning Ordinance of the City of Charleston by changing the Zone May, which is part thereof, so that certain properties located in the

Cannonborough/Elliottborough and east side areas of the Charleston peninsula, or east of Coming Street, north of Radcliffe Street, west of Nassau Street, and south of Septima Clark Parkway, and certain properties located on the west side of Coming Street between Morris Street and Spring Street, and certain properties located on Columbus Street between Aiken Street and Nassau Street, including the following tax map parcels (TMS# 459-05-03-058, 059, 062, 063, 065, 071, 129; 459-05-04-170, 171; 459-09-01-006, 065, 066; 459-09-02-116, 117, 118, 119; 459-09-03-002, 060, 061; 460-04-04-007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 099, 100, 102; 460-08-02-020, 021, 022, 024, 025, 026, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 039, 052, 053, 054, 074, 075, 076, 077, 078, 079, 080, 082, 083, 085, 086, 087, 088, 089, 090, 091, 092, 093, 094, 095, 098, 099, 100, 101, 102, 103, 104, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 140, 141, 142, 143, 144, 145; a portion of 460-08-03-044; 460-08-03-046, 047, 048; a portion of 460-08-03-049; 460-08-03-050, 051, 052, 172; 460-08-04-003, 004, 005, 006, 007, 008, 009, 010, 011, 013, 018, 019, 020, 021, 022, 023, 024, 025, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 039, 040, 041, 046, 047, 067, 068, 069, 070, 071, 072, 073, 074, 111; 460-12-01-035, 036, 037, 038, 039; a portion of 460-12-01-049; 460-12-01-050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 062, 063, 065, 066, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174; 460-12-02-039, 040, 046, 047, 048, 051, 053, 054, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 128, 129, 130, 131, 132). All of the properties included herein shall be rezoned from General Business (GB) to Limited Business (LB). (DEFERRED FOR PUBLIC HEARING)

- An ordinance to amend the City of Charleston Visitor Accommodations Study, dated February 10, 1998, by modifying the text therein related to "Accommodations Inventory" and by revising the Map contained therein entitled "1998 Visitor Accommodations Study Proposed Accommodation Overlay District Amendments." (DEFERRED FOR PUBLIC HEARING)
- 10. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by revising Section 54-220 (b) (1) by amending subpart (a) pertaining to the effect of accommodations uses on housing stock, by amending subpart (e) to require building floor plans, elevations, and detailed written assessment reports with applications for an accommodation special exception, by adding new subpart to be labeled (c) pertaining to the floor area of restaurant and bar space in accommodations facilities and re-lettering the following subparts of said section; by revising Section 54-220 (b) (1) (e) (7) to require that accessory uses in accommodations facilities be assessed in terms of size and impact on parking and traffic generation; revising Section 54-220 (b) (1) (e) (15) pertaining to limits on the number of rooms in facilities; to revise Section 54-220 (b) (1) (e) (16) pertaining to the provision of shuttle bus service by accommodations facilities; and to amend the Zoning Map pertaining to the accommodations overlay zone district in the peninsula portion of the City in accordance with the map attached to this ordinance. (DEFERRED FOR PUBLIC HEARING)
- 11. An ordinance to provide for the annexation of property known as Main Road (0.4 acre) (TMS#: 285-07-00-004), St. Andrews Parish, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way,

shown within the area annexed upon a map attached hereto and make it part of District 5. (DEFERRED)

L. Bills up for First Reading

- 1. An ordinance to amend Chapter 14, Article IV, Sec. 14-46 (g) (2) of the Code of the City of Charleston to specify where solid waste and Charleston County recycling containers must be stored on a premise (AS AMENDED).
- 2. An ordinance to amend the Code of the City of Charleston by adding to Chapter 17 thereof a new Article VIII pertaining to late night entertainment establishments.
- 3. An ordinance to amend the Code of the City of Charleston by adding to Chapter 19 thereof, motor vehicles and traffic, a new Article XX pertaining to the operation of golf carts and low speed vehicles in the City. (DEFERRED)
- 4. An ordinance to amend the Zoning Ordinance of the City of Charleston by adding to Sec. 54-102 (c) (1), Special Zoning Districts, Overlay Zones, the words "Downtown Commercial Transportation Services Overlay Zone", by adding to Sec. 54-202, Overlay Zones, a new subsection (i) establishing and defining the Downtown Commercial Transportation Services (DCT) Overlay Zone and by adding a new Sec. 54-228 setting forth the regulations of the Downtown Commercial Transportation Services Overlay Zone. (DEFERRED)
- 5. An ordinance to amend the <u>Code of the City of Charleston</u>, South Carolina, Chapter 29, Section 211(a) to clarify and limit the number of horse-drawn carriages that may be operated/permitted in the central loading zone. (DEFERRED)

