COUNCIL CHAMBER

Regular Meeting

June 20, 2017

The thirty-fourth meeting of the City Council of Charleston was held this date convening at 5:09 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media June 14, 2017 and appeared in The Post and Courier June 19, 2017 and are made available on the City's website.

PRESENT (12)

The Honorable John J. Tecklenburg, Mayor

Councilmember White *(absent)*	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 5:09 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Now, Councilmember Wagner, could I call upon you, and if anyone would like to join us, to say a prayer and lead us in the Pledge of Allegiance."

Councilmember Wagner opened the meeting with an invocation.

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

Mayor Tecklenburg said, "So, a couple of quick announcements, one is that and particularly noteworthy since we're at capacity, in the unlikely event that we would need to evacuate this space, these two doors are your way out of this room, with the exception of you folks in that room over there, you have your own exit door. Of course, in the balcony, you've got the one exit. Do not use the elevator if we were to have an emergency evacuation of City Hall. Please, use the two stairways going down to the first floor and then the one exit out to the front. I would ask, again, in the very unlikely event this were to happen that we would congregate in Washington Park after evacuation. I want to echo Councilmember Wagner's note of the weekend commemorations. We had both the Emanuel Nine tragedy and ten years ago, a tragedy out on Savannah Highway where nine brave firefighters of the City of Charleston lost their lives. We had a very special and personal commemoration of their lives this past Sunday

night. The families, I think, really appreciated the planning and the level of honor that was shown to those firefighters, who so nobly gave their life for this City. I'd like to thank particularly Councilmember Gregorie who, with the City support of the Mother Emanuel commemoration, worked so hard between the church and the City to make the events so meaningful and special. Thank you.

So, we do have one, just one, proclamation this evening. I would like to call David Geer and Caprice Atterbury of Origin South Carolina to join me up here. We have a proclamation this evening regarding National Homeownership Month. David, good to see you, and Geona Shaw Johnson, who is Director of our Housing and Community Development. I'm going to give a special shout-out to David and to Origin South Carolina because last year when the City was dealing with the challenge of homelessness in our City and particularly relocating over 100 homeless individuals that were living in 'Tent City', David and his organization really stepped up to the plate to help us find housing for those homeless individuals and for that, aside from this, I really want to give you my personal thanks for your help."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "I would like to call on David and/or Caprice if they would like to share any comments with us."

David Geer said, "Thank you, Mayor Tecklenburg, and members of City Council, with a special note to Councilmember Mitchell, who at one time was involved in the same work that we do and kind of laid the foundation for the City of Charleston and the community. At Origin, we serve those who are mostly low to moderate income. We have counseled over 4,200 individuals in financial education, 375 of those went on to homeownership, and 120 of those purchased homes. We believe that the homes and the purchase of homes build and gain sustained assets. It is a major factor of our work, and it strikes to our mission, and we appreciate this recognition by the Mayor of the City of Charleston and the Council. Thank you very much."

Mayor Tecklenburg said, "Would you like to say anything?"

Caprice Atterbury said, "No, thank you."

Mayor Tecklenburg said, "Geona?"

Geona Shaw Johnson said, "No, thank you."

Mayor Tecklenburg said, "Alright. Well, let's give them a hand, a round of applause."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you very much. The proclamation is yours. Alright. So, next, we're going to move on to our public hearing section of the meeting. The first one is regarding a zoning change on Brockman Drive on James Island, Mr. Morgan."

Christopher Morgan said, "Thank you, Mr. Mayor, and members of Council. It's coming up here in just a second."

Mayor Tecklenburg said, “We’re going to have to take just a second to get our audio/visual set up folks.”

Mr. Morgan said, “Alright. Zoning E-1, which is on Brockman Drive, as the Mayor said. It’s about a third of an acre. It’s a combination of several different parcels that are part of a horizontal property regime. There are some images here. This is off of Camp Road on James Island. The subject property, this yellow doesn’t really indicate it the right way, I think that’s gotten corrupted a little bit on this image, but the subject property is right in here. It’s in your agenda packages, and it’s shown correctly. Let’s go to the next slide. Again, another aerial showing the parcel in question. This is the roadway leading into it. Again, the roadway leading into it, and other pictures of that road. You can also see, along the roadway, the quadraplexes that have been built along the road on the portions of the site that are Zoned DR-1F, and we’ll go back to this initial one here because that’s a little bit easier to talk from. So, again, you see in the general area here that we have a series of quadraplexes on property that are Zoned DR-1F, and this subject property was also Zoned DR-1F. Then, in 2005, the City initiated a downzoning of the property at the request of residents in the neighborhood to a Single-Family designation, SR-1. However, unbeknownst to us at that time, there were restrictive covenants for all of these properties along Brockman Drive through here that required that they not be built as Single-Family residences, but be built in the same style as the other quadraplexes in the area. Therein, the applicant does not have another feasible use for the property since, at present, it’s zoned for only Single-Family Residential Development. The request is to rezone to the original DR-1F, which is similar to the other parcels along the road here, and will allow them similar uses to the other parcels along the road. The Planning Commission discussed these issues, and staff recommended for this rezoning as did the Planning Commission, as well.”

Mayor Tecklenburg said, “Would anyone like to be heard on this matter?”

Mayor Tecklenburg said, “Please step forward and give your name and address.”

1. Buddy Inabinet said he lived in Creek Point and he has been there for 34 years. He stated the lots where the quadraplexes are, they are all on the creek. Lot #138, there were 15 other lots right there for a total of 16 lots zoned DR-1. This was the last lot that’s left. Everything is Single-Family Residential except for this one lot, and people in Creek Point Subdivision do not want more condos or apartments. He said it was sold as a Single-Family lot, and somebody didn’t do their homework to check the zoning at the time. All of these other lots were Multi-Family adjacent to it, next door to that, and all the way around the block. Now, they’re all Single-Family homes. He said it’s a quiet community. He stated there’s 300 rentals and condos in that subdivision, and people in the subdivision do not want any more apartments or condos in there. He said they back up to it. They would like to defer it if they have to, but they do not want this.

Mayor Tecklenburg said, “Yes, sir. Thank you very much. Yes, ma’am.”

2. Cynthia Perrow said if this is built it will back up to her house where all the other condos back up to the marsh. She was told they might not be able to build the same size and was worried it would tower over everything. She said there are a lot of concerns about it being built.

Mayor Tecklenburg said, “Thank you. Yes, sir.”

3. Capers Barr said he represented the property owner, Steven Unsworth, who has applied for the rezoning. He said they've asked for the rezoning to correct what most certainly was an oversight by Council in 2005. When Council rezoned the lot as Single-Family, the result was to eliminate any practical legal use of the property. It involved far more than simply restrictive covenants. In 1985, seven lots along Brockman Drive were subjected to a horizontal property regime commonly known as a condominium. He said the then owner of those seven lots recorded a master deed. In that master deed is a provision for the creation of eight different buildings of four units each. The legal effect of recording that master deed was to vest title to all eight lots, the ground, in 1/32 interests in the unit owners who then owned the individual 32 units, and who subsequently would own the 32 units. The original developer only built out seven of the buildings and left the eighth building unbuilt, the site of which is on the lot that's at issue here. In 2005 he didn't know what happened as he was not involved with it then, and he did not represent his client when he bought the property. When his client then applied for a building permit to build out what he believed he could construct in accordance with the horizontal property regime, he was told that he couldn't do that because the property was zoned Single-Family Residential. He said the problem was the ownership of this one lot was owned in 1/32 interest by 32 different property owners who have a right to ownership of the units. He said he bet all of them have granted mortgage interest to 32 mortgagees. It created a dilemma that was insoluble unless Council recognized that it was a mistake to have zoned it Single-Family after the creation of the horizontal property regime in the first place. His client was not insensitive to the concerns of the neighbors. They were sorry that the neighbors were concerned that something was going to be built on the property that would not be pleasing to them, but his client is entitled to the full bundle of rights to his land, as would anybody under the circumstances. This was not a matter of simply restrictive covenants, but a matter of title to land. The title to the land was vested in 1/32 interests to 32 different people, and it is probably mortgaged to at least 20 to 30 mortgage companies. He said the only way to cure this and to render the property once again usable, is to grant the request to rezone it back to what it was before. He believed the 2005 Council made a mistake because he doesn't think that if that Council had understood this, they would have done that. They respectfully asked Council to approve the rezoning of the property to the Multi-Family use that permits his client to use it.

Mayor Tecklenburg said, "Would anyone else like to be heard on this matter? If not, the matter comes before Council."

Councilmember Moody said, "I move for rezoning."

Councilmember Williams said, "Second."

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

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Did this go to the Planning Commission?”

Mr. Barr said, “Yes.”

Mr. Morgan said, “Yes, sir, and it was recommended for approval by the Planning Commission.”

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “Mr. Morgan, the concerns about height, what’s the height district over there?”

Mr. Morgan said, “DR-1F, I believe, would be 50 feet. I don’t think that the other units over there have been built quite as tall as that. You can see in some of the images of the street that they look like they’re more like two, two and a half stories. The units are all here on the right. You can see some of them right in there.”

Ms. Perrow said, “Can I speak?”

Mayor Tecklenburg said, “Yes, ma’am. We’re going to allow you to speak.”

Ms. Perrow said, “During the zoning meeting, they said that the buildings built there now cannot be built. They won’t cover all the new restrictions for water runoff and everything, so they said they’re going to have to be designed differently.”

Mayor Tecklenburg said, “Yes, ma’am. Thank you. Are there any other comments or questions of Council?”

Mayor Tecklenburg recognized Councilmember Wilson.

Councilmember Wilson said, “Yes, Christopher, what was the vote of the Planning Commission again?”

Mr. Morgan said, “It was seven in favor, one against, and one abstention.”

Councilmember Wilson said, “Okay. This property is in my district and I know the neighbors have been very concerned. I remain concerned with 50 feet. That could be quite a building in her backyard. I am going to vote against this, just because I can’t do that to the folks down on Brockman Avenue. This has just been such a squirrelly matter, that’s the only word for it, and the mistakes made in this body in 2005, I can so happily say were before I was on this Council. It happened a few months before, and the whole chain of events as to how this could’ve gone so badly. The fact that we’re saying now that, in spite of an SR-1 Zoning, it cannot remain that way with one home built, or even SR-1 and a third of an acre would probably be able to squeeze two homes in, and that concerns me. I can’t, in representing my district, vote for this.”

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, “Thank you, Mr. Mayor. Christopher, could you, if possible, give some insight forensically into 2005? What transpired that this occurred?”

Mr. Morgan said, “My recollection is that the Councilmember who represented the area had urged the Council to move forward with the downzoning of the property, and there was support from the residents in the area to downzone the property. So, Council voted to do that.”

Councilmember Riegel said, “Thank you.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Thank you, Mr. Mayor. Mr. Barr, can I ask you a question? The current owner/developer of the property, I know it’s owned in 1/32 interests in a horizontal property regime, but the current developer/owner of that property, when did they buy this property? Did they buy it after it had been zoned back SR-1?”

Mr. Barr said, “Yes, I didn’t represent him at that time Mr. Seekings, but he purchased it last year, 2016.”

Councilmember Seekings said, “So, it didn’t come up in a title search? No one said, ‘wait a minute?’”

Mr. Barr said, “In fairness, I don’t know whether in a standard chain of title search whether checking, examining, the zoning is in that chain. In other words, it’s not anything that would show up in the RMC office. So, one would have to question whether the zoning had been changed, then, specifically look for it.”

Councilmember Seekings said, “Is that just the corner of the end of that regime that just was not filled and built out? Is that just the back end of that regime? Is that what that is? It’s just a portion of it that it never was built out?”

Mr. Barr said, “It’s one lot. There were seven lots, and I think some of the buildings must straddle some property lines, but, yes, this was the remaining lot on which there was never any construction.”

Councilmember Seekings said, “One other question, if you don’t mind, Mr. Barr. When were all of the other units built?”

Mr. Barr said, “I don’t know the answer to that, but I think, I would guess that it was soon after ’85. That’s just a guess.”

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, “I just want to make sure I’m clear on this, and either Mr. Morgan or Mr. Barr can answer this. If we don’t grant this request, then what can be done with the property?”

Mr. Barr said, “What’s the question again, sir?”

Councilmember Shahid said, “If we don’t approve this request, what are the restrictions, and what can be done to this property?”

Mr. Barr said, “Well, as a practical matter, nothing. I don’t know what could be done, unless you could imagine a scenario where some consensus could be reached between 32 property owners and 32 mortgagees. I suggest that that’s, as a practical matter, impossible.”

Councilmember Shahid said, “Because there’s a conflict between the zoning and what the restrictions and covenants provide?”

Mr. Barr said, “It’s not just restrictive covenants, it’s a matter of title, you see. It’s not simply restricting the use, it’s a matter of title. That’s the problem. Were it a restrictive covenant, it might could have been dealt with.”

Councilmember Shahid said, “So, if we don’t take action, then what we’ve done indirectly is rendered the property worthless?”

Mr. Barr said, “I think it would render it useless.”

Councilmember Shahid said, “Which would then be constituted as a taking?”

Mr. Barr said, “I’m not using that word, Mr. Shahid, but I’ve heard that word used.”

Mayor Tecklenburg said, “Could I call on the neighbors to share a little more history about the zoning and maybe the time of when these units were built?”

Ms. Perrow said, “Okay, I did the petition for the whole neighborhood in 2005, and we went through City Council and everything. Twice since then, there have been surveyors out there, and I’ve called the City to confirm this was going to remain Single-Family Residence and have been assured that it was going to be Single-Family Residence.”

Mayor Tecklenburg said, “Yes, sir.”

Mr. Inabinet said, “Also, the other lots adjacent to it, they were owned by the same seller that this sold a year and a half ago to, the new owner, and all of the lots there were Multi-Family lots. They were changed, and I’ve got it. They were originally Multi-Family lots and then they got sold as Single-Family lots right adjacent to this lot. Now, the year that they were built, I’ve been living there all of this time, but in the ‘80s they were built. Some of those back on the marsh were built prior to ’85, and on top of that, on the application for the zoning, one of the properties on that application is the community dock for the condominiums.”

Councilmember Gregorie said, “Can you speak in the microphone?”

Mr. Inabinet said, “One of the properties that was on the request for the zoning change was actually the dock that belongs to the Condominium Association. So, how did that get in there? This thing is such a mix-up that I can’t believe that it is where it is, but the fact is he bought it as a Single-Family lot, and we just want it to stay that way.”

Mayor Tecklenburg said, “Is there any institutional knowledge from the neighborhood or from Council about the zoning to SR-1 back in 2005?”

Mr. Barr said, “Mr. Mayor, I understand that the 2005 rezoning was of many, many lots in this area of James Island. It was not just this single lot. This was just one that was swept in at that time.”

Mayor Tecklenburg said, “I see.”

Mr. Inabinet said, “Mayor, all of those lots were Multi-Family, and Single-Family homes had already been built on those same lots. There were 16 lots including this Lot #138.”

Councilmember Shahid said, “We can’t hear you.”

Mr. Inabinet said, “There were 16 lots total, and this is the last one left that’s Single-Family. On all of the other lots, they’re all Single-Family houses on those lots today. This is the only lot left back there, and all of the others were changed, but they were all Multi-Family lots, and now they’re all Single-Family houses on them, 15 out of 16.”

Mayor Tecklenburg said, “Counselor, I know it sounds impossible, but you could clear the title by getting all 32 other owners and their mortgagees to release.”

Mr. Barr said, “Mr. Mayor, I think that would be a practical impossibility. I just can’t imagine, if you think about it, think about what happens to mortgages these days. They’re assigned, they’re packaged, they’re bundled, and then they’re sold to Saudi Arabia or China. So, who in some remote location like that is going to say, ‘oh, yes, I’m going to give up my lien interest and the bundle of rights that I have mortgaged on this property.’ So, respectfully, I just think it’s a practical impossibility.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “I’ve already spoken. Councilmember Riegel, go ahead.”

Councilmember Riegel said, “Just very quickly, kind of easy questions. How much money are we talking about on this property? What did it just sell for in the last year and a half?”

Mr. Barr said, “I think this lot sold for, it was $68,000.”

Councilmember Riegel said, “$68,000. Wow!”

Mayor Tecklenburg recognized Councilmember Seekings followed by Councilmember Wagner.

Councilmember Seekings said, “Sort of the problem as I see it, you’ve got a bonafide purchaser for value with notice. He had notice, whether he knew it actually or not, he knew he was buying a Single-Family lot in an area where the people who bought next door got to rely on zoning. Remember, zoning is forever until it’s not. We’ve talked about that. People in that neighborhood thought they would have a Single-Family house spot next to them. Now, we’ve got this great collision. You’ve got a master deed that’s got some problems. I’m going to move to defer this, and the reason I’m going to do it is I would like to see the master deed. I’d like to see if there’s some way the master deed can be amended, among other things, for them to agree to some limitation on what gets built there, including the height. Fifty feet is a gargantuan, big house next to a small Single-Family ranch style house. So, with all due respect, I would like to move to defer this and if someone can get us, me and Councilmember Wilson, the master deed.”

Mr. Barr said, “I have it.”

Councilmember Seekings said, “Great, perfect, and we can go take a look at it. We’ll get this done. I know you’ve got an owner who wants to move, you’ve got homeowners who have a real problem. This is something that we have got to be sensitive to as we go forward. So, I’m moving to defer, Mr. Mayor.”

Mayor Tecklenburg said, “Councilmember Wagner, you’re good?”

Councilmember Wagner said, “Yes, I’m good with the current motion.”

Mayor Tecklenburg said, “Okay.”

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “Yes, in connection with that, is there any way that once we get back? The only question I have in my mind is that 50 feet. Is there any way that can be tapped down? I don’t know, you can’t probably do it in a zoning thing, but can you do it in some kind of restriction or a covenant or something, an easement?”

Councilmember Seekings said, “That may be where the master deed comes in, and the people who have the 1/32 undivided interest under the master deed who some or all may or may not have mortgages, some of which may or may not be in China, all of those things we need to look at. Because, I do believe that regime can voluntarily put some restrictions on themselves, because if not right now, the City’s got a restriction on them, and that is Single-Family. So, it is a conundrum.”

Mayor Tecklenburg said, “If possible, I would like to request our Clerk of Council research the minutes from that meeting where this zoning was approved to see if there was any discussion and what the intent of Council was at that time, although they passed it.”

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “I wanted to ask Mr. Morgan if there is an alternative in height that could possibly be a compromise in this? I know there are some rights on both sides here, but the 50 feet is kind of tall. So, I just wonder if there is another category, or maybe the two parties during this deferral period can get together and work something out that’s a little bit more palatable than what’s before us tonight.”

Mr. Morgan said, “Unfortunately, outside of the downtown district that you all are looking at tonight in reference to the BAR and the height districts, there outside of that area, the height goes with the zoning district, and that’s what the height is for DR-1F unfortunately.”

Mayor Tecklenburg said, “Alright. Now, Councilmember Wagner would like to be heard.”

Councilmember Wagner said, “Yes, I’m listening to this, I heard a third of an acre for $68,000, SR-1, Single-Family lot, that’s what I’ve heard. Sounds to me like it’s a Single-Family lot based on the size of it and the cost of it. I don’t know too many places you can buy a Single-Family lot for $68,000.”

Mr. Inabinet said, “Right, at least for the last 12 years.”

Councilmember Wagner said, “But, now, we’re into legalities, which I will defer to Councilmember Seekings, because he has a tad bit more knowledge of the law than I do. It’s almost like, ‘gee, we know something you don’t know, and now let’s go build this monstrosity’. All of the rest of them, I don’t know what size the lots are, but I understand they’re four-unit buildings, and on a third of an acre, that would have to be a really tall building to get four.”

Mayor Tecklenburg said, “Counselor, whoever will end up on this property if it becomes possible, Single-Family or a Multi-Family user, do they have the right to use the community dock?”

Mr. Barr said, “I don’t know anything, Mr. Mayor, about the regime itself or anything about a community dock. I might say that just to correct the record, my client has four units, or 4/32, for whatever it’s worth.”

Mayor Tecklenburg said, “That’s right. Okay.”

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, “A motion has been made to defer this, and I think until we get some more information, we need to just go ahead and defer it. So, I call for the question.”

Mayor Tecklenburg said, “Call the question.”

On a motion of Councilmember Seekings, seconded by Councilmember Wilson, City Council voted unanimously to defer Item E-1:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property on Brockman Drive (James Island) (approximately 0.32 acre) (TMS #425-11-00-138, 425-11-00-264, 425-11-00-265, 425-11-00-266 and 425-11-00-296) (Council District 12), be rezoned from Single-Family Residential (SR-1) classification to Diverse Residential (DR-1F) classification. The property is owned by 306 West Indian LLC. ***(AS AMENDED) (DEFERRED)***

Mayor Tecklenburg said, “But it will come back.”

Ms. Perrow said, “That’s fine. Thank you for listening.”

Mayor Tecklenburg said, “Yes, ma’am. Alright. The next matter is a zoning on 2240 Pinehurst Avenue, Mr. Morgan.”

Mr. Morgan said, “This is a property that was annexed into the City on May 23rd of this year. The request is to have it zoned for Single-Family (SR-1). It was R-4 in Charleston County. Here you see the property out in the West Ashley area just off of Ashley River Road. Both Planning Commission and staff recommend the SR-1.”

