

COUNCIL CHAMBER

Regular Meeting

January 10, 2017

The twenty-fifth meeting of the City Council of Charleston was held this date convening at 5:04 p.m. at the City Hall.

A notice of this meeting and an agenda were mailed to the news media January 4, 2017 and appeared in The Post and Courier January 8, 2017 and are made available on the City's website.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Williams	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Riegel	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Wilson	District 12

Mayor Tecklenburg called the meeting to order at 5:04 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "I would ask, if you'd like please, if you would join Councilmember Wagner in an invocation and then the Pledge of Allegiance."

Councilmember Wagner opened the meeting with an invocation.

Councilmember Wagner then led City Council in the Pledge of Allegiance.

Mayor Tecklenburg said, "Thank you. I would like to let everyone know that if there were an emergency of any kind, that there are two exit doors there. Then, there is one exit door to the room to my right. Do not use the elevator in the event of an emergency, but use the double stairs downward, and then there is a single exit out the front of the building. If there were an emergency after we exit, I would ask that everyone gather in Washington Park next to City Hall.

Next, I would ask Councilmember Dudley Gregorie to join me on the stand on the podium. We are going to have a proclamation recognizing the W. K. Kellogg Foundation's National Day of Racial Healing. I'm going to make a few remarks first if I may, Councilmember. As I shared with you at our last Council meeting, it's been an incredible honor for me to serve as Mayor for the last year. One of those moments of honor for me happened this morning. I

attended the family meeting across the street at the Federal Courthouse with the families of the Emanuel 9 prior to their proceeding to the final day of this trial. The arguments were made today, and I hear that a sentence has now been issued. The person has been found guilty, and it was an honor just to be in the presence of those who had shown such love and compassion in how they responded to such a horrific act. The way that they've conducted themselves over these last weeks of this trial, and the grace that they've shown this community is just truly remarkable. It's just remarkable, and you all know Councilmember Gregorie is a member of the congregation there. So, what I also shared with them was that we, as a Council, as a City, as a community, must go forth not just in recognizing their actions and their compassion, but to do something about it. I made this pledge to them today that when we address issues of inequality in this City, that we think of Mother Emanuel when we propose affordable housing that can bring a sense of equity in housing in our City; that we think of Mother Emanuel when we start a Freedom School this Summer in Charleston for underprivileged kids; that we think of these families and Mother Emanuel and what they have done for us. Also, when we think of economic opportunities, and we think of helping kids and addressing achievement gaps in our schools, that we collectively, as a community, do these things, and take actions to recognize what they have done for us and for the causes that they believe in and that Reverend Senator Pinckney also believed in. So, Councilmember Gregorie asked that this proclamation be made and on such a fitting day. You read the first half, and I'll close it out."

Councilmember Gregorie and Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "Thank you very much."

Councilmember Gregorie said, "Thank you."

There was applause in the Chamber.

Mayor Tecklenburg said, "Next, I would like to call Councilmember and Mayor Pro Tem Keith Waring to the podium with me. We have a historic moment here. Because in the history of the City of Charleston, I don't think that any individual has ever served two successive terms as Mayor Pro Tem under two Mayors, Mayor Riley in 2015 and then under Mayor Tecklenburg in 2016. So, it's a historic moment. We have two plaques for Mayor Pro Tem, one for each year. Because of the great confidence that I had in Councilmember Waring and the great willingness that he has to serve our community, he was willing to take a double dip and do a second term as Mayor Pro Tem. I want to thank you for your service."

There was applause in the Chamber.

Councilmember Waring said, "Obviously, I want to thank Mayor Riley. It was a pleasure to do it in his 40th, a historic year and, obviously, the first-year Mayor, who, I really believe he got it right. I think sometimes he was in two places at the same time because he actually took it easy on me, and I want all to know that. A first-year Mayor certainly is pulled on and tugged on to be in multiple places, and I have appreciation for what he does for this City. I want to thank you for having that kind of confidence in me. Thank you."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "It's been a pleasure."

Mayor Tecklenburg said, "God bless. Alright, and now I would ask Council's approval of the appointees to the new Mayor Pro Tem and committee assignments and recognize new Mayor Pro Tem Michael Seekings who has served so well for the past eight years on City Council for the City of Charleston. I rely on him a lot. He pulls a lot of weight with serving as Chairman of CARTA, and they made remarkable progress in the last year. I look forward to serving with Mike Seekings."

Councilmember Williams said, "Move for approval."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

On a motion of Councilmember Williams, seconded by Councilmember Waring, City Council voted unanimously to approve the appointments of the 2017 Mayor Pro Tem and City Council Committees.

---INSERT APPOINTMENT MEMO---

Mayor Tecklenburg said, "There are no public hearings tonight. I'm sure everybody is saddened by that. So, we'll move right along with approval of City Council minutes from December 20, 2016."

Councilmember Riegel said, "Move for approval, Mr. Mayor."

Councilmember Williams said, "Second."

On a motion of Councilmember Riegel, seconded by Councilmember Williams, City Council voted unanimously to approve the minutes of the December 20, 2016 City Council meeting.

Mayor Tecklenburg said, "I would like to announce, with the Council's consent, an administrative change that we would like to make. Given the combination that we now have the streaming that we were just speaking of and a permanent video and audio record, to lighten the load just a little bit for our Clerk's office that does a heck of a lot of transcriptions to produce the minutes for you, that in two sections, being the public comments during Public Hearings and during the public comments during Citizens Participation, that the Clerk's office will just summarize the content of or the intent of those making comments. Then, any Councilmember or anybody in the public, for that matter, that would like to go back and see the full disclosure of whatever anybody, any citizen had to say would, of course, be able to get it through the video and the audio which will be available. So, that will save us some considerable time on nights where we have very long Public Hearings. Is Council okay with that? Do we need to vote on that?"

Councilmember Riegel said, "Move for approval."

Councilmember Williams said, "Second."

Mayor Tecklenburg said, "We've got a motion and a second. Is there any discussion?"

No one asked to be heard.

On a motion of Councilmember Riegel, seconded by Councilmember Williams, City Council voted unanimously to reduce the minutes by summarizing the public comments during Public Hearings and the Citizens Participation Period.

Mayor Tecklenburg said, "In addition, starting at our next meeting, we are going to initiate having a little sign-up sheet for those that would like to participate in the public participation hearings. It's the same kind of protocol that they currently use out at County Council. That being said, it is now Citizens Participation Period. How many folks would like to be heard, just to give me an idea since we're not doing the sign-up sheet yet? So, I see about 15 hands. Let's call it about a minute and 45 seconds. Yes, sir. Please come forward. State your name and address, please."

1. Anthony G. Bryant said he was concerned about comments made by former Planning Commission members, and he spoke about a police report from 2008. He asked what the difference was between a person and a police officer and what defined eminent threat. He said these things needed to be clearly defined or many African-American men in the State would be shot with no recourse.
2. Robert Gurley of the Preservation Society of Charleston spoke in support of the Mixed Use 1 and Mixed Use 2 Workforce Housing District amendment. He said the equity of opportunity must be incentivized, and this was a good start.
3. Charlie Smith, member of the West Ashley Revitalization Commission, stated that the Commission was ready and willing to get to work. He supported the West Ashley Master Plan Contract and asked Council for their support. He thanked the Historic Charleston Foundation for their contribution to help fund the plan.
4. Mohammed Idris expressed concerns about the Mayor's special assistant. He asked Council to read *Jack and the Beanstalk* and *Charleston! Charleston!*. He said Council had discussed providing a restroom for tourists at the previous meeting, but taxes were being taken in an unbalanced way, and poor people were suffering. He wanted to know who the Accommodations Tax was accommodating.
5. Robert Clement said he thought there were some great things in the Mixed Use 1 and Mixed Use 2 Workforce Housing District amendment, and the fee-in-lieu was a great idea, but some tweaking was needed to the formula. He said this was a great first start, and they needed to create an additional means of funding for future affordable housing products within the community because affordable housing affected everyone.
6. Bernie Mazyck, President and CEO of the South Carolina Association for Community Economic Development, said that his organization was developed by neighborhood leaders over 22 years ago to ensure that Charleston could retain and grow a diverse population economically, culturally, and racially. He spoke in support of the Mixed Use 1 and Mixed Use 2 Workforce Housing District amendment.

