

COUNCIL CHAMBER

Regular Meeting

March 14, 2017

The twenty-ninth 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 March 8, 2017 and appeared in The Post and Courier March 12, 2017 and are made available on the City's website.

PRESENT (12)

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 (<i>absent</i>)	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, "Now, if you would like to join us, I'm going to call on Councilmember Riegel to say an invocation and then lead us in the Pledge of Allegiance."

Councilmember Riegel said, "Thank you, Mr. Mayor. Please stand for the invocation and, of course, remain standing for the Pledge of Allegiance to the flag of this great Nation. Please bow your heads."

Councilmember Riegel opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Thank you very much, just a couple quick announcements. First, in the most unlikely event that there were some kind of an emergency while we're having the meeting, these are our two exits from the main Chamber, and there is one exit door over on the room to the right. If that were to occur, please do not use the elevator. Simply use the two stairways going down and then the singular stairway out to the front, and then I would ask that everyone meet in Washington Park in the event of an unlikely event. We've begun signing in for folks that would like to comment during Citizens Participation Period so, if you want to be heard during our Citizens Participation Period, please sign in at the sheet out at the desk. Now, this does not include public hearings. Anybody can speak at a public hearing. We do have one

public hearing tonight because it was advertised, and we wanted to proceed and have it conducted. I do want to share with anyone who is here tonight regarding the matter of the abandonment of Hayne Street, that we will be deferring that action. We will not be taking any action on that matter tonight but, since the public hearing had been advertised and scheduled, if you want to speak on that matter you can this evening. So, first, I want to, I bet they're out in the hallway. I don't see a basketball team here so, if you want to call the Burke High School Bulldog Champion Basketball Team, please come in and join us."

There was a standing ovation in the Chamber.

Mayor Tecklenburg continued, "Congratulations! We're going to just line up here. Congratulations! Way to go! We're so glad to have you. Congratulations, man! Way to go! You all may have to double up a little bit down there. I have a proclamation to share with you this evening, and I'll just get right to the matter."

---INSERT PROCLAMATION---

Mayor Tecklenburg recognized the basketball players, coaches, athletic director, manager, and statistician.

There was a standing ovation in the Chamber.

Mayor Tecklenburg said, "Way to go, guys. I would like to call forward any Councilmembers who also attended Burke High School. I know Councilmember Gregorie did. Are there any other Burke High School graduates?"

Councilmember Lewis said, "Councilmember Mitchell attended Burke High School, but he got stuck in the weather in Washington, D.C. He told me to congratulate them for him. He wanted to be here, but he just couldn't be as he is coming back from Washington, D.C."

Mayor Tecklenburg said, "Absolutely. So there's a lot of excitement in the community. I didn't make the game, but numerous people called me, including Coach Lewis, on his way back from Columbia. They were so excited about the win and how well represented Charleston was by this fine team. Okay, I need everybody to tighten up here for a photo. Thank you very much."

There was applause in the Chamber.

Mayor Tecklenburg continued, "Thank you very much. God Bless you. Alright, guys, thank you very much, but stick around because you may want to cheer for another basketball team. In addition to a boys' team winning a State Championship, so did the Bishop England Lady Bishops Basketball Team with Coach Runey. You all please come forward. Alright."

There was a standing ovation in the Chamber.

Mayor Tecklenburg said, "Congratulations! It's so good to see you. I had two daughters playing on Bishop England basketball ladies' team, Lady Bishops, but unfortunately they weren't State Champions at that time. You all come on forward. We were also, the City of Charleston, so well represented by the Lady Bishops. I have a proclamation to present to you this evening."

---INSERT PROCLAMATION---

Mayor Tecklenburg recognized the basketball players and coaches.

There was a standing ovation in the Chamber.

Mayor Tecklenburg said, "Congratulations! Alright. Way to go! So, I've got one BE graduate. I've got one Councilmember, Mr. Shahid, who is a BE graduate."

Councilmember Shahid said, "No, I'm a Porter-Gaud graduate, but I'll stand with them."

Mayor Tecklenburg said, "Oh, his three children went to Bishop England, my five children did. So, I filled out that form 20 times."

There was laughter in the Chamber.

Mayor Tecklenburg said, "Alright."

There was applause in the Chamber.

Mayor Tecklenburg said, "Terrific. You all keep it up. Are there a few seniors graduating this year? Are you going to play basketball? Maybe?"

A basketball player said, "No."

Mayor Tecklenburg said, "No, you're done. Alright. Congratulations!"

The basketball team said, "Thank you."

Mayor Tecklenburg said, "Alright. So, finally we have one more proclamation, and this is to honor a really incredible public servant in our community. We'll wait just another minute. Wow, we have quite an esteemed gathering here."

The Honorable Julie Armstrong said, "That's what it takes to work the Courthouse."

Mayor Tecklenburg said, "That's what it takes to work the Courthouse. So, folks, we're also honoring tonight a great public servant who has given over 25 years of exceptional public service, and that is Julie Armstrong, the Charleston County Clerk of Court. Given that she is a constituent of Councilmember Shahid, he is honored to read the proclamation from the City of Charleston this evening."

Councilmember Shahid said, "Thank you, Mr. Mayor, and members of Council and Madam Clerk, we have with us Mrs. Armstrong and her husband and children, the President of the Charleston County Bar Association, several Judges, Family Court, Circuit Court Judges, and members of her staff. Even some retired Judges are with us tonight, and we appreciate them all being in attendance, and her children."

Councilmember Shahid read the Proclamation.

---INSERT PROCLAMATION---

There was a standing ovation in the Chamber.

Mrs. Armstrong said, "Thank you, ladies and gentlemen. It is indeed an honor, and I took the privilege as Madam to get to kiss all of these fine gentlemen up here for this recognition."

There was laughter in the Chamber.

Mrs. Armstrong continued, "But, I'm a 10th generation Charlestonian, and I can tell you we love this City. It is my honor to be your neighbor and to work shoulder to shoulder with you. You have touched my heart with this and, as you see, my Courthouse family makes this all happen every day. So, I would really like to clap for them, because they make it happen. Thank you."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you very much. God Bless you for your service."

Mrs. Armstrong said, "Well, thank you, Mayor."

Mayor Tecklenburg said, "Thank you for all being with us. Oh, photo time."

Mrs. Armstrong said, "You want to get the Mayor? Thank you."

Mayor Tecklenburg said, "Thank you. I think I would be remiss not to thank the spouse of Julie Armstrong, Jim Armstrong, who is lead Administrator with the County of Charleston and particularly on our highway projects and road improvements, who works so tirelessly with the City of Charleston, and we thank you for your efforts, Jim."

There was applause in the Chamber.

Mayor Tecklenburg said, "So, a number of proclamations tonight, obviously, but it's nice to celebrate the achievements of our youth and recognize the service of someone such as Mrs. Armstrong. Next we're going to have our public hearing. As I mentioned before, it was advertised, and we wanted to proceed and let the public share any thoughts or comments they have on the abandonment of Hayne Street, which really arose from the arrangements that the City intends to have regarding the streetscape improvements of Market Street, to be able to put the utilities there underground, which involve some property swap, if you will, or the use of each other's property. But again, we don't plan on taking any action. We defer action on this matter tonight. Would anyone like to be heard on this matter? Yes, sir, please come forward. If you all would just kind of queue up."

1. Fred Turco said he is a resident of Charleston and he lives at 6 Wentworth Street. He is vehemently opposed to another boutique hotel going up in downtown Charleston. He said the City is turning into a Disney World. He stated that if the City continues to allow this unabashed growth of hotels and apartment buildings that he's seen over the last five or six years, it's going to destroy the historic charm. When the ordinance was made that was put into place by Council, it was to limit the boutique hotels to 50 rooms, to allow a developer to come in and put a 50-room hotel next to another 50-room hotel. He stated he realizes development has to occur but there has to be constraints.