Mayor Tecklenburg said, “Alright. Would anyone like to be heard on this matter? If so, please come forward.”

No one asked to speak.

Mayor Tecklenburg said, “Hearing none, the matter comes to Council.”

Councilmember Mitchell said, “Move for approval.”

Councilmember Williams said, “Second.”

Mayor Tecklenburg said, “We have a motion to approve and a second, is there any discussion?”

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2240 Pinehurst Avenue (West Ashley) (0.30 acre) (TMS #358-15-00-023) (Council District 2), annexed into the City of Charleston May 23, 2017 (#2017-058), be zoned Single-Family Residential (SR-1) classification. The property is owned by Chris Mason.

Mayor Tecklenburg said, “Item E-3.”

Mr. Morgan said, “This is a piece of property that was annexed on April 25th of 2017 on Johns Island off of Brownswood Road. The request is for SR-1 in the City of Charleston. Both Planning Commission and staff recommend approval.”

Mayor Tecklenburg said, “Alright. Would anyone like to be heard on this matter?”

No one asked to speak.

Councilmember Lewis said, “Move for approval.”

Councilmember Wagner said, “Second.”

Mayor Tecklenburg said, “We have a motion to approve and a second from Councilmember Wagner. Is there any discussion or questions?”

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, “A simple question, what’s on either side? Is it a missing piece in this huge thing?”

Mr. Morgan said, “The zoning on either side? I’m sorry, sir.”

Councilmember Wagner said, “Is it a missing piece in a huge development?”

Mr. Morgan said, “No, sir. It’s a very small lot that’s in between several other Single-Family lots. Right here, the light yellow is the SR-1, right in that area there.”

Councilmember Wagner said, “Okay. Thank you.”

Mayor Tecklenburg said, “Are there any other questions?”

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property on Brownswood Road (Johns Island) (0.13 acre) (TMS #280-00-00-054) (Council District 5), annexed into the City of Charleston April 25, 2017 (#2017-042), be zoned Single-Family Residential (SR-1) classification. The property is owned by Phillip Simmons.

Councilmember Seekings said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Could we call Items E-4 and E-5 together, which is the ordinance and the zoning one for the BAR and take them both together?"

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We will now have a public hearing regarding both Items E-4 and E-5 being the BAR changes that have been proposed and the Old City Height Districts. We have a presentation from the Planning Department and guests. Marina, we're so glad to have you back with us. Mr. Lindsey."

Jacob Lindsey said, "Thank you, Mr. Mayor. Councilmembers, as you know, two and a half years ago we began a project to improve the Board of Architectural Review. Two and a half years later, some of you could probably give this presentation because you've heard it so many times. I am joined tonight, as I often am, by Marina Khoury of DPZ and Company, our consultants, as well as Ms. Frances Cantwell, who has been our trusty adviser and leader on this project. As you all know, DPZ and Company, with Mr. Duany and his company, have given us a set of recommendations to improve the BAR that have been crafted in conjunction with preservationists, with architects, with developers, with landowners, with neighborhoods, with your input, with many, many stakeholders involved at the table over the course of all of this time. What we have before you tonight are three primary changes.

The first are improvements to the BAR's principles, and in fact this is the first time the BAR has had such things, guidelines or principles. We also have improvements to the ordinance, as well as changes to our heights. Now, there is a fourth component to this which does not come before you, but your changes to the Board's procedures. Those are adopted by the BAR, not by this body. So, those are the three things that are before you. Now, the first, you can all read this I'm sure, are the principles. We've talked about this before. These are a set of guidelines that empower the BAR to create buildings that are more like those native to Charleston, not buildings that are native to Charlotte or Atlanta. You all have seen the big, boxy, new buildings that have been built that were our concern when we began this work. These guidelines empower our Boardmembers to make buildings more like our City, and they do it by making certain things easier and certain things harder. For example, buildings in Charleston generally have vertical proportions. If you look at our windows, they are vertical, taller than they are wide. That's a native Charleston trait. We don't have a lot of horizontal windows. That should be easier to approve, if a building comes before the Board with vertical openings. It should be harder to approve if it has linear openings, more horizontal. Now, it's not impossible if someone wants to design a really creative out-of-the-box building, it's not impossible, but it should have more scrutiny, and the Board should

weigh it in regards to these principles. So, that's what they do for the Board, and we talked about materials. If it's real materials made out of wood and brick and things that are native to here, great. If it's made out of composite materials, that should be harder to approve. That's what these principles do. They also, of course, make the Board's decisions more legally defensible.

Now, we have a set of ordinance improvements. Those are all in front of you, as well, and the main points to these ordinance improvements are, first of all, we have defined height, scale, and mass in the ordinance. That makes the decisions of the Board more legally defensible in our opinion. We have also updated the definition of demolition. What does this mean? You all have seen buildings that have been taken apart piece by piece and then reassembled constituting demolition of the building over time, very slowly. Now, that constitutes demolition. This is a major improvement for the upper portions of the Peninsula that do not have BAR full review. However, a removal of the majority of the components of the building do constitute demolition and would bring them before the BAR for approval. This is a great thing for neighborhoods on the Upper Peninsula. The Board has been granted a limited power to shape buildings. They can still sculpt buildings, they can push mass around, they can move mass, but it's within a general confine if they don't take away the underlying land rights. This is a power that they really didn't explicitly have before, and the last thing, for the first time ever in our process is, we have prioritized affordable housing. We have a cap on the number of projects that can go before the Boards, affordable housing projects, if they come, immediately go straight to the top. They are always going to be on an agenda, and they go to the top of the agenda. This is the first time we have ever prioritized affordable housing in our system, and with that, I'm going to turn this over to Marina Khoury for this portion to discuss our height changes."

Marina Khoury said, "Thank you, Jacob. Good evening everyone. So, one of the major changes we recommended and that actually came out of the guidelines workshop we had here back in March of 2015, was to change your heights measurement from feet to stories. For those of you who were here in February, you heard me say why, but just to recap, we think it's better for the historic preservationists because as Jacob was saying, it will prevent the squatting of trying to jam in an extra story where it's not warranted because you do have vertical proportions in Charleston. We think it's better for the property owners and for the developers because it will allow them to adjust their heights to whatever the uses are, and also Residential, for example, requires a different height than Commercial. It will also allow them to adapt to different market conditions, depending on where they are in the City. It's better for the architects because it gives them additional flexibility and creativity with roof forms and heights of buildings. You won't get the 55 feet across the board, you will get that natural variation that happens, and we think, most importantly, it's better for the residents and for the public because for the residents who live in those buildings, it's better for them from an environmental and quality standpoint because you get better air and ventilation circulation. It's also just more beautiful. I think most people would argue taller ceiling heights are more beautiful, and it's a more gracious way of living, but for the residents, it also creates a greater level of predictability in terms of what you're going to see. Most people tend to understand four stories, five stories, three stories better than they do 55 feet, 50, 60 as an example, and the same holds true for step backs. Instead of stepping back for six feet or ten feet and going up, you will step back a story or something like that. That, again, is more easily understood for your average person. So, not every district has moved to height by stories, but the vast majority of them have. The Board may adjust the floor to floor height where needed. So, for example, South of Broad residential floor plates have a height limit, but South of Broad, they have much taller floor plates. So, in some rare cases, they may grant additional capacity for residential height. They can also take down the height. They can also say, like the issue you were discussing right now, the very first one when you said, 'let's establish standards', there may be standards in which they say, 'yes, you are allowed to do a commercial building or a residential building, but you're not going to be

allowed to do 14 feet floor-to-floor. We may require you to do 10 or 11,' and they'll bring down the height by every single story of the building, which one could argue is more than just taking down the story arbitrarily. They may adjust the height upwards, as well. We want to encourage property owners and developers. They're going to be held to higher, more rigorous standards. So, when they come forward with a project that really has what is being called exceptional architectural merit based on context, based on adherence to those principles, maybe they should be granted an additional half story up, or in the higher districts, an additional four-story. Similarly, the Board can take down height up to half a story if they feel it's warranted based on the prevailing contextual conditions.

We also added language that says accessory buildings must be subservient to the primary building, simply because we're seeing too many buildings go up that are taller than the principle building in front, and that's just not right. Then also, there are general requirements in the documents you have. Those are regulations that are applicable to all the different zones, and then there are specific regulations to each zone. One of the general requirements we have come up with is a height-to-width limit because of the certain kinds of, as Josh termed, 'rocket houses' we're seeing here, homes that are very, very tall and very narrow, and they just feel like they're not of the right proportion. We've established a rule that says the building cannot be twice as tall as it is wide, because as we went around and really documented your architecture and the character of your buildings, we noticed that this is a real pattern. So, the BAR has the right to waive that in the rare exception that someone comes forward with an exceptional design, but more often than not that will be the rule that most property owners know that they'll have to go in front of, that they'll have to justify, if they choose to deviate from that. We did hear from the developers, and there's been significant reduction in heights in some areas. The property owners, I was surprised, are willing to accept that, and they're willing to even be held to different standards, if there's a more predictable process at the end. If they know that they're not going to be subjected to sort of arbitrary rules. I'm not saying the BAR was arbitrary, but if there's a greater level of predictability, they were willing to accept these additional standards. So, we felt that was encouraging.

Now, here are your Height Maps. Basically, most of you know it very well, the existing heights. If you can see the difference between this one and the new one, it's being very much contextualized as to the existing fabric. There has been a lot of discussion and scrutiny trying to tailor the heights and balancing what's allowed with what really makes sense, given the context of the district in which they are in. So, that's what we have. We went to different colors, too, because when you move to a different system, it's good to have a different color, so people get an understanding of what that should be. Jacob's going to explain what's going to disappear, hopefully, what our hope is, going to disappear with these regulations."

Mr. Lindsey said, "This is a slide show that we call the 'House of Horrors'. These are buildings built, or under construction, which would not be possible under the new ordinance, and I'll talk about why. This is a unique case. This is a building which is not in BAR jurisdiction. Some of you have districts where you don't have BAR jurisdiction everywhere. Well, for the first time ever, the height rules have been codified in the ordinance. So, this will actually improve buildings that do not have BAR jurisdiction, by virtue of the fact that the heights-by-stories is in the ordinance itself. This is a really wonderful thing. So, this building, why would this not work? It violates the height-ratio rule. Its primary elevation is more than two times taller than it is wide. It doesn't need BAR review. It will automatically be better. The 'House of Horrors' here is, of course, not in the front, it's the 'rocket house' in the back. This district will have a two and a half story maximum. The same here, you see them here, and this is actually a 'two-for' because we not only have the rocket houses in the back, we have a mullet house here. Mullet house, you see that, 'business in the front, party in the back,' see how it pops up in the back? Here's another one. This is significantly

taller than what will be allowed in this district. These are improvements that pertain to BAR jurisdiction and not. The same goes here, and in this case, first of all, this is too tall than what would be allowed in the district, but also this is an interesting rule which pertains to flood elevation. So, we have a six-foot maximum for flood elevation. How does that work? In a two and a half story district, the building can be elevated up to six feet above the ground and still be allowed two and a half stories above, but if the building is elevated more than that, if it's elevated eight or nine feet, well, now, it counts as a story, and only one and a half can be built above. The reason is to prevent buildings from popping up above their context, keeping buildings in context with their height. These are the kinds of buildings which would be brought into context, right, in keeping with what exists. This is actually one that runs afoul of multiple rules. First of all, the building in the front would be subject to demolition review because it's being taken apart piece by piece and reassembled. Well, that now constitutes demolition. So, we have that issue. The one in the back, if you can see it back here, runs afoul of the fact that it's an accessory building bigger than the primary structure. It also is elevated, and it's also taller than what's allowed. Then, I'll end on this one. We could keep going, but I'm going to end on this one. These are the kinds of buildings that would be brought into context, reined in by these height changes.

Now, we'll talk about, you all know that we've done a tremendous amount of engagement on this. I'm not going to go through all of these things. This is coming to you with an 8 to 1 vote in favor from Planning Commission, and in the past couple of weeks, we have been to the Chamber, we have been to Harleston Village, we have been to Ansonborough, we have talked to folks from Radcliffeborough, we have talked to the Eastside, the Westside, we have talked to Wagener Terrace, maybe I'm leaving a neighborhood out, Charlestowne and North Central. Thank you, Councilmember. We have talked to the Peninsula Consortium about this, but just recently, another round of outreach directly to the neighborhoods with, I will say, and many of you were there for those, an overwhelmingly positive response from neighborhoods. You all have seen our purple flyers everywhere, everywhere, everywhere, all over town. So, plenty of notice has been given, a lot of ground has been laid for this work.

The last thing that I'll go through, which is on your desks, are a set of updates. There are five of these. We're going to go through them quickly. These have changed since the Planning Commission vote. These are specific areas on the Heights Map that have changed in between the Planning Commission and when it lands on your desk. So, we're going to walk through them. This is at the Septima Clark Parkway turning into I-26. This is King Street right here, St. Philip Street is right here, and we're looking at this zone, which is mostly owned by the Post and Courier, and this will be its future project. So, this is a minor adjustment to the six-story district line, minor adjustments. This zone here, we're down by the College of Charleston, this is King Street, it pivots here and goes down, the College of Charleston is right here, St. Philip Street is right here. This L-shaped zone we had at four stories, this was an error on our part. Previously, it was 80 feet, so it now comes to you with a six-story district on it, which is a correction from the previous error. In this case, we are on the upper portion of the Peninsula, Mt. Pleasant Street is just up above, we have Meeting, I-26, I-26 and King Street right here. This area that you see right here in between King and I-26, this zone between Poinsett and Achurch. So, what's our southern most boundaries? So, in any case, this triangle right here has gone from four to two and a half stories in keeping with the context, taking it down from where it was before. By the way, all of Westside, Wagener Terrace, Hampton Park Terrace, are all two and a half stories. They've really come down from their previous 50 feet. Last, a very minor adjustment on this site, the one that we know as the AAA property right here, this is at Meeting and Sheppard Street. This is the eight-story line. It has been adjusted, just here, by about 25 feet to accommodate a specific plan, a very small line adjustment. Then last, an error, an omission on our part, the Sergeant Jasper property previously labeled 3X is now labeled 3X, but also is subject to the Gateway Overlay which you all approved caps, the height

of the building, volume, and all of those things. So, just a clerical error on our part. Those are the map changes that happened between Planning Commission and here with their minor adjustments and scrivener's errors. Then, the last portion is a text adjustment. She doesn't want me to, but I'm going to call upon Ms. Frances Cantwell to describe this last portion to you."

Ms. Frances Cantwell said, "Thank you, Mayor, and members of Council. As Jacob described, we've been meeting and since you all gave this ordinance first reading in February, there have been a series of meetings with a number of stakeholders. The ordinances that are in your packet tonight, you will notice that they have red print, and that print, what we had done is we have incorporated as many of the suggestions from the stakeholders as we possibly could that were consistent with one another. That ordinance that's in your packet is the ordinance that the Planning Commission blessed by an overwhelming majority. Since the Planning Commission, staff has continued to meet with interested parties. For some, we sought their input, others sought us out for even more clarification on the ordinances. So, the height changes that Jacob just went through with you are suggestions from post Planning Commission meetings, as is the proposed amendment that's on the screen which would be to Section 54.240(c). We would be adding a sentence to that provision that, as Jacob alluded to earlier, would reinforce the ability of the Board to sculpt buildings. In other words, to make sure that their forms and proportions are esthetically pleasing and are consistent with their context and, of course, it's always bottomed by that you cannot go too far, you have to recognize your rights under the underlying zoning, but we thought it was important to affirmatively state that the Board does have the right to sculpt buildings. They've been doing it for 81 years with this amendment that's before you tonight with limitations, and a new Height Ordinance. We think that it strengthens their authority, and we think we're going to have a lot better buildings. So, we would respectfully request that you consider, as you debate this tonight, not just the ordinance that's in your packet, but to consider incorporating the amendments that are also in your packet that Jacob and I just presented."

Councilmember Gregorie said, "Frances, quick question. In addition to the red writing are there also some places where there is yellow and gray added in?"

Ms. Cantwell said, "In your packet?"

Councilmember Gregorie said, "In the packet?"

Ms. Cantwell said, "Is that on the map?"

Councilmember Gregorie said, "Yes, not just the red, there are some other, at least in mine, there was more than one color."

The Clerk said, "Councilmember Gregorie, use your microphone for us, please."

Councilmember Gregorie said, "Oh, I'm sorry. As I looked through mine, as I read it today, I saw some additions to the red sections that were in a different color, and I just wasn't sure."

Ms. Cantwell said, "Were they a different color red?"

Councilmember Gregorie said, "No, like yellowish, gray or something. Maybe not."

Councilmember Williams said, "It might be the printer."

Councilmember Gregorie said, "I don't have mine with me, so I can't look."

Ms. Cantwell said, “Councilmember Gregorie, can I come look and see what you’re talking about?”

Councilmember Gregorie said, “Yes, and, Jacob, a lot of those buildings just happened to be on the Westside. I think that you’re being quite responsive to the requests from Councilmembers Lewis, Mitchell, and I when we had the meeting that we had to do something about it, and I think this does it for us. I appreciate it.”

Mr. Lindsey said, “Thank you.”

Mayor Tecklenburg said, “Alright. Mr. Lindsey, did you have any further remarks or presentation?”

Mr. Lindsey said, “No, sir.”

Mayor Tecklenburg said, “Before we open it up to the public, did Council have any questions? I’m happy to wait until after we . . .”

The Clerk said, “I think Frances wants to clarify.”

Ms. Cantwell said, “I just wanted to clarify.”

Mayor Tecklenburg said, “Oh, I’m sorry.”

Ms. Cantwell said, “Councilmember Gregorie pointed out, and he is correct, that you have red, and then you have a lighter shade of red. That was my fault because I’m not very good at the computer, and so I didn’t punch dark red throughout as I should have. But what you see, or whatever changes are here is what the Planning Commission voted on.”

Councilmember Gregorie said, “Okay, thank you.”

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “Yes, while Ms. Cantwell is there, just a couple questions, or, Jacob, would you define, clarify because I think there’s somewhat of a misconception when you say half-story, that if you’ve got a 20 x 20 room with 10 feet you’re talking about a 10 x 10 with that same, you’re not talking about a 20 x 20 for 5 feet. Is that right?”

Mr. Lindsey said, “That’s correct, Councilmember. So, for example, let’s assume this is a story. A half-story doesn’t mean that the ceiling would be lowered halfway down. A half-story is the area enclosed underneath the gable. If it’s a room that you use inside, or one-half of the footprint of the building, if it was a penthouse-style arrangement, it doesn’t mean that it’s physically lower. It means that it’s one-half of the area of the footprint of the building.”

Councilmember Moody said, “Right, and the other thing that I would like our attorney to answer is, if we approve what’s here tonight, that this half, the lowering, that does not constitute spot zoning. In other words, if you take a specific piece of property and you reduce it by a half-story, my understanding is that’s not spot zoning, and so it wouldn’t be afoul of the law. Could you explain that?”

Ms. Cantwell said, “Yes, sir. Because the authority of the Board to reduce height one-half story can only be exercised in limited, defined circumstances, and so, they cannot take a half-story away unless the prevailing, the predominant structures, or the substantial amount of structures, more than a majority of the structures in the block, are out of line with what the Height District is. It would not constitute a taking in my opinion, and it would not constitute spot zoning, because the authority is given there, and you’re given clear bounds on the discretion that the Board can utilize.”

Councilmember Moody said, “Alright. Thank you.”

Mayor Tecklenburg said, “I believe Jacob had one more remark to make.”

Mr. Lindsey said, “Thank you, Mayor. Just one thing that I forgot in my presentation which is that, for the first time that I know of, we have a provision built into this ordinance that this will come back in six months for review. We’re going to track projects. This is a lot of stuff, and there may be something that we missed. There may be something that isn’t working, that we thought would work. We’re going to bring this back in six months and just revisit it and make sure that everything is functioning the right way. So, we have a little bit of a second chance to correct things that might not work properly.”

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, “I’m going to use a couple minutes here to get educated, if it’s alright. The first one is for Frances.”

Councilmember Lewis said, “We need to have the public hearing before Council.”

Councilmember Wagner said, “Yes, okay. I’ll defer to the public hearing.”

Mayor Tecklenburg said, “Okay, that would be great. Terrific. Thank you, Councilmember Lewis.”

Councilmember Wagner said, “Thank you.”

Mayor Tecklenburg said, “So, we’re coming back in six months for a review, and I also wanted to remind Council and our citizens who are interested, that when this matter first came to this City Council earlier this year. In order to give this as much deliberation as possible, we decided that we would split second reading from third reading. Normally, we’ll pass both of those in one night, and we’d be done, but tonight it’s on the agenda for second reading only. So, there will be another opportunity for more comment and additions before this comes back to Council again, in July, for third reading. With that being said, the public hearing is open, and I would ask citizens who are interested just to queue up on both sides of the room, and we’ll go back and forth. I presume a number of people would like to be heard. Please introduce yourself, and try to speak right into the microphone. It really helps for everybody to hear, and it’s being transmitted to the speakers out in the hallway, as well. Please come forward. Mr. Gurley.”

Councilmember Mitchell said, “Mayor. Just to remind them that this is not Citizens Participation. It’s only for this particular item that we are talking about.”

Mayor Tecklenburg said, “Right. This is only relevant to the BAR changes and the height districts that we’ve just been discussing. Mr. Duell, why don’t you start?”