7. Latonya Gamble, President of the Eastside Community Development Corporation, spoke in support of the Mixed Use 1 and Mixed Use 2 Workforce Housing District amendment. She said it would be a great addition to the City, and it should be inclusive to all people, and this would impact her community greatly.
8. Joseph Watson, representing Eastside Community Council and the Great Empowerment Corporation, said he always tried to make sure that the next generation did better or at least maintain. Everyone needed to look at the next generation and what they needed to do to enhance it for it to survive.
9. Winslow Hastie, representing Historic Charleston Foundation, spoke in support of the Mixed Use 1 and Mixed Use 2 Workforce Housing District amendment. Historic Charleston has been focusing on the issues surrounding housing affordability and held a forum last May. The amendment would be an important first step, and they were working on other initiatives. He supported first reading, and thought there would be opportunities to amend and tweak the ordinance to make it stronger and better.
10. Todd Wigfield, representing Greystar Real Estate Partners, read a portion of a letter from Bob Faith, Greystar's Chairman and CEO, which stated he was supportive of using inclusionary housing rules to help with affordable housing, but the rules needed to be developed in concert with the development community or it could reduce the creation of affordable units and drive up rental and housing prices. The ordinance as it was currently drafted increased burdens on the developer with no additional incentives. They were in support of the ordinance, but wanted to spend more time with the City to think through the language.
11. Carol Jackson of Patterson Avenue on James Island said she and her husband were newer residents. She expressed concerns that the window was closing on affordable housing in Charleston. The City had a brief opportunity to make the Mixed Use 1 and Mixed Use 2 Workforce Housing District amendment one of the tools, and it was necessary. She encouraged first reading of the bill.
12. Charles Wilson of 1614 Grimball Road Extension said the Committee on Real Estate approved the annexation of the property on which he lives and the adjacent property. They had a great meeting with Christopher Morgan of the Planning Department, and they were hoping to annex both properties and create a cohesive development. The properties were currently zoned differently in the County, and they wanted to zone both properties in the City at Limited Business, which would be a downzoning for one of the properties and would be in keeping with the Folly Road Corridor Plan.
13. Justin Ferira of 235 St. Philip Street said workforce affordability was a challenge faced by many communities, but he thought the Mixed Use 1 and Mixed Use 2 Workforce Housing District amendment lacked long-term perspective and would accomplish the opposite of what it sought to achieve. No additional incentives were provided, more burden was placed on the developer, it would create a lack of supply, and hasten gentrification. He recommended deferral of the bill and asked for more discussion.

14. Ron Owens, CFO of the Evening Post Industries, said they owned 11 acres in downtown Charleston, and they thought affordable housing was important, but the suggested amendments were not appropriate. He thought it would discourage development and reduce the number of housing units. He thought adjustments could be made to the Workforce Housing bill, and they would like to participate in formulating the right approach.
15. Susan Lyons of Gadsden Street said that she had been watching the new YouTube coverage of City Council. She said they were flooded very seriously last October and the October before, and she and her neighbors were worried about next October. She had not heard a lot, except from Councilmember Seekings, about what Charleston was going to do about sea rise and flooding. She said she could not continue to afford it and asked everyone to feel the urgency of the situation.
16. Tracy Doran, President of Humanities Foundation, spoke in support of the Mixed Use 1 and Mixed Use 2 Workforce Housing District amendment. She said she worked to create affordable housing in Charleston and other areas, and their resources had been dwindling and had become more competitive. She also supported the fee-in-lieu because it would create extra funding.

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard? If none, that will be the end of our Citizens Participation Period. Thank you all very much for your being here and your participation and your comments. Next, we have some Boards and approvals, appointments and reappointments to be made. We're trying to bring to Council as many of them as we can each meeting to kind of catch up. So, tonight we have four of them for you, and I'm sure you got the memorandums that listed those individuals who have been appointed to these various Boards and Commissions. Yes, sir."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I don't know if we need to make a motion first before we discuss. I've got a couple questions. I don't have any problem, I think you've done a great job . . ."

Mayor Tecklenburg said, "Thank you."

Councilmember Moody continued, ". . . of getting this off. My question is, for example, if I look at the Board of Appeals under the International Building Code, you have those names listed, in addition to the requirement above that two of them be alternates and certain designated professionals like architects, structural engineering. I know in some of our work those names are associated with those people, but those jobs or positions are not designated on here. I'm concerned that if we vote on these people just as they are, and if we don't vote, for example, James Meadors as the builder, or whatever his designation is, that we may not have somebody in that slot."

Mayor Tecklenburg said, "Okay."

Councilmember Moody continued, "I don't see but six names on this first one, and we've

got room for seven.”

Mayor Tecklenburg said, “Yes, we might not have had enough applicants for this particular Board and, frankly, I think it might have been an omission that we did not list who was on what slot. I have them here on this.”

Councilmember Moody said, “I think we ought to put them in our official record as we vote. If they were written down, then I would make a motion that we approve them as they are, but, if not, I think we ought to put them in the record, so that we have that as part of our official record.”

Mayor Tecklenburg said, “I agree completely. So, if I may . . .”

Councilmember Lewis said, “If that’s a motion, I’ll second the motion.”

Mayor Tecklenburg said, “Okay, we have a motion and second. Let me in effect amend the listing here. On the Board of Appeals appointments, Mark Lazo is a Fire Protection Engineer. Robbie Marty is an alternate, and James Meadors is a builder/architect. So, those are the specific designations that we’re making on that one.”

Councilmember Moody said, “The three also have a designation. One of them is electrical engineer, one is a plumbing or mechanical, and one is something else.”

Mayor Tecklenburg said, “Okay. I don’t have that information. I know Lenny Greene is an electrician, electrical engineer.”

Councilmember Moody said, “Probably the electrical engineer I would hope.”

Mayor Tecklenburg said, “But I don’t know Boyd Wood and Edward Porcher.”

Councilmember Seekings said, “Edward Porcher is a structural engineer.”

Councilmember Moody said, “In the information that you all sent out to us earlier, Lenny Greene is an electrical engineer/contractor position.”

Mayor Tecklenburg said, “Right.”

Councilmember Moody continued, “Eddie Porcher is a structural engineer, and Boyd Wood is a mechanical plumbing engineer. Now, I don’t know if that is what was intended or not. That is just what is on this list.”

Mayor Tecklenburg said, “Yes, that was the intent. Yes, sir.”

Councilmember Moody said, “I would amend my motion to add those designations to these people.”

Mayor Tecklenburg said, “Okay, we’ll add those.”

Councilmember Lewis said, “Second.”

Mayor Tecklenburg continued, “Then, on Municipal Golf Course, the only specific I

believe, we need to add there is Tracy Erwin, the very first new appointment. She is a teenager. She's our Junior Golfer."

The Clerk said, "Mayor, for the record, I think her given name is Olivia Erwin."

Mayor Tecklenburg said, "Olivia Erwin. Yes, also known as Tracy."

Councilmember Moody said, "She is the youth?"

Mayor Tecklenburg said, "Youth."

Councilmember Moody said, "I know we've got a member of the Jenkins Link Golf Association, also one of the Edisto Realty. Which one of these people is filling for whom?"

Mayor Tecklenburg said, "Dan Henderson is Edisto Realty. I know that, and the Jenkins Links Golf Association . . ."

Laurie Yarbrough said, "Mayor, Billy Wise is a member of the Jenkins Links Association."

Mayor Tecklenburg said, "Okay, Jenkins Links is Billy Wise."

Ms. Yarbrough said, "Yes, sir."

Mayor Tecklenburg said, "So, I think those are the only other specifics. Sorry for those omissions. Thank you for bringing those to our attention."

Councilmember Moody said, "I want to move for approval with those three additions."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Okay, we have a motion to approve and a second."

The Clerk said, "On the amendments. Right."

Mayor Tecklenburg said, "For the amendments, are there any other questions or discussions?"

Councilmember Moody said, "Excuse me, do we have a nepotism rule within the City?"

There was laughter in the Chamber.

Councilmember Moody said, "Mr. Mayor, I'm asking a question."

Mayor Tecklenburg said, "We do. I am told we do."

Councilmember Moody said, "Would a husband and wife, do we, at one point we had a husband and wife on the Golf Commission. Would that be a problem?"

Mayor Tecklenburg said, "I don't think so. My counsel is shaking her head 'no'."

Councilmember Moody said, "Oh, okay, that's fine."

Mayor Tecklenburg said, "On a volunteer Board and Commission."

Councilmember Shahid said, "I think their golf scores would be the issue."

There was laughter in the Chamber.