2. Gerry Schauer said he lives in Ansonborough, and he is the President of the Historic Ansonborough Neighborhood Association. He mentioned that he is speaking on their behalf and thanked Council for deferring this matter. He said that the residents have significant concerns, they have had inadequate notice, and are only learning now about what it is, what it means, what it opens the door for, and what opportunities there are with it, as well. He said that the developers and City leaders will be speaking at their next Neighborhood Association meeting in April, and there will be more discussion. He said they will come back to City Council when this does come up for a vote and will be better educated.
3. William Thompson thanked Council for allowing him to speak. He and his wife live in Ansonborough, and they are opposed to the Hayne Street abandonment and the zoning change for the benefit of the Hayne Street Hotel Project due to the size and scale of the proposed hotel. He said the cumulative impact of hotels under construction or approved, along with traffic and congestion compounded by the additional impacts caused by the Hayne Street Project have not been studied.
4. Capers Barr said he is a lawyer at 11 Broad Street, and he represents SCM Management, the owner of the property at issue. He thanked the Mayor and Council for agreeing to defer this matter. Mr. Barr and his clients had a meeting with the leadership of the Historic Ansonborough Neighborhood Association, the French Quarter Association, the Preservation Society, and the Historical Society as well as others. It was unanimously agreed upon that they needed to meet with the greater constituency of those memberships and that meeting is scheduled for April 5, 2017 at St. Johannes Church.
5. Susan Bass said she lives at 18 State Street, and she is also the President of the French Quarter Neighborhood Association. She thanked Council and the Mayor for deferring this matter. She stated that they already have many hotels that have been approved particularly in the French Quarter and Historic Ansonborough. She said there is a need to consider a holistic view of this, and the traffic impact on all of the neighborhoods.
6. Mohammed Idris said he is happy that people are fighting against having the hotels built. He stated that poor people are being pushed off the Peninsula. He stated that there is too much greed.
7. Maria Parker stated that she lives at 61 Laurens at the corner of Anson Street. She said that with regard to giving Hayne Street to a developer and increasing the density of the parking lot from 100 to 150 that Council should first ensure transportation and public safety are in place and then approve additional hotels.
8. Robert Gurley said he is with the Preservation Society of Charleston, and they agree with the comments already presented and the concerns. They think it's a poor urbanism, and it will have a negative impact. He stated that there is no public benefit, and they are asking that this amendment not be passed.
9. Glenda Nemes stated that she lives at 11 George Street in Ansonborough. She said she doesn't understand why this property would be gifted to the developer when the land has value. She stated that it is illogical to trade the property to the owners' developers in order to put transformers and underground wiring when space is being

donated for transformers all over the neighborhood. She stated they are also concerned about the traffic impact.

10. Ed Holscher said he has lived at 65 Anson Street for more than ten years. He stated that this deal about Hayne Street is not good for Ansonborough and the City. He mentioned the noise, trash, and people out in the street walking at all hours of the night. He also is concerned about traffic. He said it is a recipe for disaster. Mr. Holscher stated that we have a unique city, and a closer look should be taken at the architecture.

Mayor Tecklenburg said, "Thank you very much. Is there anyone else?"

No one else asked to speak.

Mayor Tecklenburg said, "Could I entertain a motion to defer this matter?"

Councilmember Seekings said, "So moved."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

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

An ordinance authorizing the Mayor to execute on behalf of the City Quit-Claim Deeds, approved as to form by the Office of Corporation Counsel, to the owners of those properties abutting each side of Hayne Street, running from Church Street to Anson Street, conveying to such owners one-half of the width of Hayne Street as said street abuts the respective owner's property, subject to any and all easements or other matters of record. (DEFERRED)

Mayor Tecklenburg said, "Next, we'll move along to approval of City Council minutes from February 28, 2017."

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

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "Yes, sir. Are there any additions, corrections or deletions?"

On a motion of Councilmember Riegel, seconded by Councilmember Waring, City Council voted unanimously to approve the minutes of the February 28, 2017 City Council meeting.

Mayor Tecklenburg said, "So, next is our Citizens Participation Period. We've got a sign-in sheet here with about 20 folks on it."

The Clerk said, "Twenty-one."

Mayor Tecklenburg said, "Twenty-one folks on it, but some of these have already spoken, right? So, there are probably about 15. I'm going to ask if everyone could please keep their remarks to two minutes each, and that will get us to our 30-minute Citizens Participation Period total. Thank you very much for being with us this evening, folks. Okay, you want to call out?"

1. Mohammed Idris stated that he sees what's going on with the hotels now and that it started by telling people that the land was contaminated and the poor people were moved out of the area in order to build hotels. He said there are good and bad people in every ethnicity and that they should have stood up for the people who were moved out of the projects. He stated that a lot of hotels are being built due to greed.
2. Michael Ockovic stated that he lives at 30 Hasell Street. With regard to the horse issue, he stated that it is ludicrous to take the temperature on top of a four-story building. He said that the temperature should be taken on the ground where the horses are. He would like the Mayor and Council to consider the use of the horses and the loads they are carrying. He also stated that it should be taken into consideration the pile driving scaring the horses when constructing the hotels.
3. Dr. Janet McKim said she is the Medical Director of the VCA Charles Towne Animal Hospital in West Ashley, and she is also the President of the local Trident Veterinary Association. She stated she was there on their behalf. She read a letter to the Charleston Animal Society stating that they support their proposal to fund a prospective science-driven peer reviewed study to provide to the City of Charleston. She felt those facts that are needed to guide the revision of the Carriage Business Regulations and to ensure that the working animals in the City of Charleston have humane and working conditions.
4. Joe Elmore stated he is the CEO at Charleston Animal Society. He stated that today (March 14, 2017) is the 143rd birthday of the Charleston Animal Society. He said that the Charleston Animal Society was founded to address the plight of working animals, livestock and agricultural, particularly working horses at that time. He mentioned that a number of constituent groups were here tonight all calling for settling this controversy once and for all, with a true peer reviewed perspective looking forward to a scientific study. They believe the ordinance is broken and are asking Council to fix it. He stated that other cities lowered temperatures and loads except for Charleston, and asked that reading above the Doubletree Hotel be brought down to street level and the working condition of the horses. He also asked for one reading as four readings is unacceptable.
5. Tom Doyle said he lives at 553 Godfrey Park Place and operates Palmetto Carriage Works. He stated that he has been a carriage tour guide for 40 years and along with his children they operate Palmetto Carriage. He stated they have held many positions to include the area of equine safety and care, and said that he was a member of the committee that created the limitations they work under now. He said they have not incurred a single heat-related incident working under these guidelines. He mentioned they are the only city that does rectal temping of each animal after every tour that identifies overheating before it becomes a problem regardless of the ambient temperature. He stated that the Clinic for Equine Surgery Veterinary Medical University of Vienna in Vienna, Austria conducted an independent study of the five

companies showed that his carriage company clearly provides acceptable welfare for their animals.

6. Broderick Christoff said he owns Charleston Carriage at 20 Anson Street. He stated he feels the same as Mr. Doyle. He mentioned that you don't hear from Charleston's equine veterinarians about a problem that exists but you hear from the same handful of anti-carriage people that you've been hearing from for ten years. He said he thinks the City of Charleston should change the way it handles its animal services instead of just designating who does it they should work with County Council to create a biddable contract that will last for two to three years and have the animal services held that way. He stated this would create a level of oversight.
7. Louise Palmer said she lives at 1493 Palm Crest Drive. She stated that the problem with the horses can be fixed by reducing the number of readings for the horses from four to one and by measuring the temperature at street level. She also mentioned that the veterinarian that Mr. Doyle referred to as conducting the review has endorsed the Charleston Animal Society's call for a study.
8. Carol Linville said she has been the President and Founder of Pet Helpers, an animal welfare organization, for 40 years. She stated that Humane.net is a local animal welfare coalition of about four or five local animal rescue groups in the tri-county area. She stated that bringing the thermometer down to ground level where it's the true temperature is a critical thing that can be done with this ordinance and getting the readings down to two readings, preferably one. She stated that Charleston leads internationally as a city and Charleston should have the epitome of best animal carriage welfare laws in place to protect the horses. She also mentioned she is concerned about the weight loads the horses are pulling when you have carriages that are 12 to 13 people.
9. Augustus Holt said he is an advocate for International Little League Baseball and the children of Charleston that don't have a voice. He mentioned the prior coach of the Cannon Street All-Stars, Lee James Bennett, Sr., and said he left a legacy rich and full of achievement. He stated the City of Charleston is struggling by not having an International Little League Program and that the City needs to quit kicking the can down the street and deal with the issue.
10. Glenda Nemes said she lives at 11 George Street. She stated she is asking City Council to make the temperature change temporary, amend it to one reading and to also make a commitment to come up with continual improvement and ordinances in the horse care.

