

COUNCIL CHAMBER

Regular Meeting

February 14, 2017

The twenty-seventh meeting of the City Council of Charleston was held this date convening at 5:02 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media February 8, 2017 and appeared in The Post and Courier February 12, 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 5:02 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Next, I would like to call, if anyone would like to join, Councilmember Seekings to lead us in prayer and recite the Pledge of Allegiance."

Councilmember Seekings opened the meeting with an invocation.

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

Mayor Tecklenburg said, "We did have a slight addition to the agenda to have a very brief presentation by our consultant about the proposed new height districts. I know many of you attended the workshop at the Museum but some did not, and I would like for it to be in the public record. It will just be about a five to eight-minute presentation. Could I entertain a motion to amend the agenda to allow the presentation?"

Councilmember Waring said, "So moved."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

On a motion of Councilmember Waring, seconded by Councilmember Shahid, City Council voted unanimously to amend the agenda to allow the consultant to give a presentation on the proposed new height districts.

Mayor Tecklenburg said, "So, it will be added. I do want to share with the public and, it may seem very obvious, but since we're in a public space that if there were some kind of emergency and that we needed to vacate the premises, you have these two main exit doors here and there is one exit door in this room over to my right. We only have the two stairways going down. Do not use the elevator in the event of an emergency, and there is then simply the common single stairway out the front door. I would ask for everyone to gather together in Washington Park next door in the unlikely need for us to exit the premises.

Now, for our second time, we have a sign-up sheet out front on the table. If you want to make comments to the Council during our Public Participation Period, and you haven't signed up already, please go out front and sign up on our sign-up sheet. I do want to wish everyone a Happy Valentine's Day. I think everyone has dinner dates and plans for tonight. So, we'll see how well the meeting proceeds along.

Next, I want to call to the podium a wonderful young lady named Whitney Loomis, and her mother and her father are here with us, as well. Whitney, and Ms. Loomis, would you all please come forward? So, Whitney's Mom contacted my office a month or so ago. I think she wanted to have a photo done with the Mayor. As it turns out, I really wanted to have my photo done with her. She's a lovely young lady, but what really struck me, and the reason I wanted to introduce her to everyone, was her beautiful spirit and her lovely heart. She's just remarkable, and you will pick that up from some things on this proclamation. She's just a nine-year old Charleston native, currently in the 5th grade. She began fundraising with her sister, Cheyanne, by making dog leashes and collars and donating a portion of the proceeds to Freedom Fur, which provides service dogs for veterans. Her particular non-profit is close to her heart because her father, who is with us tonight, received a service dog named Grace from Freedom Fur. Thank you for your service, Mr. Loomis. Whitney traveled to Winston-Salem, North Carolina and was awarded the title 'City Queen' and then to Hollywood, California to compete in a National All-American Queen title. She placed 3rd in the nation. As Little Miss Charleston 2016-2017, she is currently organizing a project to collect donations of 100 bags of essential items for the less fortunate. She has a huge heart and has also clocked a total community service involvement of over 262 hours. Whitney aspires to be a neurosurgeon specializing in traumatic brain injuries, as well as President of the United States in 2044."

There was applause in the Chamber

Mayor Tecklenburg continued, "Keep that year mapped out when she'll be able to be President in 2044. She plans to change the way the military and veterans are represented."

---INSERT PROCLAMATION---

There was applause in the Chamber.

Mayor Tecklenburg said, "Would you like to say a few words to Council? Let me get this little microphone up here for you. Here you go."

Whitney Alexis Loomis said, "Thank you. I was very excited to come today because I've

always wanted to have high expectations of myself because there's so many ways to help the City. I wanted to help in so many different ways and come to the City Council meeting."

There was applause in the Chamber.

Mayor Tecklenburg said, "Next, I would like to call Jamie Gillette forward to help with some presentations that we're going to make regarding Keep Charleston Beautiful. Jamie, please come forward."

Jamie Gillette said, "Russell is with us, our Board Chair, as well."

Mayor Tecklenburg said, "Microphone."

Ms. Gillette said, "Yes. Well, I'll introduce myself. I'm Jamie Gillette with Keep Charleston Beautiful. We are the City's anti-litter and beautification organization. Our mission is to end litter, increase recycling, and beautify communities. So, we have our awards from this past year for 2016. We have five awards to give to our recipients tonight. So, they'll come up, I guess, as we read through them."

Mayor Tecklenburg said, "Certainly."

Ms. Gillette continued, "Yes. We have Teacher of the Year first, and we have one who is on his way, so we kind of have to save that one for last, but go ahead."

Mayor Tecklenburg said, "Okay. We recognize one teacher each year that has brought litter prevention, waste responsibility, and civic engagement to their students. This teacher and her school have worked with Keep Charleston Beautiful and other groups to help students better understand their role in the community and their impacts in our natural award. This award is presented to Campbell Bowers from Charleston Collegiate. Is Campbell Bowers here? Please come forward. Thank you for inspiring action through education. Thank you so much."

There was applause in the Chamber.

Mayor Tecklenburg said, "I tell you, why don't you stand on this side of me? Here's the microphone."

Ms. Bowers said, "Thank you."

Mayor Tecklenburg said, "Thank you so much. Next, we have the Adopt-a-Stop, Adopter of the Year Award. The Adopt-a-Stop Program is a partnership between Keep Charleston Beautiful and CARTA with the mission to reduce roadside litter. Individuals or organizations who adopt an unsheltered CARTA bus stop are provided with trash cans painted by local students and agree to empty the can as needed. This award is presented to Joshua Kucera for being committed to the maintenance of his adopted CARTA bus stop and his contribution to our goal of a litter-free Charleston. Is Joshua here?"

Ms. Gillette said, "I don't think he was able to get here yet."

Mayor Tecklenburg said, "He's not here. Okay, we'll get back to him. Where was his stop?"

Ms. Gillette said, "It's on America Street at the corner of Columbus."

Mayor Tecklenburg said, "America and Columbus Street. He adopted a stop. The Reverend Alma Dungee Volunteer of the Year Award. Keep Charleston Beautiful recognizes one volunteer each year that has gone above and beyond to help create a litter-free and beautiful community. The Reverend Alma Dungee Volunteer of the Year Award recognizes a community member who has made themselves readily available for litter clean-ups and for other Keep Charleston Beautiful events throughout the year. This award is presented to Sebastian DeModica. Sebastian, thank you for your dedication to the City of Charleston and our environment."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you, Sebastian. Next, the Volunteer Group of the Year. We recognize one volunteer group each year for their dedication and commitment to litter reduction. This group has shown time and time again their willingness to help with litter clean-ups around the community. These ladies willingly trek into our surrounding marsh environments to help remove litter and haul out large debris items. This award is presented to the College of Charleston Women's Rugby Team because they accomplished with enthusiasm."

There was applause in the Chamber.

Mayor Tecklenburg said, "We've got the whole team here, you all. This is great. Thank you all. Excellent."

Mayor Tecklenburg said, "Would a spokesman like to say anything, or the team?"

One of the Rugby Team Members said, "We've actually been going to the same stop for several years now. I'm not too sure how many years, but even since my time as a Freshman I've noticed a huge change. I think our first year we were there we pulled out 32 tires, and this year we were only able to pull out two because there just weren't any more in the same place. So, we've just seen a huge change, and we love to keep helping out in the environment."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you so much. That's great. Thank you. Great work. Thank you. How's your game record?"

Another of the Rugby Team Members said, "It's better."

Mayor Tecklenburg said, "It's pretty good. Okay, and finally, we have the Thornhill-Young Award. Jane Thornhill and Elizabeth Young volunteered over 20 years of service to Keep Charleston Beautiful and the City of Charleston. Both women held a unique passion for creating a litter-free community. These women were an inspiration to those around them and their passion has been passed down for generations. The Thornhill-Young Award was created by Keep Charleston Beautiful to recognize individuals who exemplify the same spirit of Jane Thornhill and Elizabeth Young. This award is presented to Fran Carlton. Thank you for your involvement with numerous Keep Charleston Beautiful programs and your passion for beautifying our community, Ms. Frann Carlton."

There was applause in the Chamber.

Mayor Tecklenburg said, "Would you like to make a remark?"

Ms. Carlton said, "Yes. I wasn't told I was going to have to speak, but I just want to thank Jamie for the opportunity that she's given us. I work with HLA and we are just so excited to give back to our community. Thanks so much."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you, Frann. So, that pretty much does it for our Keep Charleston Beautiful Awards, but I have to just shout-out to Jamie who is running the program. She's coordinating with hundreds of individual and group volunteers, and on a moment's notice, and is so responsive. We had, for example, a request just a week ago from someone in the District #20 School Board saying we really needed to clean up around Sanders-Clyde, and within days Jamie had put an incredible volunteer team together. They were out there last Saturday, and collected over 1,000 pounds of litter. Unfortunately, it's out there but she does an incredible job helping keep Charleston beautiful. Thank you, Jamie."

There was applause in the Chamber.

Mayor Tecklenburg said, "Alright. Next, we have no public hearings scheduled this evening and so we're going to move along with the approval of our City Council minutes from January 24, 2017."

Councilmember Mitchell said, "So moved."

Mayor Tecklenburg said, "We have a motion."

The Clerk said, "We need a second."

Mayor Tecklenburg said, "Did I hear a second?"

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "We have a second. Are there any additions, changes, or deletions? Hearing none."

On a motion of Councilmember Mitchell, seconded by Councilmember Waring, City Council voted unanimously to approve the minutes of the January 24, 2017 City Council meeting.

Mayor Tecklenburg said, "Next, will be our Citizens Participation Period. Did we get our list here? We have fourteen folks who have signed up. Well, a few people scratched off, so it's less than that, so we'll do two minutes."

The Clerk said, "Okay."

Mayor Tecklenburg said, "Yes, it looks like there are ten people. Okay, first is Arthur Peter Lawrence, but please continue to state your name and address before addressing Council."

1. Arthur "Peter" Lawrence of 210 Fishburne Street, representing the Westside Neighborhood Association and residents of Fishburne Street, stated the association voted against changing the name of Fishburne Street. He also thanked Mayor Tecklenburg and City Council for supporting South Carolina State University and stated that the Mayor and his family had a long history of supporting the University. He said that in 2008, property was given to SC State, and it was time to complete the development and help those that had been relocated as a result of the Ravenel Bridge construction.
2. Mohammed Idris said he wanted to salute President Trump for his effort to "check Muslims entering the country" because of what had happened in the world as a result of "so-called Islamic leaders." He said that President Trump was one of the best Presidents the country ever had.
3. Marc Knapp spoke about stormwater issues. He said the Charleston Housing Authority had a two-inch water pump break underneath the building, and he had to pump it out with a three-inch pump, and he flooded the street. He didn't understand why they couldn't keep the storm drains clean. He addressed flooding issues in West Ashley and said the City should make every development adhere to the 100-year flood plan because it would stop a lot of problems.
4. Michael Grace of 11112 Stonepath Lane, Charlotte, North Carolina, representing Pavillion Development, stated they had purchased property at 194 East Bay Street. He asked Council to not give first reading to the height amendment change and to take more time to consider the bill. He said when they purchased the property, they had researched the property and zoning, and they had received a 47 room hotel exception in November, as well as approval to demolish the current building. BAR conceptual approval was deferred for further discussion. He expressed concern that the amendment would change the property from a five-story building to a three-and-a-half story building, which would be a 30 percent reduction. He expressed concerns that developers who had made investments in the City would not have time to react as a result of the first reading.
5. Alice Paylor spoke on behalf of the owners of 194 East Bay Street. She said they had expended substantial sums of money and time to develop the property and had just found out last week about the height ordinance amendment which would change the restrictions on the property. She asked Council to not give first reading to the bill and to send it to the Planning Commission for study and public hearings. She said no property had been posted, individual notices had not been sent to the property owners, and the property owners should have to time to react and understand what would be happening with their property.
6. Robert Gurley of the Preservation Society of Charleston stated the Preservation Society was very excited about the proposed changes to the height ordinance. He said they really wanted to work with staff and City Council to get this done. What they would be doing tonight would impact the way the City functions and looks for the next 85 years. He thanked staff and consultants for the productive and positive dialogue and said he

hoped they would bring in agencies like the National Trust for Historic Preservation to make it a wide-ranging discussion.

7. Richard Gowe, an architect at 205 ½ King Street, stated he did a lot of work with developers in the City. He said the plan had been well-received and a lot of hard work had gone into it. He said there were a lot of details that needed to be worked out, including the effected parcels needing to be outlined in City maps, the property owners needing to be notified, and how extra height was granted. He thought the bill would help streamline the process, it had a lot of good things based on design, and he supported the bill.
8. Jason Crowley, Land Use Project Manager for the Coastal Conservation League, spoke about the Resolution Supporting the Extension of I-526. He asked Council not to approve the Resolution because of the commitment to fund legal fees as part of the permitting process. He said it was a County project, and the County had not demonstrated a clear, financial commitment for overruns, and the City was putting its own credit rating at risk.
9. Winslow Hastie of Historic Charleston Foundation said the height ordinance amendment had been contemplated for years and was in the preservation plan from 2008, which called for measuring height by stories instead of feet. The bill was extremely complex, but they had received great assurances at the workshop and from others in the Planning Department that they wanted to work with the community and stakeholders to make sure it was done correctly. They supported first reading, and then the community and staff could work out the details, as there were elements they wanted to discuss. He thought this was the best first step for the City.