1. Charles Duell said he was a former member and Chairman of the Board of Architectural Review and that we are fortunate for the success the BAR has had in helping guide the preservation of Charleston over the last 85 years. He stated we should remind ourselves of the historic zoning ordinance of 1931 that established the BAR and what a success it is, and to imagine Charleston without it. He stated it is also an ordinance that has been copied and has inspired cities all across America to adopt. He said he doesn't want to talk about himself, but he's also served as trustee and Vice-Chairman of the National Trust for Historic Preservation and they would hold up the Charleston ordinance as a model for other members to see. He said any proposed changes must really be considered with a great deal of caution, and he thinks that the concept of dividing the Board into two parts, to have one addressing larger issues and one addressing smaller buildings, makes excellent sense. The Board has been unbelievably overburdened and continues to be overburdened as building keeps going on in the City. He stated the one thing that he's really concerned about is determining the appropriate height, scale, and mass for a proposed building in the context of its proposed location, and that's something you really can't quantify. He said you can talk about stories, but basically the judgment has to come down to looking at the building in the context of the environment that it's going to be built, so he encourages them to be very cautious in any changes to that. He said it's very important to continue the power to make that judgment the responsibility of the BAR, and it would be very emasculating to take that away from the BAR. Mr. Duell said when he was on the BAR, very few City Councilmen came and the Mayor came occasionally but very infrequently. He said that representatives of the Preservation Society and Historic Charleston Foundation are at every BAR meeting and make contributions that are extremely significant and he thinks they will give thoughts, recommendations that he hopes Council will listen to very carefully as they are the experts who really know how to deal with these kinds of issues.

Mayor Tecklenburg said, "Thank you, Mr. Duell. Appreciate it. Mr. Gurley."

2. Robert Gurley said he is the Director of Preservation for the Preservation Society of Charleston and he thanked Mr. Duell for his kind remarks and his contribution to the beauty of this City by his long service. He said the Preservation Society appreciated the opportunity to work with City staff and the consultants on the proposed amendments to the BAR and the height districts. He said the effort by staff, with the team, has been intensive, and it has resulted in some good ideas and recommendations. He said, however, their core concern remains that the proposed amendments will fundamentally undermine the authority of the BAR. For that reason, he said that they don't believe that this amendment is ready for approval at second reading, and they ask that it be deferred. He stated, as currently proposed, these amendments are trading in the long-held principle of compatibility for one of predictability. He said this design for predictability favors big developments while undermining the ability of the members of the BAR to make informed decisions that will protect the nuanced character of Charleston's Historic District. He said they believe that these amendments should be deferred, as there are still too many issues unresolved, and you can see that the ordinance is in different colors and the things being amended and things have been changed. He stated Council's decision is too important to be rushed. These amendments will be this City Council's legacy for the next 85 years, and they want everyone to know that the

Preservation Society of Charleston stands willing, ready, and able to continue this conversation to ensure that everyone's legacy will be one of which all can be proud.

Mayor Tecklenburg said, "Yes, sir. Mr. Whittle."

3. Frederick Whittle said he lives at 871 Robert E. Lee Boulevard, and he works for a company that develops downtown. He said he believes that the City staff and all of the people that have worked hard to bring this ordinance to this point deserve the chance to put this into action and, as the Mayor has promised, to come back in six months and see whether the concerns of those who oppose it have been realized. He stated this has not been rushed, as it has been going on for two and a half years, and he would like to see it come to a head and be put in place, so that the principles that have been defined so well can be worked where they have worked elsewhere. Everyone who lives in the City is very proud of the work of the BAR and the things that they have done to positively impact how buildings look in the City, and also what the Preservation Society has done to preserve those buildings which are so beautiful and sought after for people to come and visit.

Mayor Tecklenburg said, "Thank you, sir. Mr. Watson."

4. Joseph Watson said he has lived at 62 America Street for 59 years. He stated his concern about the proposal is that it must go to all three or four of the Boards and he wants everyone to look at this from a human aspect. He said when they go to these meetings very seldom do they understand what the community really needs, that mobility, that desire of what livability is. He stated he gave a proposal for the height and a buffer zone to the Mayor some time ago and he wanted them to look at that, because, within that corridor of Meeting Street/King Street District, if tall buildings are allowed or a high density, it will create a problem with their area because Charleston has only narrow streets, and no proposal has been addressed at any of the meetings they have attended. He said this is something that has to be addressed. He stated at the corner of Spring Street and Meeting Street, less than 30 feet as well as other corners in town, a tall building there and the traffic going around very easily and won't create a livability issue. He said they must look at this from another point of view. Mr. Watson said they're losing the historical and livability aspect, and he would like to see 1 x 1 or 2 x 2 bannister spokes be banned as they take away from the character of the buildings, and the bannisters are not strong because they're not recessed on the top, and the bottom doesn't have a strong base. He wants them to look humanly at this and to be allowed to express the human values at the Boards.

Mayor Tecklenburg said, "We welcome back to Council Chambers former Councilmember Kwadjo Campbell."

There was applause in the Chamber.

5. Kwadjo Campbell said he was speaking from two vantage points as a real estate developer and as a long-time resident of the Eastside. He said, riding down Line Street, he saw one of the buildings that Jacob was showing on the screen and he questioned what was happening to his City. He said it does his heart good to see the Council taking on this challenge. He stated, from a real estate side, they are dying for predictability in the City of Charleston and this will benefit real estate

developers, but also will help property owners on the Eastside trying to develop property. He said he remembers being at a Board meeting, and the Board reduced the economic impact of that building for that property owner. It was based off the opinion of the Board members; there was no science or predictability involved. He said, if there had been some predictability, that homeowner wouldn't have been frustrated. He believes predictability is positive, and he commended the Mayor and City Council for taking this step in a positive direction.

Mayor Tecklenburg said, "Yes, sir."

6. George Ramsey of the Charleston Metro Chamber of Commerce supported the proposed changes to the BAR Regulations. He thanked the Mayor and Council to get to this point. He stated they do have a couple of concerns, mainly the ability to lower the height by half of a story, but they agree that they have wisely suggested to come back in six months to take a look and review any possible changes. He thanked the Mayor and Council for their time and leadership.

7. Blan Holman said he is President of Cannonborough-Elliottborough Neighborhood Association and they are happy to have Councilmembers Lewis, Mitchell, and Gregorie represent their association. He said their association hasn't had a chance to vote on this but there is very strong support in their neighborhood, which was shown in some of the exhibits, for having human-scale buildings, and he thinks that's whats defining this in terms of stories instead of feet will do. He said big buildings were coming in, and the haircut was more of a flat top, big giant buildings that are all the same height. When you define it in terms of stories, you're going to have some variation, and the stories are defined by the use of humans in those buildings. He thinks the result is going to keep some needed human scale, especially in his neighborhood, where they are right up against some of these very tall buildings, it will reward excellence, and it is really needed. He said they don't want generic buildings, they want excellent buildings, and this is a good first step. He stated there are some details still to be worked out and they look forward to being involved in that process.

Mayor Tecklenburg said, "Thank you, sir."

8. Winslow Hastie said he represents the Historic Charleston Foundation and he reiterated what was said earlier about this being a very collaborative process. They have really appreciated working very closely with the City staff, with the DPZ team, and Mrs. Cantwell. He said they think there's been a very good process. He stated when this came to the Planning Commission a couple of weeks ago, they were 98% in support, and they had some issues with some language. They've been able to sort of massage that language and achieve a really solid balance between the clarity and predictability that everybody is seeking, but also the latitude for the BAR, to be able to make buildings more compatible to their immediate surroundings. He said this is a huge leap forward in terms of modernizing the BAR Ordinance and modernizing the Height Map. He stated this was the first time that the heights on the Peninsula of Charleston were actually responsive to their context. Being able to build into it some latitude, but again defining what that latitude is to the BAR, they think is good. He said they are in full support of the project and proposal, as submitted. He said, of course, there are going to be minor edits and scrivener's

errors that need to be addressed as they move forward, but they are in full support as amended at second reading.

Mayor Tecklenburg said, "Thank you, sir."

9. Ron Owens said he is the CFO of the Evening Post Industries and Post and Courier owns 11 acres in the Upper Peninsula area. They commended the Mayor, City Council, and the Planning staff for this huge effort over many months and years that's gotten them to this point. He said it takes a comprehensive effort to address the building heights and to clarify the BAR role, and they think that this proposed ordinance and adjustments help promote certainty and sustainability in the context of the rich history. He stated they support the City's proposal, with the changes that the staff recommended, because, from several perspectives, they believe using stories versus height is the proper approach and the BAR serves an important role in encouraging good urban planning and great architecture both in large and small buildings. He said having clearer guidelines for the BAR is a step in the right direction, however it evolves and changes over the next six months or so. He stated that with many properties that were affected, it's hard to satisfy everyone. He said, as an example, they didn't get exactly what they were hoping for out of this proposal, but they have a unique piece of property with 11 acres in Phase 1, and there are some trade-offs throughout this process. He stated they were hoping to get a special district, but they understand from the City why that didn't work out, and they're prepared to come back to City Council and to the City to work on a PUD to establish flexibility and deliver on a mix of uses, great buildings, and open spaces that are appropriate and have the right amenities for the City and project elements that truly fit the community and neighborhood and further enliven Upper King Street. He thanked everyone for including them in this process, which was a very detailed and painful process, but they think this is a great step in the right direction.

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

10. Ginny Bush said she lived on Water Street and is President of the Charlestowne Neighborhood Association. She thanked the staff, particularly Josh Martin and Jacob Lindsey, who were patient enough to have a prolonged discussion with her about certain suggested changes in the proposal that everyone had in their packet tonight. She said the goals of these amendments are largely noble, valid goals, clarity, guidance to the BAR, diminishing the risk to the City of litigation by a disappointed applicant, tightening up the powers of the BAR so that they have guidance, and providing them principles. She said all of these are good ideals. She stated the problem is that this version is still riddled with loopholes, uncertainties, errors, ambiguities, and unintended consequences. She stated the goals are fine, but the words might trip things up. She hopes the amendments, as written, can be substantially improved, and it can be done in the very near term.

Mayor Tecklenburg said, "Thank you very much. Yes, ma'am. It's such an honor to have you with us."

11. Barbara Ellison said she is a retired member of the Planning Commission. She spoke generally with regard to the BAR and said in 1949 the Colonial Commerce Commission had its authority stripped from it, in the course of certain activities. She urged City Council to avoid any appearance of stripping the BAR of any authority,

and she thinks the proposals are excellent, but she doesn't think they are specific enough. She said it is obviously thorough and thoughtful steps in the right direction, but she is also concerned about unintended consequences. She encouraged Council to defer this and go further and be sure not to strip the BAR of its authority.

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

12. Teresa Smythe said she is a member of the Charlestowne Neighborhood Association and part of its BAR Committee. She stated she is concerned about specific procedural issues, such as, notice to adjoining property owners. She said they get the notice today by a yellow piece of paper that's stuck on a gate with some scotch tape and a dog can get it, rain can get it, or someone could be out of town for that 30 days. She also said the property might be right next door or contiguous to the property that's being affected or discussed but you don't get notice because you live around the corner and never drive down that street. She stated her concern is that they should have had actual notice to all adjacent property owners. She knows the City staff is overwhelmed and she doesn't think they should be burdened with that, but it should be a burden upon the person applying to the BZA or the BAR, for a change, that they give actual notice and proof of that notice to the Board they're appearing before. She thinks this should be added in the details and that this should be deferred for further thought and investigation.

Mayor Tecklenburg said, "Yes, sir."

13. Gerry Shauer said he represents the Historic Ansonborough Neighborhood Association, and he thanked Jacob Lindsey and Josh Martin for coming to their neighborhood association meeting recently. He said they learned this was something they had been working on for quite some time, with some great leaders, and with a lot of input from the community. He stated that Ansonborough supports this and they think that it's a very good thing for Ansonborough, but even more importantly, it's a good thing for Charleston. He stated they think there are things that can be improved and they're glad that they're going to check up on it in six months. He said they support it and asked everyone to support it as well. He said Councilmember White is their Councilmember and he was not there, but they hoped he would also support this."

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

14. Adelaide Bennett said she lives on Meeting Street and she is a member also of the Charlestowne Neighborhood BAR Committee. She focused strictly on BAR composition, and she said they were disappointed that the City was not informed about the DPZ's recommendation, that one of the two architects appointed to the BAR should be a traditional architect. She said they are of the opinion that this has resulted in a BAR unduly influenced by architects, who, themselves, practice modern architecture, but attempt to stand out as different and counter to the texture of the traditional city. There seems to be too few BAR members who are actually residents of the Historic District and may not have the innate sense of place and devotion to preservation to understand the subtle erosion of the architectural integrity of our neighborhoods. She said a person who has lived for decades in a historic area may well have a better sensibility of what is appropriate for preserving

the neighborhood than someone who has been trained in contemporary design, but never lived with traditional architecture. She stated it doesn't matter whether you're looking at a house on Line Street or Legare Street, each of these neighborhoods has a unique flavor that is understood by those who have lived their lives in these neighborhoods. She said their recommendation for the BAR-Small is that the ordinance be amended to require that one of the two architects be a traditional architect and that at least one half of the BAR-Small members be residents of the Historic District. She stated they do not feel that the composition of the BAR-Large needs to be changed, in that BAR-Large deals primarily with new modern construction and the BAR-Large members have sufficient connection through their business or residence.

Mayor Tecklenburg said, "Thank you very much."

There was applause in the Chamber.

Mayor Tecklenburg said, "I ask for no outbursts in the Chamber, please. Thank you."

15. Susan Lyons said she lived on Gadsden Street downtown and she loved the City but she's very worried that development and bigger buildings are steamrolling through with impunity. She gathered, from speaking with a few people and from listening to Jacob at his presentation, that this is a really complicated process that the City is involved with and, even though it's been going on for a while, a lot of other things have been going on for a while, too, and there are approvals for buildings that are overwhelming for those who live in really comfortable neighborhoods. She is concerned that the character of Charleston and the character of her neighborhood could well be compromised if those details aren't carefully dealt with, and the concept of the BAR as the last word is unusual and has contributed so importantly to what's made Charleston unusual. It would be a terrible shame to see that go down the tubes for the sake of more development.

Mayor Tecklenburg said, "Yes, sir."

16. John Darby of the Beach Company said they had been headquartered on King Street for over 70 years. He thought if ones not extremely happy, everybody should realize they had a pretty good ordinance in front of them. He said there's a lot of compromise in the ordinance, and he doesn't love it, but he supports it. He said the staff has done a great job of reaching out to the property owners, their consultants, and it appears they have done the same with all of the neighborhood groups. He urged the Mayor and Council to move it along, with caution on a few things. One is keep it going, because if it's deferred or paused, it just tends to get messy, misinformation, social media. He said this thing has been really well-vetted for a long time, and he can't imagine anyone wanting to defer it because they don't support it, so he urges everyone to do that. He stated the idea of elected officials giving volunteer Board members the ability to adjust height is a slippery slope, and he doesn't know if it's worth jeopardizing the ordinance, but they have time to study that, and maybe, between now and the third reading, they might give that some more thought. He said the other thing that is very bothersome is the only way someone can appeal the BAR is in the Circuit Court which is a horrible way to do business. He said there are only a few people that could afford to go through that system, time and financially. It's not just tough on the applicant, it's tough on City

staff and the community. He stated they shouldn't have disagreements pertaining to architecture going through the court system. He doesn't know how to resolve that, but they should put that in their thought process as well.

Mayor Tecklenburg said, "Thank you, sir. Yes, sir."

17. Mills Buxton said he was with the McAlister Development Company, and the bulk of their work on the Peninsula over the last 25 years involved reducing the impacts of college students and their cars in residential neighborhoods by relocating them onto or adjacent to the college campuses. They would like to applaud the staff and the consultants and all of the stakeholders to help bring this ordinance forward that they very much support. He said they would like to ask that, prior to final reading, there be some research into how the ordinance interfaces with the PUD approval process and how that will translate into how a site can be governed for specific sites moving forward.

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

18. Carrie Agnew said she has lived downtown for almost 20 years now and she was greatly appreciative of all the hard work that's gone into this ordinance. She knows that there are a lot of details and a lot of different ways to look at things, which is her big concern. She said if this was just pertaining to the BAR-Large, she would be fine with it, but the Historic District downtown is a myriad of different streets, locations, and different looks and neighbors, and if they don't take into account how this could affect them, even in six months, a lot of damage can happen. She thinks that they should wait until it's ready and they're sure. She said you can't put the worms back in the can, and they must get it right the first time. She thinks it's an important thing, and it's great to have the BAR have specific guidelines and specific roles, but they also need to understand these half-stories and notices to neighbors when other things are happening. She said they just can't go backwards, and they've got to remember the City is too important, and that's the reason people come to the City. They don't want to give it up, at this point.

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

19. Arthur Lawrence said he is the President Emeritus of the Westside Neighborhood Association. He thanked the Mayor, Council, and staff, and he said they had the meeting at Burke and two meetings at the Arthur Christopher Center. He hoped they passed the ordinance because it protected the Westside Neighborhood Association and their residents. He said they don't live in the Historic District, but they have the same values, the same things, the Freedman's Cottages, the wonderful homes, but they wish this had happened two years ago. He stated there are more monster houses, and they do not want any more built in the Westside. He said this ordinance protected those citizens who live in their neighborhood, protected those Freedman's Cottages, protected the way their neighborhood works and lives, and they cannot allow this to continue in the City. He stated it has changed the whole dynamic of the neighborhood, so they pleaded to pass the ordinance and move forward. He said they make laws in Washington, D.C., but they go back sometimes to make changes to make sure that they protected the people who sent them there. He stated time is not on their side.

Mayor Tecklenburg said, “Thank you, sir. Mr. Idris.”

20. Mohammed Idris said history is catching up and that when the City started building condominiums and putting people out of their homes that had been together for over 80 or 90 years on Concord Street, no one said anything. He stated the City came in with their Urban League to do this, and some people struggled for years to keep their homes. He said years ago City Council tried to make this a little New York or a second New York. He said it’s not so much about height of a building, but the tax on the poor people who are struggling, and he looks at it from a scriptural point of view. When you look at Columbus and Meeting Streets, they look horrible. He said the Post and Courier that is building on the corner is moving poor people out. He stated they invite the people to the BAR meeting, but when you put a sign in a poor person’s neighborhood that says ‘BAR’, they’re not coming to that meeting. He said the BAR Association has promoted the bars up and down King Street because of the Urban League. He asked about the rush and why it couldn’t be deferred. He said they know the taxes are going up and it looked like the barn gate was trying to be closed after the horse ran out. He said they are asking the Mayor and Council to do the right thing, and they know what the right thing is, because this was the City that succeeded from the Union, and history was catching up.

Mayor Tecklenburg said, “Thank you, sir. Would anyone else like to be heard on this matter? Could we ask the Fire Marshal, are there any other folks in the hallway who would like to be heard on this matter?”

Councilmember Seekings said, “The BAR matter. Move for approval, as amended.”

Councilmember Williams said, “Second.”

Mayor Tecklenburg said, “We have a motion to approve, as amended, and a second. Is there any discussion?”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Thank you, Mr. Mayor. I made the motion, and first, I do want to thank Mr. Lindsey, Mr. Martin, Mayor, your staff, my constituents, my friends, and the people who live in my neighborhood for being involved with this process, not just today, but every day in their lives. We live with this downtown every day, it’s important, the reason people come to Charleston is to see who we are, how we live, and the buildings we live in. We are unique, and we have to remain that way. In 1931, we did something no one had ever done. We’re undertaking to amend and change that however many years later this is, 80 years, and one of the things I learned from a good friend of mine who is a surgeon, ‘the enemy of good is better.’ Once you’ve got something fixed, why make it better? We need to make some amendments. So, thank you all for being in the process of doing this. By my motion, I don’t mean to say that we’re in a perfect spot with this yet, because we’re not. I wrote down every comment of every person who came tonight. Everybody had a really great point, and one of the things I would like to point out to my fellow Councilmembers, as we go forward with this and think about it, is what Chris King told me today, and it really resonated with me. He said, ‘the idea of this ordinance, and the idea of what we’re doing as we go forward, is to take the tension out of the process of development, renovation, building, historic preservation, review, and all of those things’, and that is a worthy goal. I think we can get there, but there is some work to be done. If you take what was in our packet, that we all

got late Wednesday night, I was actually out of town, so I didn't get to it until today. There is a lot of red, both bright red and Ms. Cantwell red, there are a lot of pages that are completely red, and because we're undertaking something after 80 years of not doing anything, I do think caution is important. I will tell you without doing it, sitting here tonight, unless you all require me to do it, there are plenty of ambiguities and inconsistencies in this ordinance. I'd just like to point out a few, just so those of you who are sitting here know that we have some work to do and, you'll see after I finish, I'm going to ask for a few amendments to my motion.

One is this Part 6, which is Section 54.230 et.seq., it's called the 'Old and Historic District, Old City District', and then in red 'and Historic Corridor District'. That's a defined term. It says Historic Corridor District, the boundaries of the Historic Corridor District as delineated in the Zone Map. We don't have one of those yet, and if we do, it's not attached here, and we've got to get after that. So, as a start, that's something we need to look at. Then, if you go to Section 54.306 which is the general requirements, there are 20 of them. Of the 20, one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, and thirteen are either all in red, or mostly in red, which means they've been added to this ordinance, and we've seen it for the first time sometime in the last seven days. So, again, I know there has been a lot of collaboration between staff, the neighborhoods, the citizens, and the citizenry, but this is before City Council now. This is ours, this is our baby, we need to do the right thing. I will tell you, with all of those things in there, I would like to sit down and talk to my constituency. I would like for the Councilmembers and I to meet about it. I would like to take a look and see.