M. Miscellaneous Business:

1. The next regular meeting of City Council will be May 28, 2013 at 5:00 p.m. at City Hall, 80 Broad Street.



City of Charleston Joseph P.Riley, Jr. Mayor

PROCLAMATION

WHEREAS; City of Charleston includes 21,089 (2010 US Census Bureau) citizens ages 60 and older;

and

WHEREAS; City of Charleston is committed to valuing all individuals and recognizing their ongoing

life achievements; and

WHEREAS; the older adults in City of Charleston play an important role by continuing to

contribute experience, knowledge, wisdom, and accomplishments; and

WHEREAS, our older adults are active community members involved in volunteering,

mentorship, arts and culture, and civic engagement; and

WHEREAS, recognizing the successes of community elders encourages their ongoing participation

and further accomplishments; and

WHEREAS, our community can provide opportunities to allow older citizens to continue to

flourish by:

• Emphasizing the importance of elders and their leadership by publicly recognizing their continued achievements

- Presenting opportunities for older Americans to share their wisdom, experience, and skills
- Recognizing older adults as a valuable asset in strengthening American communities

NOW, THEREFORE, I, Joseph P. Riley, Jr., Mayor, City of Charleston, do proclaim May 2013 as:

OLDER AMERICANS MONTH

in the City of Charleston, and urge every citizen to take time this month to recognize older adults and the people who serve and support them as powerful and vital citizens who greatly contribute to the community.

IN WITNESS WHEREOF, I have hereunto set my Hand and caused the Seal of the City of

Charleston to be affixed this 14th day of May,

CHARLESTON All America City

Joseph P. Riley, Jr., Mayor



9:0. Box 652 Charleston, South Carolina 29402 843-577-6970 Fax 843-720-3827



City of Charleston

PROCLAMATION

WHEREAS. for more than a century, the bicycle has been an important part of the lives of Americans

and today, millions of Americans engage in bicycling because it is a viable and environmentally-sound form of transportation and an excellent form of fitness and family

recreation; and

WHEREAS, the League of American Bicyclists recently officially recognized the City of Charleston

as a Bicycle Friendly Community; and

WHEREAS, the City of Charleston recognizes bicycling as an essential mode within an overall

transportation network and seeks to ensure all citizens have a choice of safe options for

moving within and between neighborhoods and across the City and region; and

WHEREAS, the education of cyclists and motorists as to the proper and safe operation of bicycles is

important to ensure the safety and comfort of all users; and

the City of Charleston, through its Bicycle and Pedestrian Advisory Committee and in WHEREAS.

partnership with local bicycle organizations and independent cyclists throughout Charleston, are promoting greater public awareness of bicycling and safety in an effort to

increase transportation options and reduce accidents for all; and

WHEREAS. the City is actively building facilities in the form of bicycle paths, lanes, routes and

bicycle parking to create more accessibility in and around Charleston, and it is promoting

bicycle safety through education and enforcement.

NOW, THEREFORE, I, Joseph P. Riley, Jr., Mayor, City of Charleston, do proclaim May, 2013 as:

BICYCLE MONTH

throughout the City and encourage all citizens to ride and to recognize the importance of bicycle safety and be more aware of cyclists on our streets and highways.