Mayor Tecklenburg said, "Thank you very much. So, I think that's the end of our Public Participation Period, and we often have very many honored guests that come to visit us in the Chamber, but I did want to acknowledge someone from out-of-town."

Councilmember Lewis said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "There are a couple of ladies sitting over here that came in late. I don't know whether they wanted to speak or not. So, you are aware of that, the two ladies in the front seats?"

Mayor Tecklenburg said, "Would you like to be heard this evening?"

Councilmember Lewis said, "They're not from Charleston from what I understand, so we want to be hospitable."

Mayor Tecklenburg said, "Absolutely. We definitely want to show our hospitality, but I would like to introduce, Mr. Lawrence mentioned that the City is working with South Carolina State University. It used to be College when I was in Orangeburg, and my mother served on the Board there. Mr. Delbert Foster from South Carolina State is with us tonight and is working with our legal counsel in order to move that project forward, and we thank you for your efforts. We

look forward to getting that partnership off the ground this year.”

Delbert Foster said, “Thank you, sir.”

Mayor Tecklenburg said, “Yes, sir.”

Mr. Foster said, “Mr. Mayor, we do have Vernell Brown, our National Alumni Chair.”

Mayor Tecklenburg said, “Oh, wonderful.”

Mr. Foster continued, “Also, Ms. Deborah Jones is our previous National Alumni Chair. Both are Charlestonians.”

Mayor Tecklenburg said, “Wonderful. Welcome. So glad to have you with us this evening.”

Ms. Brown and Ms. Jones said, “Thank you.”

Councilmember Lewis said, “I have one more question, Mr. Mayor. Since you brought that subject up, we met with the Chairman of the Board and the President of South Carolina State several months ago. Where are we with getting this matter resolved? We have been dealing with this South Carolina State piece for over eight years, and I think that we really need to move forward on this. I understand there is one thing in this development agreement that the Chairman doesn’t agree with, and it seems like their attorneys and our attorneys can’t seem to get together and work this out. We’ve been dragging this thing out for years too much before you got here. I really would love to see that 1890 project break ground as soon as possible. I wish it could have been tomorrow, but we really need to get this thing done.”

Mayor Tecklenburg said, “Well, you’re absolutely right, and that’s what I was just referring to, that we hope to get that ground broken this year. I met with President Clark. We’re both committed to seeing the project move forward. Respectfully, he wanted to get his 1890 project in Orangeburg started first. Without having a call for a report, they’re on the verge of getting that done, and then their next focus is going to be on Charleston. Ms. Cantwell is working out the details of that deed that they never accepted, but we plan to, soon. Yes, sir.”

Councilmember Mitchell said, “Mr. Mayor, I was working with that thing from day one, and I know it was back and forth, back and forth, and it’s getting a little tiresome now with the back and forth. So, we need to get this done right away. I have spoken with our City attorney, Ms. Frances Cantwell, on this, and they are supposed to be getting with South Carolina State University attorneys and with Mr. Foster as soon as possible. I think they were supposed to do it last week, but I think they had a death in the family with the attorney. So, I am just asking her to kind of speed it up a little bit, if you can, and let’s get it done like yesterday because time is moving on, money can change hands, and things can change. We need to get this done rightaway because the people in the community are in an uproar with me because I promised them this for years. Every time I see them they ask, ‘What happened to this?’ I say, ‘Well, I’m still waiting on attorneys.’ So, we need to get this done right away, so I can satisfy and get this community. This is something to knit this community back together, and that’s why this was given to South Carolina State University to build that Community Center. I thank Council for going along with me on this Community Center. We voted unanimously, so we need to try to get it done, as soon as possible.”

Mayor Tecklenburg said, "Yes, sir. I would like nothing better. We'll be working on it. Alright. Next, order of business are the three Boards and Commissions that we're bringing to you tonight for approval, the Commission on Disability Issues, the Health and Wellness Committee, and the Homeownership Initiative Commission."

Councilmember Moody said, "Move that the three Commissions be staffed as presented."

Councilmember Williams said, "Second."

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

Councilmember Gregorie said, "Yes."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, it has to do with the Commission on Disabilities. I'm sure most of you have been tracking a series of articles in the Post and Courier with respect to the disabled in our City not being reasonably accommodated. I really hope that that Commission, which has been dormant for many years, really moves forward to make sure that they implement, and make sure that our City is compliant, with respect to reasonably accommodating persons with disabilities."

Mayor Tecklenburg said, "Thank you very much, and that's exactly why we wanted to reactivate this Commission, so that they could re-focus on that work. Yes, sir."

Councilmember Mitchell said, "Yes, Mr. Mayor, I know it is late in the game, but I had a young lady that went on the Web and placed her name down for a couple of these Boards and Commissions. I think she might have been a little late, but I said if anything happened with the Health and Wellness Committee, if someone has changed their mind, I would like the staff to look at that very seriously in trying to put her on that Commission because she worked in Washington, D.C. with the Health and Wellness. Her name is Ms. Helen Mitternacht."

Mayor Tecklenburg said, "What's the name again?"

Councilmember Mitchell continued, "Helen Mitternacht. She lives down on Chapel Street, and she would be good for that. Her name is there, and I called City staff and spoke with them. They said they saw her name there, but if anyone should ever decide they can't do it, again, we will look at her very seriously. She put in for three different Boards, so we can look at that very seriously because I'm supposed to get back with her and let her know what transpired with that."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Shahid said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Shahid said, "Just sort of a follow-up question with all of these Commissions that we are reappointing on the Boards from citizens, and I know that some of the folks who had served on these many Boards and Commissions have remained on there and

their terms had expired. So, I know your office has been taking an active role and a very important role in sort of getting this all back together for us and rotating folks on and off. I just want to make sure that we keep this momentum going, and so, as these terms expire, that we're making sure the term has expired, and either we are reappointing these folks or we're rotating new people back on here, so that we're not getting ourselves back into this situation again, that we're not keeping on top of these citizen Boards and Commissions. They're too important, and we've had the Commission on Women being rejuvenated last Council meeting and this Disability Board coming up. These are all too important, and I just think that if we don't keep them on our mind for a while, we'll forget about them. I just want to make sure that we're staying on top of those things."

Mayor Tecklenburg said, "Well, thank you, Councilmember Shahid, and that was part of the reason for putting the Boards +, a little software package, into place. It's not only trying to get all these Committees and Commissions straight, so to speak, but having a better way of tracking when terms are up and have been completed so that, hopefully, going forward, the City will keep up with these better."

Mayor Tecklenburg recognized Councilmember Wilson.

Councilmember Wilson said, "Thank you, Mr. Mayor. Regarding the item that was placed on our desks for the next group of vacancies, I had a question regarding the Recreation Commission. I see now a substantial number have termed out, and there are those who have applied. In the past, we always had one member of the Commission per Council District. Are we moving away from this? For example, many years ago I appointed someone from District #12, and there were others from other districts. Laurie, have we moved away from that, or is that still the policy that we're trying to adhere to, so there would be equal representation from the different districts?"

Laurie Yarbrough said, "Councilmember Wilson, that's actually not a part of the ordinance."

Councilmember Wilson said, "Okay."

Ms. Yarbrough said, "It's not specified in the ordinance that we have. We did do that at one point. We had folks from different districts. I did try to look through the list of people that were qualified and looking and those kind of things, but that is not specified in the ordinance."

Councilmember Wilson said, "Okay, that's fine. It shows you how out-of-date, because the last time I went through all of this, we were still going by different districts."

Ms. Yarbrough said, "We did do that. That must have just been done by the way it was originally set, and by way, kind of adopted into it but it's not by the ordinance."

Councilmember Wilson said, "Okay. I would like to see, though, some degree of representation from various areas of the City."

Mayor Tecklenburg said, "Sure, and might I add that these are recommendations, and we included, where applicable, if there's an ordinance, the rules of the Committee or Commission, so you can reference that, but there's nothing preventing this body from making a change to the ordinance."

Councilmember Wilson said, "Well, yes, I just wanted to go through that because it had been a very long time. Okay."

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

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I just wanted to make a comment. It was so nice to get our list this time. I had been critical of the process in the past about designating an attorney or an architect. It was perfect, very easy, and so I wanted to thank Robin Griffith or whoever it was that did that."

Mayor Tecklenburg said, "That would be Robin."

Councilmember Moody said, "That's what I thought. So, if she took offense, I wanted to be sure and call her out for special accolades. Thank you."

Mayor Tecklenburg said, "Kudos. Thank you for a job well done, Robin. Alright. Are there any other comments or questions on these?"

No one else asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Williams, City Council voted to approve the appointments and reappointments to the Commission on Disability Issues, the Health and Wellness Committee, and the Homeownership Initiative Commission.

--INSERT APPOINTMENT MEMO--

The vote was not unanimous. Councilmember Riegel voted nay.

Mayor Tecklenburg said, "Next, we have a Resolution on the Charleston County Mark Clark Expressway Extension. As Council may recall, there was, I hate to admit, almost a year ago, that we had a similar Resolution that we passed in support of the Mark Clark Extension. At that point, as you all know, the relationship with the County and the State Infrastructure Bank had somewhat soured, but I feel like good progress has been made over the last six months, and I'm hopeful that at the March meeting that the SIB Board will in fact reaffirm its commitment to moving this project forward, including its commitment back in 2006, for \$420 million in funding towards the project we support. The Resolution supports the County's effort to fund the balance. They've committed an additional \$150 million. Just yesterday, the CHATS Committee met. I was there along with Councilmember Riegel and Councilmember Williams. These representatives of government and business from all three counties, Charleston, Berkeley, and Dorchester, gave a unanimous consent to support the project going forward and to dedicate guide chair funding through the CHATS mechanism to contribute to the project, as well. So, I ask Council's consideration."

Councilmember Moody said, "I make a motion to approve, Mr. Mayor."

Councilmember Williams said, "Second."

Councilmember Moody continued, "And to congratulate, I know you and the other members of Council that have been pursuing that. I've watched it with great interest, and I know

that you guys have really done a good job of getting this. I congratulate you, and I am very proud to make a motion to approve this.”

Mayor Tecklenburg said, “Well, thank you.”

Councilmember Williams said, “Mayor, I would like to second. I would like to also make a comment. I would also like to echo your leadership in this. Yesterday was a tremendous day to have that many Councils of Government approve and members of Council. At the end of the day, this is just a Resolution. This is just a commitment to make a commitment from 1968 to 2006, this is where we are. We’ve got to move forward. It is critical for the livability of this region that we move forward. I hope that we would pass this unanimously, so that we can make a commitment for the commitment to come. There is so much unknown in this project. What will it cost? But, I think we made a tremendous stride yesterday, and thank you for your leadership, Mayor Tecklenburg.”

Mayor Tecklenburg said, “Thank you, and it should be noted that any funding that City Council may approve at a future date to support the project would have to come back and be approved by Council at that time.”

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, “While I fully support the completion of I-526, I kind of feel that we’re flying blindly here, and, by that, I’m talking about the last paragraph of the Resolution. I really, and I know what the language says, but I still think that we are committing financial resources to a County and a State project. I’m uncomfortable with that, because I think we are flying blindly, because I don’t know what we’re really committing to here. I saw one example of TIF dollars, potentially, also permitting and legal fees, etcetera. The way I read it is not limited to those things, and it is such as. So, I’m a little uncomfortable with the Resolution with this last item, because I think we’re flying blind, and we’re obligating our citizens’ dollars without any specifics.”

Mayor Tecklenburg said, “Thank you, sir.”

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, “Thank you, Mayor Tecklenburg, and let me add my kudos to your leadership on this issue. It was very rewarding yesterday during our CHATS meeting represented by many, many elected officials from all over the Lowcountry that unanimously we supported this, and kudos to you. The question I voiced yesterday, and I’m going to voice it before this body, too, ‘Is it enough?’ I have an answer to that, but my resource is none other than today’s Post and Courier, Diane Knich, where she quotes Bank Board Chairman Vincent Graham expressing doubt about the plan after receiving approval. I don’t think anything other than a firm and definitive funding agreement commitment will satisfy the Bank Board. The challenge we have is we don’t know what it’s going to cost, as Chairman County Council Vic Rawl, you, and I discussed. Numbers have grown to \$700, \$800 million. Are those realistic numbers? Are those frankly enhanced numbers? Is that the real cost of this? An issue that I want to share with Council and Mr. Mayor, that you talked to yesterday, was if the CHATS Committee would have specified and dedicated \$195 million to the I-526 commitment, that would have meant over 70 percent, and please correct me, of the road share funding to 2025 would have been dedicated to this. I mean, 70 percent. All of the other projects in the Lowcountry would have been put somewhere. So, this is a real, real challenge, and I think that our delegation from Charleston needs to share our vision, our enthusiasm, and our courage by

inciting Governor McMaster to look at the SIB Board and its makeup and to see how we can move forward on this vital, vital project, so important to the Lowcountry. In my prayers every night, I pray we will move forward because it is important. Again, I thank you for your leadership, Mr. Mayor.”