Mr. Buxton came and talked tonight, and I looked at one of the things that he talked about. That was Item 17 of Section 54.306, which talks about 'applicants seeking height rezoning shall only be able to request the zoning on the next higher Height District'. How does that jive with our PUD requirements currently? Is that consistent? We have some things that we need to work out to make sure we're consistent with our PUD Ordinance. One of the things, and it was mentioned briefly by Mr. Lindsey, was even if you're not in the BAR jurisdiction currently, if you seek additional height, you have to submit your plans to the BAR. That's an expansion of this, that we need to make sure we let people know what's going on and what's happening. Ms. Bennett talked about the composition of the BAR, particularly the BAR-Small. I agree with her 100 percent. Residency requirements are common in many things, including for us. We all have to live in our district to represent our district, and we do it because we know our district. The BAR, one of the concerns you heard tonight, is giving back to citizens things that are important and that shape cities that aren't elected officials. Well, if we have good and right people in place to do that, it's the right thing for us to do. A residency and expertise requirement on the BAR-Small is a no-brainer. We need to do that, we should absolutely do that and we need to go back and make sure we make this consistent.

Without belaboring it, I would like for all of us to have some time to go back. There are some changes to this map that are different from the first time we got the map. For instance, along the corridor to Calhoun Street, where the Ronald McDonald House is, it was originally 50 feet. It's now gone down to three stories, and it needs to go back. We need to fix that. There is a corridor along King Street that has some problems with the height. I'd like to talk about that, and I'd like to give one final illustrative example, again not to embarrass anybody, but just to show you that we do have a lot of work to do. If you look at some of the guiding principles that are attached, and by the way, maybe this is because I don't have much else to do, I have literally read every single word of this ordinance, every single word. At the request of my constituents, I've done it, and along with Ms. Bush today, again, we've read every single word. There are some definite inconsistencies, and again, that's just because it's a long process, and we need to fix them. One though, that just stuck out, we were talking about it today, a guiding principle for our BAR in the City of Charleston is

the glazing tinting of windows increasing interest, I mean, glazing clear windows increases interest in security for pedestrians. Dark, opaque, and reflective glass is not in the local vernacular. That's a principle, that's a good principle. We agree with that, that's good. Make it safer, make it better. So, then to the BAR, in our guidelines we say, 'this principle may be achieved by limiting glazing on storefronts on the ground level to less than the majority of the storefront.' So, actually, this is an inconsistency. It should be the other way around if you read it. So, anyway, I think that we're off to a good start.

Mayor, what I'm going to ask is the following, that we give this second reading, recognizing that there is work to do yet. There is a lot of red in there and we need to get that red to black. It needs to be consistent. All of the comments, which I've written down from everyone that came in here tonight, need to be taken into consideration. This is a deliberative process. Mr. Duell noted, again, 85 years, that we want to make sure we don't undermine the authority of a BAR that is the leading preservation body in the country since 1931. Someone tell me if I'm wrong about this, there have been something like 2,300 BARs established around the country. We were the first. So, 2,300 people think we did the right thing. Most of you in here tonight think we're doing the right thing, but we need to do a little work on it. So, Mayor, I'm going to ask this body to give this second reading with two provisos. One, is that we establish three one-hour periods in Mr. Lindsey's office so that each of us, from this body, can sit down with him to talk about observations we have with both the text and the map, so that we can get any inconsistencies clarified and fixed. Secondly, that this be returned to this body for review no later than 14 days before it comes up for third reading, so that we can go to our constituency and to the community and make sure we are getting it right. With all due respect, getting it late on Wednesday night for a Tuesday meeting with pages and pages and a sea of red is a great effort. Here, I'm looking at one page that is completely red. It's a great effort, but we've got to, because it's in our hands, get it right. The last is, Mayor, as an amendment to my motion, I would ask that this not come back for third reading in July, but it come back in August, and here is the reason why. We have moved our July meeting from the end of July until July 11th. Today is June 20th. There is July 4th in between, there is much work to be done, and we, as Councilmembers, have much work to be done. I heard loud and clear from most people who spoke, keep the process moving, I agree. This is not a motion to slow the process down. It's a motion to get it right. So, three one-hour meetings that are available through Mr. Lindsey's office, 14 days before this comes back to us, we get it in final form, so that we can then make our public comments, and to see whether or not it has to go back to the Planning Commission, and that we put this to our August meeting, so that we can really have the time at this body to do the same level of interaction with our constituents that you all have with the citizens. So, thank you for letting me speak on this. It's an amazingly difficult, large effort. It shouldn't be understated. I do think this is a legacy effort and something that we need to do. The BAR is what makes us different. We need to make sure we've protected it, we need to make sure it's comprised right, and we need to make sure that the rules that guide it are drafted correctly. So, with that, Mr. Mayor, I will cede the floor. Thank you."

Mayor Tecklenburg said, "Thank you, Councilmember Seekings. I'm informed by our Clerk that we have Councilmembers Riegel, Williams, and then Mitchell."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, Mr. Mayor. My accommodations to staff and the community who have put so much work into it and my colleague, Michael Seekings, who lives with a lot of these changes and would live with a lot of these changes day in and day out. I do agree, this esteemed body should move forward with great care and great caution. We are about to change a codicil, or guidelines, however you want phrase it, that's been in place for 85 years and

worked pretty darn well. I think that additional time must be given to address the changes, to be able to analyze and review them and ask questions. I think that is imperative before we move forward. I love your quote Councilmember Seekings. I'm going to give you one of my own. It isn't any counter quote, it's just a comment from when I taught school, 'the enemy of progress is sometimes the goal of seeking perfection'. It is sometimes the goal of seeking perfection, and very few things in life do we achieve, any of us achieve, that are perfection, but I will agree with my good colleagues, Councilmember Waring and Councilmember Seekings, that I think we can always do better. By giving us more time, more diligence, we will do better. So, I would second your motion, or your amendments, Councilmember Seekings, and I will be supporting these changes tonight. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you, and I had said Councilmember Williams."

Councilmember Williams said, "I, too, attended many of the meetings and actually read the whole document. I just want to make clear that, and I agree with Councilmember Seekings, part of what I thought we are doing is trying to steer clear of legal issues, trying to be fair to all neighborhoods and all participants, but we don't want to keep doing this, and this imaginary thing is in the room. We don't want any more micromanagement of neighborhoods to this process. I thought we were working on this process to make it clear and precise that there is a procedure to do what we're supposed to do to keep the architecture and integrity of this great City. You mentioned the red ink, but the red ink is specific red ink, and I think every neighborhood that came here declared that time was spent. Sometimes I see people saying 'keep going at it, we've got to keep going at it', but we can't stay in the motion of avoidance. It is time that, after 80 years, we put this document together. It appears from all of the events that I've been to, including Burke High School, that there are several little things that need to be cleared up. But, I caution you, we need to clear it up with the mindset that we're not setting ourselves up to have special interest groups of neighborhoods micromanage the process, and then we get ourselves in a whole other barrel. So, I agree, but I think the highlighted things are not as hard as it is after all of the neighbors that have participated go back. I think we need to move forward more than an issue of avoidance because it took two and half years. Where are we going to be at in two and a half more years with other opportunities for developments that are already in the hopper? I respect your comments, and I just hope that we make clear that we are working on a living document that even after six months we still look at but if we never get to the point of moving it forward, we'll never know what we need to clear up in six months. Thank you."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, Mayor, this first came up because in our different communities, we heard the cry from the residents in the community about these big houses, big boxes, being built in various communities. The Councilmembers in those various districts were getting beaten up because of it. So, that's why when we brought this to Council, we said, 'okay, we have to do something.' They are building tall houses, big boxes, on Ashley Avenue, on the Eastside, and even on the Westside. So, we came together as colleagues and said, 'hey, we have to do something.' We brought this to Council, and this is how this thing first got started, right here in Council. I would like to commend and applaud the staff for going out to all of these different neighborhood association meetings and explaining to the residents exactly what's going to happen and what changes are going to be taking place, they did a good job of and I attended more than one of them. Most of the neighborhood associations that they attended, I was there. I go to all of my neighborhood association meetings. I don't miss any of them. I heard it over and over again, and most of the neighborhood associations that they went to that I attended, they agreed with it, and they were satisfied with it. So, we have to start the process, we have to get something started.

They said six months down the road they'll come back, but we need to give this second reading and go on with the changes my colleague is talking about. We can look at it during the 30 days or whatever, and make those changes and clarify any errors that we may have. If they see any errors or things need to be changed, we can do that, but we have to go ahead, start, and put this in motion. I sit here, and I keep hearing things, but we need to start moving forward sometime. That's why we are here, not because the people are going to beat you up. I get beat up all of the time in my district but I take it, keep walking, and keep moving."

Councilmember Moody said, "You're not alone."

Councilmember Mitchell continued, "I'm here as a servant to do the best job I can for the residents of the City of Charleston. When I represent a district I have to look at the City as a whole. This is the nucleus here. I always mention that the nucleus is the Peninsula in the City of Charleston, but we've got to remember we are working for everyone here. We all live here together, and that's what we've got to remember, that we are here together, not separate. When we get to that point, everything is going to work out better, but it's not 'over here, or over there, and I'm over here', and 'we're going to look at this and forget about this.' No, that's not the way it's going to be, and that's not the way I do things. So, let's go ahead and move forward with this. Councilmember Seekings, he has some problems, he's looking at some things with the red ink or whatever the case may be. If we have some changes to be made, let's go and try to straighten those changes out. If you want to meet with staff, we will do all of these things, but let's move forward and let's go on. Then, six months down the road, if we find some problems, we can come back and make those changes, too. Just because something has been in existence for all of these years, doesn't mean it doesn't need to be changed. Change takes place, nothing stays the same. So, we have to go on, and that's the way I look at it. I'm not the same. I don't look the same as I looked 30 years ago."

There was laughter in the Chamber.

Councilmember Mitchell continued, "I wish I did. I had more energy. So, we've got to move on. Things move on, and things are changing. As changes take place, then we go along with the changes, but we make sure that we're still going to uphold the character of the City of Charleston. This is my home, so I want to make it the best, and do the best I can for my home."

Mayor Tecklenburg said, "Yes, sir. Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor, and members of Council. I love this new ordinance. I think it does what a lot of folks have said publicly, that it clears up a lot of issues. It gives a lot of certainty to some gray areas, but I also did the same thing that Mike Seekings did. I wrote down a lot of comments that citizens have presented to us, and I support Councilmember Seekings' suggestions on what we should do with this and having it come back in August. There are three points that I picked up on from Ms. Smythe, Ms. Bennett, and Mr. Darby that, I think, warrant more comment on, particularly because my first experience dealing with a Zoning Ordinance came with a notice requirement, and that was about 30 years ago. I was a young lawyer representing a client on a zoning change, and the notice got mucked up a little bit. So, if there is something we can do to provide a little clearer notice and more definite notice to adjoining property owners, I would endorse that change. Ms. Bennett's suggestion about the composition, to have a particular architect, I think that's worthwhile for us to explore, as well, because I think that adds a lot of surety and consistency with the issues that are going to be coming before the BAR.

Finally, the issue of trying to create, I don't know if we can do this legally. My wife does a lot of environmental law stuff and she goes in front of Administrative Law Judges a good bit before they get to the Circuit Court level. If there is a way to do a review body, and I'm not sure how this would work, but Mr. Darby is right, because the average citizen who has an adverse effect on a BAR decision, their only recourse in appealing that is to go to Circuit Court. I'm a lawyer, I'm a litigator, and I know what litigation costs. It's expensive, it's time consuming to the applicant, and it's time consuming to the City. If there is an intermediate process that we can review, and I'm not sure if other cities do this, but another type of review board to make sure that we are within the confines of our ordinance, may be worthwhile to explore to avoid any kind of lengthy litigation. It would save the City a ton of money, and also it would be fair to the citizen or the applicant who had an adverse decision on a BAR decision. I'm not trying to add another layer of government, I'm not trying to add another layer of bureaucracy, but it would be worthwhile if we could take that into consideration somehow or another and weave that into this ordinance. Thank you."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. In the last couple of weeks, I met with Jacob and the Planning staff and went through the whole thing with them. I spent the time to do that. I've talked with probably a half dozen developers, and I've met with the preservation folks at their office and we went through it. What was amazing to me was that everybody was like at 98 percent or 99 percent. So, we've got two years of work, there are hours in this thing, and as one that's dealt with this, not as a lawyer, but as an accountant with tax law, I never saw a law that I couldn't figure out how to get around if I had a good attorney. So, you're a good attorney. I've always kept on my desk at home, and if you go there now, there is a little green sheet that's got the Ten Commandments on it, that was the law that we're supposed to be, and since these years, we've added all this other law to it. So, I'm in favor of going ahead and moving forward on this, as proposed. If these comments were to come back, that's fine. Let these people bring specifics back to us. Let's go ahead and get this ordinance in place, let the BAR start operating, and we've got an opportunity, within six months, to take it back if we need to and adjust it. That not only gives you the chance, you can lawyer up all you want to, but it ought to have some practical experience that could tell us, maybe, if what we're doing is right or wrong. I wouldn't even be opposed to putting a couple of stops there, one at six months, one looking at it in a year, and then maybe stop. I'm just saying we need to go ahead and put this ordinance in place, let the BAR start working it, let developers and the preservationists start working it and get their hands dirty to be sure that we've got it done right. I think the delay is just a delay. I don't see the need in doing that. My feeling is that we need to get it out there and get it going sooner rather than later. That would be my position."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Councilmember Gregorie."

Mayor Tecklenburg said, "Oh, I'm sorry. Councilmember Gregorie. You're right."

Councilmember Gregorie said, "I think the devil is in the details. I did read it, and I have to read it two or three more times. I do support it, however, because I think that the only thing that can stop us is not starting, and I do think that this is a good starting point for us. My concern

hinges more on definition of terms and some of the principles and throughout, some of the red markings, which I think we can get to. That's just a matter of sitting with staff, outlining what my concerns are, and maybe some of the answers you already have, why you picked a certain word versus another. So, while I agree with my colleague over here, that at some point we need to have further discussions with you, we can do that anywhere. We don't need any special meetings or anything. You guys are always open and available to us. So, I will give you guys a call, go over my mark up, and see whether or not there is any relevance there, or whether or not it would make the document better, and I think that it will."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. We are here because of a tough fight, but for the Jasper situation, my father used to say, 'out of all bad comes some good.' The good in this is, just look at how all of the different elements from the various communities, and particularly the work of the consultants and legal staff, our Planning staff, obviously, your office and back around again, we're moving forward on this. I think every comment that all the Councilmembers have said, and certainly the public, was certainly worth the time hearing today. I didn't really hear anything that Councilmember Seekings said that would really stop this process. I thought he wanted to move the ball forward also, but there is one thing that keeps revisiting me on amending these documents. I remember, I think it was the beginning of October or November, I met with Mayor Riley in his office, and he was very, very concerned, even to the point of being anxiously concerned, about possibly losing the BAR. Believe it or not, I didn't really get serious about it until I saw how serious he was, because I knew he knew more about it than me. If he thought an institution as historic and accomplished as the BAR was threatened, I thought all in Charleston should have felt threatened. So, anyway, we had the meetings and eventually mediation. We almost got there and didn't, but what birthed out of that was going back to the consultants. Some of the ideas that they came up with, now, I said to Ms. Cantwell yesterday, 'some of them seemed so much like common sense now'. We should have done some of those things a long time ago, but maybe we were speaking at one another instead of with one another. We are speaking with one another now, so I really do feel on the other side of this we'll have something that we'll be, I think, proud of the work that's been done so far. I know I am, but there is an aspect in the room that I hope we find a way to fix, and that one is the heartburn that's going to come when somebody who has height granted through Planning is lowered, and they feel like they've been treated unfairly. It goes to the big BAR, unless there is a divided vote, and in my example, it's a three to two vote. We should not be pressed in going to court on a three to two vote. We should find a way, hopefully, some sort of appeal to Council or another way for us not to be the only option, to start fighting with City Hall, but we have some more time to work on that. That's not going to be fixed tonight, but I think with the right efforts we can get some language that would make sense with that. I know Ms. Cantwell has thought of a couple of issues, and I know Councilmember Moody has thought about a couple. So, I hope we would move forward, but in deference to Councilmember Seekings, I don't think if we pushed it to August, it would be bad. We are not meeting twice a month."

Mayor Tecklenburg said, "I agree."

Councilmember Waring continued, "I think we could do that, to get a few more comments in there. I would hope our colleagues would go along with that, because I wouldn't want the criticism to be that we rushed through it. We tried to do our best due diligence and best practices on it. Thank you, Mr. Mayor."

Mayor Tecklenburg said, “So, let me echo the thanks and commendation that’s been given to our staff, particularly Ms. Cantwell, Mr. Martin, and Mr. Lindsey, but particularly our citizens because they have really dug in, spent time, met with staff, and gone over each and every word of this proposed ordinance, and an incredible amount of work has gone into it. We are going to end up having not just the first preservation ordinance in America, but the very best one, as well. So, I do want to point out that a lot of that red ink you see actually occurred from the first reading until the Planning Commission meeting a couple of weeks ago. So, the packet I gave you at our last meeting, which was before last Wednesday, had just about everything that’s before you tonight, but be that as it may, as you know, we moved the July meeting up a week because I’m going to be out of town until July 11th. Of course, a lot of people take July 4th off and that week. So, we’ve actually already designated a week from today as being the agenda day for our next meeting.”

The Clerk said, “June 27th.”

Mayor Tecklenburg continued, “So, I fully agree to give this thing the time to address the issues that have been presented tonight. I would concur that we should come back to our August meeting for the third reading. I would ask Councilmembers that as you work with the staff, to try to get any amendments or changes that you would like to propose, or inconsistencies that you see, try to get them to us by mid-July so that we can compile everything and get it back to everybody in a timely fashion for our August meeting. So, if there is not any further discussion or questions, I’d like to call the question.”

Councilmember Moody said, “Is the motion that we give it second reading with the third reading to come at the August meeting, that’s the only amendment?”

The Clerk said, “Councilmember Seekings made some additional amendments.”

Councilmember Seekings said, “We get it back within 14 days of the meeting so we can --.”

Mayor Tecklenburg said, “Okay.”

Councilmember Moody said, “Well, I just want to be sure what we’re voting on.”

The Clerk continued, “Three one-hour periods with Mr. Lindsey.”

Councilmember Lewis said, “I think the three one-hour periods should be up to the Councilmembers.”

Councilmember Seekings said, “I’m happy to withdraw that portion of the amendment.”

The Clerk said, “Alright. You’re withdrawing that?”

Councilmember Seekings said, “But I would like to have it back to us within 14 days.”

The Clerk said, “Fourteen days before.”

Councilmember Seekings said, “Yes.”

The Clerk said, “Before the August meeting.”

Councilmember Riegel said, “I’ll second those amendment changes.”

Mayor Tecklenburg said, “Okay, and be clear that the original motion included the amendments that were presented to you tonight, that textual change and the map changes that came at the end of the presentation. Correct?”

Councilmember Seekings said, “Yes.”

Mayor Tecklenburg said, “Alright. Then, we’re going to give you the package 14 days prior to the August Council meeting.”

Mayor Tecklenburg said, “In August, and then we’ll ask for third reading.”

Councilmember Moody said, “The meeting date is the 15th, so the first of August is on a Tuesday. So, it comes quick anyway. I’m just looking at the time. We would have to have it by basically the first of August. Can our staff do that?”

Mayor Tecklenburg said, “No problem.”

On a motion of Councilmember Seekings, seconded by Councilmember Riegel, City Council voted unanimously to give second reading to Items E-4 and E-5, as amended, for the bills to come back to Council for a third reading at the August 2017 City Council meeting, and for the bills up for third reading to be distributed to Council 14 days prior to the Council meeting:

An ordinance to amend Part 6 – Old and Historic District and Old City District Regulations of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to, among other matters, add the Historic Corridor District, add or modify definitions, adopt principles to govern new construction and renovation, establish an application procedure and addressing the powers and duties of the Boards of Architectural Review. ***(AS AMENDED)***

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. ***(AS AMENDED)***

Councilmember Seekings said, “Motion for a five-minute break.”

Mayor Tecklenburg said, “I was just going to see if that was the pleasure of Council. We’ll take a seven-minute break.”

City Council recessed at 7.22 p.m.

City Council reconvened at 7:35 p.m.

Mayor Tecklenburg said, “Alright. I would like to call us back to order. We’ve acted on our public hearing matters. Next, is to approve our City Council minutes from May 23rd and May 30th.”

Councilmember Moody said, “Move for approval.”

Councilmember Waring said, “Second.”

Mayor Tecklenburg said, "I have a motion to approve and a second, are there any additions, deletions, or corrections?"

On a motion of Councilmember Moody, seconded by Councilmember Waring, City Council voted unanimously to approve the minutes of the May 23, 2017 and May 30, 2017 City Council meetings.