The Clerk mentioned for the record that a letter was received regarding the horses and the heat which was placed on the Councilmembers desks.

Mayor Tecklenburg said, "Alright. Did anyone else that signed up to be heard not be heard? Alright. Thank you very much. That will be the end of our Citizens Participation Period this evening."

The Clerk said, "Mayor, before we leave that, since I've talked about what was sent via e-mail, we also received all of these cards (3 stacks) in the Clerk's Office to share with City

Council, and these are cards in support of the carriages. So, rather than make 13 copies, I wanted to let you see them.”

Councilmember Gregorie said, “Just for clarification, in support of the amendment or in support of what exists now?”

The Clerk said, “It’s in support of the carriages.”

Mayor Tecklenburg read from the cards, “I live in Charleston and enjoyed a Palmetto Carriage Works experience. I found the staff friendly and the animals well cared for. Please support the carriage tour industry in Charleston.”

Councilmember Gregorie said, “Thank you.”

Mayor Tecklenburg said, “Okay, so, we have, I’m not even sure that all of these by ordinance require Council approval, but I have before you, four of the different Boards and Commissions with some recommendations, and I had sent you all the candidates some weeks ago. So, these are the actual appointments now coming back to you for the Community Development Advisory Committee, the Municipal Election Commission, the Recreation Commission, and the Redevelopment and Preservation Commission. We did not bring to you the Accommodations Tax Advisory Committee. I’ll have that one to you next time.”

Councilmember Moody said, “Move for approval of the four.”

Councilmember Williams said, “Second.”

Mayor Tecklenburg said, “Move for approval of the four. Is there any discussion, comments, or questions?”

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “Yes, I just wanted a little clarification. As I was going through all of this stuff and looking at it, there were a couple names that appeared that were kind of on one list, or didn’t show up as a new appointment. I was just kind of curious, for example, on the Community Development Advisory Committee, there were three new appointments, and then there was, well, an Annabelle Seabrook and a Gary Crossly. Are these two positions ex-officio or something?”

Mayor Tecklenburg said, “I think they were previously on the Advisory Committee.”

Councilmember Moody said, “But it says that the seats are vacant, and I was trying to figure out what, I just didn’t understand. I mean they’re on here as vacant, and then you have the other ones down here that show extended that are the ones that are on there now, and those were replaced, but several of these committees had that kind of gap, and I was curious as to what was going on.”

Mayor Tecklenburg said, “I’m going to ask Ms. Griffith to address that question.”

Robin Griffith said, “Hi, Councilmembers. For this Committee, there are the new appointments, and then everyone else is reappointments. So, they had served before.”

Councilmember Moody said, "Okay, so, this vacancy that's showing up on this list really doesn't mean anything?"

Ms. Griffith said, "No."

Councilmember Moody said, "Their title of Director of the South Carolina Employment Security Commission, that's not an ex-officio position?"

Ms. Griffith said, "No, sir."

Councilmember Moody said, "That was the only one that had a name of a job on it."

Ms. Griffith said, "Right. So, for this, these are the names. We pulled this list in February, and this is how they register."

Councilmember Moody said, "Yes, but that gentleman, for example, he did sign up again?"

Ms. Griffith said, "Right."

Councilmember Moody said, "He applied. I was just curious about that. I mean, I don't have any problem with these people. I was just curious about our process."

Ms. Griffith said, "Right, and so we encourage folks, if you want to continue, we ask you to reapply."

Councilmember Moody said, "Alright. If you go to the Recreation Committee, for example, we've got one, two, three, four appointees there, we've got one, two, three, four, five people that are listed here as being reappointed, and then there are two, there is a Brad Nettles, he's up here, and again, it's a vacancy, but he's just reapplied. Is that right?"

Ms. Laurie Yarbrough said, "Everyone reapplied. We had several members who had served for a great length of time and decided to come off the Commission this time, but everyone else that had been serving reapplied."

Councilmember Moody said, "For the Commission. Alright. Well, what about John Scott?"

Ms. Yarbrough said, "John Scott has been on the Commission. He asked to resubmit his name. His application, something funky happened to it in the process, but he has served, and he did reapply verbally to me."

Councilmember Moody said, "But his name is not on the reapplication list."

Ms. Yarbrough said, "That is correct. I did speak with Robin. He did verbally reapply. He's served on the Commission for the last three years. He had a problem with the computer."

Councilmember Moody said, "Well, now I'm starting to have some problems with the process, because I see some names on here of people that maybe I would like to have on there that did apply, that followed the rules. I'm not going to hold this thing up, but I just think when you start doing something like that, you start creating issues. Anyway, that was my observation

as I was going through all of this. So, anyway, thank you.”

Mayor Tecklenburg said, “Right. So, I would just urge you, and the other Councilmembers, that when we give you a new list like we did this evening, that we’re going to come back to you in a couple of meetings on whatever these were, for example, Children, Youth, and Families, the Colonial Commons, if you see someone like that on the list, give us your feedback. To be honest with you, I hadn’t gotten a lot of feedback the last few submittals we’ve given to you.”

Councilmember Moody said, “I understand.”

Mayor Tecklenburg said, “So, you see somebody you want to plug, let us know.”

Councilmember Moody said, “The problem with that is that you, not you, but we receive that stuff, I think, Friday or Saturday maybe, I mean, the final appointments. We got the list, but we didn’t get the final appointments until, I don’t know, it wasn’t there Thursday. I think it was Friday or Saturday. So, by the time I sat down and looked at it, and had some time with it, anyway, what I’ll say is that I am going to vote in favor of all of these because I am 99.65 percent assured that this was done correctly.”

There was laughter in the Chamber.

Mayor Tecklenburg said, “Thank you. Are there any other questions or comments?”

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 Community Development Advisory Committee, Municipal Election Commission, Recreation Commission, and the Redevelopment and Preservation Commission.

---INSERT APPOINTMENT MEMOS---

Mayor Tecklenburg said, “Thank you very much. I’ll just reiterate. I need the input before I go to come up with the final list.”

Councilmember Moody said, “Right.”

Mayor Tecklenburg continued, “It helps me come up with the final list, if you know what I mean. So, next, we’ll have our Council Committee Reports. Could I call on Councilmember Wilson to give a report on Committee on Public Safety.”

Councilmember Wilson said, “Yes, the Committee on Public Safety met on Friday, March 10, 2017, and we heard standard updates. We did not hear an update from Emergency Management, however, we heard brief Fire and Police updates and their role in Ride-Along. In the Fire Department, we have a new partnership with Trident Tech. Two candidates are to get their EMT certifications through Trident Tech, and it’s kind of an experimental thing, but we think it’s going to yield some good results. We have a recruit class that’s due to finish in June and another one that will begin later on in 2017. We have 300 applications, about 300 for this class, and whittled it down to 41 candidates who will begin. The Police Department, they’re doing quite well, as well. Let’s see, the testing facility at Mary Ader is due to open in April, which is

going to be great news. The Illumination Project is moving along very nicely. They had three more listening sessions. It's going well. They continue to schedule these sessions because there is a demand for them. There is a public video now for youth on how to handle a police stop, so I think that will be of great service to the Department. The Police Department is tied into Turning Leaf, out of South Carolina Strong, which are both re-entry programs for those who have been incarcerated, who are trying to move back into society, and then there are various legislative items that they're working on at the State level. So, by and large, all good news."

Mayor Tecklenburg said, "Thank you. I believe that's just a report. There's nothing for Council to act upon."

Councilmember Wilson said, "Correct. There was no action taken in the meeting. Thank you."

Mayor Tecklenburg said, "Thank you for that report. Next, the Committee on Public Works and Utilities."

Mayor Tecklenburg recognized Councilmember Williams.

Councilmember Williams, Chair of the Public Works and Utilities Committee, said, "The Committee on Public Works and Utilities met today at 3:30 p.m. We approved two items, the Acceptance and Dedication of Rights-of-Way and Easements. I make a motion for approval."

Councilmember White said, "Second."

Mayor Tecklenburg said, "Is there any discussion or questions on those?"

No one asked to speak.