Mayor Tecklenburg said, “Yes, sir. Would anyone else like to be heard?”

Mayor Tecklenburg recognized Councilmember Waring followed by Councilmember Lewis and Councilmember Wagner.

Councilmember Waring said, “Thank you, Mr. Mayor. I understand my colleague to the right, and he’s my wingman, but with all due respect after thinking about this one, this is just so big. Let’s just say, hypothetically, we have everything in place to build I-526, but we needed some legal fees to get it done. We’d vote for it, we would. It is that important to the region. This region leads the State. The City of Charleston and this region is the largest city, I know depending on what day of the week, but if you really did a head count today, the City of Charleston is the largest city in this State. Unfortunately, some of the politics being played up there are just unreasonable. Just fathom for a moment that I-526 came from James Island to Johns Island to West Ashley to North Charleston to Daniel Island and ended. What would the people in Mt. Pleasant be doing right now? They would be trying to get that highway finished. They would be raising the roof off. We’ve seen what happened with just a rain event, the last two Octobers past. Just a rain event out on Main Road, it backed up Main Road, it backed up St. Andrews Boulevard, and Folly Road, just for the water to drain out a couple of weeks. That happened. We’re growing. We cannot pull up the moat. There’s not a bridge to the moat that we can pull up and tell people no more new people. That’s just not going to happen. This is reminiscent of the Ravenel Bridge. There were those that didn’t want to build the Ravenel Bridge, and when the Ravenel Bridge was built, and prior to the old Grace and Pearman Bridges being torn down, who among us didn’t ride across it and look down and say, ‘my goodness, that’s what we were riding across?’ It should’ve been replaced long ago.’ So, this is a piece of infrastructure, yes, we need to get the real money, and we need to get the real numbers because I agree with you, Councilman Riegel, I think there may be some helium on both sides of the issue, but this is not the time to put on the brakes. This is a time to show leadership and move forward. We were in Columbia when the Mayor went up in January, and you’re right, your leadership was great then. It’s excellent throughout the process, and I look forward to going back with you in March and supporting that effort to hopefully get the vote from the Infrastructure Bank, so we can get the project done. So, I would move for approval, Mr. Mayor.”

Mayor Tecklenburg said, “Thank you.”

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, “Yes, sir. If the County comes up with their commitment to them. They’re standing on muddy waters. They’re in muddy water, and when the SIB Board comes up with their monies that they probably will commit, where would the City get their commitment, the monies, from? Are we working to identify where those sources are coming from? It is a lot of money. Do you have any idea, or what you would suggest to your staff, to come up with the monies to support this project?”

Mayor Tecklenburg said, “Well, as everyone knows . . .”

Councilmember Lewis continued, "A commitment is one thing, but if everything comes to fruition, we have to know where we're going to get the money from as citizens of this City."

Councilmember Williams said, "We don't have to do that, though."

Councilmember Lewis said, "\$150 million, because I can tell you right now, there are a lot of projects that I would like to see done within the City, and we don't have money to do them. It's very essential to the citizens of the City, and to sit here tonight and to commit \$150 million for a project, and I don't know where it's coming from."

Mayor Tecklenburg said, "So, Councilmember Lewis, the commitment of \$150 million is by the County, not the City, and as everyone knows, I think, we are not a party to the contract agreement. It's the County and the South Carolina Department of Transportation and the State Infrastructure Bank Board, and so, by this Resolution tonight, what this City Council is doing is showing our commitment to the project and our willingness to support County Council, who has the ultimate responsibility for funding the balance of the project. It's clearly written in their Intergovernmental Agreement, and we're just showing them our support. Councilmember Waring mentioned the Ravenel Bridge. When that got done, there were funding sources from all over the place. Some of them were big, hundreds of millions of dollars, and some of them were small, and so, at some point, we may, in fact, come back to you and ask for a financial commitment towards the project, but you're correct. I don't know what it's going to be and we'll have that decision when the time comes. Regarding legal expenses, we don't know that there will be a lawsuit. I hope there won't be, and I'm going to most respectfully say to Mr. Crowley, who is here this evening, and to the Conservation League, who, over the years I've agreed with on many issues. We have an honest disagreement about the value of this project moving forward, but I'll make a deal with you. If you don't file a lawsuit, I won't ask this Council to help pay for it."

There was laughter in the Chamber.

Councilmember Riegel said, "Mr. Mayor."

Mayor Tecklenburg said, "Councilmember Wagner was next."

Councilmember Riegel said, "I'd like to correct a statement I made."

Councilmember Wagner said, "Alright, this is way too close to my heart."

Mayor Tecklenburg said, "You have to say something."

Councilmember Wagner continued, "I've been to County Council so many times, I thought they were going to swear me in, but this Resolution is really non-binding as such, and I think my buddy here to my left, the other wing. He's the left wing, by the way, if you will look. I think he missed one little clause, and it says, 'financial assistance to the extent funds are available.' Now, that's a real important clause. One, it's non-binding to begin with, and it's only binding if we have the money to pay for it. So, that's the point I wanted to make here. I heard something, that the City didn't have a dog in the hunt. It does have a dog in the hunt, because probably about 94.5 percent of I-526 runs through District #5, of all places, out of West Ashley and Johns Island. The rest of it comes across part of three districts, Kathleen's, Bill's, and Mr. Gregorie's."

Councilmember Riegel said, "It cuts through mine, too?"

Councilmember Wagner continued, "Now, and yes, it cuts through yours, too. I'm sorry, I forgot it's coming over to you, too, but the bottom line is, it touches us. The EIS which was mentioned, true, it was never finalized. However, the draft EIS, I will be more than happy to provide you guys with a complete synopsis of it, of what it did and didn't say. But, bottom line, it didn't say there was anything to stop it or slow it down, whether it be historical, whether it was going to destroy any marsh, 'no', temporarily where the pillars go, 'yes', but it was all going to rejuvenate, is what it said. The real bottom line is it is an issue of safety, safety, and more safety. The primary route in the event of a hurricane is Main Road to get off of the island. Well, September 15th, it was closed for around, what, 17 days, because it was flooded by that big superstorm. We had a hurricane, as I recall, kind of mash us a little tiny bit, last October, and it was closed about a week, and it hit on dead low tide. Now, I want you to think, if what happened out on Edisto and other areas, what would have happened and how many people wouldn't have made it off that island had Matthew hit at dead high tide. We would have been in a mess, and people would have lost their lives on that island, and I will never hush about saying that every chance I get. So, I'm going to hush now, though, because I've said it."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Williams.

Councilmember Williams said, "I'm done."

Mayor Tecklenburg recognized Councilmember Mitchell, followed by Councilmember Riegel.

Councilmember Mitchell said, "Yes, this is a Resolution. A Resolution is not a binding contract, insofar as Council's concerned. In the Resolution, all we are saying is we are giving support. It has to come back to Council to vote on it if any money is going to be put there or not. If, at that time, we don't have it, we don't have it, but as Councilman Wagner stated, on Johns Island when all that happened, most of my family is from Johns Island, and they were locked in. They were calling because if something had happened, they wouldn't be able to get off that island. They couldn't get off that island. It took some people in my church, that I'm a member of, two hours just to get from Main Road to a church on Glebe Street downtown at that time. Now, if a big disaster happened, you know how many people would have lost their lives on Johns Island itself, from Kiawah, Seabrook Island, River Road, Main Road? So, I know the island from back since the '50s, and like I said, that's where my parents and my mother were from, and it's needed. That highway is needed, and I've been saying that from day one. It's needed, but like I said, this piece of paper here is a Resolution, and if everybody knows what a Resolution is, that's not an ordinance. So, that Resolution is saying that we are giving support, and it has to come back to City Council to vote on it. If we have to put any money or anything into it, we have to vote at that time. So, all I'm doing is supporting the Resolution at this point."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, Mr. Mayor. I just wanted to correct a statement I made a few minutes ago. Pardon my bad eyesight to bad lighting, and I think the Post and Courier is going to a smaller, smaller font, Abigail (Darlington). I can't quite read it, but I didn't want Abigail to come after me, but according to Larry Grooms, if we had voted yesterday to commit 70 percent of the road share money, that would have taken the region's Federal money, tied it up at the tune of 70 percent until 2045. I said 2025 before. I just wanted to read that

correction into the record. Thank you, Mr. Mayor.”

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, “Thank you, Mr. Mayor, and I don’t want to beat this dead horse anymore. I’m 100 percent in favor of the completion of I-526. It needs to be done. I share a little bit of the concern with the language on the last paragraph, but what I want to happen this evening is for this Resolution to be passed with 100 percent of every member of this Council supporting it. So, if there’s any language that is objectionable, and someone is going to vote against it, let’s clean the language up, so that we walk out of this room tonight with 100 percent of every member of this Council voting for it. It’s going to send a very strong and important message to the public and to the other governing Boards and other sources of income that we’re 100 percent behind this project. It needs to be done, it needs to be completed, and we want to get this done as soon as possible. So, if there’s any objection to any language, and someone is hesitant to vote for it, let’s clean it up, so that there’s no excuse not to vote for this resolution. Let’s get it passed, but I do understand the concerns of that last language. It bothers me a little bit, but besides that, let’s get this Resolution passed with all 12 of us approving it. Thank you.”

Mayor Tecklenburg recognized Councilmember Wilson.

Councilmember Wilson said, “Just briefly, over the years I have become grudgingly in favor of I-526. Some of my colleagues spurred me on a little. Anyhow, I share Councilmember Shahid’s concerns with the last paragraph. Even though this is non-binding, it’s a Resolution, I’m not so happy about opening the purse strings to expenses we don’t know about, for example, legal fees and putting something like, what’s the right word, the tax increment financing. That money really needs to go to other things, sidewalks, and that sort. I don’t even want to open that can of worms, and what I will say is that it would come across a very large part of my district. I-526 will never be successful until we completely dismantle where the James Island Connector comes into Lockwood. That is such a terrible intersection right now. I can’t imagine completing I-526 with the additional thousands of cars every day and having the mess that currently exists there. So, I need to be very clear because that’s the first thing that my constituents will say in my district is, ‘When are you going to fix the connector at Lockwood before we ever start anything else?’”

Mayor Tecklenburg said, “They mention that often, and we’ll have to address that, as well, and the TIF was mentioned because, as you all know, we don’t have any dedicated funding revenue for road building. It just so happens that a small portion, and it will be some portion of the extension, is in our newly found TIF District. We don’t know years from now how well that will perform and what kind of revenue will be generated, and it was just an idea because, again, this is a show of our support of the County’s responsibility. That’s where the responsibility lies.”

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, “Yes, Mr. Mayor. Again, I support I-526, but I don’t support flying blindly, and if we want a 100 percent, if we can take that last ‘resolve’ out, I’d be fine with it.”

Mayor Tecklenburg said, “Would you have to take the whole thing out?”

There was laughter in the Chamber.

Mayor Tecklenburg said, "Can't you just tweak a word or two?"

Councilmember Gregorie said, "Okay. If we stopped at the word 'process'."

Mayor Tecklenburg said, "Third line. Oh, from the permitting process."

Councilmember Gregorie said, "Right, and then take the 'and'."

Mayor Tecklenburg said, "Take the word 'process' and then 'and'?"

The Clerk said, "Put a period behind 'process'."

Councilmember Gregorie said, "A period at 'process'."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg said, "Oh, I see it now, take out 'and to provide other financial assistance to complete the project, to the extent funds are available, from other potential sources of revenue such as tax increment financing.' It's not to say we can't do it in the future."

Councilmember Gregorie said, "That's right. Right."

Mayor Tecklenburg said, "That's right. Councilmember Moody, it's your motion. Are you willing to accept an amendment?"

Councilmember Moody said, "I've got to think about this a little bit because I don't think I am without talking with our Legal Counsel. I know this thing was structured very carefully to be sure to send a message. What I do know is that over 70 percent of the whole County of Charleston wants this road finished, and probably over 75 percent of those West Ashley want it finished. With all the people that we have West Ashley, we need to commit to whatever we need to do, and if we don't have the money, we can't do it. It's just like this TIF. We've seen it happen downtown many times with these TIFs down here. They've actually produced so well or done so well, that we actually have extra money, and we start looking for stuff to do. This might be just where we could have some extra money down the road. It's not going to happen this year, next year, probably for the next five years. I mean, we're going to be working on this project for a long time, and unless there is some compelling reason from our attorney that this is not going to water it down the least little bit, I'm not willing to amend the motion. I somewhat sympathize with what Councilmember Shahid said, but I'll take seven votes and go. I haven't counted, so I don't know if there are seven here or not."