Councilmember Moody said, "That's why I'm questioning their handicaps. If we don't, I'm fine. I just wanted to raise the question. Okay, that's cool. Alright."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "If I may add, having served on the Golf Commission since first elected many years ago, the husband and wife have been exceptional contributors to the golf course. They play a great deal, they give us a great deal of input and maintenance, and I've never seen any conflict. There may be some conflict on the golf course, I don't know about their scores. Also, Marvin, Councilman, is this your first year of appointment, or were you on the Commission?"

Councilmember Wagner said, "Yes."

Councilmember Riegel said, "Yes, so, Councilman Wagner, I don't know if you mentioned, he is a new appointee. He can't play golf worth a darn, but he's on the Commission as it is. Thank you, Mr. Mayor."

There was laughter in the Chamber.

Mayor Tecklenburg said, "Are there any other questions or comments?"

The Clerk said, "Tourism."

Councilmember Moody said, "I would say that for the Tourism Commission, we need to do the same thing because there are a whole bunch of designations there."

Mayor Tecklenburg said, "There are, and I apologize. I have them here. The Peninsula designations are Lorraine Evans, Ernest Long, Louis Weinstein, and Elizabeth Bradham. The other City areas' designation are Robert Conley, Robert Siedler, and Carol Etheridge. The economics designation are Barry Kalinsky and Randolph Cooper and the Tourism industry representatives are Alphonso Brown, Michael Saboe, and Allen Stello. So, once again, I apologize we didn't put them on the list to you, but we do have . . ."

Councilmember Moody said, "Randolph Cooper, was which one?"

The Clerk said, "Economics."

Councilmember Moody said, "Economics, and Ernest Long was . . ."

Mayor Tecklenburg said, "Downtown."

Councilmember Moody said, "Peninsula. Yes, okay, cool, alright. I move for approval of those."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We have another motion for approval and a second. So, I think we have four different Commissions maybe. We have four motions on the floor right now."

The Clerk said, "It's all the same motion."

Councilmember Moody said, "Okay."

Mayor Tecklenburg said, "But it's all of the same motion."

The Clerk said, "For the four Boards and Commissions, as amended."

Councilmember Moody said, "The four Commissions."

Mayor Tecklenburg said, "Yes, the four Boards and Commissions, as amended. Is there any further discussion or questions?"

No one else asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Lewis, City Council voted unanimously to approve the following appointees and reappointees:

Board of Appeals Under the International Building Code:

Mark Lazo – Fire Protection Engineer - five-year term;
Robbie Marty - Alternate - one-year term;
James Meadors – Builder/Architect- one-year term;
Boyd Wood – Mechanical Engineer - three-year term;
Leonard Greene – Electrical Engineer - two-year term;
Edward Porcher – Structural Engineer - one-year term.

Board of Zoning Appeals-Zoning Appointments:

Walter Jaudon - one-year term;
Jimmy Bailey - one-year term;
Margaret Smith - Merchant - two-year term;
Mike Robinson - Real Estate - two-year term;
John Lester - Engineer - one-year term;
Leonard Krawcheck - three-year term;
Ross Appel - Attorney - three-year term.

Municipal Golf Course Commission:

Olivia Erwin – Junior Player - one-year term;
William Palmer - one-year term;
Abraham Brown - one-year term;
Elaine Bonner - one-year term;
Barney Henderson - one-year term;
Dan Henderson – Edisto Realty - one-year term;

Steve Matthews - one-year term;
Gene Kizer - one-year term;
Larry Shirley - one-year term;
Billy Wise – Jenkins Links - one-year term;
Bill Moody - - City Councilmember;
Dean Riegel - City Councilmember;
Marvin Wagner - City Councilmember.

Tourism Commission:

Lorraine Evans - Peninsula Resident - one-year term;
Ernest B. Long – Peninsula Resident - two-year term;
Barry Kalinsky - Economics - two-year term;
Louis Weinstein, MD – Peninsula Resident - one-year term;
Elizabeth Bradham – Peninsula Resident - one-year term;
Robert Conley (2nd term) - Non- Peninsula Resident - two-year term;
Robert Siedler (2nd term) - Non-Peninsula Resident - three-year term;
Carol Etheridge (2nd term) - Non-Peninsula Resident - three-year term;
Randolph W. Cooper - Economics - two-year term;
Alphonso Brown - Tourism - three-year term;
J. Michael Saboe - Tourism - three-year term;
Allen Stello - Tourism - one-year term;
Gary White - City Councilmember;
John J. Tecklenburg - Mayor.

Mayor Tecklenburg said, “Thank you very much. Next, we’ll go to our Council Committee Reports. First, is our License Committee, Chairman Gregorie.”

Councilmember Gregorie said, “I move that we approve the amendment to the Business License Ordinance as written in our docket.”

Mayor Tecklenburg said, “Thank you.”

The Clerk said, “Which would include a first reading for the Ordinance.”

Councilmember Gregorie said, “Yes.”

Councilmember Mitchell said, “Second.”

Mayor Tecklenburg said, “So, the first reading for our ordinance. We have a motion and a second. Is there any discussion?”

No one asked to be heard.

On a motion of Councilmember Gregorie, seconded by Councilmember Mitchell, City Council voted to adopt the License Committee Report as presented:

---INSERT LICENSE COMMITTEE REPORT---

- a. An ordinance to amend the Business License Ordinance for the City of Charleston to reinsert the longstanding business license exemption for owners of four or fewer residential dwelling units that was inadvertently left out when the City changed over from using the SIC code system to the NAICS code system.

First reading was given to the following bill:

An ordinance to amend the Business License Ordinance for the City of Charleston to reinsert the longstanding business license exemption for owners of four or fewer residential dwelling units that was inadvertently left out when the City changed over from using the SIC code system to the NAICS code system.

Mayor Tecklenburg said, "Next, is our Committee on Travel and Tourism, Chairman Seekings."

The Clerk said, "Traffic and Transportation."

Councilmember Seekings said, "Traffic and Transportation. Thank you."

Mayor Tecklenburg said, "Oh, I'm sorry, Traffic and Transportation. What did I say?"

The Clerk said, "Travel and Tourism."

Mayor Tecklenburg said, "Oh."

Councilmember Seekings said, "It's all good. Today it was also Tourism, too, about the great West Ashley, where we heard a report from Matt Compton on the West Ashley Greenway Improvement Project which is coming along nicely. I know Councilmember Moody is happy about. What we approved today, unanimously, were some raised crosswalks at the intersections of the Greenway and certain streets and roads. Be careful if you're on the Greenway going across those streets. We heard some statistics today that were a little alarming, which included that there were some cars that were clocked at doing 55 MPH or greater at intersections of the Greenway and near Arlington Drive, Croghan Landing Drive, Mutual Drive, etcetera. So, until those improvements go in, proceed with caution around and across the Greenway. I would ask for approval of these raised crosswalk improvements to the West Ashley Greenway."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Okay, is there any discussion or comments?"

No one asked to be heard.

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted to adopt the Committee on Traffic and Transportation Report as presented:

---INSERT COMMITTEE ON TRAFFIC AND TRANSPORTATION REPORT---

- a.) Approval of Raised Crosswalks (INFORMATION ONLY)

West Ashley Greenway Improvement Project:

- Arlington Drive
- Croghan Landing Drive
- Mutual Drive
- Parkdale Drive
- Stinson Drive

Mayor Tecklenburg said, "Next, the Committee on Public Works and Utilities, Chairman Waring."

Councilmember Waring said, "Mr. Mayor, the Items (a) and (b), as you see on our agenda, were approved unanimously, and I so move."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Alright. Is there any further discussion?"

On a motion of Councilmember Waring, seconded by Councilmember Shahid, City Council voted to adopt the Committee on Public Works and Utilities Report as presented:

---INSERT COMMITTEE ON PUBLIC WORKS AND UTILITIES REPORT---

Mayor Tecklenburg said, "Next, the Committee on Ways and Means, Chairman Moody."

Councilmember Moody said, "Move for approval of the items with the exception of the approval of the contract, which I think we need to deal with separately."

Mayor Tecklenburg said, "Alright."

Councilmember Waring said, "I'll second it."

Mayor Tecklenburg said, "We have a motion and a second to approve all items except for the one from Planning, the Dover, Kohl matter West Ashley. Is there any discussion on those other items?"

No one asked to be heard.