Mayor Tecklenburg said, "Next, is our Citizens Participation Period and with the number of folks that we have signed up, it works out to about 45 seconds per person and, as I mentioned earlier in the evening, we're not transferring time. So, if you're down here, and you want to use your time, that's fine. If you don't, it's use it or lose it. So, Madam Clerk will call out our signees."

The Clerk said, "First, we have Anthony McKnight, followed by Kendra Stewart, then Margaret Seidler."

1. Anthony McKnight spoke about James Jameson, a native son of South Carolina, who has never been recognized and honored in his own home State. He said he has been fighting for 20 years to get Mr. Jameson inducted into the South Carolina Hall of Fame. He stated in 2003 Mayor Riley proclaimed September 18th and 19th as James Jameson Days in Charleston, which has only been celebrated once. He asked Council for help with celebrating Charleston's native son and also establish a venue and established a 501(3)(c) organization.

2. Kendra Stewart said she is a Professor and Director of the Riley Center at the College of Charleston and she shared some independent research they conducted on the Charleston Police Department. She stated after reviewing three national studies they compiled a list of 99 recommended policies and practices for ensuring fairness and justice in policing and the current environment, put forth by law enforcement and community advocacy experts from around the country. They reviewed the Charleston Police Department and found that, of the combined 99 recommendations made, they were in full compliance with 76. Of the remaining 23 recommendations, 5 were in the process of being implemented a year ago, 10 were in practice but being improved, and the remaining relevant recommendations have since been included in implementation in the department's new strategic plan.

3. Margaret Seidler said she is a 6th generation Charlestonian and her family comes from the Eastside. She stated she cares about bringing the community together and she's been doing so since 1981, along with the late T.C. Drayton. She said she is a collaborator and has been using polarity thinking. She has been a citizen that has worked across the nation when communities and organizations face difficult and potentially polarizing situations. She said she was called upon to work with the City when a bar moratorium was instituted on Upper King Street and came to a great resolution between the neighborhoods and the bar owners. Then, she was invited to be proactive in building stronger and new relationships across the community with the police department and citizens. Mrs. Seidler stated she has answered these calls to service.

4. Lori Johnson Boyd said every two minutes in America a woman is raped or sexually assaulted. She stated that in October of 1985 in the City of Charleston she became one of those women as a stranger broke into her home and raped her in front of her

two-year old child. The attacker was a serial rapist who assaulted many women before he was finally caught. She became the State's only witness in a very high profile trial. It has been more than 30 years and she is forever indebted to the City of Charleston under the then leadership of the late Chief Reuben Greenberg. She wants to help others to come out of the shadow of shame and know that it was not their fault. It will take advocating and educating in order to remove the stigma that's associated with coming forward and reporting a sexual assault, as if they've done something wrong and they haven't. She said there are far too many women dealing with this trauma and she thanked the City and the police department for their support and time.

5. Chaplain Robinson said he was with the Coastal Crisis Chaplaincy. He stated that Chaplains are in every single nook and cranny of the community dealing with pain and understanding people's purpose and listening, which comes with being in touch with human dignity. He wanted to celebrate and thank the City, the Chief, the Mayor, the Illumination Project, the Criminal Justice Coordinating Counsel for listening to the pain and the purposes of the people and responding with reform. He thanked community collaborators, mental health, law enforcement and fire. He said it is tremendous to be out in the community and see the collaboration and change.

6. Butch Kennedy said he is the Director of Project Unity USA and the founder of REALMAD which is Real Men Against Domestic Violence and Abuse. He thanked the City of Charleston for collaborating with them for the past few years. They have been able to help people in the community that are victims of domestic violence. He said they have a Hope Walk where they walk across the Ravenel Bridge. He thanked the Mayor and the Chief of Police for working with them on that. He said they raised enough money last year to house victims of domestic violence through their advocacy program. He said they work with Camp Hope working with their youth on domestic violence as well. He said they talk to the kids about subjects such as human trafficking, grooming, and many different things.

7. Lisa Rahiem said she is a domestic violence outreach advocate with Project Unity USA and Real Men Against Domestic Violence and Abuse. She said she is so grateful for the opportunity their organization has been given to work alongside the great people in the Charleston area. She stated Chief Mullen and the Mayor have really supported them in the things that they've done in the community. She stated she has worked in numerous counties in the State of South Carolina and she said it's an open-door policy where victims can come in and speak to the Chief and other individuals in the police department about the issues they may have. She thanked them for being able to be a victim advocate in the community.

8. Reverend Kylon Jerome Middleton said this is the second anniversary of the Emanuel AME tragedy and he mentioned the names of the late Reverend Clemente Carlos Pinckney, Depayne Middleton Doctor, Cynthia Hurd, Susie Jackson, Ethel Lance, Tywanza Sanders, Daniel Simmons, Sharonda Coleman Singleton, and Myra Thompson. He stated they are very pleased and extremely appreciative to Councilmember Gregorie and the joint coordinating committees of the City, the Mother Emanuel AME Church, the victims' families, the survivors, and all in the community in order to continue to remember the life and legacy of all of those who were slain. He stated they continue to lift up all of the events that are occurring and that they had an awesome opportunity to meet with Dr. Lonnie Bunch of the

Smithsonian, and they are working on some other collaborations to continue their legacy.

9. Lottie Lee said she is the niece of the late Anthony Wright, better known as 'Tony the Peanut Man', and she is also the General Manager of Peanut Time. She stated their goals for their company are to expand the business, create jobs, create opportunities for at-risk youth in the community, and build strong community relationships through charitable giving. She said she is truly blessed to be able to continue her Uncle's legacy and she also believes with hard work and dedication they can keep things going.

10. Christena Lee said on behalf of her husband, William Lee, the brother of 'Tony the Peanut Man' and CEO of Peanut Time, they will be including education and the continuation of Tony's legacy. She said he had a passion for education which included making sure all children could read. She stated they will make sure that they assist at-risk kids in learning how to read through special camps and tutoring.

11. Deborah Anderson Singleton said she is helping 'Tony the Peanut Man's' family and they are planning something very special for the community, the Lowcountry Peanut Festival, which will be a celebration of his life and legacy. She stated they wanted to make sure the Mayor, Council, and everyone knew about it. She said the City of Charleston was a great help to them and that this was a home to Tony, and he was a tremendous icon that they don't want to forget.

12. Dr. Everard Rutledge said for the last year and a half he has been working with the Illumination Project and Charleston County Criminal Justice Coordinating Council. He stated he heard about the problems associated with the US and China with regard to the kinetic issues, the nuclear option as perhaps one. He said they have some issues in their community and throughout the nation regarding police and communities but they have made great strides in the last year and a half toward reconciliation and having a positive dialogue. He stated that all parties interested in making this truly a great community should come together and sit at the table of love and commitment and talk about how they can make the community great.

13. Mohammed Idris said he prays that they can get the ministers to go against the immoral entertainment world like they went against Chief Mullen. He stated all of the ministers in the neighborhood need to go after the immoral entertainment world, as that will stop a whole lot of crime. He said they are calling on CAJM to come out and help them clean up the immoral activity that is going on in their neighborhood.

14. Reverend Cress Darwin said he is the Pastor of Second Presbyterian Church in downtown Charleston. He stated if anyone has been to one of their ecumenical services in light of the recent tragedies, but also just in general, over the past few years, when he welcomes people to Second Presbyterian Church, he looks out and tells them, 'this is the kingdom that we're striving for.' He said he has been privileged to be part of the Illumination Project and he has looked to the things that are before the Council and the Mayor and he says, 'when there is one person who can look at the whole, the totality of a project, then he thinks it works better that way.' He has found that if someone has a large purview rather than cementing things out of a whole picture then the picture can become unbalanced and be disfigured.

15. Reverend Christian King said she is Executive Director and Founder of a non-profit called The Pink House in the Ardmore Sherwood Forest Neighborhood Association and she is the former President. She thanked Chief Mullen and the CAT team for their involvement in the Ardmore Sherwood Forest Neighborhood Association during their time in coming and being a part of their community and through the Illumination Project. She said they listened to their kids and began to form relationships that began to change and transform relationships between police and their community.

16. Judy Warren said she is a private citizen and a member of CAJM who supports the CAJM mission. She stated she feels very strongly about what they're doing. She heard on the radio that a fourth noose was found hanging in the African American Museum in Washington, DC which is intimidating and frightening. She said they can't address that problem but can address this issue here in Charleston.

17. Reverend Adam China said he is the Pastor of Adams Northeast AME Church. He stated on the night of the murders of the Mother Emanuel AME Church he was grateful for the work of the City and police department. He stated in the tragedy Chief Mullen personally showed up to many AME meetings. Across the State we continue to hear messages of unity in Charleston Strong. He said this does not match the reality that black men and women and other people of color continue to be unfairly stopped by the police. He stated they would really like for this Council to unite with the community and take meaningful measureable action for racial justice by supporting Councilmember Lewis' resolution for a new professional police audit of the Charleston Police Department. He stated the actions of this Council could set a real example for the State and the entire nation.

18. Kat Morgan said she works as a volunteer with SURGE here in Charleston. She stated it is always good to be in a room full of people who are as passionate as all of us are about racial justice, about social justice, and about serving their community. She stated she knows every single one of them on the Council feels as passionate as everyone there does. She encouraged them to support the resolution that Councilmember Lewis has submitted. She said they need to know exactly what's happening in their community from folks who are skilled and experienced in measuring racial bias in policing, so they can know what they need to celebrate as well as what they should change.

19. Reverend Cecelia Armstrong said she is the Associate Pastor at St. James Presbyterian Church on James Island in Councilmember Wilson's District. She stands in solidarity with Councilmembers Lewis, Waring, Gregorie, and Mitchell as they call for a new RFP to conduct an audit for racial bias. She said several members of her congregation have already come before Council and shared their stories of being racially profiled and now is the time for action. This was an opportunity for the community and Council to unite, and she begged that they do just that.

20. Reverend Danny Reed said he serves the Unitarian Church in Charleston and they know from their African American Councilmembers that racial bias is a Charleston reality. He said at the May 23rd Council Meeting, Councilmembers Mitchell, Gregorie, Lewis, and Waring each shared their firsthand interactions with the police. Other African American community members have also recounted unwarranted

traffic stops. He said his friend Judge McFarland recently said, 'there are different roads we can take to get to the right police audit and as a black man I am going to choose the road that protects me best'. He said his colleagues have shared with him that the best road is an audit that can be trusted and done right and follow a new RFP for a new audit.

21. Reverend Charles Heyward prayed for Council for guidance and wisdom and to fill Council with trust, transparency, and accountability, and to guide their minds and deliberations to the Glory of God for the betterment of their community, their families, their officers, their police departments, and Council.

22. Arthur Lawrence said no one can tell him about Chief Mullen. He said Chief Mullen did a fantastic job for the City of Charleston and especially for the Westside Neighborhood Association. He stated they have cleaned the Westside neighborhood up and they attended every meeting that Chief Mullen had at the police department. He helped the kids in their neighborhood not by bouncing a basketball, but by education. He said Chief Mullen is a fantastic officer and a fantastic Commander and the City is going to miss Chief Mullen, as he was there every time that they needed him. He thanked Chief Mullen for helping the citizens of Charleston and the members of Mother Emanuel.

23. Debbie Blalock said she is the Director of the Charleston/Dorchester Mental Health Center and she talked about some of the good things that are happening in the community. She stated they have reopened their Crisis Stabilization Unit which is a ten-bed unit in Charleston Center. She said it is a jail diversion, hospital diversion, and ER diversion and they opened it with support from the Crown Justice Coordinating Council. They also have been able to embed a clinician in the Charleston Police Department, at the invitation of Chief Mullen, and that clinician works with the Family Violence Unit and has seen over 1,149 children, that she would not have otherwise seen, that were exposed to domestic violence. They are also planning a street medicine team to go into the neighborhood between Meeting Street, East Bay Street, Stewart Street, and Mary Street to bring fruits and vegetables and mental healthcare, primary healthcare, and substance abuse care to that community.

24. Dentis M. Shaw said he is from North Carolina and he came with a vision and a message about everything that was being talked about tonight to bring unity to the City. He stated he travels all over the nation reaching young people and making a difference in the schools with a vision that brings a message of unity with police and honoring the nine people that lost their lives in Charleston, the Emanuel Nine and well as the Charleston Nine. He said they will be going in all 70 schools to reach the children and to promote, 'I value myself and others', and 'To love and forgive is a wonderful way to live.'

25. Jerry Kaynard said he was fortunate to serve on the Homeless Task Force led by Mayor Tecklenburg and Chief Mullen. He stated he watched the Chief during that process acting out of humanity and with great heart. He believed the Chief made the neighborhoods in the City safer and he is a man of integrity, of honor, and of goodwill. He said Chief Mullen has lead a police department that is now an example in the nation for best practices with policies being adopted around this country. He

thanked Chief Mullen and encouraged everyone to give their thanks for his distinguished service to the community.

26. Edward Green said there are three kinds of government on James Island, the City of Charleston, Charleston County, and the Town of James Island. He stated a church was at 1977 Central Park Road and between the Planning Board and County Council they gave approval for someone to build a building there on stilts. He said he would appreciate it in the future if they would visit the site before giving approval. He stated they built the building six feet away from the church and he asked the Mayor and Council to look into it.

27. William Hamilton of Best Friends of Lowcountry Transit said he went to Seattle recently and in November, CARTA will begin to get money to improve regular bus service. He said he had given Councilmember Seekings and the Mayor a copy of a booklet which is one of the many resources the National Affiliate Transit Center is providing in addition to a grant to help improve regular bus service. He stated they have a BRT line they want to build but they can improve regular buses this November. He said that Mark Sanford is threatening all public transit in the City of Charleston and future with a bill that would eliminate all Federal funding for public transit and he asked that everyone contact Mr. Sanford and sign the online petition. He said he is also giving the Mayor a petition.

27. A gentleman asked Mayor Tecklenburg what could be done about the crime and high unemployment rate in the area.

28. Alice Tellis said she only came to the meeting because she heard that Chief Mullen was leaving. She said this is the horrible thing she has heard and wonders how people think that they're going to get somebody better. She stated she has been here 88 years and that Chief Mullen is the most wonderful person in the world and she and others will miss him.

29. Kwadjo Campbell said he had two things he wanted to talk about. First, he asked for support for the African American Tourism Conference taking place at the College of Charleston on September 30th. Second, with regard to Archer School, the School District is looking to put that back out on public bid. They would like to talk to the Eastside Community Council Development Corporation and Cardinal Capital, their affordable housing development partner, about working together to develop some affordable housing for veterans and for teachers.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "That's it."

Mayor Tecklenburg said, "Was there one more?"

The Clerk said, "No, I think that was it."

Mayor Tecklenburg said, "Okay, that's the end of our Citizens Participation Period. Thank you all for participating tonight. Next on our agenda is the Boards and Commissions Appointments and Reappointments before you this evening. Then, I think we had an information packet for you, just for your review and recommendation for the newly-formed Arts

Commission and History Commission. We've taken what used to be the Arts and History Commission and divided it into two, but tonight we just have some individual appointments, one being Jason Kronsberg, who is head of our Parks Department to the Greenbelt Advisory Committee. Lawrence Thompson had to resign from that. Elizabeth Alston to the Tourism Commission, someone had resigned from that. With the passing of Mr. Henry Williams, who served so well for so many years as Chairman of the Charleston Housing Authority, we're recommending Mr. Herb Partlow to serve in his place, and then on the Board of Architectural Review – Large, there is an attorney position, and we're recommending David Haselden."

Councilmember Williams said, "Move for approval."

Councilmember Seekings said, "Second."

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

No one asked to speak.

On a motion of Councilmember Williams, seconded by Councilmember Seekings, City Council voted to approve the appointments and reappointments to the Greenbelt Advisory Committee, Charleston Housing Authority, and the Board of Architectural Review - Large.

---INSERT APPOINTMENT MEMOS---

Mayor Tecklenburg said, "Next, we have a Resolution from Councilmember Lewis."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Thank you, Mr. Mayor. In light of all of the comments that I have received from my colleagues about the original Resolution placed on the agenda by me, I will make the following motion. But, before I make the motion, I want to say that the Rules of Council from the time I've been here, for the last 20 years are, when a Councilmember wants to put something on the agenda, he brings that item to the Agenda Committee by leaving it in the Clerk's Office. I did just that. I left my Resolution in the Clerk's office. You were out of town. That was on a Thursday, and the committee meets on Monday. Two Councilmembers came and took that Resolution, asked the Clerk's staff for a copy of that Resolution, and took that Resolution out of the Clerk's office. One Councilmember sent it to a friend of his who was out of town, and that friend called me and said, 'I read your Resolution.' I said, 'Where did you get it from?', and he told me where he got it from. I don't know what the reason is, but sitting on this Council, I have the right to present a Resolution to this City, whether you agree with it or not. Now, for Councilmembers to come and try to undermine what I did because they didn't like what I did, I think that's not right. We are elected officials, we have a right to our opinion, and it definitely really, really hurt me. The perception I've heard tonight, it seems like some people think that I am trying to undermine the Chief. This is not about the Chief. Chief Mullen has been the best Chief that I've ever served under on this Council in the last 22 years that I've been here. I just want to say tonight, I'm asking the City of Charleston, the members of City Council, this is my request that the City of Charleston issue a Request for a Proposal (RFP) to hire a firm specializing in racial bias to conduct an independent audit of the Charleston Police Department for racial bias. The RFP shall be developed by City staff, presented to the Public Safety Committee for approval, and forwarded to City Council at its July meeting. That will be the motion that I have on the floor that I'm asking this Council to do."

Mayor Tecklenburg said, "Thank you very much, Mr. Lewis. We have a motion and a second. If I may share a few comments with Council about all this, I would like to take that opportunity. First, I'd like to quote some remarks that were made by President Obama when he came to Charleston a couple of years ago, probably two years to this day, for the funeral for Clemente Pinckney. President Obama said, 'People of good will continue to debate the merits of various policies as our democracy requires, the big raucous place that America is, and there are good people on both sides of these debates. Whatever solutions we find necessary will be incomplete, but it would be a betrayal of everything Reverend Pinckney stood for, I believe, if we allow ourselves to slip into a comfortable silence again. We will not be silent this evening.' He went on further to say to "settle for symbolic gestures, without following up with the hard work of more lasting change, that's how we lose our way again. It would be a refutation of the forgiveness expressed by those families, if we merely slipped into old habits, whereby those who disagree with us are not merely wrong, but bad, where we shout instead of listen, where we barricade ourselves behind preconceived notions or well-practiced cynicism." So, tonight, before us, we have the issue of racial bias in our Police Department, and I want to first, generally, say to you, Councilmembers, and to the public that are here, that the only intentional bias within the City of Charleston Police Department, the only intentional bias, is against people who break the law. It is expressly the policy of this City and this City Council to treat people fairly and equitably and without regard to race, religion, sexual orientation, or any other refinement."

A citizen interrupted and yelled, "Then do the audit."

Mayor Tecklenburg continued, "Yes, there is a history in our community of slavery, of racism, of Jim Crow, it's been going on for hundreds of years, but that doesn't mean there is intentional bias in our Police Department or in our City. Do people make mistakes? Absolutely, that's why we have professional standards. Public safety is the number one job of our City Government, number one, like it or not. To keep our people safe, allows our freedom to pursue life, liberty, and the pursuit of happiness. If you're not safe, you can't do those things. We have to keep our people safe, and there is a balancing act sometimes between public safety and individual rights. Now, the goal, you've heard many people tonight comment about the Illumination Project and the many things it's been working on. Its goal is to further strengthen the relationship between our citizens and police, grounded in trust and legitimacy, and there are folks who have not embraced the Illumination Project. I regret that, but I want to share with you tonight some of their accomplishments and where they're going because I believe, and Council fully supported the Illumination Project, it is a national model. It is a national model. Even Dr. Lonnie Bunch, who was here the other night from the International African American Museum, when he was apprised of what we were doing with the Illumination Project, he was astounded.

So, here are some of the things we've been doing. By the way, there are 87 strategies that were adopted by this City Council. Some of the ones that we've been working on already are, historical education on civil rights for officers, developed by community department partners and the Charleston County Library, advance training in de-escalation, fair and impartial policing, interpersonal communication, and dealing with the mentally ill to minimize the potential for tragic encounters to occur, creation of officer liaisons for diverse communities in Charleston, the Muslim community, the LGBTQ, Hispanic, military, African American, to ensure direct communication to share thoughts, concerns, ideas, reviewing collaborative reform, reports from other policing agencies to proactively implement recommendations gained through these assessments to keep our department on the leading edge best practices of policing.

So, you're all familiar with the COPS Analysis Program that's going on in North Charleston. Well, they've done that in other cities around the country and, although we looked at their best practices, as the young lady from the Riley Institute mentioned earlier, we looked at all of the best practices that the COPS Program had. Even now, in the last two years with the Illumination Project, every time they put out a report from another city and identified other things for police departments to work on, we look at every recommendation that they make. If it's something that makes perfect sense for Charleston, we've been incorporating those changes, in addition to the 87 strategies we already had adopted.