Mayor Tecklenburg recognized Councilmember Williams.

Councilmember Williams said, "It's Valentine's Day, but I 100 percent agree with Councilmember Moody. Sitting on CHATS, it would send a real bad message if we don't come out strong. We've got to come out strong. It's going to take a while to get this done, and like he said, if it's not a hiccup with Legal, I would not touch this document. We've got to send a message that this is the heart and soul of West Ashley. It's the heart and soul, and we would be letting the public down. So, I'm 100 percent with Councilmember Moody. I will not change it one bit unless Legal had something about it."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "You know, I remember when this thing first started, the City made an offer to take this project over and build it."

Councilmember Williams said, "Absolutely."

Councilmember Lewis said, "The County said 'no, they are going to do it', and then they took it and played games with it, and now they want us to reduce their Resolution. In any event, whatever they do, we're going to have to come up with some monies. All I want to know is where the money is going to come from. I think the TIF fees need to be taken out because the TIF is for the West Ashley District, and I think we need to leave that where it is. So, that's why I'm not going to support it because this thing could have been built, but the County played with it. It's the responsibility of the County and the State to build it. The City offered and they said 'no' years ago. So, let it be. I'm not going to vote for it, I can tell you right now."

Mayor Tecklenburg said, "Okay. Do you want to offer any other comment?"

No one else asked to speak.

Mayor Tecklenburg said, "Okay, we had a suggestion, but it never got seconded."

Councilmember Shahid said, "I second the suggestion, Mr. Mayor."

Councilmember Gregorie said, "You second the motion?"

Councilmember Shahid said, "The suggestion was whether or not we need to get Legal Counsel's opinion on the watered down language or if we need some wordsmithing."

Mayor Tecklenburg said, "You want to offer an opinion for us? By the way, I offered to the County to bring a Resolution forward. They did not ask us for what that's worth."

Councilmember Gregorie said, "I understand."

Ms. Frances Cantwell said, "I don't know if this is an opinion as much as it would be what the intent of the Resolution is and that is to, as Councilmember Moody said, to show that this Council supports the project; supports it getting finished; and supports what the County is doing to try to get it finished. The message that, I think, that we have been requested to consider, is to send the message not to the County, I think they understand that we are totally committed, and to the SIB Board, to the people in Columbia to say, 'Look, the City Council of Charleston is behind this project. We've passed a Resolution applauding what the County has done, appreciative of what CHATS has done, and that we're willing to help with the permitting process fees, if necessary. If a word was omitted, maybe it should have been 'reasonable attorney's fees'."

There was laughter in the Chamber.

Councilmember Riegel said, "There's no such thing."

Ms. Cantwell continued, "But we're not committing to an amount, and we're not

committing or pledging any of the tax increment financing monies to this project. We're using that as an example of a source of funds which might or might not be available. If the County were to come back to us five, six, or seven years from now, and say, 'hey, we need some help with these legal fees, can you all do 'X', then it would be up to this Council to say what you could do or what you could not do. This is a show of your good faith that you back the project, and that you back what they do, and this was our way of trying to do that."

Councilmember Gregorie said, "Just a quick question, because I think this goes a little beyond what you just said. If you read the rest of the sentence after 'process', it's a little more than that, permitting, legal fees, etcetera. So, if that's where we're headed, a recommendation to stop the process should make a difference. Am I correct?"

Ms. Cantwell said, "Well, it depends if the Council wants to go beyond helping with the fees, if necessary. If the Council wants to go beyond that in helping with funding a gap, if necessary, this would allow that to the extent funds were available. It does not commit you to, certainly, your full faith in credit is not at risk, and it's not even remotely pledged. This is if there are funds available that we have, that we are willing to put toward this project. We're not going to do it to sacrifice some other ongoing project that we would have, but it would always come back to this Council to decide the reasonableness of the request and also where you would get the money to fund that request."

Councilmember Gregorie said, "But, we don't really have to say that in this Resolution in order to consider gap funding."

Ms. Cantwell said, "No, you don't, but the point, I think, of the Resolution and, again, this is more of a policy call than a legal call, but the point of the Resolution is to come out and show the SIB Board that this community and its leaders on this Council are firmly committed to this project."

Councilmember Gregorie said, "If I was the SIB Board, and I read this, I would ask, 'how many dollars are you committing?'"

Ms. Cantwell said, "Well, in fairness, Councilmember Gregorie, that's probably what they're going to say . . ."

Councilmember Gregorie said, "They will."

Ms. Cantwell continued, ". . . because the SIB Board, from what I can gather, they keep moving the goal post. Every time you come forward with a plan, they ask another question, but the point is I don't know if any other community has gone to the lengths that Charleston County has to say, 'we're going to look for up to a \$150 million to bridge the gap.' CHATS is saying, 'we will make our guide share funds available to help bridge the gap', and as the Resolution notes, the lion's share of the remainder of this project is in this City, and it's needed direly, and all this Resolution does is show our good faith that number one, we're behind it, and we're going to help if we can."

Mayor Tecklenburg said, "Are there any other comments or questions? If none, let's call for the question."

On a motion of Councilmember Moody, seconded by Councilmember Williams, City Council voted to adopt the Resolution in support of the Charleston County Mark Clark Expressway Extension/I-526 Project.

---INSERT RESOLUTION---

The vote was not unanimous. Councilmembers Gregorie, Lewis, and Seekings voted nay.

Mayor Tecklenburg said, "Thank you very much. Next, is a presentation on our Height Districts. Marina, there you are, please come forward. Welcome to Council Chambers. Thank you for the great job in your presentation the other night. You have the floor."

Marina Khoury said, "Thank you very much. Good evening everyone, Councilmembers, and Mayor. I'm delighted to be here. I'm going to give you a five to seven minute sort of recap of what we discussed last week and show you that we're committed to seeing this process through. So, Duany, Plater-Zyberk (DPZ) was hired for two specific projects, and we're in front of you for both of them today. The first one was to try to reform the BAR process. We were brought in by the previous Mayor to try to bring a level of predictability to the projects as they move forward for citizens, for the developer, and for the BAR alike, and then also to try to tie in some height regulations within the Historic District, again, to just try and streamline the process that we know could stand to be streamlined. Our premise is this, in certain ways, Charleston has been built, and we want to encourage that the brand that exists currently in Charleston be retained, be enhanced, be kept distinctive, be kept unique for the reasons that you know are imperative to the economic survival of Charleston. So, the BAR process and guidelines boils down to rules and procedures and submittal requirements. There are some general guidelines on building types but principally there are guidelines that deal with urban and architectural standards.

The area that the BAR is responsible for has grown 15 times since the 1970s. It seems like a lot, 2,700 acres. It's a huge amount of area that they're responsible for, but it really only accounts to four percent of the entire area that is within your City limits, and it's our premise that that area, that four square miles, should be held to a higher standard than the rest of the City by virtue of the historic character of the area. So, you have seen in the documents you are given that there are three sets of guidelines. Guidelines activated by 'shall' are basically mandatory. Guidelines activated by 'should' are highly encouraged, and should be by the BAR, and guidelines activated by 'may' are suggestions. They are very much in keeping with the character of Charleston. So, to give you an example, I won't run you through all of them, but in essence here is one, 'building height shall be measured by a number of stories and not height,' and every guideline, the vast majority of them are 'should's' not 'shall's', but they are there, they are stated, they are clear, and there is the reason why. It is always good to go back to the reason why in case we're wondering why things are the way they are. So, we've tried to really clarify it by giving you a purpose for each guideline. Here is an example of a 'should': 'buildings should have a base, not excluding Single-Family homes, where the bottom is articulated differently,' and there is the reason why. Another example of a 'should': 'façades should endeavor to have several window sizes with smaller ones above' simply because that is in keeping with the character of Charleston. You don't have to do it, but you should, and every project will be evaluated on the basis of these guidelines, so that the architects who come forward can give a valid reason as to why they think that their building shouldn't have to comply with this, or alternatively should. Here is an example of a 'may': 'thin mullions or muntins may be required on windows larger than two feet.'

So, there are about 18 of them, and here is a guideline summarizing them. There are about six urban guidelines, and the rest are architectural. This is intended to facilitate the life of the BAR, and hopefully intended to also facilitate the developers and the architects as they come forward to give some level of clarity in terms of what is being asked of them. So, certain things will be generally easier to approve, other things will be more difficult to approve. It's not say, if you comply with these standards, you will definitely be approved or vice versa, but it's supposed to establish exactly that, guidelines.

Now, in terms of the height districts, we began by doing an analysis of the existing heights. We did a conversion matrix to try to understand how it works. We're proposing a new Heights District, which is broken down into a general requirement and then specific requirements for each zoning category and then there is a heights map. So, the first thing we do at DPZ is we try to clarify and simplify. We took your existing heights, and we reconciled them in terms of not the zoning category, in which they're in, but we tried to show where the lightest colors represent the lowest heights, and the darkest colors represent the highest heights. It becomes quite obvious, obviously, where you want to encourage height within your historic corridor. The colored areas are those areas that we're calling special districts that will have guidelines either written for them when the time is right. For example, the waterfront port area, or whose heights are going to be remaining in feet by virtue of the uses that they have right now. So, for example, the blue is the hospital area. You will see, you have a copy of this, we began by really trying to understand how your heights work, how the setbacks work, and trying to translate them into what made sense in terms of number of stories and where they exist. We did this for your existing heights, for all your zoning categories, as well as your special districts, or what we're calling them, special districts.

Now, why should we measure height by stories? The Planning Department asked us to be very straightforward with this, and we actually think it's really better for everybody. It's better for the historic preservationists because they are charged with protecting the historical proportions of Charleston facades and, frankly, you happen to have a very beautiful, but very distinctive character to your buildings, which have taller than usual floor to ceiling heights. We think it's better for the developers because it provides them with a better cost, and they are able to market their building types based on who's going to be moving in there. Just because a height is limited, for example, to 14 feet, doesn't mean they are going to build at 14 feet. What would the market bear, and they'll build what the market will bear. It also enables them to recognize the needs for different uses and avoid having to create floors that are unnecessarily squashed in order to, we understand, create an additional floor when that can be very tempting. We believe it's better for the architects because it gives them greater creativity for a variety of roof forms, as well as for building forms, so they're not capped at 55 or 80 or 100. That can vary, and your skyline happens to be quite varied. We think it's better for the environmentalists and for the residents because it encourages better air and better ventilation. We think it will get you taller floor to ceiling height which is a better way to live. We also think it encourages more gracious floor to ceiling height, and we're trying to clarify how attic space can be defined. We also think it's better for the general public. It provides better transitions. It's easier to understand or to request that you step back one story versus, can you step back five feet or six feet or two feet? That's harder for people to understand, and it's harder to understand the implications of a one, two, three, or a six foot setback. It's much easier to understand when we ask you to setback one story or two stories by virtue of where you are and it avoids, obviously, overbuilding and gives more predictability built and more predictability into the process.

Last, but certainly not least, we think it puts the BAR in a more enviable position of having to be in a position of saying we're going to give you additional height if you comply, for example, with the guidelines, or if your building is deserving of it, rather than saying cut it down by a story, which is much, much harder to come by or to enforce. So, here it is. Here is a new proposed Height District. It's by number of stories. It's quite straightforward. There are general requirements. So, for example, we specify minimum and maximum heights for residential and commercial buildings. We are doing away with your minimum building height requirements because why shouldn't somebody build a one-story building if they feel it's appropriate? We think it's perfectly fine, and then you will see there are regulations for each Height District, very straightforward, and we've done this for every category. I won't go through them because it's too long, but you've seen them. There it is. We're making allowances for certain appurtenances above the height limit. These are the Height Districts that are going to have no change in them. Those are the districts that are going to still be measured in feet until otherwise evaluated. When we compared it to your Comprehensive Plan, it's very obvious when we look at your Comprehensive Plan, where you want to encourage the height. So, it's actually quite aligned with it. Here is our proposed district (referring to the electronic presentation). It shows you the heights on the left, what the maximum and minimum heights would be compared to what could be done before, and there are some areas where the height could be a little taller. There are some areas where the height could be a little less, but it compares them, actually, quite clearly. Then, this is the heights translated which shows the old zoning categories and how the heights have been translated into the new ones. There you have it. I tried to keep the presentation very brief, but I'm happy to answer any questions you may have."

Mayor Tecklenburg said, "Thank you, Marina Khoury."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Do you mind going back to the map that shows the properties that are not going to be included until there is further study? As part of this going forward, are we going to be able to identify by TMS number each single one of those properties, and that I take will be fluid, so as we go forward with this, there may be some others we want to put in there, or take out so there is still some flexibility going forward, right?"

Ms. Khoury said, "Yes. We heard that loud and clear from the session we had with the architects and the developers on Friday. The City has a very sophisticated GIS map, and this will be identified parcel by parcel by parcel. Right now, you're seeing it for the presentation, but it will be done obviously."

Councilmember Seekings said, "Can I just follow-up quickly? How did you all identify, are there specific properties? I mean those are just red blobs in front of us. How did you identify the properties? I get the Eastside, but the specific properties in the spine, how did you identify those?"