On a motion of Councilmember Moody, seconded by Councilmember Waring, City Council voted to adopt the Committee on Ways and Means Report as presented, with the exception of Item #4 which pertained to the proposed West Ashley Master Plan:

(Police Department: Approval to submit the FY17 State Justice Assistance Grant (JAG) application for Forensic photographic training, equipment, and supplies for \$32,557. A cash match of \$3,257 is required. This will be budgeted for in 2018.

(An ordinance to amend the Business License Ordinance for the City of Charleston to reinsert the longstanding business license exemption for owners of four or fewer residential dwelling units that was inadvertently left out when the City changed over from using the SIC code system to the NAICS code system.

(Consider the following annexations:

- 1648 Folly Road and 1614 Grimball Road Extension (TMS# 427-00-00-022; and 427-00-00-021) 1.86 acres, James Island (District 6)
 - 1991 Holliday Street (TMS# 355-15-00-101) 0.20 acre, West Ashley (District 2)
- (Approval to televise and live stream the proceedings of the Committee on Ways and Means.

First reading was given to the following bills:

An ordinance to provide for the annexation of property known as 1648 Folly Road and 1614 Grimball Road Extension (1.86 acre) (TMS# 427-00-00-022; and 427-00-00-021), 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 6.

An ordinance to provide for the annexation of property known as 1991 Holliday Street (0.20 acre) (TMS# 355-15-00-101), 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 2. The property is owned by Sabrina A. Perkins.

Mayor Tecklenburg said, "So, next, we'll take up the matter . . ."

The Clerk said, "Mayor, just for the record, I'll just add that it includes the bills that are up for first reading that are attached, as well."

Mayor Tecklenburg said, "That includes the bills up for first reading from the Real Estate Committee, as well."

The Clerk said, "That's correct."

Mayor Tecklenburg said, "Okay. So, now I guess the motion is on the floor of Council to approve the contract in the amount of \$493,800 for the West Ashley Master Plan with Dover, Kohl & Partners."

Councilmember Seekings said, "Is there a motion?"

Councilmember Waring said, "There's not a motion yet."

Councilmember Seekings said, "So moved."

Councilmember Williams said, "Second."

Mayor Tecklenburg said, "We have a motion and a second. Is there any conversation, questions, or comments?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. First of all, I want to thank Kitty Robinson for this generous contribution to the project. I was going to ask her, because I had a conversation with her a few months ago, about whether or not they were going to celebrate the Foundation's 75th Anniversary and were going to give us some money. Is this it?"

There was laughter in the Chamber.

Kitty Robinson said, "Probably, just some more later."

Councilmember Moody said, "Thank you. I just wanted to be sure I wasn't double-dipping here."

There was laughter in the Chamber.

Councilmember Moody said, "But thank you very much, Kitty, for that contribution. I've read the letter that the Mayor sent to us concerning all of the items that were addressed last time, and the last thing I want to do is to cause this process to slow down. I am over the fact, the Mayor apologized, and I'm going to accept the fact that we can get this Commission going, that the people at the table will be engaged, and that there won't be any hurt feelings or being felt left out of the process. I think we've vetted it, and I think in the future, hopefully, we won't have those problems.

I am still hung up on our process and this excess cost. When I look at these numbers, and they're just general numbers, I don't know exactly what the bid prices are, but I know we're paying a premium. I asked the question as to what we were getting for that last time. I asked three times, what we were getting for that extra, basically, \$150,000, \$200,000. The letter that the Mayor sent really addresses some of that, that this group is going to conduct more meetings or have more interaction. I still don't know that we're getting what we're paying for. I know, as an auditor, and I've dealt a good bit with statistics, that when you examined a certain number of items, you knew that you had about a 95 percent confidence level that certain things were going to happen. You could keep auditing and auditing, you could spend all day, and you weren't going to improve that number a whole lot. To some extent, I think that's what we've got here, we've got a firm that is maybe saying that we're going to do all of these things, and I'm sure they are. I'm sure they're a good firm. My question is, 'do we need it?' So, that takes me back to the last instructions that we had to our procurement people at our last meeting, and that was to go back to this particular company and see if they couldn't secure a better price, and they did get a \$5,000 decrease. I was under the impression that if they didn't come down substantially, that we would have some discussions with the next low bidder. I don't have the minutes, so I can't look at that and see, but I really would like an answer to a question as to, and I'm not accusing anybody of any kind nefarious activity here, but I think we've stepped out of our process a little bit. It seems to me like, and you can use Bill Moody's name, if I am working for the City, and I'm part of this process, and if I have a favorite or maybe somebody that I don't like at all, maybe they disrespected my daughter or something, I could technically vote them real low, or I could vote them real high. That would somewhat skew the overall results. Then, to take Bill Moody again, and put me in the process of having to negotiate a contract, that doesn't seem like the right process. I think the procurement people should have done that. So, whether we're wasting City money, taxpayer's money, or the Historic Foundation's money, I don't care whose money we're wasting, if we're wasting it, we shouldn't be doing that. So, I am still really hung up on that effort, and I just don't think we've been through the right process. So, I'm not going to support this amendment for that reason. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you. Would anyone else like to be heard?"

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. Several months ago, you elected me to be Chairman of this Commission, and I met with the Mayor after the vote back on

December 20th. I'm going to be honest with you. I was disappointed in this Council's vote to deny this contract. Councilmember Riegel, Councilmember Waring, and myself were appointed on a selection committee to vet out and review 11 different companies. While this process was new to me, it was a very educational process. I read every one of those 11 proposals, and they were all binders full of information concerning each individual's company's qualifications concerning their top prior history, their experience, a composition of the individuals who were engaged and who were going to be subcontracted out for the work that we had asked them to bid. Of the 11, some of them came in, and we were able to sort of scratch them. I remember looking at Councilmember Waring. He walked in with a rubber band around his favorites, and he joked about, 'well, if they didn't make the rubber band, I'm not going to vote for these. I'm going to give them a low vote.' We all had our own different process of how we wanted to handle this, but the committee spent time, energy, effort, and dedication to reviewing these. So, we got rid, I hate to say the word 'rid', but we filtered out seven of those rather quickly. It was probably the easier part of our process, and in the packet we got, you can see the scores, and you can tell by the scores that that was a very deliberative, but easy process to filter out the seven, and we got to the four. We spent a full day vetting, listening to, and receiving these folks who interviewed. They brought in their subcontractors. They presented us a slide show, whatever means they wanted to do it, and we heard from them. I take full responsibility, and I regret that I did not insist that members of the Commission take part in listening to that four person, four company interview process. Hindsight is 20/20. If I had to do it all over again, I would have made sure that we had special invitations to those Commission members. In this room tonight, I'm looking at one Commission member behind me, Ms. Jacobs and three on the other side of the room, and I think I've met with the majority of the Commissioners. I don't want to speak for them, I'll let them speak for themselves, but I think Commission Member Smith sort of echoed the sentiments of the Commission in that they are ready to get moving forward, and we need to move forward.

Now, a couple of points I just want to emphasize with this Council tonight, we've got to move forward. The people of West Ashley demand that we move forward. We need to move forward. We've got to move forward, and 44 percent by the last demographics, I think, 44 percent of the City's population lives in West Ashley. So, the highest concentration of citizens who reside in the City of Charleston, the highest concentration, live in this geographic area. West Ashley encompasses not only the citizens of the City of Charleston, but huge unincorporated areas of the County of Charleston. I met with Councilmember Moody's son over waffles last Friday, and we had the discussion about our particular roles in this process. He's the newest member of the Commission by virtue of his seat being elected, recently elected to County Council. He's also my neighbor, and we've discussed the role that this Commission is going to have and what we need to do in our particular roles as representatives of this area as to getting the attention that the parts of West Ashley deserve. As he has said more eloquently than I can say and other members have said, 'what's good for West Ashley is good for the City of Charleston; maybe because the birthplace of the City of Charleston is West Ashley. I remember Councilmember Waring joining me, and we had to respond to a request to build a 20 pump gas station in my backyard right down the street from the entrance to Charles Towne Landing, and what an insult that type of a development would have been for the most historic location in not just the City, but in the State. That's the kind of the passion and attention that we need to have in this process. I'm looking at Councilmember Mitchell, and he has fussed at me several times. It's just one City."

Councilmember Gregorie said, "One Charleston."

Councilmember Shahid continued, "There is one Charleston. There *is* one Charleston and the City, the people of West Ashley, deserve the best that money can buy on this contract. Councilmember Wilson and I have had several discussions about a pool being built and the impact that a pool would have over there in that City, in that area."

Councilmember Wilson said, "Pools, with an 's'."