> IN WITNESS WHEREOF, I have hereunto set my Hand and caused the Seal of the City of Charleston to be affixed this 14th day of

May, 2013



Joseph P. Riley, Jr., Mayor



P.O. Box 652 Charleston South Carolina 29402 843-577-6970 Fax 843-720-3827



Ratification
Number

AN ORDINANCE

TO AMEND CHAPTER 14, ARTICLE IV, SEC. 14-46 (g) (2) OF THE CODE OF THE CITY OF CHARLESTON TO SPECIFY WHERE SOLID WASTE AND CHARLESTON COUNTY RECYCLING CONTAINERS MUST BE STORED ON A PREMISE (AS AMENDED).

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

<u>Section 1.</u> Chapter 14, Article IV, Sec. 14-46 (g) (2) of the Code of the City of Charleston is hereby amended to specify where solid waste and Charleston County recycling containers must be stored on a premise, so that hereafter the said Sec. 14-46 (g) (2) of the Code of the City of Charleston shall read as follows (amendatory language in bold type):

14-46 (g) (2) Hours. All solid waste, excluding bulk for collection by the city environmental services division, shall be placed at the curb before 6:30 a.m. during daylight savings time and before 7:00 a.m. during Eastern Standard Time on the scheduled pickup days only. Garbage shall not be placed before 6:00 p.m. the day before scheduled pickup. Trash shall not be placed earlier than two (2) days before scheduled pickup. Containers, including Charleston County recycling containers, shall be removed as soon as possible after pickup, but not later than 6:00 p.m. on the scheduled pickup days. The city environmental services division shall not be responsible for the pickup of refuse not placed by the prescribed time.

If feasible, Containers and Charleston County recycling containers shall be stored at a location on a premise so that they are not visible from the right-of-way that fronts the premise. Such locations may include the rear yard of a premise or other area of the premise that is screened. If no such location is feasible, Containers and Charleston County recycling containers may be stored in the side yard of a premise, provided the containers are placed adjacent to the dwelling on the premise, at the corner of the dwelling

farthest from the right-of-way that fronts the premise. Nothing herein shall be construed to require the indoor storage of containers. Citations for noncompliance with this Section shall be issued to the legal occupant of the premise.

Section 2. This Ordinance shall become effective upon ratification.

	Ratified in City Council thisday of	
	In the Year of Our Lord 2013, in the 237th Year of	the
	Independence of the United States of America.	
	Mayor	-
A FRONTION	4 5	
ATTEST:		
	Clerk of Council	_



City of Charleston Joseph P. Riley Jr. Mayor

MEMORANDUM

To:

City Council

From:

Mayor Joseph P. Riley, Jr.

Re:

Late Night Entertainment Establishment Ordinance

Date:

May 8, 2013

The hospitality industry is a vital component of the City's economic health, and it continues to thrive. While it is important that we do all we can to encourage the growth of the industry, it is as important that we take appropriate steps to assure that the industry is responsibly managed to maintain a balance between the needs of the industry and those of our residents.

Bars and restaurants that are open late certainly add to the character of the community. At the same time, these establishments pose distinct public safety and environmental challenges, as our police officers seek to maintain the peace and good order in the early hours of the morning, and our environmental officers endeavor to keep the streets tidy and attractive and safe for use. And these are not just downtown issues. While in recent years the downtown nightlife has grown, areas outside the peninsula have experienced this phenomenon as well.

I asked staff to study the issue. A committee headed by Chief Mullen and comprised of staff from the police, fire, public service, planning and legal departments were all involved in the process. The culmination of that effort is the attached ordinance. The ordinance would apply to businesses open to the general public after midnight that have Class 7(a) business licenses (the businesses whose sales of beer, wine or alcohol for on-premise consumption exceed 35% of total sales). These businesses would be required to employ reasonable management techniques to contain crowds, noise and litter, to include adequate security staffing after midnight. The ordinance also establishes a staff committee to review preliminary plans for an establishment. The purpose of this review is to acquaint an applicant with what will be expected in the operation of the business and identify and address potential issues with the business at the initial stage of the application process before problems arise and in advance of an applicant spending a great deal of money.



9.0. Box 652, Charleston South Carolina, 29402 Telephone: 848-577-6970 Fax: 848-720-3827 I believe this ordinance will prove to be of great benefit to the City, the industry and the general public, and strongly support its adoption.

Thanks so much.