Ms. Khoury said, "Well, there are some properties that look like, pardon my frankness, they look like they were spot zoned."

There was laughter in the Chamber.

Ms. Khoury continued, "That's not necessarily a bad thing but they looked like they had very special conditions placed on them, and they're already built on. So, there is no reason to really worry about the heights in those areas. You can see there are very few properties that

have, like for example, the 130 is an example. They already have buildings on them. There is no reason for that area to really exist. The others are the more important districts that are in existence. They have uses that may require, for example, medical offices require very often taller floor-to-ceiling heights than what is being proposed here. So, it makes sense to allow it to continue to be measured in feet and not number of stories necessarily.”

Councilmember Seekings said, “But your concept of this is it’s fluid and organic, and there may be some additions and deletions as we go forward?”

Mr. Khoury said, “Of course, we always say, this is a living, breathing document you will modify and you will adjust it as need be.”

Councilmember Seekings said, “Thank you.”

Mayor Tecklenburg said, “I think it’s living and breathing to the extent that before we come back to you for second reading, it will be a considerable amount of time, additional meetings, specific property owners, that we will be meeting with and going to the Planning Commission, as well.”

Councilmember Seekings said, “If I might, I don’t take a lot of time. I see Councilmember Wilson has her hand raised, but I think that’s a very important point for the people who have come here to speak both for and against this, that this is the most important part of it. If you have a property that you’re concerned about or a series of properties, this is, again, fluid and organic, and these maps right here are what we’re going to be working on. So, regardless of whether you’re happy or not happy about whether we pass this on first reading tonight, it really is just the beginning of the evaluation of individual properties, and I saw Mr. Gould walking down the street today, and he made the comment, and I think rightfully so, that the most important part of this once we get the dimension in our brains, and we like it, is to specifically identify properties and how this is going to affect them. That, to me, is the detail that we’re going to have to work through between tonight, whatever happens, and when you come back to this and put this all together.”

Mayor Tecklenburg said, “Absolutely, we concur.”

Ms. Khoury said, “Correct. Correct.”

Mayor Tecklenburg recognized Councilmember Wilson.

Councilmember Wilson said, “Thank you. Marina, that was a very interesting presentation the other night. Thank you for coming and for doing that. A couple of questions, first of all, these slides, the bottom row on the left, the second one in, 50W, that whole thing looks like it’s jumped the Peninsula and is James Island there at the round Holiday Inn.”

Ms. Khoury said, “Yes, that just happens to be the 50W Zoning Category that happens to jump.”

Councilmember Wilson said, “I just want to make sure because that’s the only thing that I can see off Peninsula.”

Ms. Khoury said, “You’re right. We’ll rectify that. It shouldn’t be on there, that big part that’s on this.”

Councilmember Wilson said, "Okay, and my second question regarding V Zoning and for those properties who are caught in it and are mandated to be up a certain number, I think in the information it was specified they would be given an additional six feet, and what if that zoning, what if they're supposed to up say 12 or 14 feet?"

Ms. Khoury said, "Well, we looked at the FEMA maps, and it seemed that six feet was the highest that they would be required to be raised."

Councilmember Wilson said, "Okay."

Ms. Khoury said, "But we have talked about the V Zone being given an additional story by virtue of the fact that they have to be raised up."

Councilmember Wilson said, "Because I know that impacts properties."

Ms. Khoury said, "Correct. Yes."

Councilmember Wilson said, "Thank you."

Mayor Tecklenburg said, "Is there anyone else? We will take the matter up in just a little bit, but if you have questions for Marina, now would be a good time."

Councilmember Moody said, "I don't know if it's for Marina, or it might be for Jacob. I guess what I'm looking at, and I don't know the gentleman that stood up. I guess there were a couple of people that stood up to talk about 194 Meeting, and I'm not exactly sure what that is, but it looked to me like those folks were really going down the road, or had really invested some money. I don't know exactly where those are, and if we give first reading to this tonight, what's the impact of our decision on that? At what point, do they, I don't know what the legal term is, but at what point do they attach to this process, and do we have other things that are in the process. I don't want to shut those down because to me that feels like a downzoning on some of these properties."

Ms. Khoury said, "Yes, it's a very good question, and I don't want to put words in your mouth, but there are always going to be legitimate properties that are already in the pipeline, and I think Frances can address this, those properties are already in the pipeline that have received, whether it's preliminary approval or conceptual approval, they will be vested under the old rules, and they have to be because you're going to be continuing this until the time in which you decide that you're changing the rules. But, Frances, you may be able to answer this better than I can."

Ms. Cantwell said, "Well, that's correct, and I believe that the property that was discussed tonight at 194 East Bay has already made an application. So, they are going, and I confirmed with their attorney that they would be processed under the laws that we have right now. So, this would not, as far as the heights go, this would not mandate this map. This would be up for the BAR to massage the building like they do and have been doing for the last however many years."

Councilmember Moody said, "At what point do they have those rights? If they've got it before an architect, and they haven't filed with the City, then they probably do not."

Ms. Cantwell said, "That's correct, and because it's impossible and impractical for us to be able to evaluate where everybody is and what's in their head, what they have paid for, or what's written down, but if somebody has actually gotten to the point where they've come in and filed an application, then they're entitled to be processed in accordance with the law that we have now, and so that's the way we have always applied ordinances when we have a pending ordinance like this one. Councilmember Wilson is painfully aware of what happened on James Island where you had the Gathering Place that made application before you gave first reading and so, therefore, we're treating everybody the same."

Councilmember Moody said, "Yes, I get that, and I really am sorry that I was not able to attend Thursday night, but I have gotten an audio of the presentation of that meeting. It's about an hour and a half, so I'll be listening to that. Thank you, Mr. Mayor, for sending these slides, so now I've got something to look at. I'll be better prepared at the next meeting, but from everything I'm hearing is, there is a lot of good coming out of this, but I'm a little bit nervous about hurting or getting in a lawsuit or something for downzoning something specific, I don't know, have we heard a lot of that?"

Ms. Cantwell said, "This is the first step, and there will be properties that, at the end of the day, they may have more height than what they have today, but since we're counting stories, they may have less developable interior, if you will."

Mayor Tecklenburg said, "Frances, use the microphone."

Ms. Cantwell said, "Oh, I'm sorry, and but that, in and of itself, it's not a taking. At the end of the day, after a law is applied to your property, if you have a reasonable use of it, that's the only thing that this Council is required to do. This Council goes much farther than that, obviously, but from what I have seen to date, and I could stand corrected because we're going to be looking at parcel by parcel as Marina said, I'm not concerned about the application of this process or the theory that we're using. I'm not concerned about that getting us into any legal trouble."

Councilmember Moody said, "Then, back to the question of one of the things you mentioned very briefly was this six feet, and I think that's some kind of flood or the V Zoning, is that what that's around?"

Ms. Khoury said, "Correct. Yes."

Councilmember Moody continued, "That six-foot, you said that's a minimum?"

Ms. Khoury said, "No, that's the maximum currently, and from what I've heard, FEMA may be doing away with that V Zone, but that may be a few months down the line. You don't have many properties that have that V Zoning on them, but you have a few."

Councilmember Moody said, "So, how does that six foot maximum, because then from what I understand you're saying is, you can go up to six feet and kind of have a free top if you will?"

Ms. Khoury said, "Yes, your building will be . . ."

Mayor Tecklenburg said, "You've got a free bottom."

Ms. Khoury continued, "You've got a free six feet to work with, let's put it that way."

Councilmember Moody said, "But if you move it up . . ."

Ms. Khoury said, "If you move it up, then it starts to count toward your stories."

Councilmember Moody said, "Oh, it does? Okay, so, it takes away from that ultimate height?"

Ms. Khoury said, "Correct, but what we're hoping to get away from, it's not 55-feet, 60-feet, it's four stories, plus one or five stories plus one. We're giving the BAR leeway to approve additional height. Hopefully, with the impetus to get better, architecture that you will be more proud of. There are some great buildings here, but that would be for the BAR to decide."

Ms. Cantwell said, "Councilmember Moody, if I could, and if I say it wrong tell me, but the idea behind if FEMA requires the building to be elevated, what that does is you get up to an extra six feet over the top. So, for example, right now in the two-and-a-half story 35-foot limit district, if you have to be raised per FEMA requirements, you could potentially have two and a half stories but not on 35 feet, but within 41 feet. So, that you get it on the top."

Councilmember Moody said, "That was what I was saying. You've got to move it up."

Ms. Cantwell said, "That's right."

Mayor Tecklenburg said, "That's right."

Councilmember Moody said, "Okay, and I guess my question then would be, from a planning standpoint, and I don't know what the answer might be, but if you were to do eight feet, you've really added another floor, but you've also provided, I don't know that that six feet is usable for anything other than absorbing stormwater or flooding."

Mayor Tecklenburg and Ms. Cantwell said, "Parking."

Councilmember Moody continued, "That's about all you can get in there."

Ms. Khoury said, "No, you're right, but we've got a wide, generous range of floor heights, minimums, and maximums, so the BAR could conceivably say, 'yes, you have to be raised six feet', but now we're going to ask you because you're allowed up to 14 feet floor-to-floor for residential uses, residential use on the ground floor, they could say, 'you're in a district in which it is more appropriate to be 12 feet, for example, so we're going to ask that you lower the floor-to-floor height'. We want to give them the ability to do that. Alternatively, down on South of Broad, you have floors that are very generous and there may be 20 feet, and they're residential, but that's not the norm. So, we want the BAR to also have the ability to grant additional height per story when it's warranted, when it's contextual, and when it makes sense."

Councilmember Moody said, "But just using your example, if you had 14 feet, and you brought it down to 12, you still couldn't go from six to eight and still maintain that same kind of overall height. Is that kind of what you're saying? If you wanted to make that space down there usable to some way either to park under or something, you wouldn't be able to take it out of the floors and add it on."

Ms. Khoury said, "No, and you know the V Zones really have to be scrutinized. We don't know want to unnecessarily penalize people. So, it may mean that even though six is the limit, you go to eight to make it perfectly usable. We'll have to see how that works."

Councilmember Moody said, "That would be a BAR decision?"

Ms. Khoury said, "That would be a BAR decision, yes."

Councilmember Moody said, "Thank you. I'm good."

Mayor Tecklenburg recognized Councilmember Waring, followed by Councilmember Shahid.

Councilmember Waring said, "Don't go too far, Ms. Cantwell. I think I want to keep this simple. We're here mainly because of, obviously, the dust-up with the Beach Company. If this were in place, how would this have prevented what occurred with the Sergeant Jasper? If the BAR had the right, what we are looking at right now, understanding this is going to be tweaked and all of that, could any of that have been potentially prevented?"

Ms. Cantwell said, "Well, it's hard to answer that question because the question would have been different. It would not have been a question of feet, it would have been a question of stories, and so they still have the 3X Zoning, which would allow a certain amount of height, but, and I don't know how many stories they would have permitted in there. In other words, I'm just going to guess. I can't remember. Let's say that there were 12 stories in the Sergeant Jasper, and it's 150 feet, you might have 150 feet, but instead of having 12 stories, maybe you have nine, because you're redistributing how the interior space is being measured."

Mayor Tecklenburg said, "It's hypothetical. Counsel would have had to assign the number of stories that were allowed on that property, which we are not even doing with this proposal to you. The actual Sergeant Jasper property is being held aside."

Councilmember Waring said, "Yes, I understand. The premise of my question was hopefully, I know this has to be tweaked, but on the other side of all of this, I hope we're going to be a little bit better."

Ms. Khoury said, "Correct. I mean, that's the intention."

Ms. Cantwell said, "We think it will be. We think it's going to provide more certainty to everybody. That's the goal."

Ms. Khoury said, "Yes."

Mayor Tecklenburg said, "Councilmember Shahid, I think, was next and then Councilmember White."

Councilmember Shahid said, "Ms. Khoury, I enjoyed your presentation last week in which you outlined this thing. So, in its simplistic form, what I got out of this proposal was that the ordinance will create zones with the ranges of height, and in the process, which I think is a good thing, it will take a lot of the guesswork out of where you fall into that zone and where you don't fall into that zone, so you're going to have a range of where that building can be rehabbed or reconstructed. In the process of doing that, however, the question is going to come up, I

think, and I'm looking at the map, why purple here or orange here or green here, may be the \$64 million question on that. So, was there a scheme, and I don't mean that in a bad way, but was there a scheme or a rationale as to how you coded these within the ranges because I think that's what's going to be the issue. This is what everybody is asking I think, when challenged, someone is going to come back and say, 'I should be in the purple zone, or I should be in the orange zone, or I should be in the green zone.' I like this concept a lot. I really do like this concept a lot, but I just want to make sure that we will be able to defend it at some point, as to someone saying, 'no, that line should have gone down southward or eastward more, and I should be in that different color zone.'"