Councilmember Shahid continued, "With an 's', and I support that, but we can't get started on that project unless I have her vote tonight on this contract being approved. We need to have that done. I went back, I've been on the phone, and I've probably worn out my welcome with Ms. Cantwell on discussing some things."

Mayor Tecklenburg said, "Based on the last meeting, I'm considering having a filibuster rule."

Councilmember Shahid said, "Well, we may have to."

There was laughter in the Chamber.

Councilmember Shahid said, "I got forwarded to me the Procurement Policy because a lot of the questions have come up about the process. So, under Section 4 of the Procurement process, which we approved as a Council back in 2013 before my time, under 'subsection 4, 'Selection of Professional Services - Fee in Excess of \$50,000,' it talks about a Selection Committee of five to seven members being appointed by the Mayor. It says, 'a Selection Committee of five to seven members, including at least one member of City Council', and in this instance, we had three. All three of us represented portions of West Ashley, and it says that this Committee 'shall be established by the Mayor to select a minimum of three firms.' We selected four. We went beyond the minimum. We went from three to four, and they called that the short list part, and 'the selection shall be based on a review of the submitted materials and information available prior to the interviews, using the following criteria' and it goes from 'A' through 'G', and we did that. Then this ordinance, this policy says, 'the Selection Committee shall interview, rate, and rank all three firms, we did four, based on the same criteria as used for the short-listing. 'Negotiations,' and this is important for us to consider, 'negotiations shall first be conducted with the highest ranked firm. If the Selection Committee,' (not the Procurement Office), 'if the Selection Committee is unable to reach acceptable contract terms with the highest ranked firm, including an acceptable fee, negotiations shall be terminated and reinstated with the next,' and goes on and on. But, it's the Selection Committee, not the Procurement folks, the Selection Committee, and that's what we did, and Mr. Martin did that."

Now, I want this Council to do me a favor tonight. I want a unanimous vote tonight on approving this contract. Let's speak with one City, let's speak with one voice, let's tell the people of West Ashley 'you deserve this', because this contract speaks volumes of where we, as a Council, sit with the people of West Ashley. They need to hear our voice, and they need to hear this voice being unified. I got elected to City Council because I promised my people in my District #9 that I was tired of West Ashley being neglected and ignored, and they feel that. They feel that now. So, I'm asking somebody to make a motion that we approve this contract and acclamation. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you very much."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I want to thank my colleague on the Selection Committee and on Council because, in large part, Councilmember Shahid is right. We have a very good process set up by you and your staff and all of that. Reducing it from 11 to 7, no problem. Actually, reducing it to the top four and interviewing all four, the process worked well. Being familiar with the process in the past, when I left the Selection Committee, and we had a hearty discussion. I've got to commend, Josh did a good job in there, and so did Mr. Gary Cooper and his assistant, I can't remember her name, but keeping us between the white lines, because doing those discussions you easily can get afoul of the law. After that process is where, I believe, we are failing West Ashley. We put great consternation, and you did in particular, in time, Mr. Mayor, in getting a wonderful task force. I refer to it as a task force, but the West Ashley Revitalization Committee appointed with a lot of skills around it. They have not been asked one thing. There's not a Councilmember out of the 12, nor you, as Mayor, to say, 'What is the consensus of the West Ashley Revitalization Commission on what consultant is to be chosen?' We passed a body of law to empower that group. As a matter of fact, they were supposed to initiate the study, and of course, you all later addressed that. You have people there that are self-starters. I attended all of the final interviews, and let me tell you where we're coming off the process. Number one, the task force should have, and still can by the way, it's not an impossibility, they have heard from Dover, Kohl, a very good presentation. I was present for that, but even that was amended, Mr. Mayor. In our review of the final four, one of the reasons, quite frankly, as we scored it, one of the areas they were supposed to address was affordable housing. Dover, Kohl did not address that. That's in our interview process. Now, at the task force, they had a wonderful presentation and insertion on affordable housing. As a Committee member thinking about impartiality, I wondered 'how did that happen?' How do they go from, and you don't know this because you weren't there, I'm saying that respectfully because you delegated that responsibility to the Selection Committee, but how could a company, at that point they're thinking 'this is my best call, so I'm putting my best foot forward', in that presentation, as a matter of fact, during the discussions and deliberations among the Selection Committee members afterwards, I said, 'this plan is going to unfold over the next 10 to 15 years. Will there be affordable housing in West Ashley because there is affordable housing West Ashley now?' According to these people, they didn't even address it. So, I'm wondering when I sat in the presentation that was made to the task force, how did they know to adjust their presentations in a mighty way, in a major way. How did they know that? I'm sure Peter didn't tell them. I didn't tell them. Somebody told them. It is an inherent conflict when anybody sits in a selection process, sits, scores, signs the scoring sheet, and when I walked out of there, I thought the impartiality of the procurement process, Mr. Cooper and his team, would take it from there. I didn't know that didn't happen until the last meeting when I asked Mr. Cooper that question, and he said he didn't negotiate the contract.

Now, impartiality has its place. I include myself in that. If I were involved in those negotiations, I was already biased. I went through one through four. So did Peter and the other six members of the Committee. So, did Mr. Martin, but for Mr. Martin to be involved with the selection process, scoring, signing your preference, and then, negotiating the price, that's not fair. That's not fair to whomever bid. That's what happened, and that's where we're coming off the rails with this. The second point is that task force has tremendous talent on it. I'm glad Ms. Robinson is in the room. I've called her out before, and she's probably tired of hearing this, but she did an excellent job sharing the Tourism Management Update Task Force. As a matter of fact, that template is what we've learned from, hopefully, to help set up this West Ashley Revitalization Task Force. I can't imagine that Historic Charleston or Preservation Charleston would be involved in a process, and a major portion of that process who they would be working with, in this case a consultant, that they wouldn't have a say-so in it, that that task force would

not have had a say-so in it. As a matter of fact, with them stepping up with their gracious contribution, they are stakeholders. So is the West Ashley Revitalization Commission. They are stakeholders. They're not ornaments on the wall, they have opinions. Every question that they asked during the Dover, Kohl's one-hour presentation, none of them was asked by our selection process. They were great questions, but you had different minds looking at it from a different way. What I am saying is, they have heard from one, the scoring came in, I believe it was 14, the lowest scoring one, 14 for Dover, Kohl, 16 I believe for another company, a second company, I don't remember the name, 18 for the third, and 24 for the fourth. The fourth company was quite a bit of ways. There was a consensus that they were a good bit of distance between, and this is what I mean by we can do better. We can still be inclusive in this process of opinions of the task force. If the second and third firms were to be heard by the task force, the task force collectively can debate that with its Chairman, and let this Council know its preference. Right now, the best committee that's ever been put together to lead the revitalization of West Ashley, do you know the consensus part on their preference for consultants to use? I heard Mr. Smith come up, and I respect Mr. Smith, but with all due respect, Mr. Smith, you've only seen one presentation. That's kind of like, what was it, Stalin, or one of those leaders that said, 'I believe in open elections, I believe in democracy, as long as my name is the only one on the ballot, and I win.' In this case, if the task force were to be asked for their opinion, they only have one company and one company only to come back and tell this Council their preference.

Councilmembers Wagner and Lewis are also on the task force. Right now, one of the things addressed in your letter was the pricing. Let me tell you, if that Committee comes back, if that task force comes back, and they vote in favor of Dover, Kohl, then I'm going to sit right here, and I'm going to vote for Dover, Kohl. Why did we pass a law to empower this Committee, and we don't utilize their skills? I think that's a travesty. I think it's an omission that can be corrected. This is the first time you or this Council or this City has even embarked on anything this large for the City of Charleston. There is no template out there, so there is no fault in this. We're all learning as we progress through this process, and as I said and you and I have discussed, on the other side of this, we have a lot of smart people at the end of this thing. So, we are all learning as we go through this, but there is one thing that has not been put in the newspaper, the Councilmembers do not know. The RFP did create competitive pricing, and that's what RFPs were supposed to do, and in your letter you said, 'the project cost upwards of \$500,000. Our estimate was in line with Dover, Kohl's.' Quite frankly, the estimate when it came to competitive pricing, was wrong. You know that, Peter knows that, I know that, Mr. Whack knows that, but Councilmember Lewis doesn't know that. Councilmember Wagner doesn't know that. Councilmember White doesn't know that. That RFP did provide very, very fine companies and very, very competitive pricing. That part will only be released at the end of this process. If we are not going to let the impartiality of the procurement to step in, without bias, because I will say this, if I negotiated that contract, I would already have displayed my bias. Mr. Cooper, quite frankly, and his team, they didn't have a bias. They didn't vote. They didn't score. They didn't rank, and let me tell you, that's a very good process that's been left in place by the previous administration, and it has worked well, served this City well and the taxpayers well, and we are getting away from that. It is a conflict. I'll repeat, and I'll be quiet. I think it's an effort with him trying to do his best, and that's Mr. Martin. He is trying to do his best, high energy, very smart, but this is his first time doing this. In large part, the task force that was put together, almost half of them, it's almost their first time doing it, Peter being one. So, I would hope that this Commission would be allowed, the West Ashley Commission would be allowed to hear from the second, a one-hour presentation, third, a one-hour presentation. They form a consensus and let the Mayor and City Council know simply their preference, and then we could debate that and whatever contract. They need to know the amount after they did it, as we did,