JPR,jr/mc



Ratification	
Number	

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF CHARLESTON BY ADDING TO CHAPTER 17 THEREOF A NEW ARTICLE VIII PERTAINING TO LATE NIGHT ENTERTAINMENT ESTABLISHMENTS.

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

Section 1. The Code of the City of Charleston is hereby amended by adding to Chapter 17 thereof a new Article VIII to read as follows:

ARTICLE VIII - LATE NIGHT ENTERTAINMENT ESTABLISHMENTS

Sec. 17-124.-Findings.

Successful communities are those that provide desirable atmospheres for living, working and recreating. To foster strong neighborhoods and a healthy economy, it is vital that a balance between these sometimes competing interests be achieved and maintained. Viable, wellmanaged nightlife activities are crucial elements to the success of the City, as they provide needed recreational opportunities to visitors and residents alike. The hospitality industry is of particular importance to the City's tourist economy, and it is imperative that this industry be conducted in a manner that fosters safe, inviting entertainment so that the City remains attractive to first-time, and returning, visitors. In recent years, the number of establishments that offer on-premise consumption of beer, wine and alcoholic beverages in the early morning hours has increased. These establishments, often in close proximity to one another, provide natural places for gathering and frivolity. Due to their hours of operation, the entertainment they provide and their numbers of patrons coming and going, these establishments often generate noise, litter, traffic and other deleterious effects which disturb the peace, quietude and good order of the community and impose unnecessary burdens on public safety officers. City Council finds it in the interests of public safety and good order in the community that reasonable measures be enacted to require that establishments open after midnight and which allow for the on-premise consumption of beer, wine or alcohol, outside the confines of a

structure that offers accommodations, demonstrate a willingness and ability to responsibly conduct their business and monitor the activities of their patrons.

Sec. 17-125.-Definitions.

Late Night Entertainment Establishment means an enterprise that is open after midnight and which is licensed to allow for the on-premise consumption of beer, wine or alcoholic beverages, under State law, and which is open to the general public during normal business hours but is not located in a structure that provides accommodations uses as defined in Sec. 54 - 120 of the Zoning Ordinance, as the same may, from time to time, be amended.

Maximum occupant load means the maximum number of people allowed in a Late Night Entertainment Establishments pursuant to the International Fire Code or other fire code in effect in the city, all as the same may, from time to time, be amended.

Off-site areas used for parking means: (1) parking spaces or areas not located on the lot of record of the Late Night Entertainment Establishment; and (2) shared parking areas on the lots of record of the Late Night Entertainment Establishment, either of which are made available by the Late Night Entertainment Establishment to its personnel and patrons for parking.

Sec. 17-126.-Late Night Entertainment Establishment Operational Regulations.

A. Noise.

Late Night Entertainment Establishments where music is played after 11:00 p.m. shall close all doors and windows of the establishment at 11:00 p.m. Notwithstanding the foregoing, noise generated from an establishment after 11:00 p.m. that is capable of being heard within 50 feet of an entrance to the establishment is declared to be a nuisance. It shall be the responsibility of management of the establishment to take all measures as are required to manage noise from the establishment such that it does not constitute a nuisance as set forth herein.

B. Security.

1. Late Night Entertainment Establishment personnel shall be responsible for operating the establishment in a safe and orderly manner. After midnight, no less than one security officer for every one hundred people as allowed by the establishment's maximum occupant load shall be on duty, regardless of whether the number of people constituting the maximum occupant load is then present. After midnight, one security manager shall be on duty for the first three to seven security officers required to be on duty. An additional security manager shall be on duty for every seven security officers required to be on duty in excess of the initial seven officers. After midnight, a person shall be stationed at the door of the establishment at all times. The security managers and door person are in addition to the required security officers. Establishments

required to have a Class 7(a) business license shall comply with the provisions of this subsection on or before July 1, 2013. Establishments opening on or after July 1, 2013 shall comply with the provisions of this subsection during its first business license year and for every business license year thereafter when required to have a Class 7(a) business license. The provisions of this subsection shall only be applicable on Wednesdays, Thursdays, Fridays and Saturdays.