Policy and procedure development has input from our citizens, so their voices are considered in new programs, policies, and procedures. We started with listening sessions, and we've continued those. Over 1,500 of our citizens have participated. It's been a very positive process. We're using cite and release procedures to reduce incarceration for minor offenses, to minimize potential harm to individuals, families, and the community. We are, for minor offenses, giving people a summons, but we're not loading up the jails with folks that don't need to go to jail. We're releasing them until they can go to court. We're joining the White House Police Data Initiative to provide a whole host of information about police operations to the public to increase transparency, knowledge, and confidence in their Police Department. We're conducting those community listening sessions that have brought over 1,500 citizens from all parts of our community to learn about different experiences, and build relationships. Recent examples include pairings of churches like Grace Episcopal and Mount Zion, different neighborhoods like Maryville-Ashleyville and Wespanee, and youth from various schools including Ashley Hall, Burke High, School of the Arts, and Links Youth Leadership Roundtable to engage the next generation in giving their opinions and thoughts to our police department, and creating a vision for the future they will lead. So, we're working on an awful lot of things with the Illumination Project. I think we're really taking for granted a little bit of all of the constructive and positive work that our City Police Department is engaged with. This was all a result after the tragedy of Mother Emanuel, that Chief Mullen, Mayor Riley, and City Council realized that, even though we felt like we had a great Police Department, we could make it even better, and that's what we've been working on. That's what we've been working on.

How are we doing with crime statistics? I'll have you know that our crime statistics year-to-date compared to last year, even though our population is growing, and our number of visitors is expanding, our total violent crime is down 6½ percent, and total non-violent crime is also down three percent. So, with an increasing population, our Police Department is doing a good job in keeping us safe and providing public safety. Now, there is a lot of talk from my friends at CAJM about stops, and it would seem to me that people would complain if they're being unnecessarily stopped, and the response is, 'well, they're intimidated, they don't want to make a complaint because they are afraid of retribution', but I do want to share with you that in 2014, from citizens, we had 33 complaints. These are complaints of any kind. It could be an officer, they didn't feel like you had been treated fairly, but it also included things like 'the policeman didn't show up at the court hearing like he should have'. In 2015, that number was reduced to 17 citizen complaints, and down two more in all of 2016, we had 15 complaints. In 2017, this year amidst all of the talk about unnecessary stops, there has been one citizen complaint this year. We're almost halfway over, just one complaint. Okay. I also want to point out to everyone that we now, fully a hundred percent, have body cameras. We were the first department to fully implement that. It's required by State law now, but the Charleston Police Department started it. So, if you have someone who is afraid for some reason to register a complaint about the way they're treated when they're pulled, we want to know about it, okay, and please don't let them 'get away with being scared to do it', and the officer has a body camera. We can see what happened at that stop. We have that record. There is no need to be

afraid to come forward. We can't deal with a problem unless we know about it. So, please urge all of these citizens that you mentioned that have these complaints to please come forward. If they're scared to go to the Police Department after all of that, have them come to the Mayor's office. I've had people do that in the last year.

One lady came to my office for Mayor's Night In, and she complained about her son supposedly being harassed by the police. I looked into the case. He had an illegal weapon and was withholding drugs, and we arrested him. So, I couldn't really apologize to the lady for that. Another gentleman came by and felt that he had been, maybe, not treated as politely as he would have liked to be or thought was appropriate. I brought this to the attention of the Police Department. We got those two individuals together, and they had a great discussion. We looked at the body camera. She agreed that she wasn't as polite as she could have been, okay, and she is going to be a better police officer because of that experience, a better police officer, and she is a good police officer. So, I urge you again, I had information at a meeting a couple of meetings ago, and I think it's available on the table out there. You can call us, you can send an e-mail, you can text us, you can fax us, but please come forward with any complaints that you have.

Transparency, and again this is part of the efforts of the Illumination Project. We now, on our website, I don't know if you all have looked, have our weekly Comstat Data about offenses and arrests. We have calls for service, officer-initiated calls, we have the field contact information that has been the subject of great discussion. We have the citizen-generated investigations. We have response to resistance aggression data. We have the arrest points, and we have electronic citations. All of this information is available to the public, and it's a show of our transparency to our citizens. Frankly, I don't mean to kid, but there is so much information that we're now putting on our website, if you didn't like whoever ends up doing our audit, you could hire your own guy and do an audit yourself, because all of the information is going to be available, and is available to the public for you to be able to do that.

Now, in addition to that, the City of Charleston was one of six law enforcement agencies nationally that was selected by the National Institute of Justice, a research arm of the Department of Justice, to participate in the LEADS Program. LEADS stands for Law Enforcement Advancing Data and Science, and this pilot program, which involves the City of Charleston, is designed to support law enforcement agencies to improve their effectiveness through the use of data analysis, research, and evidence. We will also turn this tool to analyzing data, such as the traffic stops that have been of great concern. So, on top of all of these things, protecting our public, which is our number one job, we are keeping crime stats, keeping you safe, keeping complaints at a minimal level in the City of Charleston, using force at a minimum, oh, I didn't share with you. In 2014, there were 299 response to resistance incidents, and in the last two years that has been in the 260s, 263 in year 2015, and 266 in 2016. This includes things like when a taser is used or even when a taser is removed from the holster. That happened 35 times last year where a taser was removed, not used, 180 times there was what's known as 'empty hand control'. That's when an officer physically touched someone in order to control their behavior. There were only nine instances of a taser being used by the City of Charleston Police Department in 2016. Stats are down for this year. So, we've got all of these things going on and we're asked to have an audit which, remarkably, we, the City, put out a request for proposals for our Performance Innovation Project, which includes accountability throughout the City of Charleston but, not including the Police Department. So, we included in that RFP a call for response on bias-based policing, and that's in place. That's already been approved by this Council. I'll talk more about that in a minute, but I want to compare what we've been asked to do, to make our audit like some other city in America, which

we are not. We are Charleston, South Carolina. We are not Madison, Wisconsin. They did an audit up there, and they thought it was going to cost them about $100,000, and it cost them over $400,000, which I would be interested to know if Council would support spending that kind of money because they call for doing a lot of things, folks, that we don't need to do in Charleston. For example, 2.5.1.1 in their RFP was regarding current policing best practices should be adhered to. Well, you heard the young lady from the College of Charleston, we've looked at the best practices from the President's Task Force on 21 Century Police, Police Executive Research Forum 30 Principles, and the Department of Justice series on building trust in the community. We looked through all recommendations and best practices of those organizations. We did an in-depth analysis, and the assessment found that the Charleston Police Department, out of those 99 recommendations, already was in full compliance with 76 of them. Five were in process of being implemented one year ago, ten were in practice, but needed some improvements, and eight were not in practice at all. Ninety-eight of those recommendations were included in the Illumination Project's Strategic Plan, looked at 2.5.1.4 and 2.5.210.3 which asked for an analysis of mental health issue.

You heard from Debbie Blalock this evening, who is our partner with the Charleston/Dorchester Mental Health Department, a remarkable partnership between our Police Department and Charleston/Dorchester Mental Health. We partnered with them and the Department of Veterans Affairs, the Charleston Center, to develop and administer training and provide direct assistance in form of the mobile crisis units and crisis intervention team. In fact, I got a complaint from a citizen, week before last, by e-mail, that we had not arrested someone they thought should be arrested because they said some inappropriate things at their door after they knocked on the door, and the citizen thought they should be arrested. Well, it turns out the individual really had some mental issues that he was dealing with, and we appropriately found the gentleman, and appropriately dealt with him. He didn't need to be arrested. He needed to be compassionately dealt with, as our officers are trained to do, for mental illness.

Community policing is mentioned in 2.5.1.5, the ideals of community-oriented and neighborhood policing should be followed. We do that, we've been doing it for years in the City of Charleston. I don't need an audit to tell me that. 2.5.1.10, dealing with homelessness, last year when we did the Tent City Initiative with over a hundred homeless individuals living in tents underneath the bridges in the City of Charleston, it was done without making arrests. We were compassionate, we worked with the Police Department. They understood the goals of what we were trying to do, and we found housing for those individuals, rather than cite them and put them in jail. 2.5.113 and 2.5.2.10.1, 'training and understanding communities being policed.' So, we have this program that we're getting funded, that I mentioned earlier to you tonight during the Ways and Means Committee, ICAT, and that's exactly Innovate, Communication, Assessment, and Tactics, a model where we train our police to be compassionate and to assess a situation to keep violence and use of force at a minimum. We are doing these things already.

We've looked at the best practices in this country, and we formulated the Illumination Project to help us move forward to better our Police Department, and, if I may say, they're doing a remarkable job. They are doing a remarkable job, and I'm very sad and sorry that Chief Mullen is retiring, although he deserves it after 35 years of service. He has done an incredible job, but he's just a reflection of a police force that we have, men and women, every day who are protecting the public, the citizens of Charleston. They're trying to be fair. They're trying to be equitable. I've got to say, I just don't appreciate, even though I realize, there is a need for accountability, and that's why we're going to do an audit, we're going to do an audit. There is a need for accountability, but you all have really denigrated our police force, and I don't appreciate

it. I think you have insulted our Police Chief, and I think you have insulted our Police Department. I think that was improper and incorrect."

Councilmember Shahid said, "Amen."

Mayor Tecklenburg continued, "So, let me go on and say about bullying. When you see something, you've got to say something, and we're having a conversation tonight."

A citizen said, "It's not a conversation."

Another citizen said, "Really?"

There was an outburst in the Chamber.

Mayor Tecklenburg said, "I'm going to ask for order. I apologize I'm talking so long."

Citizens kept making comments.

Mayor Tecklenburg said, "This is City Council Chambers."

A citizen said, "We wouldn't have come tonight if we knew things were so perfect in the City."

Mayor Tecklenburg said, "Sir, I'm going to ask you to please refrain from comment."

A citizen said, "What kind of conversation is that?"

Mayor Tecklenburg said, "Well, let me share with you that I had a number of meetings with representatives of CAJM over the last year. They met in my office. I went to the Nehemiah Assembly a year ago, not the recent one, but I went a year ago, if you recall, and what kind of conversation is that? You can say 'yes' or 'no,' and then you've got 30 seconds, right, to reply. That's not a collaborative conversation in my opinion."

A citizen said, "Okay, can we respond now?"

Mayor Tecklenburg said, "No, this is not the time. There will be a time. So, I'm looking for another piece of paper I had, I'm sorry. Excuse me. So, the CAJM folks came and met with me a few times here in City Hall. The first meeting was like an inquisition. It wasn't a conversation. There was no dialogue. It was all accusations, and it was clear they didn't trust me. I don't know what I did to deserve that, and it was really odd. I've got to share with you, because, personally, a number of these folks are my friends, and I've known you all for years. Reverend Heyward came and preached and said a prayer at my inauguration, and I've known Arthur McFarland for decades. We helped form the Charleston Human Services Commission years ago, and it was like they came in the room, and they wouldn't even shake my hand. It was like a different personality when they got together as a group, and I felt like it was a little disrespectful. I tried to be my pretty normal, 'hi, how are you doing,' and so that didn't go too well. Then, they had a press conference, which honestly misrepresented things that I said and misrepresented things that the City was doing. So, they met with me again in the fall and said, 'okay, we're going to get together and work together', and I said, 'well, we've got this audit that we want to do, and we haven't even set a scope of work for the audit yet. Maybe we ought to get together and work on that and talk about it', and it sounded like a good idea. Within five

minutes, I was told that 'we're coming after you,' and that's not the kind of collaboration that I look for when I'm working with someone, and so that never worked out. Then, they came for Mayor's Night In a couple of months ago, and we met right here in Council Chambers. The CAJM members were sitting here, and I shared with them openly how frustrated I was about the way I felt that I'd been treated and with the tactics that you all use, and it's fine, yeah, if that's the way you want to do business. That's fine, I understand that, but it creates a lack of trust on my part, too. Then, when I'm misrepresented, it makes it even deeper.

So, despite all that I've said thus far, the City is still willing to dig deeper to see if there is any unintentional bias towards any group of our citizens, and we will do an audit. It doesn't need to include all of those things you all wanted from that Madison report because they're just all not necessary here. We don't need to look into all of those things. There are some of them we can. There are some of them we can. We need to set the scope of work to do that. Now, we have the matter of this firm that was hired, Novak is their name. They're our lead contractor for the Performance Innovation Program, okay, and this RFP was put out late last year, and it asks for law enforcement and police services, including community policing and data examination related to fair and impartial policing and its impact to citizens. So, we called for that to be part of this RFP, and then when we got responses, we went further and went back to the companies that responded, and we asked them, 'how do you plan to address racial bias in our Police Department', and the successful candidate responded. Novak gave us this document, and it was in the Ways and Means Committee materials that this Council received on February 28th when they unanimously approved Novak to be our lead contractor for this Performance Innovation Program, accountability not just in the Police Department, but in all departments of our City. Our City should be accountable to its citizens. I agree completely, and if you didn't read it, I can read it for you tonight. Would you like me to read it for you? It was in your packet. I'm sorry you missed it, I'm sorry you didn't read it, I'm sorry that you all missed it, but it was in the packet. You approved them unanimously.

So, I acknowledge the concerns about the expertise of this firm. Okay, they were the most qualified responder, but maybe we could find a team to do an even better job. So, like you hire a contractor to build the Gaillard, we hired Skanska a few years ago to build the Gaillard Auditorium for us, rebuild it. They're the general contractor. When it's time to do the air conditioning system, did Skanska actually do the work and put the air conditioning system in? No, they hired somebody to help them do the job. They got somebody that does heating and air conditioning all of the time. Well, our contract with Novak allows us to do the very same thing, and it could happen in any department. We may ask them to do a performance review of the Recreation Department, and they may decide they would really like to get a firm that knows a lot about sports and athletics. Maybe they don't have expertise there. They can hire somebody to help them. So, they can do that to help us do a racial bias audit in the City of Charleston, and we don't have to reinvent the wheel. We don't need to start over. We've got a firm that's already approved. Why waste the time to put out a new RFP when we've got a vendor in place who can contract to even build the team further and get on with the business of setting the scope of work that needs to be conducted. I would invite CAJM to have that conversation with Novak and our City to think about all those things that were in that Madison proposal and think what's really needed to study here in Charleston, and let's get to the business of conducting it. It's fine. We're really agreeing, folks, to the same thing of having an audit for accountability within our Police Department. I just ask for your respect in recognizing that our Police Department not only does a good job already, but they're really working hard to address the same issues that we are all concerned about, about equity in our policing, okay? So, I would propose that we not approve, with all due respect, Councilmember Lewis' motion, and that we proceed with a racial bias audit in the City of Charleston with the general contractor being the

firm that we've already selected, and that we propose to work with our Public Safety Committee primarily in devising that scope, that we include meetings with representatives of CAJM and the public, whoever would like to attend, that's fine. We'll have a big conversation about this. Then, after we do an audit, we'll see if there are any other challenges that we need to work on in this City in this department, and we already have the framework with the Illumination Project to work on those things. So, if we find three other strategies we need to work on, that's fine. We've got the system in place that's already working to address those kinds of issues, and if all that fails, we can go back to the Department of Justice, like they did in North Charleston, and ask the Community Policing COPS Program to help us, as well. I recommend we move forward and use the folks we've got in place, get this audit going, get it done, and move forward. So, thank you very much. The floor is open, Councilmembers."

Councilmember Mitchell said, "Let's deal with the motion. We've got a motion on the floor."

Mayor Tecklenburg said, "There is a motion on the floor, and it's been seconded."

Councilmember Lewis said, "Yes. There is a motion on the floor, and it's seconded."

Mayor Tecklenburg said, "Are there any discussions or questions?"

On a motion of Councilmember Lewis, seconded by Councilmember Waring, City Council considered a Resolution to hire an independent company who specializes in racial bias to audit the City of Charleston Police Department. The motion failed 7 to 5.

The vote was not unanimous. Councilmembers Lewis, Mitchell, Wagner, Gregorie, and Waring voted for the motion.

Mayor Tecklenburg said, "Do you want to call the roll?"

The Clerk said, "I can call the roll. Councilmembers Lewis, Mitchell, Wagner, Gregorie, and Waring voted in favor. Those opposed would be Councilmembers Williams, Seekings, Shahid, Riegel, Moody, Wilson, and Mayor Tecklenburg. So, the nays have it."

Mayor Tecklenburg said, "I'm a nay."

The Clerk said, "It was 5 to 7. We have 12 members present."

Mayor Tecklenburg said, "Yes, Councilmember White is not here."

Mayor Tecklenburg said, "The motion fails. Alright. Thank you very much for your concerns, we will move forward, and we're going to have an audit. Everybody stay calm, it's going to work out fine. Okay. Next is our Committee on Public Safety Report, Chairwoman Wilson."

Councilmember Wilson said, "Mayor, can we take 30 seconds for the Chamber to clear?"

Mayor Tecklenburg said, "Yes."

Councilmember Wilson said, "Alright. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Yes, ma'am. Committee on Public Safety."

Councilmember Wilson said, "The Committee on Public Safety met on Thursday, June 15th, and we heard updates from police and fire. The police updates, for the most part, have been addressed this evening with the grants that are going on and the fact that they are coming up for re-accreditation. The re-accreditation showed no findings. The date for all of this to come down, Chief Mullen, am I correct, is July 29th?"

Chief Mullen said, "Yes."

Councilmember Wilson continued, "So, we're expecting our Police Department to reach the Gold Standard, again, further demonstrating, I think, the very fine work that they are doing. To our Fire Department standard updates, we have three stations under construction right now. Captain and engineer exams have been formulated. So, there are a lot of standards, but all good things, good movement forward in both Police and Fire. There was one action item, which I will get to. We had some discussion of the audit, which of course has been taken care of this evening. The other item that we discussed was the fact that we are looking now for a Fire Chief and a Police Chief. The Fire Chief position has been advertised, and our Mayor has contacted the firm who assisted us the last time, Chuck Wexler, I believe is his name, who assisted with the search for our Police Department. We had some discussion revolving around that and the scope of those searches at a national level. We're waiting for responses from several other firms before we move forward on those searches."

Councilmember Seekings said, "Can I ask a question?"

Councilmember Wilson said, "Absolutely. Yes, sir."

Councilmember Seekings said, "Mayor and Madam Chair Lady, is the Public Safety Committee going to head up and be part of the vetting of the search firms that we employ?"

Councilmember Wilson said, "I'm glad you asked because I was hoping that the Mayor would shed a little more light on how he would like to proceed and gain input from this Council as well. I think, if you wouldn't mind, before we do that, there was one action item about the cleaning up of an ordinance we need to address. As I said, this really truly is just a cleanup, becoming more aligned with State Law and removing references to our former police department horses. So, that was an easy clean-up item. It was a unanimous vote to remove that or actually to amend, excuse me, not remove, but rather amend. So, that's essentially what we're on in Public Safety."

Councilmember Moody said, "If that's a motion to amend that item, I'll second it."

Councilmember Wilson said, "Yes, it was a motion to amend. I'm sorry, I'm just getting really tired. So, if we could go ahead and move on the action item, and then we can go back to the discussion."

Mayor Tecklenburg said, "Okay. The motion is to approve Item J-1(c) on the Committee Report, is that correct? It's the only item that needs Council approval."

Councilmember Wilson said, "Correct."

Councilmember Shahid said, "Item (d).

Mayor Tecklenburg said, "I'm sorry."

Councilmember Shahid said, “Just to make sure I’m clear on this.”

Councilmember Seekings said, “Adopt the report, and approve the amendment to the ordinance, I think, is the motion.”

Councilmember Wilson said, “That is correct.”

Mayor Tecklenburg said, “Alright.”

The Clerk said, “Okay, that’s your motion and Councilmember Seekings, are you the second?”

Councilmember Seekings said, “Yes. I would be happy to second.”

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

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, “I just want to make sure that we’re clear on what we’re doing with this motion. At that Public Safety meeting, we also discussed what you just proposed ten minutes ago, which was this audit through Novak which mirrored very closely to Councilmember Lewis’ amended motion, which was to have this audit through Novak, and for that audit to be reviewed, I’m sorry, that proposal to be reviewed through the Public Safety Committee. Councilmember Lewis’ motion, was very similar to what we discussed, and also what we discussed at the Public Safety meeting, so, is that still back on the floor?”

Mayor Tecklenburg said, “Well, it’s not really necessary in my view, but we do have this ordinance that was passed by the Committee that needs to be approved. What I would recommend to you is that on June 30th, we have Ms. Novak back in town, and that we call a meeting of the Public Safety Committee and have her meet with us and begin to work on that scope of work that I mentioned of what will be included in the audit. Then we could decide on how the Committee would like to go forward in involving the public and getting their input as well.”

Councilmember Shahid said, “Then I think, Mr. Mayor, that’s sort of what the confusion is with this report. The Committee voted unanimously for an audit after Novak identified two or three, if I recall this correctly, for Novak to identify two or three companies.”

Councilmember Wilson said, “No less than three.”

Councilmember Shahid said, “No less than three.”

Councilmember Wilson said, “Councilmember Shahid, I have the exact language.”

Councilmember Shahid continued, “The discussion that we had was that Novak was to identify no less than three, qualified companies to do a racial bias audit within the existing contract, that those companies be brought to the attention and review of the Public Safety Committee; and that the Public Safety Committee review those companies and make a report back to full Council on that recommendation for Council’s full approval to adopt that company. I think that mirrored what you just said about five or ten minutes ago.”

Mayor Tecklenburg said, “It does, and I don’t think we actually took a vote on that at the committee meeting.”

Councilmember Lewis said, “No, we didn’t, but I’m waiting for it.”

Mayor Tecklenburg said, “There was no vote.”