once we interviewed all, we scored them, and we found out the pricing after. So, anyway, you're right, pricing was not a part of the scoring. So, two omissions, the West Ashley Commission should be involved and its preference, we should know it, and we need to eradicate, in my opinion, going forward, because I think this is an honest mistake, in our procurement process, anyone, and that will be a separate motion that I'll make after we get out of this, but anyone who sits on the Selection Committee scores or makes a preference, should be precluded from negotiating contracts. Thank you."

Mayor Tecklenburg said, "Thank you very much. Are there any other comments or questions?"

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Okay, we almost have a quorum of members of the Commission here. We've got seven in this room right now, unless Mr. Grant left, but there are seven of us in here right now. Four of us are going to vote anyway, based on what we have just heard. I hesitate to say it, but it looks like we have a perception problem in the way it all came down. I was asked by Ms. Jacobs this morning what I thought, and I told her I thought it was a very fair process based on what I had been able to see and read. Yes, I had procurement policies with me, too, Peter, but I'm not going to read the rest of them, okay? As a former contracting officer with the government, the U.S. Government, I understand everything I've heard here tonight. I understand what Councilmember Moody has said, Councilmember Shahid, Councilmember Waring, and I thought I was ready to vote, but I don't know that I am. If you ask me right now, 'Marvin, what are you going to do if we called for the question right now?', I could not give you the answer. I can't get over in the corner and talk to Charlie, I can't talk to the Mayor, I can't talk to Donna (Jacobs), I can't talk to Chairman Shahid, Councilmember Lewis, Mr. Grant, or Mr. Ferira, all Commission members that were here at one point tonight. I think I still see about at least six. I just don't see Mr. Grant anymore but I'm like them, I'm ready to go. On the flip side, if there is any chance that we can get bit at the end of this and have to do it all over, I think we're going backwards. What were our options? Renegotiate, we talk to number two, which is kind of what Mr. Waring just said to us. What was renegotiated? The price went down \$5,000, by whom, where, what, when, we know nothing. I've read this spec over and over and over. The spec is a good spec. Everybody had something to bid on. They were all together. I think the perception issue that I'm hearing, I might be wrong, I hope I'm wrong, but we had, remember the Council, remember the Planning Department, and Senior Advisor to the Mayor, who technically, these guys on Planning could be considered the subordinate. If that were the case, then the whole thing could give the appearance that he somehow influenced the three subordinate positions. That could happen. I think that's our perception problem, and I know I heard that at the last meeting. I actually have worked with your assistant on projects for the first five years that I've been on this Council and found him to be probably one of the best guys out there to work with. I have no question. I do not question his integrity, I don't question his honor, nor do I feel anybody on this Council, this Commission, or anyone here. We're just trying to do the right thing, because that's what I'm trying to do."

Mayor Tecklenburg said, "Right."

Councilmember Wagner continued, "I don't know what the answer is, and I'd love to defer, but you're not going to let me do that. So, I'm just going to shut up, and let's see how it rolls."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Lewis continued, "The process that we used, we've been using it ever since I've been on City Council."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Lewis continued, "I think it was a fair process. Somewhere down the line, some people think some mistakes might have been made. I don't know, but the ultimate responsibility for contracts lies with City Council."

Mayor Tecklenburg said, "That's right."

Councilmember Lewis continued, "We are responsible for contracts, not committees that the City sets up. It's the responsibility of City Council. So, I will call for the question, and ask that you would put the motion on the floor to approve this contract. Maybe we'll go back some other day and look at it, if we think that we need to change the way we do things, then we might change it, but right now, the process was done, and it was done right. There were some questions at the last meeting about the price, where the money was coming from, and that was answered. So, I think we need to move forward and approve this contract."

Councilmember Williams said, "Second."

Mayor Tecklenburg said, "Thank you. The question has been called and seconded. I'm going to call for the question."

Councilmember Moody said, "Are you calling for the question, or are you calling for the motion on the question?"

Councilmember Lewis said, "The motion to approve the contract."

Councilmember Williams said, "There was a second."

The Clerk said, "There was a motion on the floor to approve the contract made by Councilmember Seekings and Councilmember Williams at the very beginning."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I think the fallback to procedure is that you ask the question first. He called for the question."

Councilmember Williams said, "I seconded the question."

Councilmember Moody continued, "You've got to vote on that before you vote on the actual question, whether you want to shut off the debate. That's what he said, whether you want to shut off the debate."

Mayor Tecklenburg said, "All in favor of calling for the question, please signify by saying

'aye'."

On a motion of Councilmember Lewis, seconded by Councilmember Williams, City Council voted to call for the question regarding Item #4 of the Ways and Means Committee Report.

The vote was not unanimous. Councilmembers Waring and Moody voted nay.

Mayor Tecklenburg said, "Now, the motion to approve the contract."

On a motion of Councilmember Seekings, seconded by Councilmember Williams, City Council voted to approve Item #4 of the Committee on Ways and Means Report, a contract in the amount of \$493,800 for the West Ashley Master Plan with Dover, Kohl & Partners.

The vote was not unanimous. Councilmembers Waring and Moody voted nay.

Mayor Tecklenburg said, "Yes, ma'am. Thank you very much."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "I would like to put a motion on the floor that our procurement process not allow for a person who is involved on the Selection Committee to be involved with also negotiating the contract."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "To do that would be an amendment to what I understand is the procurement policy adopted by this Council and that which I think is, and maybe we need a legal opinion on this. I see someone standing up, but to do that, you would have to amend, am I right on that?"

Mayor Tecklenburg said, "Can I call on our counsel for some advice?"

Susan Herdina said, "Yes, sir. Just to give a little background, the Procurement Policy that we have is very explicit that the Mayor appoints the committee, the committee makes the decision, and then there's a negotiation by the City. For a point of clarity, the department whose contract is being considered, the services that are being considered, plays a large role in the negotiation because they have the particular expertise to determine what they're looking for and at what price. So, for example, Gary does not negotiate a contract for Chief Brack because he has no idea what type of equipment she needs or the cost of that equipment or what special product should be put on that. So, what the process is, for those who haven't been intimately involved in this, and I have provided Council for a number of years, is that the department will take the lead in the negotiations because they know the product, they know the consultant, they know the reasonable costs. The Procurement Department then comes in and reviews that and then Legal reviews it after that. It's important to understand you want the City and its Staff to be negotiating this because our interest is to look out for the City as a whole and how we spend money for all citizens, and if we start, frankly, delegating the spending of public funds to one

particular citizen group, then, you're not necessarily looking at the whole City as a whole and as all of the City's interest. So, for that reason, I think the Procurement Policy, which has been in effect for a long time, has basically said that it's the City who negotiates and ultimately determines how to spend public funds on different projects. So, I hope that's helpful, Mayor."

Mayor Tecklenburg said, "Well, thank you."

Councilmember Waring said, "I just have a question for counsel."

Ms. Herdina said, "Yes, sir."

Councilmember Waring said, "I never suggested that the task force spend City money. It was just an opinion. So, the Mayor and Council have the right to appropriate taxpayers' dollars. I never suggested that. After we have now voted on this contract so it will move forward. As I understand it, after that process, the other bids are now able to be released for public information?"

Ms. Herdina said, "Once the contract is signed, yes, then all of the documents can be released."

Councilmember Waring said, "I want to make sure, I'm going to put in a request for all of the Councilmembers to get the price sheets on the other bids because we simply didn't know."

Ms. Herdina said, "Yes, sir."

Councilmember Waring said, "Council didn't know. It was no part of this process, but I don't think that's against the law. Is it against the law for Council to know the bid prices?"

Ms. Herdina said, "If you would have gone into Executive Session, that is something we could have discussed."