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

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

a.) Acceptance and Dedication of Rights-of-Way and Easements:

- i. Acceptance and dedication of a new exclusive 13-foot wide entry and use permanent storm drainage easement as noted on the plat entitled "Oakland Subdivision and Stonecreek Subdivision, City of Charleston, Charleston County, SC (TMS 310-12-00-119) to allow access for maintenance of storm drainage piping at 399 Clayton Drive.
 - a. Plat
 - b. Exclusive Storm Water Drainage Easements
- ii. Acceptance and dedication of a new exclusive 7-foot wide entry and use permanent storm drainage easement as noted on the plat entitled "Oakland Subdivision and Stonecreek Subdivision, City of Charleston, Charleston County, SC (TMS 310-12-00-043) to allow access for maintenance of storm drainage piping at 403 Clayton Drive.

- a. Plat
- b. Exclusive Storm Water Drainage Easements

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

Councilmember Moody said, "Move for approval of the Ways and Means Committee Report."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Okay. Is there any discussion or questions?"

No one asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Gregorie, 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

(Budget Finance and Revenue Collections: Approval of the 2017 Master Lease Purchase Financing Agreement with TD Equipment Finance, 40 Calhoun Street, Charleston, SC in the amount of \$6,025,853; Solicitation #17-B001C [Ordinance]

(Budget Finance and Revenue Collections: Approval to renew the Workers Compensation Excess Insurance contract with Safety National in the amount of \$311,960. The 2017 policy renewal rate is flat, but the premium is increasing by 7% due to the increased payroll. This policy runs April 1, 2017 to April 1, 2018. Councilmember Riegel, the HR Committee Chair, has been briefed on the recommendation and approved adding this item to the Ways and Means agenda.

(Fire Department: Approval to apply for a SLED grant in the amount of \$96,000 for the Low Country Regional Collapse Search & Rescue Team-Charleston. Funds will be used to purchase new and replacement equipment. No City match is required.

(Mayor's Office for Children Youth & Families: Approval to accept the Youth Volunteer Corps Grant award in the amount of \$200 for the Service-Learning Implementation program. No City match is required.

(Office of Cultural Affairs: Approval to submit a grant application to the SC Arts Commission in the amount of \$10,000 for the Lowcountry Quarterly Arts Grants Program. A City match of \$10,000 is required. The grant period is 7/1/17 through 6/30/18. The matching funds will be included in the 2018 Community Assistance budget if the grant is awarded.

(Office of Cultural Affairs: Approval to submit a grant application to the USDA Agricultural Marketing Service Farmers Market Promotion Program in the amount of \$250,000. Funds will be used for the Charleston Farmers Market and the West Ashley Farmers Market. No City match is required.

(Parks-Capital Projects: Approval of a Construction Contract with MUSCO Sports Lighting, LLC in the amount of \$559,500 for the purchase and installation of eight new MUSCO lighting structures at Governors Park athletic fields. This is being done through a cooperative purchase agreement with the National Joint Powers Alliance. The project timetable is scheduled for 100 days. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than

\$40,000, to the extent contingency funds exist in the Council approved budget. The Construction Contract will obligate \$559,500 of the \$700,000 project budget. The funding sources for this project are: S.C. Sports Development Funding Grant (\$350,000) and 2013 General Fund Reserves (\$350,000).

(Parks-Capital Projects: Approval of a Construction Contract with MUSCO Sports Lighting, LLC in the amount of \$462,500 for the purchase and installation of six new MUSCO lighting structures at Bayview Soccer Complex. This is being done through a cooperative purchase agreement with the National Joint Powers Alliance. The project timetable is scheduled for 100 days. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council approved budget. The Construction Contract will obligate \$462,500 of the \$505,000 project budget. The funding sources for this project are: 2012 General Fund Reserves (\$9,269.18) and 2013 General Fund Reserves (\$495,730.82).

(Parks-Capital Projects: Approval of the Louis Waring, Jr. West Ashley Senior Center Fee Amendment #3 to the Professional Services Contract with Liollo Architecture in the amount of \$43,100 for an additional 135 days of construction administration. This approval will result in a budget transfer of \$43,100 to the Liollo Architecture Professional Services Contract from the Project Contingency. The total project budget remains unchanged. The total contract time is increased by 135 days. The approval of Fee Amendment #3 will result in a \$43,100 increase to the Liollo Architecture Professional Services Contract from \$623,437 to \$666,537. The funding sources for this project are: 2012 General Fund Reserves, 2014 GO Bond, 2013 General Fund Reserves, 2014 General Fund Reserves, and Capital Contribution from Roper St. Francis.

(Public Service: Approval for B&C Land Development to install a pipe check valve in the amount of \$53,625 at the Limehouse Street/Battery outfall. This replaces a failed Tideflex valve. The work was performed as an emergency repair due to the need to prevent potential flooding of the surrounding streets and properties.

(Police Department: Approval of a law enforcement assistance and support agreement with the United States Marshal Service. They have agreed to sign once approved by and signed by all necessary parties from the City.

(Police Department: Approval of the Law Enforcement Assistance and Support Agreement with Colleton County Sheriff's Office.

(Police Department: Approval of a contract between CPD and Turning Leaf Project. Turning Leaf Project provides pre-release and post-release reentry programs for CCDC inmates. The amount to be paid by the City is \$85,000. This is the same amount for a similar contract approved in 2016.

(Request approval of the Agreement whereby Charleston County School District and the City agree to reestablish the southeast quadrant of Hampstead Square for use as a public park (TMS: 459-09-02-151). The property was established as a Public Mall in 1871.

(Request approval of the Second Amendment to Agreement of Purchase and Sale whereby the City and SC State desire to remove certain reversionary interests benefitting the City from the Deed requirements set forth therein, and language imposing a deadline for the construction of the Community Center. (Corner of Lee and America Street; TMS: 459-05-04-210). The property is owned by the City of Charleston. [Ordinance]

(Consider the following annexation:

-- 1522 Grimball Road (TMS# 427-00-00-008) 0.41 acre, James Island (District 6); This property is owned by Francina Backman.

- 2205 Ramsay Street (TMS# 343-05-00-125) 0.25 acre, James Island (District 11); This property is owned by Edward Mungo.
- 1524 Grimball Road (TMS# 427-00-00-085) 0.58 acre, James Island (District 6); This property is owned by Clyde J. Smalls and Carol J. Smalls.
- Grimball Road Extension and Cooper Judge Lane (TMS#'s 427-00-00-081 and 427-00-00-113) 1.19 acres, James Island (District 6); This property is owned by JJR Development LLC.
- Vacant property off of Folly Road (TMS# 427-00-00-114) 0.99 acre, James Island (District 6); This property is owned by Clyde J. Smalls and Carol J. Smalls.

First reading was given to the following bills:

An ordinance to authorize the execution and delivery of Lease/Purchase and Security Agreements with TD Equipment Finance, Inc. in order to provide for the acquisition of certain Police, Fire, Public Service, Fleet, Stormwater and IT equipment and vehicles; to provide the terms and conditions of such Lease/Purchase and Security Agreements; to provide for the granting of a security interest to secure all obligations of Lessee under the Lease/Purchase and Security Agreements; to authorize the execution and delivery of all documents necessary or appropriate to the consummation of such Lease/Purchase and Security Agreements; and to provide for other matters related thereto.

An ordinance authorizing the Mayor to execute on behalf of the City a Second Amendment to the Purchase and Sale Agreement between the City and South Carolina State University pertaining to property located in the Cooper River Bridge Redevelopment area and such other documents as may be required to effect the transfer of said property.

An ordinance to provide for the annexation of property known as 1522 Grimball Road Extension (0.41 acre) (TMS# 427-00-00-008), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6. The property is owned by Francina Backman.

An ordinance to provide for the annexation of property known as 2205 Ramsay Street (0.25 acre) (TMS# 343-05-00-125), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Edward Mungo.

An ordinance to provide for the annexation of property known as 1524 Grimball Road Extension (0.58 acre) (TMS# 427-00-00-085), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6. The property is owned by Clyde J. Smalls and Carol J. Smalls.

An ordinance to provide for the annexation of property known as Grimball Road Extension and Cooper Judge Lane (1.19 acres) (TMS# 427-00-00-081; and 427-00-00-113), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6. The property is owned by JJR Development LLC.

An ordinance to provide for the annexation of property known as vacant property off Folly Road (0.99 acre) (TMS# 427-00-00-114), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6. The property is owned by Clyde J. Smalls and Carol J. Smalls.