Councilmember Lewis said, “It was not voted on.”

Mayor Tecklenburg said, “Our agreement with Novak allows us, just for me, to ask them to do that and as I just pledged, I’m happy to do that. I’ll ask them to identify three firms, and we’ll bring it to the Public Safety Committee for your review.”

Councilmember Shahid said, “I think that needs to be made public, that was what was discussed at that Committee meeting. We adopted that.”

Mayor Tecklenburg said, “It was not adopted. We did not vote on it.”

Councilmember Shahid said, “We didn’t adopt it, I’m using the wrong word on that I apologize. We did not adopt it.”

Mayor Tecklenburg said, “We discussed it.”

Councilmember Shahid said, “We discussed it and I apologize for my misuse of the word adopt. We discussed that procedure, but I think that the full Council needs to hear. That was what we discussed, and that was the intent of those companies coming forward, for us to report back to full Council a recommendation of what company to use.”

Mayor Tecklenburg said, “Right.”

Councilmember Gregorie said, “Just for further clarity, Mayor. So, we’re saying Novak will identify the three.”

Councilmember Shahid said, “No less than three.”

Councilmember Gregorie said, “Based on what?”

Councilmember Wilson said, “The language that I had written down, verbatim, was to ask Novak to solicit proposals from no less than three companies with expertise in bias and policy and return them to Public Safety for approval.”

Councilmember Gregorie said, “By soliciting, what do you mean?”

Councilmember Wilson said, “Basically, Novak would do an RFP.”

Mayor Tecklenburg said, “No.”

Councilmember Wilson said, “Well, that term was used, however.”

Mayor Tecklenburg said, “It’s within our contract for them to recommend someone to partner with them on this matter, and our contract with them, the City can approve or disapprove.

I'll ask them to investigate at least three firms, and if anybody here on Council has somebody in mind that you would like to recommend for them to vet and then bring to the Public Safety Committee, that's fine. Let me know who they are, and I'll pass that along. We'll ask them to vet them and investigate whether they are good, and then we'll bring it back to the Public Safety Committee. Is that alright?"

Councilmember Gregorie said, "I'm a little lost, Mayor, because they're going to just solicit? I don't know what that means. How do you solicit three firms?"

Mayor Tecklenburg said, "You investigate them, you call them, you find out if they're available, and you find out what their pricing is like. Just like a contractor might talk to three air conditioning firms before he decides to select one of them, just like that."

Councilmember Gregorie said, "I just want to protect the process. I'm not trying to challenge, I just want to make sure that the process that we use is okay."

Mayor Tecklenburg said, "It's all within the way our contract is written."

Mayor Tecklenburg recognized Councilmember Waring.

The Clerk said, "Councilmember Lewis and then Councilmember Waring."

Mayor Tecklenburg said, "Oh, Councilmember Lewis."

Councilmember Lewis said, "If I am correct and if I'm not correct, I hope somebody will make sure that I am correct, the Public Safety Committee took no position on this item. My Resolution was on the agenda. We voted my resolution down tonight by the members of Council. Novak was not on the Public Safety agenda. Novak was not on the City Council agenda. So, if he wants to amend the contract to get Novak to do this then, if we're following the proper procedure, he needs to add this item to the agenda and get Council to vote for him to amend that contract because the full Council voted for that contract. So, we need to amend that contract to ask Novak to do that, if I am correct."

Mayor Tecklenburg said, "Councilmember Lewis, what I'm trying to convey is that our agreement with Novak allows them to partner with."

Councilmember Lewis said, "To subcontract?"

Mayor Tecklenburg said, "To subcontract with our approval. They can't just hire anybody they want without our permission. So, we really don't need a Resolution to proceed along the lines that I've described."

Councilmember Waring said, "That approval does not need to come before Council?"

Mayor Tecklenburg said, "No, sir."

Councilmember Waring said, "How much is that aspect of the contract going to cost?"

Mayor Tecklenburg said, "I don't know yet. They have to do that investigation."

Councilmember Waring said, "Well, to that end, we had a lot of conversation tonight, and obviously a lot was aimed at the Chief. I can't think of a time that the Chief brought anything before this Council, and I've told the Chief this, Bill Moody was there; I can't think that the Chief has ever asked for anything of this Council that did not pass unanimously. You can't say that as Mayor, I can't say that as a Councilmember, and I don't think any other Councilmembers can say that every time they bring a proposal, not only does it pass, it passes unanimously. Everything you said about the Chief, I agree with. Everything people came up to say at the microphone, both to my left and my right, I agree with. The Chief has been an outstanding Chief. There's no doubt about that. Somehow you all have couched this as we attacked the Chief's character. Nationally, Mayor Riley is known as, if not the best, as a matter of fact, a lot of people in this country refer to him as America's Mayor. Certainly he's the finest Mayor this City has ever seen during my lifetime, and you as Mayor have asked to audit every department this City has had."

Mayor Tecklenburg said, "Over time."

Councilmember Waring said, "This Council supported that because we didn't think it was unreasonable. So, to bring a RFP, I'm going to tell you, the unfair part, in my opinion, that happened to the Chief in this process. I've told the Chief this, and I've told you this in your Chambers. You, as Mayor, as the Chief Executive Officer in this City, set a process in place that had no transparency. It is the inconsistency in our RFP process that has created a lot of this consternation on this subject. When you want a transparent process, and to the Chief's credit, the Chief has said, 'you know what, if you guys want something done about that, you all need to do something about it', and the Chief is right. Our RFP process in the year and a half that you have been here, there are times when you set a process in place that will have people from a department, in this case the Chief, you will have people from the Legal Department represented around the table. When you have the Minority Women and Business Enterprises, Mr. (Theron) Snype, is around the table, and you Mr. Snype, will have a number of Councilmembers around the table. For this process, you had no legal staff around the table, I found out. I don't know how many other Councilmembers knew but I found out in the newspaper that the only people that served on that RFP process were the Chief, Ms. Wharton, Ms. Poteat. I don't even know the fourth person from the IT Department. It wasn't Gary Cooper to my knowledge. Now, the Chief told me that when I met with him not too long after Novak was selected. I thought he didn't tell me about the Councilmembers, because I just assumed Council was represented around the table on something that's going to cost the City upwards of $250,000 in one year, and maybe as much as a half a million dollars. When I met with you, I said, 'all of those people work for you', where was diversity in the room?' In particular, we're going to have a firm do an audit on racial bias, and there was not an African American involved from day one on that, and you put that process in place.

When Councilmember Gregorie and I, along with the Chief, met with Novak, it is a woman-owned firm, and they were proud to show their trifold of their staff. Everybody on their staff was all white. I'm a firm believer that had a minority, at least an African American, been involved in that process, giving the diversity involved in our City, somebody would have said that during that interview process. It was six companies. I found that out in the newspaper myself. One company may have had a more diverse staff than the other. I can't say because I wasn't there, and not one Councilmember around this table can say 'yea' or 'nay' on Company 2, 3, 4, 5, or 6. I don't even know if you know, as Mayor, how diverse the other participants were from a staff perspective compared to Novak. Now, we're getting into personal pushes somehow. I said this, and the Chief has heard it, I've said it publicly, a lot of us have said this, the finest Chief in America, and somehow his character is being impugned or somehow weighted on, and that's just wrong. We get in these political pushes, quite frankly, because of the process. When we first started out, I said, 'well, we all knew you were new,' and the standard of comparison of you to Mayor Riley is unfair.

Mayor Riley only had 40 years experience, but to put a process in place that's going to assess the performance and best practices of every department in the City and not have any minorities involved in that process, that's not transparent Mr. Mayor, and that you should be ashamed of because you are number one, the Chief Executive Officer. I've told you that, so this is nothing new. I really thought the compromise today would have been to have a fair transparent RFP, but the political process around this table tonight didn't allow that. Politics won tonight, not fairness and openness, not inclusion, not unity, not Charleston Strong. I would hope for this Council because it is evident, and this is the third time that we've had a RFP process that was slanted under your administration in 18 months. It's not the Chief's fault, it's not Ms. Wharton's fault, and it's not Legal's fault, but it's you as a Chief Executive Officer. So, if we're going to have push back, let's have it in the proper forum. When we had the construction consultant for the IAAM Museum, we had Councilmember Williams on that Committee, is my understanding. Did you serve Peter?"

Councilmember Shahid said, "I did not serve on that Committee."

Councilmember Waring said, "You didn't serve on the Committee?"

Councilmember Shahid said, "No."

Councilmember Waring said, "Okay. Well, during that process--"

Mayor Tecklenburg said, "Which one was this?"

Councilmember Waring said, "The International African American Museum."

Councilmember Waring said, "Who were the other City Councilmembers that served with you? Anyway, that's okay, that's fine."

Councilmember Shahid said, "Actually you were on that Committee."

Councilmember Waring said, "No, I wasn't."

Councilmember Shahid said, "Yes, you were."

Councilmember Waring said, "The records will show that I wasn't on that Committee. I was on the Board of the IAAM Museum, and there probably was a conflict, so that's probably why I wasn't on there. I am on the Board of IAAM. We had the issues with the employee of a lobbyist calling on our Capital Projects Department. I found out about that because employees called me. I said, 'you know what you need to do, the same thing you're telling me, tell the Mayor.' That ends up in the newspaper. Employees reached out because they thought that process was unfair. I spoke out at the time during the search for the consultant to represent West Ashley, which resulted in Dover Kohl, this is no secret, Dover Kohl being a fine company but there were others. The Committee was stacked, no Legal, we had minorities, but we had basically your staff, the Planning Department, and two Councilmembers. Councilmember Riegel couldn't serve due to his schedule. The Councilmembers I found out afterwards, Peter and I, voted for the same company. Staff basically overruled City Council, and when the budget item came up, and they were 40 to 45 percent higher than our budget and higher than the next bidder substantially. The four companies that bid on that, one was at budget and two were within 10 percent of the budget prior to negotiations, but I couldn't say anything about that until the contract was awarded. Our Procurement Officer says we'll negotiate and if they don't negotiate in good faith, we'll go back to the next responsive bidder. These guys are $150,000 over, they reduced their fees $5,000 to

$7,000, maybe $10,000. What was the practice? This administration went to Historic Charleston and got $50,000 to offset the cost but, in effect, the City of Charleston paid almost $100,000 more for that service than we had to. Now, let me tell you what that could do, that could provide $5,000 for 20 families' downpayment assistance to buy affordable housing. That's what that $100,000 could do. It could pay for the drainage project study over in Councilmember Lewis' District in East Oak Forest. It could have paid for the study to plan the WPAL Waterfront Park, but the preference was Dover Kohl. Our process doesn't allow for Council to be fully informed when that vote is taken, even if I wanted to share , I was told you can't share it until the contract is awarded. So, now we follow that with the process that you put in place that eventually brought Novak to being the company that was voted on. I made a mistake, and in my opinion all Councilmembers made a mistake, because I don't know that we knew that no Councilmember served on that Committee. I didn't know that. I didn't know that no minorities served on that, I didn't know Legal didn't serve on that, I didn't know Women in Minority Businesses was not also around that table, and if that's going to be the process by which the City of Charleston is going to do business the next two and a half years going forward, then we need to have a push. As I told you, that's a process that all of the citizens need to know if that's the way we're going to be doing business."

Mayor Tecklenburg said, "Well, Councilmember Waring, if I may respond. Since I met with you last week when we discussed this, I went and pulled our Procurement policy, most of which was set forth in a Resolution by this Council in 1983, and it was updated in 2013. So, just four years ago, and in my own review of it, there are some inconsistencies here and some things that could certainly be improved. I would be happy to appoint you as Chairman of a Committee that would look at these Procurement policies, and we could add that to our workshop meeting at the end of July. I'm open to any suggestions you might make."

Councilmember Waring said, "Mr. Mayor, I accept that because I agree with you, it needs to be done."

Mayor Tecklenburg said, "It needs to be looked at."

Councilmember Waring said, "It needs to be improved, because that piece, it is the objectivity of the fairness of pricing. As a Mayor that's been there a year and a half, certainly mistakes can be made."

Mayor Tecklenburg said, "Well, thank you."

Councilmember Waring said, "No, no, no, but the fight to keep a bad process in place needs to be done away with and, I think, Councilmembers feel the same way about that."

Mayor Tecklenburg said, "It will need to be vetted, if I may say so."

Councilmember Waring said, "I agree."

Mayor Tecklenburg continued, "For example, your suggestion about having legal representation, I spoke with our Counsel about that, and she advised that, in fact, it would be best for them not to be a voting member, even though they might be an onlooker member, so to speak."

Councilmember Waring said, "I agree."

Mayor Tecklenburg said, "But, that's not covered in any of our procurement policies."

Councilmember Waring said, "I've seen it done that way, Mr. Mayor, where Adelaide Andrews often would sit in, advise, consent, but not vote. So, I agree with Council on that, but anyway, the Chief was right when he said, 'you guys need to do something about that', and the Chief, with all due respect, I think he kind of said that out of a little frustration, because the same conversation I'm having with you right now and this Council, I shared with the Chief. The Chief wasn't 99 percent right, he was a 100 percent right, because here we are now talking, after the fact, and let me tell you on this process how the taxpayers are being treated unfairly. We're going to pay Novak to oversee and go do a search that we do all the time. We just voted down Councilmember Lewis' RFP request, Novak is not going to go find three, four companies, whatever the number is, without charging us. They're not going to do that, and when they find, hopefully, one of the best companies in the country to conduct this audit, they're not going to oversee them for free. So, the taxpayers, in effect, are going to pay twice. So, instead of having three or four or however many Public Safety, under your proposal, will get, whenever that one is selected, Novak charges an hourly fee to oversee that. One other point, and I'll yield the floor respectfully."

"Let me tell you why that's wrong in my opinion. Novak, as I understand, is going to audit virtually every major department in the City of Charleston, am I right in saying that?"

Mayor Tecklenburg said, "Upon our request."

Councilmember Waring said, "Upon request. Are they going to audit the Planning and Preservation Department?"

Mayor Tecklenburg said, "At some point."

Councilmember Waring said, "At some point. We have Dover Kohl that's working on a revitalization plan for the largest area geographically from a populous standpoint in the City of Charleston. Is Novak going to oversee that? Will Novak oversee Dover Kohl's revitalization plan that they're working on for the City of Charleston?"

Mayor Tecklenburg said, "I don't believe that's our intent."

Councilmember Waring said, "It's just like getting, if you're a contractor, and you need an air conditioning guy, you go get a contractor to oversee that. So, I'm going back to your premise, the example that you just gave, how Novak can oversee a process that they have no expertise in, and construction, that can be done, I agree with you on that, but the biggest planning process that's ever been embarked on in the history of the City of Charleston Novak is not going to oversee that because they're not needed. I agree with that, they're not needed, and you know what, Novak isn't needed to oversee a company that, truly, if we're going to get a company that truly has the expertise to do this, they will need to be overseen, or if they need supervising, we need to get somebody else."

Mayor Tecklenburg said, "Well, may I ----"

Councilmember Waring said, "Thank you for the time, and Council has been patient with their time and listening. Unfortunately, Councilmember Williams always misses the best part."

There was laughter in the Chamber.

Councilmember Waring said, "But, anyway, I've had my say and I appreciate your patience in hearing me out as I heard you earlier today."

Mayor Tecklenburg said, "Yes, sir, and I appreciate your patience with me tonight. Since we're on it, I'll give you just a very brief update that what we've been kind of waiting for to really get Novak going was the SWOT analysis, that you all know about, that our internal team has been doing with each and every department of the City. They've been conducting that over the last three or four months and are finishing this month, and we will have the recommendations from our performance improvement team along with Novak as to what two or three departments we'll be "auditing" or "reviewing" first, and that's happening."

Councilmember Waring said, "To that point, don't you think it's fair to whomever the new Chief will be, whoever he or she is, that they have a role to play in this audit that we're going to do? Doesn't that make sense to have the new Chief have a say? As a matter of fact, the new Chief may or may not have experience and maybe has participated in such an audit. We don't know yet, we don't know what kind of talent that's going to come forth. It would seem to me, it would have been very unfair to have Novak, if Mayor Riley had said, 'you know what, I'm going to do a performance audit, I'm coming toward the end of my term, I've got a year and a half to go, so I'm going to come to Council and we're going to do it, we're going to vote it, and you would come in, having been elected afterwards. You may have said, 'I would have done it a different way', and you had the privilege of doing it your way, and we supported that, and you're right, it passed unanimously. I think the incoming, whoever the new Chief is, just as our Chief was going to be over the process in bringing in a new Chief, that new Chief should have some say so, some role to play in this audit that's going to be done. So, I'd like to hear your response on that. Thank you."

Mayor Tecklenburg said, "Well, I think you could argue that both ways. Some Councilmembers sounded like they were opposed to Chief Mullen being involved in the effort just a few weeks ago, and so you could argue it's more independent if the Chief isn't involved. Another way of looking at it would be, when a new Chief comes on board, wouldn't it be nice for him to be able to see what the audit says and what—"

Councilmember Waring said, "Him or her."

Mayor Tecklenburg said, "Yes, him or her, sorry. Exactly, him or her. I use that form collectively. So, there are two ways of looking at it."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I kind of thought I might not say anything tonight, since I feel like I kind of started this thing, but out of my frustration with the CAJM group, I spoke up. I had written a bunch of notes that I wanted to say about it tonight and, quite frankly, you covered most of them. I don't really think that Councilmember Lewis' Resolution is that far away, from one that was here tonight, for what we're going to end up doing. What I don't want to happen tonight is for this Council and this Mayor to be separated, because I think we do have a lot of respect for one another."

Mayor Tecklenburg said, "Absolutely."

Councilmember Waring said, "I don't want that to go away. That's, to me, one of the most important things. We can't get anything done, going back to your statement, but let me just mention a few things, and you covered most of them that were on my mind. Number one, I believe that we should conduct this search for a new Chief as expeditiously as possible, and I think the new Chief should be on board and have a role in the racial bias piece of the puzzle. You said that we had a lot of people tonight speak about the successes of the Illumination Project. I think we should get some kind of report, on a regular basis, about that. A lot of that stuff was kind of new to me. I've never heard it before. I had already written down that, as a City and a Council, we need to kind of look at that project. Is it going where we expected it, is it doing what we needed to have done, and get some kind of report back? I think that's all important in going forward with this bias thing. As for the Novak RFQ, I think we should move forward on that with everything, except maybe the racial bias piece. As an administration, we need to decide which department needs the scrutiny first. We need to decide where we're going to go, what the scope of that work is going to be, and we need to go forward with that, this racial bias piece. Once we get our Mayor--."

Councilmember Moody continued, "Excuse me."

Mayor Tecklenburg said, "You all keep doing that. You all did that last meeting."

Councilmember Moody continued, "Once we get a new Chief, Mr. Mayor, then we can work on the scope for that racial bias. We can put an RFQ out to look for that, to look for the best firm. That was my next item."

Councilmember Gregorie said, "We're waiting on the RFQ for?"

Councilmember Moody said, "For the racial bias piece."

Councilmember Gregorie said, "But I thought we just said that we're not going that route?"

Councilmember Williams said, "He's just talking."

Councilmember Moody said, "Well, I don't think we're approving anything tonight."

Councilmember Gregorie said, "Alright."

Councilmember Moody said, "These are my thoughts, because Councilmember Waring has some concerns about the process. So, let's take this piece out, look at the racial bias, and let's do it. We don't need Novak involved in it necessarily. Obviously, there's got to be some kind of coordination there, just like it would be with Dover Kohl and this piece. They've got to be together. Then, the last thing, is this COPS Program. My understanding is that you and your staff have talked with the folks, the Department of Justice. They have said they really like the Illumination Project, so that could be a lot of stuff. The next piece is all of the analytics to get the data that is out there, but put it together to analyze it, and then, if they're still in the business, maybe they could do that, and the cost is nothing, but they've said, 'that's a good process.' So, to me, it was a hard vote to vote this down because I thought we were talking about the same thing. Anyway, my frustration with CAJM may have gotten the best of me, but, I think we're all on the right track."

Councilmember Waring said, "We can always bring it back."

Councilmember Moody said, "What?"

Councilmember Riegel said, “We’re still in session.”

Councilmember Moody said, “I think we’re on the right track here. I’ve heard what Councilmember Lewis said, I’ve heard what Councilmember Waring said, and I think we just need to talk and work the process through. I think we just don’t have all of the details yet, and we’re making assumptions that may or may not be correct. So, anyway, that’s my comment.”

Mayor Tecklenburg said, “Have you ever seen this report? This is on the Illumination Project. I’ll make sure you all get one, but it came out about six weeks ago.”

Councilmember Lewis said, “Mr. Mayor.”

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, “I’m glad you said that, Councilmember, because if you read the Resolution, it said I was going to bring this for information. We would vote on it at the July meeting, but the fact is that two or three City Councilmembers intercepted this and made a bad thing out of it because the Mayor was out of town. He had a right to go over this before it even got to anybody, but because these people want to do what they want to do, and violate the rules of this Council, that’s why we’re having this discussion tonight. Most of the rest of us would have been at home in our bed, somewhere eating dinner, or having a nice drink, and not sitting here discussing this. Well, we’re discussing this because we have two or three Councilmembers that want to break the Rules of Council and want to do what they want to do. We know the reason behind that, because someone else wanted to write their own Resolution and didn’t want mine, and I know that. So, we can say anything we want to say tonight, but they’ve got to live with it, not me. I’m finished. I told them earlier, whatever decision Council made tonight, I’ll live with it. Council took the vote, the votes were against the Resolution, and I’m not going to lose any sleep over it.”