Ms. Khoury said, "That's a very good question, and it is the million question. So, I can tell you that we drove every city, and we spent a lot of time here trying to do this, and we didn't start from scratch, obviously. We started from what people were allowed to do by right under the existing zoning, and then we looked at the context and asked ourselves, 'where did tweaks need to happen?' There are very few areas where tweaks need to happen. We think that you're 99 percent there. However, there will be those properties that may legitimately warrant being given an additional story, or alternatively, one story less, or be put into another zone, and that can only happen once you start to look at these individually by merit, by whatever plans are happening. What we've done here is what we're calling a direct translation of the zoning categories. So, what you are seeing there is exactly that."

Councilmember Shahid said, "Thank you."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Since Frances has stood up, I was going to hold off on these questions, but since you were engaged in the discussion, I figured I would go ahead and ask this. To the degree that the change in the ordinance is stronger from a stance of potential litigation in the future for the BAR, the three things in the presentation that kind of stood out to me were the use of the words 'shall', 'should', and 'may', and 'shall' is easy. It's sort of you have to do it, but the ambiguity created by the words 'should' and 'may' seem that they provide a lot of subjectivity to the BAR. In the event, in the future, an applicant makes application of something that 'should' or 'may' be done, and they're in disagreement, does that open us up for litigation to be sued for how they've defined whatever it is that their ruling was? Then, more importantly, how will a court decide what something 'should' or 'may'. How do you define that? So, how do we ensure that as we do this, we don't create a lot of back and forth in ambiguity and subjectivity with the BAR?"

Ms. Cantwell said, "Well, Councilmember White, the very nature of design review has a degree of subjectivity and has a degree of discretion, and so the 'shall's' are like the gold standard. You could even get around it, if you can justify it to the Board why it doesn't work in this instance, but we need to have to give the design community and the Board the ability to interact, and that's why we have the 'should's', and that's why we have the 'maybe's'. So, that is the dialogue that goes on between the applicant and the Board, and the Board now has guidelines that everybody can see, and that's where the design creativity comes in. You're always going to have somebody naysaying and say, 'oh, they should have let me do this', but the whole point of design review is a collaborative, creative effort. So, you're never going to have, if you had it black and white, you may as well not have a BAR. That's just the name of the game, it's just part of the scheme of things."

Ms. Khoury said, "Can I add to that? I think what we heard from the architects and the developers, when we were here nearly two years ago trying to talk about reforming the BAR process, or trying to create a certain level of predictability, is we heard a lot of frustration from people that said, 'we're not getting enough clarity from the BAR, or one day we're getting one set of recommendations, and the next time we come around, it's a whole different set of recommendations.' We think what this will do is provide additional clarity for the BAR, who also need it, who are overwhelmed, as well as for the architects who now have a list of guidelines that they can avail themselves of. If they don't want to, if they feel that whatever the building they're designing doesn't need to meet guideline numbers 6, 8, and 9, they justify it through their design. So, there's less wiggle room, for lack of a better word, on both sides in order to try and create an architecture that is somewhat more respectful of the real character that you have here, the distinctive character you have here. It's not about traditional or modern. We really believe that these guidelines are 'style-agnostic', as I like to say, but it really is about promoting the vernacular of Charleston."

Councilmember White said, "Okay, and one further question, Frances, if I may. On the height district and Councilmember Moody, I agree. I had some concern of whether or not it feels or gives the impression or the reality of downzoning by making some of these changes specific to parcels. From a legal standpoint, is it possible to be able to allow for the current ownership of a parcel to have its current height as it is, and in the event or at such a point that the parcel were to change hands and be sold at that point, in changing hands, it would go to the new height district? The reason being, is that for those people who currently hold property who bought it with the assumption of height, the assumption of what they could do to it, they've got it, they still have that right. At such point, should they choose to sell it, they sell it and the new owner takes ownership based on the new height requirements. Can we do that legally? Does that help?"

Ms. Cantwell said, "I would like to think about it. I think it would be a management nightmare because zoning does not, and this is part of zoning, it does not address the user. It addresses the use. It does not address who owns it. It addresses what should be in place and, under the scenario that if we phased it in as property changed hands, I think we could really do severe damage to what we have. I think the scale of the City could be dramatically harmed and I would defer to the designers on it, but I can just see all sorts of problems legally as to when we catch it, how we enforce it, phasing it in, and then I think that there is something called uniformity that when you are in a district, everybody in a district, if you're GB, everybody in GB is supposed to be treated the same. So, I'm either in the height, or I'm not in the height. Once I'm in the height, I've got to be treated just like everybody else who's got my same height. I know there are logistical problems with it, but I think there are some legal issues, too, that would hurt that."

Ms. Khoury said, "Can I just add to that real quick? It's a legitimate question, but there are very, very, very few properties that are going to consider themselves being downzoned, and then there is always the rezoning possibility that is available to those properties that may legitimately, for whatever reason, make a case that they are being downzoned. But, I always describe zoning as a puzzle. There are heights, there are setbacks, there's lot coverage, there's sometimes FAR (Floor Area Ratio), and the way zoning works around the country is, whichever one of those caps you hit first, well, that's what you have. You're not entitled to that capacity, you're not entitled to that height, and you're not entitled to those setbacks. It's how your site constrains you within that puzzle that you have to work with, but legitimately, for those that may be aggrieved by virtue of the fact that we think three-and-a-half stories, for example, is really what should be on a few properties by virtue of their context, they should maybe be

prioritized for rezoning where they can get that extra height, or the BAR could legitimately, by the design, give them that extra height. A lot of these categories are allowing the BAR to give an additional half-story or story.”

Mayor Tecklenburg said, “So, just like Council did at the corner of King and Spring Streets when you all approved that it to go from 55 to 80, when this is in place, some property owner can come and apply to rezone from four to six stories.”

Ms. Khoury said, “Yes, there are a lot that are going to get extra height, but the height is where it shouldn’t matter as much.”

Mayor Tecklenburg said, “Alright. Well, we’ll be coming back to the matter in just a little bit if we could proceed with our Committee reports, and then we’ll get to them. The good news is we’re almost done with page one.”

There was laughter in the Chamber.

Mayor Tecklenburg said, “Thank you, Marina, and we may have another question later. So, first is our Council Committee Report on Community Development, Chairman Mitchell.”

Councilmember Mitchell, Chair of the Community Development Committee, said, “Oh, yes, Community Development had a meeting on January 26th at 4:30 p.m., and we had two items that were for information only, and one of the Mixed-Use Workforce Housing pieces will be coming back to another meeting we’ll be having sometime this week. Both of those are for information only, so we don’t have to really vote on anything right now until they come back with the new ordinances.”

Mayor Tecklenburg said, “That’s right. We have a number of meetings on this coming Thursday to try to resolve.”

Councilmember Mitchell said, “Bring it back, the MU.”

Mayor Tecklenburg said, “That’s right.”

Councilmember Mitchell said, “So, we’ll be dealing with that at the next meeting.”

Mayor Tecklenburg said, “We’ll just accept your report as information. Alright. Are there any questions or comments on that?”

No one asked to speak.

Mayor Tecklenburg said, “Next, our Committee on Traffic and Transportation, Councilmember Seekings.”

Councilmember Seekings, Chair of the Traffic and Transportation Committee, said, “Thank you, Mr. Mayor. The Committee on Traffic and Transportation met what seems like about two weeks ago, but it was actually 4:00 this afternoon.”

There was laughter in the Chamber.

Councilmember Seekings continued, "We approved our minutes. That was exciting, and then we took up the Citywide Transportation Plan and the scope of work. As you all might recall around this table, we had in our 2016 Budget \$350,000 allocated for a Citywide Traffic Study. That money got shifted to the West Ashley Master Plan. We then reallocated the \$350,000 in the 2017 Budget, and in that process and during that time, the COG has undertaken a County- and regionwide, not a complete regionwide, but certainly County and just outside the County borders, traffic study. So, in meeting with the COG and the Mayor, and then today in discussing the traffic and transportation, what we are recommending, and what we plan to do is partner up with the COG to do a true regional transportation plan. The plan is going to cost somewhere north of a million dollars, and the City input at the front end of it is going to be only \$100,000, so we're saving \$250,000 of what we planned on doing for a traffic study. We will have input into it, access to it through Mr. Somerville's office. It's a great chance for us to participate in the first really ever regional Traffic and Transportation Study that will look at all aspects of the City and all areas of the City. So, we discussed it today at Traffic and Transportation. No action was taken, but it's safe to say unless there is any objection from this Council, we are going to work with the COG at a reduced rate for us to get much more bang for our buck on a regional traffic study, and we will keep reporting back to this Council through T and T as to how that's going."

Councilmember Seekings said, "That's exactly right."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "I just wanted to ask. Do you feel the COG regional traffic study would be as detailed as maybe our other study would have been that we discussed last year?"

Councilmember Seekings said, "That's an excellent question, and one of the things, obviously, is, we as a city with a defined geographic area, have some specific needs. The good news about this is the COG, through their consultant, Stantec, who we deal with a lot, we are going to be able to give them input into exactly what we want Stantec to do. So, if it will be from macro to micro and everything in-between because we have a longstanding relationship with Stantec, and the COG's not getting in the way. As you know, the good news is the COG is run by Mr. Mitchum, he runs CHATS, and he is also our Executive Director of CARTA. So, he's got his hands in a lot of transit and transportation, and Mr. Mitchum and I met with the Mayor to talk about these very issues, and we will be able to, either through COG or directly through Mr. Day's office, be able to request whatever we need in terms of that study from large to small and in-between. We don't need a motion, I don't believe. It's for information only. That money has already been allocated, and the good news is for the citizens listening, we actually are going to get an expanded Traffic Study for less money than we've allocated."

Mayor Tecklenburg said, "That's right. So, and then with the difference in the money that we've already allocated for 2017, we'll have additional money for studies. If there was something odd that the COG would say, 'no, that's not part of our scope or purview', then we still have some transportation study money budgeted for this year to tackle any specific item."

Councilmember Seekings said, "If I can just add very quickly, we have, through Mr. Somerville's office, a pretty comprehensive list of the things we want to be looked at, and it's all over the City, but if there's something specific to your district, that you want included in the study, let us know, we'll pass it on, and it will be included. There's plenty of capacity for that."

Mayor Tecklenburg said, "Councilmember Williams, did you have something?"

Councilmember Williams said, "No, I'm next."

Councilmember Seekings said, "So, that's my report."

Mayor Tecklenburg said, "Okay, no vote is needed on that. Is there any further discussion or questions on the transportation report?"

No one else asked to speak.

Mayor Tecklenburg continued, "Okay. Next, will be our Committee on Public Works and Utilities, Chairman Williams."

Councilmember Williams said, "The Committee on Public Works and Utilities met. We had three Acceptance and Dedication of Rights-of-Way and coming up on the 28th we will have a request for public hearing for the proposed closing and abandonment of a portion of Haynes Street. I move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg asked, "Are there any questions?"

Councilmember White said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I got a call from the President of the Ansonborough Neighborhood Association, and I wasn't sure exactly how far Hayne Street goes, I think it goes through the parking lot if, I remember correctly, and, so currently, it basically dissects that entire parcel and by abandoning it, it creates one full parcel."

Councilmember Seekings said, "Correct."

Councilmember Williams said, "He'd be right."

Councilmember White continued, "So, there was some concern, and I just sort of put this out for the Committee's information at this point. There was some concern from the community as to what doing this action will allow for on that site, how it changes the dynamics on that site as far as how it could be developed, and then the ultimate impact because it, of course, abuts right back up to neighborhoods. So, I'll just put it out there that the community's already expressed a concern over it, and so, if we could just make sure that as we go through the public hearing, that the owners of the property do give some definition as to what they plan to do and how this will impact the overall development."

Councilmember Williams said, "Absolutely, and he attended the meeting today. We are very much aware, and that will happen. Thank you."

Councilmember White said, "Great. Thank you."

Councilmember Williams said, "Thank you."

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

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

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

(Request Public Hearing for the Proposed Closing and Abandonment of a portion of **Hayne Street**.

(Acceptance and Dedication of Rights-of-Way and Easements:

(Bolton's Landing Phase 5A and 5B - Acceptance and dedication of Aquabelle Lane (55-foot right-of-way), Roustabout Way (variable width right-of-way), and Seabago Drive (55-foot right-of-way). Sidewalk is bonded.

- Title to Real Estate
- Affidavit for Taxable or Exempt Transfers
- Plat (3)
- Exclusive Storm Water Drainage Easements

(The Landing at Grand Oaks Phase 2 - Acceptance and dedication of Brambling Lane (50-foot right-of-way), a portion of Grouse Park (50-foot right-of-way), and a portion of Redwing Trail (50-foot right-of-way). Sidewalk is bonded.

- Title to Real Estate
- Affidavit for Taxable or Exempt Transfers
- Plat

(Acceptance and dedication of a new exclusive 10-foot storm water drainage easement for **Beresford Hall Commerce Park** as noted on a plat entitled "Final Subdivision Plat for Beresford Hall Commerce Park, City of Charleston, Berkeley County, South Carolina" (TMS 271-04-03-012) to allow access for maintenance of the storm drainage piping.