- 2. It shall be the responsibility of Late Night Entertainment Establishment personnel to employ crowd management techniques to assure that patrons are adequately disbursed throughout the establishment in compliance with the maximum occupant load or the specific areas of the establishment.
- 3. It shall be the responsibility of Late Night Entertainment Establishment personnel to see that the maximum occupant load is not exceeded.
- 4. It shall be the responsibility of Late Night Entertainment Establishment personnel to patrol all areas outside the establishment where patrons queue and to maintain order and pedestrian clearance on all sidewalks which abut the premises of the establishment.
- 5. It shall be the responsibility of Late Night Entertainment Establishment personnel to routinely patrol all on-site and off-site areas used for parking by the establishment or its patrons to prevent such areas from becoming outdoor gathering places. It shall be the responsibility of Late Night Entertainment Establishment personnel to clear all on and off site parking areas of patrons within thirty minutes of closing.
- 6. All security personnel shall be readily identifiable as such by means of uniforms or other attire.

C. Waste Management.

- 1. It shall be the responsibility of Late Night Entertainment Establishment personnel to maintain the exterior grounds of the establishment, the sidewalks abutting the establishment and all parking areas of the establishment, on and off site, in a clean condition, free of trash, rubbish or other debris.
- 2. On the peninsula, Late Night Entertainment Establishments that utilize City sanitation services shall adhere to all ordinances, regulations and policies of the City pertaining to containing, collecting and disposing of sanitary waste. Sanitary waste containers shall not be placed at the curbside before 11:00 p.m. and shall be removed from the curbside before 11:00 a.m. Sanitary waste containers shall be stored at such locations as may be approved by the Late Night Entertainment Establishment Committee.

D. It shall be the responsibility of Late Night Entertainment Establishment personnel to, at all times, operate and maintain the Late Night Entertainment Establishment premises in accordance with all requirements of this article and all other applicable city ordinances, including but not limited to zoning, building and fire codes.

E. In addition to the general penalty provisions of this Code, the failure to abide by the provisions of this Section 17-126 may result in the suspension or revocation of the establishment's business license or certificate of occupancy.

Sec. 17-127. - Late Night Entertainment Establishment Review Committee.

There is hereby created a Late Night Establishment Review Committee. The committee shall be appointed by the mayor and consist of seven members, one of whom shall be an employee of the police department, one of whom shall be an employee of the department of planning, preservation and sustainability, one of whom shall be an employee of the department of public services building inspections division, one of whom shall be an employee of the department of public services environmental services division, one of whom shall be an employee of the department of traffic and transportation, one of whom shall be an employee of the fire department fire marshal division, and one of whom shall be an at-large employee, or any of their respective designees. The Office of Corporation Counsel shall assist the committee, as necessary.

Sec. 17-128. Late Night Entertainment Establishment Committee Duties and Responsibilities. The Late Night Establishment Review Committee shall act as an administrative board and shall review and approve or disapprove applications for Late Night Entertainment Establishments in the City. In its review and action on applications, the committee shall apply the criteria for the establishment of Late Night Entertainment Establishments as set out in Sec. 17-130 hereof. The committee shall render its decision on an application within fourteen (14) days of its submission to the City. Failure to render a decision within this timeframe shall constitute approval of the application. In the event an application is disapproved, the committee shall set forth in writing its reasons for denial and include suggested means for the applicant to come into compliance with the provisions of Sec. 17-130. This article establishes the minimum requirements to commence the application process for a Late Night Entertainment Establishment, and is supplemental to other city ordinances rules, regulations and applicable standard codes. Approval of a Late Night Entertainment Establishment application by the committee shall not be deemed to relieve the applicant from complying with any other

applicable federal, state or local regulations applicable to its business, including building and fire codes.

Sec. 17-129.-Late Night Entertainment Establishment Requirements.

No city permit to operate a Late Night Entertainment Establishment shall be processed or issued until an application to operate the establishment has been approved by the Late Night Entertainment Establishment committee.

Sec. 17-130.-Late Night Entertainment Establishment Application.