Mayor Tecklenburg said, "Next, we move all the way to our bills up for second reading."

Councilmember Seekings said, "Items K-1 through K-6, so moved."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "We have Items K-1 through K-6 that can all be taken together. Did we get a second on that?"

The Clerk said, "Yes."

Mayor Tecklenburg said, "Are there any questions or discussion on any of those?"

No one asked to speak.

On a motion of Councilmember Seekings, six (6) bills (Items K-1 through K-6) received second reading. They passed second reading on motion by Councilmember Waring and third reading on motion of Councilmember Seekings. On further motion of Councilmember Gregorie, the rules were suspended, and the bills were immediately ratified as:

- 2017-020** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 573 MEETING STREET AND 35 WALNUT STREET (PENINSULA) (2.145) (TMS #463-16-04-022 AND 463-16-04-035) (COUNCIL DISTRICT 4), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING (MU-2/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY CHARLESTON INTERFAITH CRISIS ASSISTANCE MINISTRY.
- 2017-021** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1991 HOLLIDAY ST (WEST ASHLEY) (0.20 ACRE) (TMS #355-15-00-101) (COUNCIL DISTRICT 2), ANNEXED INTO THE CITY OF CHARLESTON JANUARY 24, 2017 (#2017-007), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY SABRINA A. PERKINS.
- 2017-022** AN ORDINANCE TO AMEND SEC.14-50(A) OF THE CODE OF THE CITY OF CHARLESTON TO PROVIDE THAT ELECTRONIC WASTE SHALL NO LONGER BE COLLECTED BY THE CITY.
- 2017-023** AN ORDINANCE TO REPEAL ORDINANCE NO. 2008-52, AS AMENDED BY ORDINANCE NO. 2008-66 AUTHORIZING THE TRANSFER OF 26 REID STREET TO CHARLESTON AREA COMMUNITY DEVELOPMENT CORPORATION.
- 2017-024** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A TRANSFER AGREEMENT BETWEEN THE CITY AND HABITAT FOR HUMANITY, INC. PERTAINING TO PROPERTY OWNED BY THE CITY AT 26 REID STREET, TO INCLUDE ANY AND ALL DEEDS, BILLS OF SALE OR OTHER DOCUMENTS AS MAY BE NECESSARY TO EFFECTUATE THE TRANSFER.

2017-025 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2935 MAYBANK HIGHWAY AND ADJACENT VACANT LOT (4.60 ACRES) (TMS# 313-00-00-091 AND 313-00-00-089), 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 JAMES COYNE AND LAURE VANDERMOERE.

Mayor Tecklenburg said, "If you all will bear with me for just a moment. I think I got them all. Next, we have I think just one bill up for first reading. That's the ordinance regarding the temperatures for the horses."

Councilmember Lewis said, "So moved."

Mayor Tecklenburg said, "We have a motion to approve. Is there a second?"

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a second. The floor is open for questions, comments, or discussion. Councilmember Shahid, did you have your hand up?"

Councilmember Shahid said, "No, Councilmember Moody."

Mayor Tecklenburg said, "No, Councilmember Moody said he made the second."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Mr. Mayor, I've looked at this thing since I got all this information. I've talked with a bunch of people and, in my opinion, this ordinance is nothing more than an attempt to make some folks feel good. I appreciate Mr. Riccio's committee and the efforts of the citizens that got involved in this thing, but I've just got several comments to make. As for the two vets that the City hires to monitor these five tour or carriage companies, and we have an inordinate amount of data that's collected by these tour companies or carriage companies, and these vets look at it. The two vets on the Study Committee, and Dan can correct me if I'm wrong, were asked if the current system was 99.65 percent good or effective in preventing overheating, and their answer was 'yes'. So, these carriage operators, as these horses come back, every time they come back, they take their temperature. They are monitoring regardless of where the thermometer is, and I'll get to that in a minute, but if we drop this temperature from 98 to 95, we will then go from 99.65 to 99.77. In doing that, we're doing harm to our carriage operators. These are small business operators in this City trying to make a living that employ, each one of them probably employs a half a dozen, I don't know, but we talk about this 95 degrees or 98 degrees on the top of the Dock Street, or the top of the DoubleTree, when, in reality, if they really wanted to know what the temperature was, they ought to hook some kind of a thermometer to that carriage and follow it all the way around the different routes. Even though it may be very hot on that pavement in the front of The Market there where they use the Bingo machine before they go out, the rest of the streets if you observe them, they're under shade. They're in the shade of the buildings and the shade of the trees. So, I don't know, 95 degrees, if you go to Austin or Atlanta or Philadelphia, where are they measuring, how are they measuring? I just don't think there's anything that's magic about that if you're just taking it at some time.

There was a study, and Mr. Doyle alluded to it, and it was in the, let me see if I can get this right, The Journal of the Equine Veterinary Science. It was a retrospective review of carriage horse and mule welfare in Charleston, and what they did was they looked at five different things. They looked at the animals that work, how many geldings, how many mares, how many mules, how many horses, what kind of horses, and all that kind of stuff. They looked at the animal and the veterinary care. They looked at the management practices, how they feed them, how they water them, and how they shoe them. They looked at environmental conditions, they checked for overheating, the data accumulation, and how all that was done. Then they also looked at the veterinary reports, how and what data was actually collected I don't know. I'll read it again. I think this was the same paragraph that Mr. Doyle was reading, but it says, 'The carriage company reported the detail here clearly provides exceptional welfare for their animals. Based on competence with the five welfare demands as previously outlined. They could be used as an example for the whole carriage industry.' They kind of held up Charleston, this article did, as the crème de la crème. So, what we end up doing is, we get all this feel-good stuff, and I can't help my friend, Ms. Abigail Darlington (Reporter) is in the back, in the newspaper this morning, did you all see this article? In the newspaper, I saw the picture of 'Blondie', the horse that was on her haunches laying all over the street. It said, 'Council ought to consider changes to rules on carriage horses' heat.' That (the article) had absolutely nothing to do with heat. Again, it's just a feel-good type of effort here, and it just, for us to be attacking one of our local small businesses or actually five of our local small businesses, somebody needs to speak on their behalf. I'm here tonight to ask you to not support this ordinance. If we want to do something else in terms of how you want to measure heat, I don't think moving it down to the ground in one spot is the answer. I just think, for this minute increase in effectiveness, I just don't see this but, thank you, Mr. Mayor. I'm going to vote against this ordinance."

Mayor Tecklenburg said, "Thank you very much. Does anyone else have a question or a comment?"

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. I had the pleasure of meeting with the Doyle Family several months ago and touring their facility, and it's a wonderful facility and, as Councilmember Moody has alluded to, it's a small business. Wherever you may fall, whether or not you like the carriage tours in the City, you oppose the carriage tours in the City, you like the carriage tours in the City, this is not the issue before us tonight. That's not what we're talking about. I had the opportunity to talk to Councilmember White, and Dan Riccio, who is standing up ready to answer questions for us, but I don't want to pass an ordinance for the sake of passing an ordinance, just so that we please people and think we've done something and accomplished something along the lines. If the ordinance has got something good about it that is going to improve the overall condition of these working horses, that's fine, and that was the impression I got this afternoon in my telephone conversations, that the ordinance is designed to make an improvement on the overall conditions. If that's what we're going to do tonight, then I'm in favor of it. If it's there just to put a whitewash on something, then we don't need to pass this ordinance. So, I think if we can hear from Dan Riccio about some of the issues that came up, as far as how temperatures are taken because of the location being at a certain place, and the measurement of the heat index provides us, as I understand, a measuring stick of sorts for the health of the horses. If you can sort of just address those two questions for us, it would help us."