- Exclusive Storm Water Drainage Easements
- Plat

(Close and Abandon a Portion of Fairchild Street – Close and abandon a portion of Fairchild Street, Daniel Island, County of Berkeley designated as "RCP 1, 4,899 sq. ft., 0.112 acres conveyed to Parcel 1" on the plat entitled "A Final Subdivision and Property Line Adjustment Plat of TMS 275-00-00-260 – Daniel Island, Fairchild Street, owned by DIEC II, LLC, Located in the City of Charleston, Berkeley County, South Carolina".

Mayor Tecklenburg said, "Next, will be Chairman Moody of the Ways and Means Committee."

Councilmember Seekings said, "So moved."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Is there any other discussion?"

On a motion of Councilmember Seekings, seconded by Councilmember Mitchell, City Council voted unanimously to adopt the Committee on Ways and Means Report as presented:

---INSERT COMMITTEE ON WAYS AND MEANS REPORT---

(Bids and Purchases

(Parks: Approval to submit the 2017 Cigarette Litter Prevention Program Grant through Keep America Beautiful in the amount of \$5,000. Program funds will go towards cigarette litter education efforts and receptacle installation at Charleston marinas. The grant application submission is due on February 15, 2017. No City match is required for this grant.

(Office of Cultural Affairs: Approval to submit a grant application to the SC Arts Commission for General Operating Support. Funds will be awarded based on the availability of funding from the State. The match is 3:1 and is over a period of three years. The matching funds will be provided by private donations and earned revenues.

(Mayor's Office for Children Youth & Families: Approval of a grant award from the Cooper River Bridge Run Fund in the amount of \$500 for the Youth Volunteer Corps to plan and hold a Teen Health Summit. No cash match is required.

(Parks-Capital Projects: Approval of a grant application for the Governors Park Underdrain Expansion from 2017 Park and Recreation Development (PARD) funding. This funding would be used to expand the existing underdrain system at the perimeter of the Great Lawn area and improve the overall function and use of the fields. This grant provides a maximum of 80% of the cost of a project, with the remaining 20% minimum to be provided as matching funds. The grant funding requested is \$20,000, and the proposed match would be up to \$5,000. Total project funding is estimated to be \$67,600. Funding will be available by June, 2017. Berkeley County did not solicit an application from the City of Charleston, but has agreed to accept an application at this time. In order to have this application considered at the next Legislative Delegation meeting, it has been submitted and will be an after-the-fact request at Council. There is no fiscal impact for this action. An approval of the grant application will only allow the Parks Department to submit the document to SCPRT. However, the fiscal impact will occur if the grant application is approved for award. A funding source will be determined at the time of the grant award.

(Parks-Capital Projects: Approval of a grant application for 2017 Park and Recreation Development (PARD) funding. This funding would be used to construct a new playground at Lenevar Park, with the existing equipment removed upon completion. Scope of work includes site preparation, purchase and installation of new playground equipment, purchase and installation of safety surfacing, and related site improvements. This grant provides 80% of the cost of a project, with the remaining 20% to be provided as matching funds. The grant funding available is \$55,055.31 (per capita distribution administered by Charleston County Park & Recreation Commission), requiring a \$13,763.83 match (source TBD). Total project funding is \$68,819.14. Funding will be available by June, 2017. The grant announcement was later than usual due to a delay related to the determination of total available funding, and was not mailed out until 12/22/2016. Applications were due to CC PRC by 1/12/17 in order to meet the Legislative Delegation agenda deadline. This is an after-the-fact request. There is no fiscal impact for this action. An approval of the grant application will only allow the Parks Department to submit the document to SCPRT. However, the fiscal impact will occur if the grant

application is approved for award. A funding source will be determined at the time of the grant award.

- (Traffic and Transportation: Approval of a Maintenance Agreement and Contract between the South Carolina Department of Transportation, Charleston County, and the City of Charleston for the Maybank Highway Widening Project. The City agrees to be responsible for routine maintenance of nonstandard improvements to the Project's sidewalks and traffic signals, and for care and monitoring of historic trees in the Project's corridor.
- (Police Department: Approve an Amendment to renew an Agreement wherein Charleston Dorchester Mental Health Center ("CDMHC") and Charleston Police Department ("CPD") will assign a full time mental health professional to CPD to provide mental health services to children and families who have been effected by or witnessed domestic violence. The City will pay \$20,000 annually and provide office space at 180 Lockwood Blvd. and a vehicle for the CDMHC counselor. This is the first renewal of a potential four renewals provided in the original agreement. The original agreement provided for \$10,000 annually. This amendment increases the annual amount to \$20,000.
- (Police Department: Approval of an Amendment to the Agreement between Bayside Apartments, L.P. D/B/A Bridgeview Village Apartments and CPD which provides Bayside Apartments, L.P. compensate the City for CPD providing patrol services and a liaison officer.
- (Police Department: Approval of a Mutual Aid Agreement with the City of North Charleston Police Department. The mutual aid agreement statute was amended in June, 2016. New agreements have been drafted to ensure compliance with the amended statute. The new agreements are replacing the old agreements.
- (Police Department: Approval of an Amendment to the Agreement between Charleston Housing Authority and CPD which provides the Charleston Housing Authority compensate the City for CPD providing Police services to CHA properties.
- (Request approval of the Second Lease Addendum to extend the term of the lease to February 28, 2022, for the City's parking facilities operations center. The monthly rental rate will be \$1,343.92. This property is owned by the City of Charleston. [TMS: Portion of 460-16-04-008; 401 C King Street, a portion of the Retail/Office area within the Francis Marion Garage leased to Member, Inc. (Master Lease)]
- (Request approval of the Quit Claim Deed to confirm that the rear or eastern boundary line of the 83 Mary Street property is as shown on the 2014 Forsberg 83 Mary Plat and that the City wishes to quit claim all of its rights, title and interest in the property. This property is owned by 83 Mary, LLC (TMS: 460-12-02-024; 83 Mary Street) [Ordinance]
- (Request approval for the Second Amendment to Lease exercising the City's one year option period with Charles River Laboratories, Inc. for the police forensics unit commencing April 1, 2017 until March 31, 2018. The property is owned by Charles River Laboratories, Inc. (TMS: 351-15-00-007; 1023 Wappoo Road)
- (Request approval of the Memorandum of Understanding to exercise the City's one year option period with The Medical University Hospital Authority for the police crime lab commencing June 1, 2017 and ending May 31, 2018. The property is owned by Medical University Hospital Authority. (TMS: 460-15-01-043; 171 Ashley Avenue)

First reading was given to the following bill:

An ordinance authorizing the Mayor to execute on behalf of the City a Quitclaim Deed to 83 Mary, LLC, a South Carolina Limited Liability Company, quitclaiming any interest of the City in that certain piece, parcel or lot of land shown and designated as "TMS 460-12-02-024, 83 Mary, LLC 0.059 acres 83 Mary Dstreet" on that certain plat entitled "Boundary Durvey TMD 460-12-02-024 83 Mary Street City of Charleston, Charleston County, S.C." prepared by Forsberg Engineering and Surveying, Inc. date November 21, 2014, revised November 22, 2014 and recorded on December 3, 2014 in plat book I14, at page 0501 in the Charleston County RMC office.

Mayor Tecklenburg said, "Next, are our bills up for second reading."

Councilmember Mitchell said, "If I'm in order, Mr. Mayor, we can take K-1 through K-7."

Councilmember White said, "Second."

Mayor Tecklenburg said, "Take K-1 through K-7 for second reading. Is there any discussion or questions?"

No one asked to speak.

On a motion of Councilmember Mitchell, seven (7) bills (Items K-1 through K-7) received second reading. They passed second reading on motion by Councilmember White and third reading on motion of Councilmember Gregorie. On further motion of Councilmember White, the rules were suspended, and the bills were immediately ratified as:

2017-010 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 89 WARREN STREET (RADCLIFFEBOROUGH - PENINSULA) (0.17 ACRE) (TMS #460-16-01-099) (COUNCIL DISTRICT 8), BE REZONED SO AS TO INCLUDE IT IN THE SCHOOL OVERLAY ZONE (S) CLASSIFICATION. THE PROPERTY IS OWNED BY 89 WARREN LLC.

2017-011 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 771 LONGBRANCH DRIVE (WEST ASHLEY) (0.33 ACRE) (TMS #310-01-00-115) (COUNCIL DISTRICT 2), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 6, 2016 (#2016-160), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY KEITH GORDON AND JANET WAGNER-GORDON.

2017-012 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 204 TALL OAK AVENUE (WEST ASHLEY) (0.22 ACRE) (TMS #418-13-00-066) (COUNCIL DISTRICT 9), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 20, 2016 (#2016-167), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION. THE PROPERTY IS OWNED BY TREVOR OWEN SPENCER.

2017-013 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1501, 1503, 1505, 1507, 1509, 1510, 1512, 1513 AND 1514 MORGAN

CAMPBELL COURT AND A VACANT PARCEL ON ASHLEY HALL ROAD (WEST ASHLEY) (APPROXIMATELY 1.418 ACRES) (TMS #351-12-00-116, 213, 214, 215, 216, 217, 218, 219, 220 AND 221) (COUNCIL DISTRICT 9), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 20, 2016 (#2016-168 THROUGH 2016-177), BE ZONED DIVERSE RESIDENTIAL (DR-1F) CLASSIFICATION. THE PROPERTY IS OWNED BY MATTHEW AND BRITTANY CAULLER ET AL.

- 2017-014** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2319 SAVANNAH HIGHWAY (WEST ASHLEY) (1.06 ACRES) (TMS #310-06-00-114) (COUNCIL DISTRICT 7), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 6, 2016 (#2016-159), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY HAG RE CDT LLC.
- 2017-015** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2947 MAYBANK HWY (2.97 ACRES) (TMS# 313-00-00-088), JOHNS ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 5. THE PROPERTY IS OWNED BY OAK FAMILY PROPERTIES LLC.
- 2017-016** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2947 MAYBANK HIGHWAY (JOHNS ISLAND) (2.97 ACRES) (TMS #313-00-00-088) (COUNCIL DISTRICT 5), BE ZONED RESIDENTIAL OFFICE (RO) CLASSIFICATION. THE PROPERTY IS OWNED BY OAK FAMILY PROPERTIES LLC.

Mayor Tecklenburg said, "So, now, we get to bills up for first reading, and before the BAR and height, L-1, we have the ordinance to kind of change our requirement for approval of mini-warehouses and self-storage facilities in the City."

Councilmember Waring said, "Move for approval."

Councilmember Williams said, "Second."

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

No one asked to speak.

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

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to prohibit mini-warehouse/self-storage uses in the Urban Commercial (UC) Zone District and change mini-warehouse/self-storage uses from a conditional use to a special exception use in the General Business (GB) Zone District.

Mayor Tecklenburg said, "So, the L-2 item is the BAR, I would call the process changes,

and then L-3 is the height by floors matter.”

Councilmember Seekings said, “Move to take those two together. So moved, L-2 and L-3.”

Councilmember Mitchell said, “Second.”

On a motion of Councilmember Seekings, seconded by Councilmember Mitchell, City Council voted unanimously to consider Items L-2 and L-3 on the agenda together.

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “I was just curious. Something was said just kind at the end. Is there anything in our process here that would allow, because they said these ordinances would cause less confusion and more certainty as you were going through the process, do we have a way of getting some kind of a conceptual or pre-approval approval, if you will, so that there’s some certainty? I don’t know if that’s something that can be put into this at some point. I’m not sure that I know exactly what I’m asking for.”

Mayor Tecklenburg said, “I’m not sure I do either.”

There was laughter in the Chamber.

Councilmember Moody continued, “. . . but it seems to me like as we go through the thing, that things get flipped. In other words, you seem like you’re going along on a separate set of rules, at least that’s one of my complaints, and then you run into the BAR or Design Review or something like that, and things just get kind of turned around, and you spend a lot of money and you’ve got to start over again. I don’t know if there’s any kind of process, and Jacob seems ready to answer the question, so maybe he understands my question better than me.”

Mayor Tecklenburg said, “Mr. Lindsey, do you want to take that?”

Jacob Lindsey said, “As you might imagine, this came up in many of the previous discussions, and in the procedures and the guidelines for the Board, we think it’s a great set of changes, and specifically a pre-application conference is required now. So, previously, somebody could just send in a submission and give us their application to go to the BAR, but now we’re saying, ‘if you want to submit, come in and meet with us and a pre-application conference is a required thing’, and that’s with staff, but it gets everybody in the room. So, we’re all looking at it before it goes to the Board, and there’s clarity about what’s going to happen at the next step. So, we think it’s a great improvement. So, there is a pre-Board meeting that’s required now.”