Councilmember Waring said, "Alright. Well, I'm going to make a personal request, not a personal request, a request of Council that all those bid prices get released because competitive pricing, take my word, was available for this RFP process, and that information, whether through Executive Session or not, was not provided to Council, and that's part of the process that certainly failed Council because this piece about having to go and get \$150,000 extra, Mr. Mayor, that just wasn't the case. Thank you."

Mayor Tecklenburg said, "Thank you very much. So, I believe we still have a motion on the floor."

Frances Cantwell said, "Mayor Tecklenburg."

Councilmember Waring said, "My motion."

Mayor Tecklenburg said, "Reviewing the procurement process? Was that a motion?"

Councilmember Waring said, "She didn't address that. Yes."

Ms. Cantwell said, "I'd like to address that, if I can, talking about process."

Councilmember Waring said, "Right."

Ms. Cantwell said, "So, this is all about process, not about policy or anything."

Councilmember Waring said, "I agree."

Ms. Cantwell said, "You cannot amend the agenda, first of all, unless you have two-thirds vote."

Councilmember Waring said, "You're right, you're right."

Ms. Cantwell continued, "Then, you can't do it because this would just only take one vote. You can't do it unless it's an emergency. So, respectfully, I would suggest that you ask that maybe that be brought up for discussion at another meeting."

Councilmember Waring said, "Agreed, agreed, I withdraw my motion. I'll put that on the next agenda."

Mayor Tecklenburg said, "Thank you, and I appreciate you withdrawing the motion. I do want to share just a couple of comments about the matter before we even bring it back to another Council meeting. I'm a year into the job, so sometimes I look at the things that need fixing and the procurement process, up until this point, hadn't been one that came to my attention that even needed any attention because it seemed to work just fine. So, when this matter came up at our recent meeting, at our last meeting, about Mr. Martin's being a part of the negotiation, I met with Mr. Cooper the next morning."

Councilmember Waring said, "And the Selection Committee."

Mayor Tecklenburg continued, "I met with the head of our Procurement, and I asked him, 'were we doing anything wrong? Was it not clean as he had told us the night before?' He said, 'Mayor, it's clean, this happens all the time.' Our employees are not just empowered, they are bound to have the best interest of the City in their heart, in their actions, and in conducting their duties for the City. For example, he gave me the example that when we go out and buy a firetruck, that Chief Brack would be on the committee, that the former Mayor appointed, and that when it got down to the point where you got to the best supplier, often it would be the Chief who is on the committee, who knew a firetruck better than anybody else on the committee; who would make those final negotiations with the producer of the truck to come to the right decision as what was in the best interests of the City. I want to tell you that I have the fullest confidence in the integrity and ability of Mr. Martin. He is uniquely qualified in this City Staff to give the very best opinion on who was qualified to conduct this study for the City of Charleston. He served as our Planning Director, he's been in this, he has a degree in Urban Design, he worked both on the public side and the private side. He understands it from both sides of the equation. There was no one on that committee more qualified to fulfill the intent of the RFP and the committee which was to provide the West Ashley Revitalization Commission with the very best consultant to come up with the best plan for the future of West Ashley, and that's exactly what we're going to do going forward."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "I appreciate your passion."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "But if that's the way we're going to take it, why did we just have a single source contract? Why did we go through the RFP process? I'll tell you why, it would be interesting, it would be very interesting to see copies of cell phone, e-mails, text messages between Mr. Martin and Dover, Kohl, and these other companies prior, during, and after the RFP process. I'll tell you why. When Dover, Kohl amended their presentation to include the affordable housing piece for the task force, that was not part of the presentation that was presented to the Selection Committee, how does that happen? How does that happen, Mr. Mayor? How did they know that a big void in their presentation, they needed to correct? How does that happen? Right. Somebody told them. That's not a fair process."

Mayor Tecklenburg said, "There was public discussion about that."

Councilmember Waring said, "I understand your passion, but there's passion on the other side of this, too."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "And there's also passion with people with the task force that would like to be heard. They are not in the room, and I've heard from them. I don't know if the Chairman has heard from them, but there are others that wanted to have an opinion in this process, and they didn't. With that said, I'll reserve the balance of my comments."

Mayor Tecklenburg said, "Thank you very much. Alright. Next up, we're going to proceed to bills for second reading. We have an ordinance to rezone property on Bees Ferry Road."

Councilmember Seekings said, "Items K-1 and K-2 together, please, Mr. Mayor."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "I'm sorry."

Councilmember Seekings said, "Items K-1 and K-2 together."

The Clerk said, "Items K-1 and K-2 together."

Mayor Tecklenburg said, "Items K-1 and K-2 together."

Mayor Tecklenburg said, "We have a motion and a second. Is there any discussion or questions on these two items?"

No one asked to be heard.

On a motion of Councilmember Seekings, two (2) bills (Items K-1 and K-2) received second reading. It passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Seekings. On further motion of Councilmember Mitchell, the rules were suspended, and the bills were immediately ratified as:

2017-001 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON BEES FERRY ROAD (WEST ASHLEY) (12.494 ACRES) (TMS #301-00-00-541) (COUNCIL DISTRICT 5), BE REZONED FROM GENERAL OFFICE (GO) AND SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATIONS TO BUSINESS PARK (BP) CLASSIFICATION. THE PROPERTY IS OWNED BY BEES RESOURCES LP.

2017-002 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS ON BEHALF OF THE CITY OF CHARLESTON AS SET FORTH IN THE SETTLEMENT AGREEMENT AND RELEASE BETWEEN THE CITY OF CHARLESTON AND CT/ST. JOHN'S MARINA, LLC ("MARINA"), WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT 1 PERTAINING TO THE PAYMENT OF \$25,000 TO THE MARINA BY THE CITY AND THE TRANSFER BY THE CITY OF CHARLESTON TO THE MARINA OF ALL RIGHTS, TITLE AND INTEREST IN THE BRIDGE AND CERTAIN LAND UNDERNEATH THE BRIDGE BY QUIT-CLAIM DEED, SAID PROPERTY BEING LOCATED OFF OF OLD MAYBANK HIGHWAY, ON JOHN'S ISLAND, SOUTH CAROLINA.

Mayor Tecklenburg said, "Next, we will proceed to bills up for first reading. First, is an item to rezone two properties on Folly Road."

Councilmember Seekings said, "So moved."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a motion and a second. Is there any discussion?"

Councilmember Wilson said, "One quick question."

Mayor Tecklenburg said, "Yes, ma'am."

Councilmember Wilson said, "Good, Mr. Wilson's still here. There are two properties. One is currently Limited Business. What is the other zoning on the other property?"

Mr. Wilson said, "Within the County, it's Community Commercial."

Councilmember Wilson said, "Okay. So, we want to make the entire parcel Limited Business, which for that one is actually a downzoning?"

Councilmember Seekings said, "Right."

Councilmember Wilson said, "Okay, just absolutely making sure. Thank you."

Mr. Wilson said, "Thank you."

Mayor Tecklenburg said, "Are there any other questions or comments?"

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1648 Folly Road and 1614 Grimball Road Extension (James Island) (1.86 acres) (TMS #427-00-00-022 and 427-00-00-021) (Council District 6), be zoned Limited Business (LB) classification.

Councilmember Mitchell said, "Take K-2 and K-3 together. I mean L-2 and L-3."

Councilmember Williams said, "Second."

Mayor Tecklenburg said, "Items L-2 and L-3 are both matters regarding our Boards and Commissions to create staggered terms, so we don't end up kind of like we have been dealing with Boards and Commissions where everybody's term is up at the same time."

Councilmember Mitchell said, "We're doing L-2 and L-3."

The Clerk said, "Items L-2 and L-3 . . ."

Mayor Tecklenburg said, "Items L-2 and L-3 together."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I just very briefly, Mr. Mayor, on Item L-2 which is, again, the staggered terms and the Chief Judge of the Municipal Court, I know that we are going to be taking up appointment and reappointment of Judges sometime in the near future, whenever."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Seekings said, "I would like to just put on the record my desire that we look into establishing in this body a Judiciary Committee. We've never had one. There is a lot of activity at the Municipal Court, to the extent that there are things going on that this Council would like to know about like docket loads, average time of cases out there, what's happening. We don't really get reports on that, and I think a very good way to do it would be to have a committee, so I would ask that at some point, Mr. Mayor, that you consider putting together a task force to think about establishing a City of Charleston Judiciary Committee."