Dan Riccio said, "Yes, sir. First, I would like to comment or add that this was a process. It involved several stakeholders, okay. We had eight voting members, two equine veterinarians, we had a representative from the Historic Ansonborough Neighborhood, a representative from the Charlestowne Neighborhood, a representative from the carriage industry, a representative from NOAA, a meteorologist, a representative from the Charleston Animal Society, and including myself as the Chair. The ordinance before you was not brought to you without a lot of discussion. We began discussion in meetings back in August. The issues that came up, and the process that we wanted to address was obviously the concerns for the animals in the industry and public perception. Regarding the thermometers, the City of Charleston utilizes a Weather Bug company that is a well-known, world-known company. There are over 8,000 tracking stations throughout the world. They are on top of buildings, however, they have to triangulate through satellites. The Weather Bug system is utilized by the Federal Government, emergency managers throughout the United States, and it's also utilized by the National Weather Service itself. It's very dependable, it's credible, they're validated, and that's what we use as a validation for the weather. The app is available on our phone, and you can have it downloaded on your phone. The City of Charleston employees have more rights to it than an average citizen, but anybody can look at the DoubleTree Hotel temperature at any time, and it shows on the phone. So, that's validation. It's not one person giving you information about a temperature. It's a credible source that is used throughout the United States. So, what we did getting to this point, we had to come to a conclusion at some point. How do we do that? We use facts, scientific facts. We wanted to use data that was credible, so we went back four years with Weather Bug information, temperatures. We decided we will go ahead and pull four years of data at temperatures at 90 degrees and above for all those days during those four years. At the same time, we engaged all the carriage companies. By ordinance now, they are obligated or mandated to maintain records regarding their horses and their animals. One of those record systems is the internal temperatures of these animals to make sure they're doing what they're supposed to be doing in accordance to the ordinance. I should become a veterinarian after all of this."

There was laughter in the Chamber.

Mr. Riccio continued, "When the internal temperature of the horse starts to rise above 103, that's a danger sign, above 103. Our ordinance mandates that if the horse's temperature rises above 103, you pull that horse off the street, and you take care of that horse or animal to make sure it falls below that 103. So, what we did is we gathered all the horses' data, their internal temperature for four years on the same exact days that the temperature was 90 degrees and above and with the heat indices, and we correlated the numbers. We gathered all that information and we gave it to the two veterinarians who are well-known throughout the State. They compiled all the data, 20,625 data points went into this database, and the conclusion was the horse's temperature began to rise when the heat index reached 110 degrees. So, we used scientific facts to figure this out. The average temperature during that time was 95 degrees. Based on all that, we went ahead forward and said, the Committee agreed, that the data is correct, it's believable, it's valid, and the Committee voted 5 to 1 to go ahead and have the temperature dropped from 98 to 95 and the heat index from 125 to 110."

Councilmember Shahid said, "Can I ask just one question?"

Mr. Riccio said, "Yes."

Councilmember Shahid said, "So, the 103 temperature is what the experts are telling us the internal temperature of a horse at 103 is a danger point?"

Mr. Riccio said, "Yes."

Councilmember Shahid said, "Thank you."

Councilmember Gregorie said, "Question. How many of our horses have died from heat exhaustion?"

Mr. Riccio said, "None."

Councilmember Gregorie said, "Thank you."

Mayor Tecklenburg recognized Councilmember Williams followed by Councilmember Riegel.

Councilmember Williams said, "Right quick, I had an opportunity to read the ordinance and had a meeting with you, Dan, and you spoke with Gary (Councilmember White) because you've been on the Commission for quite a long time, and I spoke with one of the persons who voted against the ordinance that sat on the Tourism Commission, which was 9 to 2. There were several things that they pointed out that I don't know if this is the venue to deal with that. One was, the fact of the matter is, why the City is not weighing the horses. Two, was this peer study and how the approval of the industry to allow this study to take the blood sample of a horse. I don't know, and the other one that I got was, there is a consensus, not from me, but a consensus out there that cities across the country, their activists are saying that they need to change the business model in terms of carriages and horses. All those things, I just don't know. I'm going to vote in favor of this because I think it's just made good common sense to a layman person like me, but I would say that I would like the opportunity for this group to state their whole case, the entire case before the Tourism Commission, and we talked about sickness. I don't know, after eight years of doing this, but I would like to see them have an opportunity to state their whole case, because the white elephant in here is there is a consensus, a movement across the country and here, that some people think that we should change the business model. We can do a better business model than what we do now with how we do the horse carriages. I don't know, but those are some things I got out of the study, and spending three or four hours with that person with the videos and showing me a whole lot of different things. It's very interesting, and I'm going to support it based on that, but I'd love to see them get back to the Commission to state their whole cases. One thing that was kind of interesting is, how would we approve, and how can we make the carriage company send blood samples of their horses? Because that's what the peer review would be to do."

Mr. Riccio said, "Correct."

Councilmember Williams said, "I don't know if we have legal boundaries and can do that. So, in all my study, I will be supporting it, but those are the points, and, also, I would ask, if in the original ordinance, why aren't we weighing the horses? It was said that they offered to buy the weight scale for the horses. These are just things in my preliminary discussion to get out, but I'm going to support the ordinance. Thank you."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, Mr. Mayor. Kind of the tipping point for me here is the Weather Bug that's been at four stories up at the Dock Street Theatre for I don't

know how many years. Then, the correlation between that and the body temps, and heat indexes down the street, that is historical data which has been vetted, and it seems like it's scientific and very valid data. I'm tending to want to support this ordinance. I don't think it hurts the carriage industry a great deal, and just another issue of control over their businesses, but I'm interested in the horses' temperatures. I've had a lot of experience with horses' asses over the years, so the Weather Bug and the horses' temperatures, I think you've already established that correlation, and it's valid. Please correct me if I'm wrong."

Mayor Tecklenburg recognized Councilmembers White and then Wilson.

Councilmember White said, "I'm not sure how to follow that."

There was laughter in the Chamber.

Councilmember Moody said, "He was speaking from experience."

Councilmember White continued, "Actually, let me ask one question. Vanessa, if you can help me remember, the temperature used to be in a black box at the Police Station on the ground."

The Clerk said, "That is correct."

Councilmember White said, "Back then the discussion was, 'Well, that was too far away.'"

The Clerk said, "Yes, and there was one in The Market."

Councilmember White said, "So, it came over to The Market area, and then it was, so, I say that just to tell you all and share with my colleagues on Council, so I've been on the Tourism Commission probably about nine years, I think, and in that nine years, every year it gets hot, and every year we debate this same exact thing, and every year we've done absolutely nothing about it. Nothing. Nine years, nothing has changed. When this Committee got put together, my initial thought was 'good luck, probably nothing is going to happen'. So, when they came out with some level of consensus, I was absolutely shocked. I really didn't think anything was going to come out of that Committee, because you've heard from the two groups here, the industry and those on the animal welfare side, and they're farther apart than oil and water. They just absolutely don't find themselves agreeing really on anything. To your point about the study, there is no way these groups are ever going to work collectively together on that study, even if we were to make it a law, and I don't think we can legally do it. But my point in all of this is, after nine years, there has been absolutely no positive movement whatsoever. So, when they did come together, and came up with these couple of changes, and it was supported by the data that Mr. Riccio pointed out, all I can say is, I'm not here to say and I'm not for the industry or against the industry, or for the animal welfare groups otherwise, I'm just saying that I have watched, for nine years, nothing occur. To see something come out that they could at least collectively agree upon and that we've got scientific data that says it's supported, that it's probably a good idea for the benefit of the animals. It's hard for me not to agree to at least get some forward momentum, and that was really the premise behind my supporting this under the Tourism Commission and moving forward. I'm not saying it's perfect, I'm not saying if it's done, I'm not saying that this peer review shouldn't happen, and I don't know how it would, but all of these other things, by no means, am I saying that I think this is over once this happens tonight. I suspect we'll continue to move forward, and I think that we'll do some further incremental

process improvements over time, up to and including whether it be weighing the horses and how we do all of that. The reality is, by either deferring or not doing anything, we will be basically doing exactly what we've done for the last nine years that I've been on the Tourism Commission, and quite frankly, after I've spent this much time on the Tourism Commission, I'd like to see something done."

There was laughter in the Chamber.

Councilmember White continued, "Just a little bit. So, really, I wanted to just give everybody a little bit of background and so everybody understands sort of where this thing has gone and where it's come from."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Wilson.

Councilmember Wilson said, "Thank you. I have a question for Dan. According to the data, how many times, or if you have any idea, how many times has a horse been pulled off the street for exceeding that 103 degrees?"

Mr. Riccio said, "Not, to my knowledge, any. I can further explain that. People don't realize this is one small part of this big ordinance. There are many mechanisms in place to make sure that the animals are taken care of. One of the primary ones is that you don't have to wait until 95 or 98. When the ambient temperature reaches 85 degrees outside, they're mandated by the ordinance to monitor the horse and take the temperature every time they come off the street. So, they're already in the precautionary mode, if you will, before it gets to a point to where they're out in the weather above that 85, close to that 95, or close to that 98. That precaution is already in place, so I can tell you 'none' because they're already doing what they're supposed to be doing with taking the temperatures at 85 degrees."