Councilmember Moody said, “Kind of along those lines as, and again, I don’t know that this is, my personal experience was trying to help a not-for-profit get through. It seemed to me like as they were going through the process, and I hate to deal in generalities, but basically it seemed like that you went down, and somebody would look at your plans and say, ‘okay, you’ve got to do this’. So, they would go back, and the process would kind of go back to the bottom of the stack, and they would work their way back up. Then, they would say, ‘well, you need to do this now’, and rather than the very first time going through it and saying, ‘you need to do this, this, this,’ kind of go through the whole thing and not just stop when you run into an obstacle, but get the whole thing kind of pre-reviewed. Then, when you get it back, you don’t have to kind

of start all over again. Probably one of the biggest concerns and complaints that I get is that going through the process, it seems like it's not very efficient I would say, 'where is it not efficient?' That seems to be what I've heard, and that's why I'm just asking if that could be looked at or put as part of the ordinance or studied, but I like the pre-thing."

Mr. Lindsey said, "Councilmember, we've heard exactly that in our discussions, as well, and it's really clarified now about what the initial conceptual application is and what the Board does at the conceptual level. Then it's really clarified about what they do at the next level of review, preliminary, and then final is also clarified. You can see that in our current situation with the Sergeant Jasper which was just approved at the preliminary level and the discussion was about the things that should happen at that level of review, materials and details. So, we think this goes a long way to address that problem."

Councilmember Moody said, "Thank you. Thank you, Mayor."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mr. Lindsey, when an application comes to conceptual, unless the staff has some objections, will this process enable that applicant to find out prior to coming to the meeting when they can do something about it?"

Mr. Lindsey said, "Good question, and I want to let everyone know that we are absolutely committed to making sure that applicants know what the recommendation will be prior to the meeting. We think that's good customer service, and we're going to be doing that."

Mayor Tecklenburg said, "Is there any other questions or comments at this time?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just very briefly, I know the hour is late, Mr. Mayor, but we have had some discussion about whether or not to give this first reading or not, and you, among other people, have convinced me it's the thing to do for now, but this is by no means a done piece of work. I mean there is a lot of work left to be done."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Seekings continued, "I want to make sure we get on the record that the stakeholders, the developers, the preservationists, the residents, everybody are going to get another shot at Mr. Lindsey and his team, our consultants. We're going to roundtable this, we're going to round the edges, we're going to do some of the things that need to be done because it's complicated, and I heard someone say earlier tonight, and I believe it is true, that this is going to shape what happens in Charleston for the next century. So, we've got to make sure it is not just right, but really right. So, to the extent this body gives it first reading tonight, and I have no idea what's going to happen, if it will or not. I'm going to vote for it, but there's a lot of work to do before this is done."

Mayor Tecklenburg said, "Yes, sir. Agreed."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Just kind of following up on this, I've kind of been sitting here tonight wondering, 'okay, why is this here tonight?' I mean, there was a meeting four days ago, and as far as I know we hadn't had any public hearings yet. Now, we're coming up with a couple of pretty good-sized changes, and we've been traumatized over a two-Mayor term on the Sergeant Jasper because of similar issues. It seems like we might be a day or two premature, or as Mr. Moody said previously in another meeting on another subject, 'I don't think it's cooked quite long enough, and we need to stick it back in the oven' until we have these things that have not been ironed out, at least a general consensus of what's going to happen, if you understand. I'm just thinking we're about a week or two too premature until we can find out, and I'm going to have to say, 'no', unless we can defer it, sir, and if we have the motion, I will vote to defer."

Mayor Tecklenburg recognized Councilmember Moody followed by Councilmember Lewis.

Councilmember Moody said, "Councilmember Wagner, I thought that I would maybe oppose this thing, but I've kind of made up my mind I'm going to do it. I'm going to vote for the first reading, but before I did that, I wanted to ask two questions. Number one, what Councilmember Seekings said about there's a lot to be done, I would say when it comes back to us for a second reading, I would almost guaranty that I would not vote for the third reading because I think we need to have a little bit longer process to look and be sure this thing is right because I do feel like I'm being rushed somewhat tonight and I'll take that responsibility because I didn't attend Thursday. So, that's, my ignorance and is why I feel rushed, but I want to take a little bit longer process. I'm willing to do first (reading), but I would say I don't want to do third or second and third at one meeting. I want some gap in here. So, that's why I'm kind of struggling with right now."

Mayor Tecklenburg said, "Well, I'll commit to you that we're going to have an intense public process with individual stakeholders and group stakeholders, and it's got to go to the Planning Commission, and we'll have a public hearing here and at the Planning Commission. Mayor Riley actually asked for this study to be done two years ago which is when it first got started. So, it's not like this is brand new news, and with all the discussion, I mean we certainly plan to be fair and equitable, but you do have to draw the line somewhere as to when everything in the pipeline is under the old rules and when everything that's going to come into the pipeline comes under the new rules. Similar to the matter a couple of weeks ago with the change in Mixed-Use housing requirements for affordable housing, I want to avoid a situation where we have a lot of things in the pipeline come in, in this little interim period. As you all have seen, there is a lot of construction going on in Charleston right now, and there are a lot of projects being contemplated like that. So, again, I would just make the case that we should give it first reading. We'll take all the time we need to get it right, but we have to draw that line somewhere, and I would suggest to you that's 8:00 tomorrow morning."

Councilmember Moody said, "That was really the second part of my point, exactly what does the first reading do, and what does that line specifically look like? I think you somewhat answered that. In other words, if you haven't submitted it today, you're done. Is that?"

Mayor Tecklenburg said, "That's not to say that a property's height district wouldn't get changed before third reading, and it's not to say a property's height district can't be changed after third reading by way of rezoning. As I mentioned, somebody who gets a four-story designation can make a compelling case to Council that they ought to be able to have a six-story designation on that property."

Councilmember Moody said, "We could exempt that property as we pass the ordinance."

Mayor Tecklenburg continued, "We can do it before we have third reading. We can do it after we have third reading. At any time in the future, we can rezone properties. So, this just does set the line in the sand that some property up Meeting Street that now has 55 feet, and the new schema has four stories for it, then they come in tomorrow to file an application, and we're going to look at it as being a four story application, rather than a 55 foot one."

Councilmember Moody said, "But we could exempt it, and pass it with the ordinance, or would that be spot zoning?"

Mayor Tecklenburg said, "No, we can still change it. Isn't that correct?"

Ms. Cantwell said, "That's correct. Councilmember Moody, as we go through the process, there may be properties on this map whose colors change because we've looked at it closer, and after the process is done five years from now, somebody may come in and say, 'I need to be dark purple, not light purple', and that would be up to you all to decide. It's just like with any other rezoning going from General Business."

Councilmember Moody said, "That's what I'm saying. It really ends in the back as we go forward, and if we want to exclude or put something in there."

Ms. Cantwell said, "That's right. Yes, sure."

Mayor Tecklenburg said, "That's correct."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Talking about the process from here forward, before it comes back to us, timeline wise, give me an indication, because obviously there's some public hearings and etcetera, how long before we can expect to have this come back for second reading?"

Mr. Lindsey said, "So, this would go to the next Planning Commission, not the one coming up, but the next Planning Commission and agenda, so that would be the Planning Commission in March, and it could come back to us as early as our second meeting in March when we have public hearings. If that was the will of Mayor and Council for it to proceed on that timeline, we could certainly do that. We also want to make sure that we have done a very thorough job engaging all of the stakeholders, everyone who is affected by this, so I would just say respectfully to Council, that it can come back as early as the second meeting in March."

Councilmember White said, "I appreciate the expediency, however, in this case, I don't think that was my intent. It was to be very thorough, to make sure that, I think there is enough merit within the documents as they exist that I'm going to support it moving forward. I do have concerns in areas, and most importantly, I want to make sure that it is vetted very thoroughly down to the parcel level, so that we're addressing impacts to property owners. So, as we move forward, I just want to make sure that everybody is on the same page, that we're not intending to rush this through. Our intent is to get it right, and if it takes us a year to get it right, I think we should take a year to get it right. I don't want it to, but I'm just saying if it did, so that effectively if this is going to be what guides a development for the next century of our City, and if we're

going to carry that burden, that we all have confidence, and it doesn't come back to us with any question marks. We're all in agreement."

Mayor Tecklenburg said, "So, Mr. Lindsey's answer was the fastest that it could come back. My gut, to tell you the truth, before he spoke, was that two to three months before we come back to second reading is probably going to be about right, and I'm happy to agree, as we normally do not do, to give second reading and then give it another month before we have third reading. I'm in no rush once we get the first reading."

Councilmember Moody said, "I would make that part of this motion, then. That would make me a lot more comfortable to know that."

Councilmember White said, "I'll second that."

Mayor Tecklenburg said, "What did I just say?"

There was laughter in the Chamber.

Councilmember Seekings said, "It will be an amendment to a motion on the floor that I made that was seconded to give approval to L-2 and L-3, the caveat being we will only give it second reading at one time, and then it will have to carry forward for a third reading at a separate meeting sometime in the future, and I'll accept that amendment."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Okay. We'll vote on the amendment."

On a motion of Councilmember Seekings, seconded by Councilmember Shahid, City Council voted unanimously on the amendment to the motion on the floor to give first reading to Items L-2 and L-3 by adding that the bills will receive second reading at one time, and will receive third reading at a separate meeting in the future.

Mayor Tecklenburg said, "So, now to vote on the matter at hand, taking L-2 and L-3 together for first reading. Are there any other questions or discussion?"

Councilmember Shahid said, "Yes, I think I know where we're all headed with this, but I just want to re-emphasize what you said, Mr. Mayor, when I travel home from my office downtown, I think I'm lost sometimes, the number of cranes I see going up and the amount of construction going up. So, our vote tonight, just on the first reading, is going to start the ability, so we have a plan in place, and if we modify it, if we tweak it, if we amend it, then that's fine, but we can't do that until we have at least a first reading passed, so that we know what direction we're going in. If we need to change direction, that's fine, but at least we're on the train heading in a particular direction. So, let's get this thing passed, so we start the process with this thing."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mr. Mayor, one last thing. My compliments to Ms. Khoury because she kept us all civilized. You really did a great job."

Ms. Khoury said, "Thank you."

Councilmember Waring continued, "I wanted you to know that Mr. Hastie and Mr. Gurley had a profound effect on all of us tonight."

There was laughter in the Chamber.

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

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

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by repealing part thereof (Old and Historic District and Old City District Regulations) and substituting in its place and stead a new Part 6 establishing regulations for the Old and Historic District and the Old City District.

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) pertaining to Sec. 54-306, Old City Height Districts.

The vote was not unanimous. Councilmember Gregorie voted nay.

Mayor Tecklenburg said, "Let's see, Item L-4 has been deferred, as have L-5."

The Clerk said, "L-6 and L-7, we need to make a motion."

Mayor Tecklenburg said, "We would like to ask for a motion to withdraw L-6 and L-7."

Councilmember White said, "Move to withdraw L-6 and L-7."

Councilmember Seekings said, "Second."

Mayor Tecklenburg said, "Because they haven't been back to us for whatever reason in a long time. Is there any discussion?"

On a motion of Councilmember White, seconded by Councilmember Seekings, City Council voted to withdraw the following bills from the agenda:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 61 Cannon Street (Cannonborough-Elliottborough - Peninsula) (0.38 acre) (TMS #460-12-01-008) (Council District 4), be rezoned from Limited Business (LB) classification to Mixed-Use Workforce Housing (MU-1/WH) classification. (WITHDRAWN)

An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 21, Section 115 to provide regulations for the operation of unmanned aerial vehicles. (WITHDRAWN)

Mayor Tecklenburg said, "Now, we're going to go into an Executive Session."

Councilmember Seekings said, "Before we do that, Mayor, and I know everyone wants

to get out of here, but just very briefly, I don't know if Mr. Somerville is still here, but I just have to say you may have read in the paper in the last two weeks that we had for the first time ever strong enforcement on our street sweeping in Harleston Village. Mr. Somerville and Sue Griffin, I cannot tell you how hard they worked to make sure that not a single person was adversely affected by the fact they didn't move their car because they were street sweeping. It worked like a charm. It's the most popular thing we've done in the neighborhood, and I want to thank them for their hard work and thank you, Mayor, for sponsoring that. So, I just wanted to give them a shout out, and we'll do it again at the next meeting at our T&T meeting. So, thank you."

Mayor Tecklenburg said, "Alright. Thank you. Now, Council, it will be a very brief update of this matter. We didn't come to you the last two or three meetings because it was evolving, and to the public and other folks, we have no other business tonight, so, if you want to wait until we're finished, you can come back in, but all we're going to do is adjourn the meeting if you were to wait. So, can I get a motion that we go into Executive Session?"

Councilmember Waring said, "Move for approval."

Councilmember Mitchell said, "Second."

On a motion of Councilmember Waring, seconded by Councilmember Mitchell, City Council voted unanimously to go into Executive Session at 7:19 p.m.

On a motion of Councilmember Seekings, seconded by Councilmember Lewis, City Council voted unanimously to come out of Executive Session at 7:33 p.m.

No action was taken.

There being no further business, the meeting was adjourned at 7:33 p.m.

Vanessa Turner Maybank
Clerk of Council