Councilmember Lewis said, "If you put that in the form of a motion, I certainly will second it because that is a concern."

Councilmember Seekings said, "I don't want blitzkrieg this on this Council, but I think we need to look at it and do it sooner, rather than later, and this is the perfect time to do it as we're looking at all of the Judges out there and how it's all going down. So, I'm happy to put it in the form of a motion that we ask that someone put it together."

Councilmember Lewis said, "I second it."

Mayor Tecklenburg said, "Do we need to amend the agenda?"

Councilmember Seekings said, "I mean that's fine. I mean that's what I said, and it's not an emergency. It's not an emergency. It's just a recommendation, if we can put that up for discussion, Mr. Mayor, during our next workshop, and then bring it to Council, I think that would be

the way to handle it.”

Mayor Tecklenburg said, “Correct. Alright. So, we have a motion, I believe, for Items L-2 and L-3 on the floor.”

The Clerk said, “Correct, Mayor.”

Mayor Tecklenburg said, “Okay. Is there any further discussion?”

On a motion of Councilmember Seekings, seconded by Councilmember Lewis, City Council voted unanimously to give first reading to the following bills:

An ordinance to amend Chapter 20, Article I, Section 20-4(a) of the Code of the City of Charleston to provide that City Council shall elect the Chief Judge and the Administrative Judge of the Municipal Court to serve for a term of four (4) years or until his or her successor is elected and qualified; and shall elect the other Municipal Judges to serve for a term of two (2) years or until his or her successor is elected and qualified.

An ordinance to amend the Code of the City of Charleston by repealing Sec. 2-152 and substituting in its place and stead a new Sec. 2-152 so as to establish the commencement date of terms and staggered terms for various Boards and Commissions in the City.

Mayor Tecklenburg said, “I will seriously consider a Judiciary Committee and bring that back to you. Next, we have the Ordinance that a number of citizens spoke on tonight, the changes in the Mixed-Use Workforce Housing District designations or requirements.”

Councilmember Mitchell said, “For Item L-4, I would like to make a motion that we move to give it first reading and forward it to the Community Development Committee.”

Councilmember Waring said, “Second.”

Mayor Tecklenburg said, “Okay, we have a motion to give this first reading, but to send it first to the Community Development Committee, which I believe has already scheduled a meeting.”

Councilmember Mitchell said, “On the 28th.”

Mayor Tecklenburg continued, “On the 28th, and let me note that in addition to that Community Development Committee, we’re going to end up having two workshops the first quarter of this year because we talked about one already on affordable housing, in general, and the A-tax. We’ll be coming to Council in February with a Zoning Ordinance or an Ordinance to further refine the BAR in our height districts. So, we really need to have a gathering, a workshop to go over that in detail. In addition to the Community Development meeting, we’ll have an opportunity for a workshop as a Council at which time we could also discuss this matter in more detail before it comes back, and I would make the pledge to you that we would bring this matter back for any modification by February 14th.”

The Clerk said, “Mayor, Geona wants you to mention that the CD meeting is for the 26th, not the 28th.”

Mayor Tecklenburg said, "What date?"

The Clerk said, "The date is the 26th."

Mayor Tecklenburg said, "The 26th is the Community Development meeting."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just a couple of points, we heard a lot tonight, and I think one of the things that was unanimously commented on is that we need to look at the second side of this ordinance, the fee in lieu, and the manner in which it's structured and allocated. We traditionally at our committee meetings do not have public comment. Now, Councilmember Mitchell does have that on his agenda, and I do believe at the CD Committee meeting, we need to specifically put a public comment section on the agenda ask those who came here tonight to speak about this who spoke so eloquently about it to come back and educate us at our committee. As we talked about earlier today, Mr. Mayor, that this will get back to us at this City Council within 30 days. Because what we're doing now is we're really sort of putting all of this in Never-Neverland. No one is coming in on the current MU. This is going to freeze it, so we want to make sure we move this forward. So, I would amend to make sure that, Councilmember Mitchell, you have a public comment period during your committee meeting and that this specifically is back on our agenda within 30 days."

Councilmember Williams said, "Second."

Mayor Tecklenburg said, "Well, just a minor correction, 30 days wouldn't quite get us to February 14th."

Councilmember Seekings said, "Or the closest meeting thereto, which is February 14th."

The Clerk said, "Jacob is saying you cannot do that number of days. They need more time."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Suppose the committee needs more than 30 days, though?"

Councilmember Seekings said, "They can ask for it."

Councilmember Mitchell said, "If they need it."

The Clerk said, "The Planning Department is saying that they need more than 30 days. Is that what you said Jacob?"

Mr. Lindsey said, "Well, it's just not possible from a calendar standpoint, but if I may, Mayor, also suggest that the proper route through would also be, of course, go to Planning Commission before returning to this body. I'm going to put that to you and Council for your consideration."

Mayor Tecklenburg said, "Right."

Councilmember Moody said, "What is the time and place of this meeting?"

Geona Shaw Johnson said, "The CD Committee of City Council meeting is the fourth Thursday of every month. That makes it the 26th of January. It's at 4:30 p.m. in Council Chambers."

Mayor Tecklenburg said, "Are there any other questions or discussion?"

On a motion of Councilmember Seekings, seconded by Councilmember Williams, City Council voted unanimously to give first reading to the following bill, to bring it back to City Council for a second reading within 30 days or the closest meeting thereto, and to have a public comment period at the Committee on Community Development on January 26, 2017:

An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) pertaining to Article 2, Part 15 – Mixed Use 1 - Workforce Housing District and Mixed Use 2 - Workforce Housing District.

The Clerk said, "Mayor, we have to withdraw Item L-5."

Mayor Tecklenburg said, "We need a motion to withdraw Item L-5."

Councilmember White said, "So moved."

Councilmember Wilson said, "Second."

The Clerk said, "Councilmember White and Councilmember Wilson to withdraw Item L-5."

Councilmember Mitchell said, "Move for approval."

Mayor Tecklenburg said, "This had to do with the property on Maybank Highway. We have a motion and a second to withdraw Item L-5 from our agenda. It will be gone."

The Clerk said, "Yes."

On a motion of Councilmember White, seconded by Councilmember Wilson, City Council voted unanimously to withdraw Item L-5 from the agenda:

An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Part 12 – Gathering Place to change district name and specific details within, by amending Article 2, Part 3, Table of Permitted Uses to change district name, by amending Sec. 54-301, Table 3.1: Height, Area and Setback Regulations adding a new row, by amending Sec. 54-201, Base Zoning Districts to change district name, by amending Article 2, Part 11, Sec. 54-268 designation of Design Review District, Review Authority, Scope of Authority and Exemptions to change district name, by amending Article 3, Part 8, Sec. 54-347 landscape buffer requirements to change district name. (WITHDRAWN)

Mayor Tecklenburg said, "Madam Clerk, am I missing anything else? Note that our next

meeting is going to be West Ashley on January 24th.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Mayor Tecklenburg, just very briefly, for this Council, and I know Chief Brack is here, but on Saturday night, during the cold and all of the other things that were going on, the firefighters of Stations 2 and 3 went to the Ronald McDonald House, which is proudly in the middle of District #8 and cooked dinner for the families of patients at the hospital. They were kind enough to invite me to join them for a very short period of time. They were there for a long time, and what I’ve learned is, if you all want a good meal, get in with the firefighters because they sure can cook. The residents at the Ronald McDonald House could not have appreciated it more. They were fantastic, both with what they cooked and how they dealt with the people that were there. So, I want to congratulate Chief Brack, but, more importantly, those who did the cooking because they were great. So, thank you very much.”

Mayor Tecklenburg said, “Thank you.”

Mayor Tecklenburg said, “Yes.”

The Clerk said, “I would like to remind Councilmembers that have not indicated to me that you are interested in the MLK breakfast to please see me at the end and also be reminded that you got an e-mail that there will be no float.”

Mayor Tecklenburg said, “No what?”

The Clerk said, “Float.”

Councilmember Mitchell said, “No floats. We have to drive.”

Mayor Tecklenburg said, “No float in the parade, but you’re welcome to walk with me.”

Councilmember Seekings said, “When is it?”

The Clerk said, “It is Monday.”

Mayor Tecklenburg said, “The parade is Monday at 11:00 a.m. Meet at Burke High School. The breakfast is Tuesday at 7:30 a.m. at the Gaillard.”

There being no further business, the meeting was adjourned at 6:47 p.m.

Vanessa Turner Maybank
Clerk of Council