Councilmember Wilson said, "In just looking at this in a broad sense, the only thing that I will say is I have tremendous respect for small business and the fact that they're trying so hard to earn a living. I have tremendous love for animals. I've supported the Charleston Animal Society. So, it's kind of like the Legare bike lane. I find a foot in both canoes."

Councilmember Moody said, "You would have to mention that."

Councilmember Wilson said, "Sorry, I just had to pour a little salt in there."

There was laughter in the Chamber.

Councilmember Wilson continued, "The only thing, and I've been thinking about this even before I was on City Council, and I've been thinking about it the whole time I've been on Council, the only thing, if we were to ever do anything, I would like to see the thermometer come down to street level. I think that's probably a good provision. I don't know whether it will happen or not, but that would be the only change that I would like to see."

Mr. Riccio said, "I can tell you, Councilwoman, that I've been in contact with other cities in the Southeast Region, Savannah, we talked quite a bit. Their official thermometer is five miles away at Hunter Army Airfield, and the same with St. Augustine. It's at the local airport. They just go by that reading, but the way we do it, I think, is more sensible because we can, again, using the

word 'validate', we can validate it. Any individual can gather the data in their hand and know that we're doing what we're supposed to be doing. So, no offense, I believe that the thermometers are in a good place but, again, we would take any consideration or any information from anyone else that could provide another area for it."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Dan, a question. The vote of 5 to 1, that was what group? Tourism Commission? The Study Committee?"

Mr. Riccio said, "No, the vote 5 to 1 was our committee, those eight members."

Councilmember Moody said, "Okay."

Mr. Riccio continued, "On that day, two were absent, six were remaining, five voted 'yes', and one voted 'no'."

Councilmember Moody said, "The one that voted 'no'."

Mr. Riccio said, "Charleston Animal Society."

Councilmember Moody said, "Yes, so, we kept hearing tonight, let's do it one time and we're over, but they don't like this ordinance for this temperature and this information. They're rejecting it, so, all that tells me is we're going to be back again. To me, this whole thing is death by a thousand cuts, and this is just one of those cuts against small businesses in the community and so, again, I'm not in favor of this."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, Mr. Mayor. Let me ask first a specific question. If you bring the Weather Bug, the thermometer from four stories down to street level, how are you going to validate what you're reading at street level with all these years and years of temperature information, all these data points that you've taken from the horses? Is that going to invalidate that data? How are you going to recalibrate your relationship?"

Mr. Riccio said, "I think we need a system like we have now, that we can go back four, five, or six years with the information that's collected. In the old days, it was at the Police Department. It's a little thermometer, literally, a glass thermometer that one person would read. How do you validate that? It just makes sense the way we're doing it now."

Councilmember Riegel said, "But, no, I think the way it's validated, as I understood, is you've got a temperature up four stories, and say that's whatever it is, and that level is consistent with levels that you're reading on the horses when you take their temperatures."

Mr. Riccio said, "Correct."

Councilmember Riegel continued, "So, that's not mind-boggling to me. The question I'm asking is, if that's been your relationship, four stories and the horses at street level, you drop the thermometer to street level, how are you going to validate all of these years of information that you got for the horses with something now at street level?"

Mr. Riccio said, "I'm not sure, to be honest with you."

Councilmember Riegel said, "You can't do it."

Mr. Riccio said, "No."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Mr. Mayor, I've been sitting here 20 years, it gets hot out there sometimes. We've got people that get heatstroke and die. I've never heard of a horse getting a heatstroke and dying since I've been in Charleston."

There was laughter in the Chamber.

Mayor Tecklenburg said, "Yes, sir."

Councilmember Lewis said, "So, apparently the people that are taking care of these horses, they're doing the best. Why? Because they're protecting their living. They're going to take care of these horses. They have taken care of them, and they want to take care of them, and we, the City, try to make every effort to make sure that we improve everything that we can do to check behind them to make sure that they're doing their job. So, I think, we're doing what we can do. I think we just need to go ahead and vote for this ordinance tonight, and get it over with. Thank you."

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

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I appreciate all of the input from everybody, but when I sit around, and I see like the people talking about business models, the most successful business model is put together by successful business people, not elected officials. It's actually done in the private sector. The most successful part of the business community in the United States are small business people, people just like these over here. Councilmember Lewis, you said it right. It's in their interest to see that these animals are treated first, the best, the best practices being applied to their most important asset. The most important asset isn't the carriage, it's actually the animal, and you know what, the City of Charleston has managed this. We haven't just started managing this successfully. We've been doing this successfully for decades. You said that too, Councilmember Lewis. Where's the proof in the pudding? You said it, Mr. Riccio, and I'll ask you to say it again. How many animals have died as a result of heatstroke?"

Mr. Riccio said, "None."

Councilmember Waring said, "In the history of these carriages?"

Mr. Riccio said, "None ever reported."

Councilmember Waring said, "When it comes to horses that were pulled off the street for exceeding the 103 temperature, how many times has that happened?"

Mr. Riccio said, "None."

Councilmember Waring said, "Because you actually recanted that the system works. They monitor their horses. We have a system that's not out of whack, and for nine years the reason you haven't done something is because you're doing it right. Now, I'm not saying it's a perfect business model, but the business model that's in place works, and it has worked successfully. We should be proud of the fact that a horse has never died from heatstroke in the City of Charleston. We shouldn't hide that as a secret. We should be proud of the fact that we monitor the owners, and the owners monitor the horses to see that they do not exceed the 103 degree internal temperature. They get pulled off the streets. I think we're making this a little bit more complicated than it has to be. The City of Charleston hasn't just started doing this right. We've been showing best practices for the nation for a while. So, now, we have to change that. I do appreciate the people who are volunteering their time. God knows, we all know about the importance of volunteering, and that's what makes this City great. It's not us, quite frankly, it's the people that help us. It's people like you, Mr. Riccio, people like our Clerk. It's people like you, Councilmember, who has been on that Tourism Commission for all those nine years, because if something had gone on wrong for nine consecutive years, you would have brought it right here to the public square.

So, the feel that we have to do something because a report came to the right or left of center, I'm encouraged, and I have confidence in the fact that we've been doing it right. Because of it's in the interest of the business person, it's in their interest to do the business model, not us. The facts point to, and even the Animal Society, and they do a good thing; I'm not knocking them, but they can't change the facts. The fact is no horse has died from a stroke in the history. No horses have been pulled off the street because the owners were pushing them a little too hard, and the temperature got to be 103 and 104, that's not the case. I think we're doing it right, and I think we ought to commend the people who helped that record to come to a place that we can now brag on. We can brag on the fact that no horses died and no horses have been pulled off the street, because we have a system that works. We heard a lot about greed today, and Mr. Mohammed, you are right about that, but greed would have been having a record of horses being pushed beyond the point, to the point where they die. If the record showed that they're out there at a 103 and 104 or maybe worse, that would have been cruelty, but that's just not happening. I've actually seen the facilities, Peter (Councilmember Shahid), you're right, those horses are getting treated pretty well. So, for those reasons above, I'm going to vote against it. I think we're doing it right."

Mayor Tecklenburg said, "If I may just add a comment of my own, and that's first, to thank Dan Riccio, in his efforts, and the committee, including the participation of the Animal Society, who really applied a lot of due diligence to this temperature matter, understanding there are other matters that need to be looked at from time to time about the weights or whatever, but after a lot of study, after a lot of due diligence, the committee did vote 5 to 1, and it went to the Tourism Commission and was voted on 9 to 2. I think it's incumbent upon the City to really provide for compassionate use of these wonderful animals in our City. They represent our City, as well, and so, Councilmember Moody, there is a difference when you take the heat index from 125 to 110. I know I could tell the difference in that difference of heat index. That's a 15 degree difference, and based on all the factual information that we have, that's the point at 110 degrees where some difference starts to occur in the horses' internal temperature. So, that's what led the committee and the Commission to that recommendation. I think it makes sense, I think it's a compassionate thing to do, and I appreciate everybody's input. I'm going to vote in favor of the matter."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just very briefly, we've been debating this a long time. Three things, one is, I want to thank Councilmember White. Nine years is a long time without hazardous duty pay, it's hard work doing all this. So, thank you. Two, is I

agree with Councilmember Wilson, and, I think, Councilmember Riegel, in that whether we're talking about business or government, perception becomes reality. If you're going to take a temperature to monitor something, you ought to take the temperature in close proximity of what you're monitoring, and if there's a way to get the temperature taken closer to where the horses are, I think that would be good for everybody. Lastly, I don't understand, and maybe Dan or Gary, you can tell us this really quickly, this whole thing about the four readings. Why do we do four? I don't quite get that. Isn't two enough? Again, this is sort of a backdrop ordinance. A lot of people come here and visit, perception being reality, what we've heard tonight is that the industry is monitoring itself, no dead horses in the street, and no one failing tests of heat, but there's a backdrop somewhere along the way, and why is the backdrop for tests?"