The application to operate a Late Night Entertainment Establishment must include the following:

- (a) Floor plans, drawn to scale, showing the interior of the structure to be occupied by the establishment, to include the designation and square footage of patron use areas (customer circulation, standing, dancing, seating and wait areas), stage areas for entertainment and non-patron use areas (restrooms, kitchen, office, storage etc.). All exits shall be noted, as well as areas to be sprinkled when required by Code. When an establishment will not occupy the entire structure, the plans must identify other uses in the structure at the time of application.
- (b) A site plan, drawn to scale, showing the entire exterior of the premises to include the locations of all buildings on the premises, parking areas, refuse collection areas, the main entrance to the establishment, emergency exits from the establishment, all means of ingress and egress to the premises, lighting locations and the location and dimensions of existing and proposed trees, plantings and landscaping.
- (c) If required parking is not to be provided on-site, a plan describing how parking will be addressed, to include the location of off-site areas used for parking and their distances from the premises where the establishment will be located.
- (d) A security and management plan describing with particularity the days and hours of operation, crowd management measures to be taken, both in and outside the premises and any parking areas under the control of the establishment, and means of controlling access, and underage drinking and serving.
- (e) A waste management plan describing with particularity how waste from the establishment will be collected, stored and discarded.
- (f) An emergency action plan describing with particularity how and under what circumstances the establishment would manage an emergency, to include evacuation techniques and the respective responsibilities of on-duty personnel.
- (g) Any fee that may, from time to time, be established by City Council.

The provisions set out in an approved Late Night Entertainment Establishment application shall constitute conditions of the establishment's certificate of occupancy and business license, in addition to those that may be imposed by applicable ordinances and standard codes in effect. In

addition to the general penalty provisions of this Code, the failure of the establishment to adhere to representations in the approved application may result in the suspension or revocation of the establishment's certificate of occupancy or business license.

Sec. 17-131.- Appeal – Application decisions.

An applicant aggrieved by a decision of the Late Night Entertainment Establishment committee pertaining to its application for a Late Night Entertainment Establishment permit shall have the right of appeal to the Business License Committee. The appeal must be filed with the Clerk of Council within thirty days of the mailing date of the decision of the committee. The appeal must be in writing and specifically delineate the grounds of appeal.

Sec. 17-132. - Appeal - Operational Regulation violations.

- 1. Building Official: A person aggrieved by a decision of the Building Official (or his designee) pertaining to the certificate of occupancy of a Late Night Entertainment Establishment shall have the right to appeal to the Building Code Board of Appeals. The appeal must be filed in the office of the Building Official within thirty days of the mailing or hand-delivery date of the decision of the Building Official. The appeal must be in writing and specifically delineate the grounds of appeal.
- 2. Business License Official: A person aggrieved by a decision of the Business License Official (or his designee) pertaining to the business license of a Late Night Entertainment Establishment shall have the right to appeal to the Business License Committee, in accordance with the provisions of the Business License Ordinance. The appeal must be in writing and specifically delineate the grounds of appeal.
- 3. Fire Marshal: A person aggrieved by a decision of the Fire Marshal (or his designee) pertaining to the certificate of occupancy of its Late Night Entertainment Establishment shall have the right to appeal first to Fire Marshal in accordance with the terms of any order, and then to the Building Board of Adjustment and Appeals if the matter is not resolved in accordance with the provisions of the Fire Code. The appeal must be in writing and specifically delineate the grounds of appeal.

Sec. 17-133.-Appeal - Circuit Court.

A Late Night Entertainment Establishment aggrieved by a decision of the Building Code of Appeals or Business License Committee may appeal to the circuit court of Charleston or Berkeley County, as applicable. An appeal from the Building Code of Appeals must be filed and served in accordance with the provisions of the Business License Committee must be filed and served in accordance with the provisions of the Business License Ordinance.

Sec. 17-134.- The provisions of this article shall become effective on July 1, 2013. Late Night Entertainment Establishments in existence as of the effective date of this article shall come into compliance with the provisions of Sec. 17-130 prior to the renewal of its business license for the calendar year immediately following the date of ratification or upon any expansion of the floor area of the establishment, whichever shall first occur.

Section 2. This Ordinance shall become effective on July 1, 2013.

	Ratified in City Council thisday of
	In the Year of Our Lord 2013, in the 237th Year of the
	Independence of the United States of America.
	M
	Mayor
ATTEST:	
ATTEST.	Clerk of Council