Mr. Riccio said, "I can explain that to you."

Councilmember Seekings said, "Okay, that's fine. It's just seems like a lot of numbers to impose on somebody."

Mr. Riccio said, "When the temperature starts to rise, we start getting alerts on our mobile devices. We, me, other staff, Tourism Enforcement Officers, go to The Market area and begin to monitor. The DoubleTree Hotel is right there where the horses queue. That's where the thermometer is directly over ahead of them. The current ordinance requires two consecutive readings 15 minutes apart, that's 30 minutes. It is historically proven that by the third reading, every time that we had an issue last year when it raised closer to 98, the temperature would not maintain, it would drop, rise, drop, rise, typically every minute. That puts us in a situation that we can't baseline the temperature. Will you stop it, or you go? You stop, you go. The four readings, and again, all voted on by the Committee, and there was a lot of input, those four readings will give that baseline temperature and maintain that steady temperature to pull the horses off the street. Now, granted, it's going to take a shorter amount of time for 95 than 98, but still, no matter what, a cloud could go over, and it drops the temperature, so it fluctuates. It just makes it very difficult to enforce, because I had to make decisions last year of pulling the horses when the temperature wasn't even 98. I just erred on the side of caution. So, I need the tool to enforce it, and by four consecutive readings, it's not inhumane, the veterinarians on the staff, on the Committee, were in agreement that it would not harm the animal going that one hour versus 30 minutes to establish that baseline temperature, and that's why we're going to four."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Just a couple of follow-up questions, please. The placement of the Weather Bug thermometer at DoubleTree, is that done by the City or by Weather Bug?"

Mr. Riccio said, "That's done by Weather Bug, but it's a contract we have with the Weather Bug. I've got the IT guy back here."

Councilmember Shahid said, "I mean that's their placement of that, and it's their decision to place it at that location, not the City's location?"

Mr. Riccio said, "That is correct."

Councilmember Shahid said, "Then they get the readings that they need to get the readings on."

Mr. Riccio said, "Exactly. They could not put it any lower because of the triangulation of all the satellites. It's not our decision. It was their decision to do that."

Councilmember Shahid said, "My other question is, how many carriage companies do we have?"

Mr. Riccio said, "Five."

Councilmember Shahid said, "Have you polled them as to what their position is on this ordinance?"

Mr. Riccio said, "They're all for it. They saw the data, they accepted it, and they went for it."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I don't know that I agree with that last statement. I think the vote maybe says something different. In my opinion, the Animal Society and that group voted against it, because anything short of taking the animals off the street is unacceptable to them. I believe the carriage tours, or the carriage operators, voted, 'well, maybe if we give them a little bit of something, they'll go away.' I think that's what the vote was. I don't think that they were in favor of this ordinance at all. If they were, it was a compromise."

Mr. Riccio said, "It was a compromise, but it was the individual representing the five carriage companies that agreed."

Councilmember Moody said, "I understand, but my understanding is that they voted because they thought we might better do this, and again, it goes back to that death by a thousand cuts."

Mr. Riccio said, "Compromise. Yes, sir, but it's still compromise across the board. We had more opposition from the neighborhoods and more questions asked of the neighborhoods, because they were represented on the Committee. So, everybody on that Committee compromised, and that came to this decision of the temperature and the heat index."

Councilmember Moody said, "I understand, but we had two carriage operators get up tonight and they didn't sound to me like they were approving this ordinance."

Councilmember Shahid asked, "Can we ask them?"

Councilmember Waring said, "They spoke, both of them spoke. They spoke to Council."

Councilmember Shahid said, "Are they in favor or opposed to this?"

Mr. Doyle said, "My son isn't here tonight, and he runs the carriage company. The reason he's not here--"

Councilmember Seekings said, "Dad, he's right behind you."

There was laughter in the Chamber.

Mr. Doyle continued, "He thinks that feeding the alligator at hand is going to shut them up, and I don't think so."

Mr. Riccio said, "I do not. I wasn't aware of that information."

Councilmember Moody said, "I just heard what I heard."

Mayor Tecklenburg said, "Well, I get back to the point that the heat index at 110 is where some impact happens to the horses' internal temperature, number one. Number two, I don't know if you all remember last summer, and you can blame it on whatever you want, but I believe the climate is changing on this planet, and it's getting hotter, so we need to be sensitive to the temperature for the horses and their working conditions. Thirdly, the word that Dan used in the study was 'correlation'. So, you correlate the temperature of the horse to the ambient temperature, no matter where it's taken. As long as it's taken at the same place, you have a good correlation. Over four years of data, maybe it would have been a degree different on the street, but you have that consistent location reading of the temperature from the same place on which to base the correlation, and so my little bit of science background tells me that that's a good thing. So, are there any further questions before we call for the question?"

Councilmember White said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "One last comment, having gone through this exercise now for a number of years, as I stated before, and to Councilmember Moody's point, sort of the death by a thousand cuts, let me assure you, it will be moving forward as a death by 999 cuts. This isn't over tonight, I promise you. For nine years, this will continue debate. We will continue to hear from both sides. Neither side will ever get exactly what they want. It will just continuously move forward inch by inch by inch. So, no one should think that this is going to be done or over. I have no expectations that's the case. I think it's just the Mayor's point, if it's incremental progress, not even anecdotal data, the 20,000 points of data say that this is probably a better thing for the animals. I'm not a horse person, I don't know anything more than anyone else in this room, I can just say that seems to make sense, but this should not be assumed to be over. It's not going to be. It's going to continue to be a discussion. It has been for nine years. It will be for another nine."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Just a point of clarification, did you say that the 20,000 data points say that this will make things better? I think that's what Councilmember White just said. I just want to make sure we're on the same page."

Mr. Riccio said, "You're asking me, Councilmember?"

Councilmember Gregorie said, "Yes."

Mr. Riccio said, "Do I think it will make things better?"

Councilmember Gregorie said, "No, according to what I just heard from Councilmember White, it will be based upon the data."

Mr. Riccio said, "The data is factual."

Councilmember Gregorie said, "Yes."

Mr. Riccio said, "You can, I hate using the word, again, 'validate' it, but it's something you can look at and compare and make your decision based on the facts that are shown."

Councilmember Gregorie said, "We concluded that this would make it better."

Mr. Riccio said, "Exactly."

On a motion of Councilmember Lewis, seconded by Councilmember Shahid, City Council voted to give first reading to the following bill:

An ordinance to amend Chapter 29, Article V, Sec.29-212 (g), Weather Conditions, Subparts (7) and (8) of the Code of the City of Charleston pertaining to weather conditions for the operation for animal-drawn vehicles used for the purposes of touring.

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

Mayor Tecklenburg said, "You want to record the nays?"

The Clerk said, "So, against would be Councilmember Gregorie, Councilmember Waring, and Councilmember Moody. Is that it?"

Mayor Tecklenburg said, "The motion carries. The next order of business is simply to announce to you that our next City Council meeting on March 28, 2017 will not be here. We will be the guest of Councilmember Wilson on James Island at the James Island Recreation Complex. Is there any other business to come before Council?"

Mayor Tecklenburg said, "One more second, one more announcement. We will have our workshop meeting next Thursday from 2:00 p.m. to 5:00 p.m. at 75 Calhoun Street."

The Clerk said, "Also known as the HR Training Room."

Mayor Tecklenburg said, "This meeting is adjourned."

There being no further business, the meeting was adjourned at 7:07 p.m.

Vanessa Turner Maybank
Clerk of Council