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, “Yes, I was just wondering where the nearest McDonald’s is and if they still have Happy Meals at 9:30?”

Mayor Tecklenburg said, “I think so. Alright, back to our Public Safety Committee Report.”

Councilmember Wilson said, “Gentlemen, one issue that we did discuss that we haven’t really addressed this evening, and it is of substantial importance, is the search for a Police and a Fire Chief, the process that is going to be used, the involvement of this Council or the Public Safety Committee, and how we intend to move forward with those processes.”

Mayor Tecklenburg said, “I don’t have a lot of new news for you since our Committee meeting the other day. Our Human Resources Department is, number one, looking back at what we did last time when we hired Chief Mullen and when we hired Chief Brack. I’m going to use that as kind of a template and involve Council and the Public Safety Committee, after we have our professional firm, which we may have to come back to Council and get your approval, depending on what kind of quotes we get, if it’s so much money. So, that will be on the July 11th agenda for sure.”

Councilmember Wilson said, “I do want to add, having served on the Committee that selected Chief Carr and Chief Brack, it’s very important to me. I’ve watched the process unfold several times now, how well it worked in the past, and I think, as a City, we need to take care not to

reinvent the wheel too often. The process worked quite well with our Fire Chief. I think that could be expanded for the Police Chief. Involvement with the rank and file in the Fire Department was an extremely good idea. It was necessary at that time for, I think, the well-being and well-functioning of the department, however, I would strongly encourage continued involvement with the rank and file in both the Police Department and the Fire Department, as well as giving Council the opportunity to meet with candidates, and Public Safety's involvement in some way, because the process played out very, very well."

Mayor Tecklenburg said, "Right, and I don't have it in my head, but there were these committees that were formed that included Councilmembers, citizens, and members of the department. It was a mixed bag of folks involved."

Councilmember Wilson said, "I'm sure Kay Cross would have records."

Mayor Tecklenburg said, "We have that, I just don't have it committed to my memory. Yes, sir."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I want to reiterate that I thought it was very helpful, particularly with Chief Brack, where we had a meeting down at the Maritime Center, and I think three or four, four candidates I believe, they were all there together. They had a little speech, and we had a chance to talk with them individually. I found that to be very helpful. Then, I got a call from the Mayor, and he said, 'what did you think, what was your ranking?' I said, 'well, my ranking is this, that, or whatever', and he said, 'what were the weaknesses that you saw'. Actually, I cited a weakness on a couple of them, and he called me back and said, 'here's the answer to your concerns', and to me, that gave me a lot of confidence in how it was done. So, I just pass that along."

Mayor Tecklenburg said, "I'll use that as a template."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Did we vote on number (d) under the Committee on Public Safety?"

Mayor Tecklenburg said, "We have not."

Councilmember Lewis said, "We need to vote on that."

Mayor Tecklenburg said, "We do, we do."

The Clerk said, "We have a motion."

Mayor Tecklenburg said, "And a second on the floor already to accept, I guess, the Committee Report which would include approval of an ordinance listed as J.1.(d). Is there any further discussion?"

No one asked to speak.

On a motion of Councilmember Wilson, seconded by Councilmember Seekings, City Council voted unanimously to adopt the report of the Committee on Public Safety as presented:

---INSERT PUBLIC SAFETY REPORT---

(a) Discussion regarding City of Charleston Fire Department and Police Department Chiefs (INFORMATION ONLY)

(b) Resolution regarding an independent audit of the City of Charleston Police Department (Councilmember Lewis) (INFORMATION ONLY)

(c) Discussion regarding an independent audit of the City of Charleston Police Department (INFORMATION ONLY)

(d) An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 21, Article IX, Section 21-191 to add a separate offense for opposing or resisting a law enforcement officer who is serving, executing, or attempting to serve or execute a legal writ or process or resisting arrest in order to ensure that the City's Code does not conflict with State Law and to remove references to City Police Department horses which are no longer utilized by the department.

(e) Updates:

-- Fire Department

-- Police Department

First reading was given to the following bill:

An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 21, Article IX, Section 21-191 to add a separate offense for opposing or resisting a law enforcement officer who is serving, executing, or attempting to serve or execute a legal writ or process or resisting arrest in order to ensure that the City's Code does not conflict with State Law and to remove references to City Police Department horses which are no longer utilized by the department.

Mayor Tecklenburg said, "Next is our Committee on Public Works, Chairman Williams."

Councilmember Gregorie said, "Move for approval."

Councilmember Waring said, "Second."

Councilmember Williams said, "Public Works met, and I would just like to highlight one thing. Most of us know we have a moratorium in Church Creek. The firm is on the ground. They're doing the work, and they're studying. We're looking for them to bring in some

recommendations early on, before October 9th. So, it's working, and a recommendation will come in. Thank you."

Mayor Tecklenburg said, "Alright. Can we just have a motion to accept?"

The Clerk said, "We have it. We have a motion from Councilmember Gregorie and a second from Councilmember Waring for Public Works and Utilities"

Mayor Tecklenburg said, "I'm sorry. Is there any further discussion?"

No one asked to speak.

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

---INSERT PUBLIC WORKS AND UTILITIES REPORT---

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

(I) The Gardens at Riverview Farms - Acceptance and dedication of Turkey Trot Drive (50-foot right-of-way [999 LF]), a portion of Lois Allen Road (50-foot right-of-way [504 LF]), a portion of Black Maple Way (50-foot right-of-way [387 LF]), a portion of Farmland Road (60-foot right-of-way [255 LF]), and a portion of Thin Pine Drive (50-foot right-of-way [1,615 LF]). There are 82 lots. All infrastructure except sidewalks (bonded) is complete.

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

(II) Daniel Island, Parcel BB5 and CC6 - Acceptance and dedication of Juliana Street (50-foot right-of-way [725 LF]), Trewin Court (50-foot right-of-way [455 LF]), Waker Street (50-foot right-of-way [600 LF]), a portion of Daniel Island Drive (right-of-way varies [1,230 LF]), a portion of Josiah Street (50-foot right-of-way [125 LF]), a portion of Limeburner Lane (20-foot right-of-way [115 LF]), and a portion of Waverly Street (50-foot right-of-way [525 LF]). There are 73 lots. All infrastructure is complete and accepted.

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

(III) Heritage Oaks, Phase 2 - Acceptance and dedication of Belle Terra Lane (50-foot right-of-way [613 LF]). There are 14 lots. All infrastructure is complete and accepted.

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

(IV) Sidewalk at Marginal Road – Approval to notify SCDOT that the City intends to accept maintenance responsibility for a 5-foot wide by 358-linear-feet long concrete sidewalk and one ADA ramp with detectable warning assemblies for a portion of sidewalk located within the SCDOT right-of-way at Marginal Road (S-10-2469) to the intersection of Ponderosa Drive. Letter and map attached.

-- Letter
-- Map

(V) Sidewalk at Meeting Street – Approval to notify SCDOT that the City intends to accept maintenance responsibility for an 8-foot wide by 165-linear-feet long concrete pavers sidewalk, landscape plantings, 6-foot wide by 305-linear-feet long concrete sidewalk, 15-foot wide by 40-linear-feet long concrete sidewalk, and one ADA ramp with detectable warning assemblies for a portion of sidewalk located within the SCDOT right-of-way at Meeting Street (S-107) and I-26 off-ramp. Through a standard City encroachment agreement, the owner agrees to maintain the non-standard materials. Letter and map attached.

-- Letter
-- Map

(VI) Sidewalk at Main Road – Approval to notify SCDOT that the City intends to accept maintenance responsibility for a 5-foot wide by 168-linear-feet long concrete sidewalk and four ADA ramps with detectable warning assemblies for a portion of sidewalk located within the SCDOT right-of-way at Main Road (S-10-20) and Brownswood Road (S-10-1442) at Oakside Apartments. Letter and map attached.

-- Letter
-- Map

b. Requests for Permanent Encroachments - 28 Aiken Street – installing concrete step encroaching 5 inches and door hood encroaching 2 inches into right-of-way.

c. Memorandum of Understanding for In-Contract Watershed Master Plan for the Dupont-Wappoo Watershed between City of Charleston and Charleston County and Exhibit A. The MOU outlines the financial cost sharing for the project between the City and the County. The City has negotiated the total cost of the project with the consultant in the amount of $373,025.00. The City will be responsible for 75% of the total cost, not to exceed $279,768.75. The County will reimburse the City for 25% of the total cost, not to exceed $93,256.25.

Mayor Tecklenburg said, “Next, the Committee on Ways and Means.”

Councilmember Moody said, “Move for approval of the Ways and Means Report.”

Councilmember Shahid said, “Second.”

Mayor Tecklenburg said, “Is there any discussion on Ways and Means?”

No one asked to speak.

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

---INSERT WAYS AND MEANS REPORT---

(Bids and Purchases)

(Police Department: Approval to submit the COPS Hiring grant application in the amount of $1,250,000 for the City of Charleston Police Department to hire ten police officers. The City is requesting a match to be budgeted for the three-year grant period as follows: Year 1 (20% or $161,931.20), Year 2 (30% or $242,896.80), and Year 3 (50% or $404,828).

(Police Department: Approval to submit the COPS Community Policing Microgrant application in the amount of $74,654 to support ICAT training for all Police Department officers. No City match is required.

(Fire Department: Approval to apply for a Hazardous Materials Emergency Preparedness (HMEP) grant in the amount of $16,000 for the Charleston FD Haz-Mat Team to attend specialized training. A 20% match is required for this grant ($3,200) to be budgeted for in the FY18 Budget.

(Police Department and Fire Department: Approval to submit the 2017 Port Security Grant in the amount of $502,411 for first responder equipment and supplies. The City is requesting to budget a cash match of $167,470 for 2018.

(Mayor’s Office for Children, Youth and Families: Approval to accept the Building Our Future Grant award in the amount of $5,000 to be used for projects that pertain to construction. The award requires 3 to 5 construction projects and the rest of the funds are unrestricted. No City match is required.

(Parks: Approval to submit the Keep America Beautiful Lowes Community Partnership Grant Application in the amount of $5,000 for use in the creation of a pollinator garden with Enough Pie. No City match is required. Due to time constraints, this grant was submitted on June 5, 2017.

(Office of Cultural Affairs: Approval to submit a grant application to the Jerry and Anita Zucker Family Endowment Fund in the amount of $5,000 to support outreach programs of the 2017 Piccolo Spoleto Festival. No City match is required. Due to time constraints, this grant was submitted on June 14th.

(Office of Cultural Affairs: Approval to accept a grant award from the South Carolina Department of Parks, Recreation & Tourism in the amount of $5,004. Funds will go towards media promotion of the 2017 MOJA Arts Festival. A City match in the amount of $10,159.64 is required. Matching funds will come from corporate sponsorships and paid admissions.

(Police Department: Approval of an Agreement which provides for CPD response to unauthorized intrusion into the USCG armory/weapons space located at 196 Tradd Street.

(Police Department: Approval of a Mutual Aid Agreement with Berkeley County Sheriff's 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.

(Parks-Capital Projects: Acceptance of the 2017-2018 Park and Recreation Development (PARD) grant award. This funding will be used to fund a portion of the installation of subsurface drainage to improve the athletic field drainage and overall functionality at Governor's Park. This work is going to be done in conjunction with the site repairs as a part of the Governor's Park Ballfield Lighting project. The PARD grant provides 80% of the cost of a project, with the remaining 20% to be provided as matching funds. The grant funding provides $16,000 requiring a $4,000 match. Total project funding is $20,000. Funding will be available upon acceptance of award and work must be completed by May 31, 2019. The approval of this grant award will allow for the $20,000 grant to be included in the Governor's Park Lighting Project Budget. The funding source for the project is: 2017 PARD Grant Funding ($16,000) and 2013 General Fund Reserves ($4,000).

(Parks-Capital Projects: Approval of a Construction Contract with Rakes Building and Maintenance Contractors, LLC dba Blutide Marine Construction in the amount of $537,812 of the construction of improvements to the West Ashley Greenway for the segment between Parkdale Drive and Croghan Landing Drive. The scope of work includes improvements to the existing facilities of approximately 2.3 miles of greenway including but not limited to stormwater pipe installation and repair, causeway repairs to the protective riprap, base preparation, asphalt and concrete paving, landscape, fencing and signs/markings. 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 $537,812 of the $840,000 project budget. The funding sources for this project are: 2013 General Fund Reserves ($700,000) and 2015 Charleston Transportation Committee "C" Funds ($140,000).

(Parks-Capital Projects: Approval of Daniel Island Shoreline Restoration Change Order #1 with Triad Engineering & Construction Company in the amount of $11,709.20 for approximately eighteen (18) feet of additional rip rap at the north end due to erosion that occurred after the start of the project. The project budget will increase by $3,462.20. The contract time will increase by five (5) days. This approval will result in a $11,709.20 increase to the Triad Engineering & Contracting Co. Construction Contract from $470,400 to $482,109.20. With approval of this Change Order, Council is approving the transfer in the amount of $3,462.20 to the project budget from the Daniel Island Admissions Tax Grant. The remaining $8,247 will come from the project contingency. The funding source for this project is the Daniel Island Admissions Tax Grant ($558,462.20).

(Parks-Capital Projects: Approval of Daniel Island Shoreline Restoration Change Order #2 with Triad Engineering & Construction Company in the amount of $4,262.40 for the installation of additional fill to rebuild the pedestrian path that washed-out during Hurricane Matthew. The City intends to seek reimbursement through FEMA for the hurricane related damage. The project budget will increase by $4,262.40. The contract time will increase by two (2) days. This approval will result in a $4,262.40 increase to the Triad Engineering & Contracting Co. Construction Contract from $482,109.20 to $486,371.60. With approval of this Change Order, Council is approving the transfer in the amount of $4,262.40 to the project budget from the Daniel Island Admissions Tax Grant. The funding source for this project is the Daniel Island Admissions Tax Grant ($562,724.60).

(Parks-Capital Projects: Approval of a Construction with Contract Salmons Dredging Corporation in the amount of $581,497.07 for repairs to the floating docks at the Charleston Maritime Center. The base bid in the amount of $274,809 is for damage sustained during Hurricane Matthew and the City will be seeking reimbursement for these expenses from FEMA. Alternates 1-5 in the amount of $306,688.07 are general maintenance related items including through rod replacement, steel pile guide coating, steel pile guide replacement, concrete spall repair, and replacement of two concrete floating docks. 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 $581,497.07 of the $622,203 project budget. The funding sources for this project are: Emergency Preparedness #3 ($274,809) and 2017 General Maintenance-Dock Maintenance ($347,394). By approving this, Council also approves a budget transfer from General Maintenance-Facilities Maintenance ($70,690) and Capital Projects-Structural Repairs ($40,705) to the General Maintenance-Dock Maintenance line item within the 2017 General Fund Budget.

(Parks-Capital Projects: Approval of a Construction Contract with Salmons Dredging Corporation in the amount of $299,633 for repairs to the floating dock at Demetre Park. The base bid in the amount of $204,369 is for damage sustained during Hurricane Matthew and riprap reinstatement and the City will be seeking reimbursement for these expenses from FEMA. Alternate #2 in the amount of $95,264 is for additional riprap reinstatement related to additional hurricane mitigation. 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 $299,633 of the $320,608 project budget. The funding sources for this project are: Emergency Preparedness #3 ($204,369) and 2017 General Maintenance-Dock Maintenance ($116,239). By approving this, Council also approves a budget transfer from General Maintenance-Facilities Maintenance ($47,632.00) and Capital Projects-Structural Repairs ($68,607) to the General Maintenance-Dock Maintenance line item within the 2017 General Fund Budget.

(Public Service: Approval of Change Order #3 in the amount of $46,419.03 with Gulf Stream Construction Co. for the subject project to add additional SCDOT and CWS required traffic control equipment on St. Andrews Boulevard in conjunction with the lane

shifts required for the installation of a 10' x 5' box culvert. CO #3 will be funded from the project contingency.

(Public Service: Approval for JMT to provide cost estimating and design development services in the amount of $20,000 for the Low Battery Improvement Project. This is an increase to the current contract that requires City Council approval.

(Public Service: Approval for Triad Engineering & Contracting Co. to provide construction services in the amount of $198,655 for the Peach Blossom Drainage Improvement Project.

(Memorandum of Understanding for In-Contract Watershed Master Plan for the Dupont-Wappoo Watershed between City of Charleston and Charleston County and Exhibit A. The MOU outlines the financial cost sharing for the project between the City and the County. The City has negotiated the total cost of the project with the consultant in the amount of $373,025.00. The City will be responsible for 75% of the total cost, not to exceed $279,768.75. The County will reimburse the City for 25% of the total cost, not to exceed $93,256.25.

(Request approval for the Mayor to execute the First Amendment to Amended and Restated Transfer and Development Agreement between the City and Charleston Housing Authority whereby adjusting the construction commencement and completion timeline and adjusting the timeline for the City's financial contribution to the project (Parcels west of Nassau Street between Lee and Cooper Street) [Ordinance]

(Request approval for the Mayor to execute the Governmental Real Estate Lease whereby the City leases approximately 3,093 square feet on the first floor of the Greenburg Municipal Building at 180 Lockwood Boulevard to the South Carolina Department of Motor Vehicles for three years beginning March 1, 2017 [Ordinance]

(Request approval for the Mayor to execute the First Amendment to Interim Easement Agreement amending the site plan to increase the easement area from 60 feet to 80 feet for the new West Edge right of way. The property is owned by the City of Charleston. (99 West Edge; TMS: 460-00-00-032)

(Request approval for the Mayor to execute the attached Resolution whereby amending the Agreement for Development for a Joint County Industrial Park between Charleston County and Colleton County to include additional property in the City of Charleston as part of the joint county industrial park (Project Daily: 1401 Greenleaf Street; Boom Town: 0 Monrovia Street; People Matter: 466 King Street; TMS: 464-00-00-046, 464-10-00-091, 460-12-02-031, and 460-12-02-032). Property owners: Project Daily – Agru American Charleston, LLC; Boom Town – Dixie King Street Investors, LLC; People Matter - 466 King Street LLC

(Request approval for the Mayor to execute the attached Resolution whereby amending the Agreement for Development for a Joint County Industrial Park between Charleston County and Colleton County to include additional property in the City of Charleston as part of the joint county industrial park. (1595 Savannah Highway; TMS: 349-01-00-039). The property is owned by Pearowitz LLC.

(Agreement with Charleston School of Law regarding the sale of Woolfe Street Property

(Consider the following annexations:

(i) 938 Savannah Highway (TMS# 418-13-00-191) 0.15 acre, West Ashley (District 3). The property is owned by Debra U. Myers.

(ii) 1796 Gun Club Road (TMS# 354-03-00-052) 0.34 acre, West Ashley (District 2). The property is owned by Ronald A. and Victoria A. Rotzko.

(iii) 1642 Pierpont Avenue (TMS# 353-03-00-129) 0.46 acre, West Ashley (District 10). The property is owned by Dan and Pamela Dugan.

(iv) 2093 Green Park Avenue (TMS# 355-15-00-098) 0.40 acre, West Ashley (District 2). The property is owned by Laura A. Bradshaw.

First reading was given to the following bills:

An ordinance authorizing the Mayor to execute on behalf of the City a First Amendment to Amended and Restated Transfer and Development Agreement dated August 16, 2016, between the City and the Housing Authority of the City of Charleston pertaining to the transfer and development of properties located in the vicinity of the southern intersection of Lee Street and Nassau Street as shown on a plat attached to the Amended and Restated Transfer and Development agreement as Parcels A and J.

An ordinance authorizing the Mayor to execute on behalf of the City a Governmental Real Estate Lease with the South Carolina Department of Motor Vehicles pertaining to office space at and parking at 180 Lockwood Drive.

A Resolution consenting to certain real property located in the City of Charleston being included in an Agreement establishing the Charleston county/Colleton County Multi-County Industrial/Business Park for properties located in a redevelopment project area.

A Resolution to approve Amendment of the Agreement for development of a Joint County Industrial Park, by and between Charleston County, South Carolina and Colleton County, South Carolina, so as to include additional property in the City of Charleston as part of the Joint County Industrial Park

An ordinance to provide for the annexation of property known as 938 Savannah Highway (0.15 acre) (TMS# 418-13-00-191), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 3. The property is owned by Debra U. Myers.

An ordinance to provide for the annexation of property known as 1796 Gun Club Road (0.34 acre) (TMS# 354-03-00-052), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 2. The property is owned by Ronald A. and Victoria A. Rotzko.

An ordinance to provide for the annexation of property known as 1642 Pierpont Avenue (0.46 acre) (TMS# 353-03-00-129), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 10. The property is owned by Dan and Pamela Dugan.

An ordinance to provide for the annexation of property known as 2093 Green Park Avenue (0.40 acre) (TMS# 355-15-00-098), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 2. The property is owned by Laura A. Bradshaw.

Mayor Tecklenburg said, "Next is a bill up for second reading, K-1. It's a rezoning, I believe, of 350 Folly Road."

Councilmember Moody said, "Move for approval."

Councilmember Shahid said, "Second."

The Clerk said, "Are we going to take them one by one?"

Mayor Tecklenburg said, "We have four items that are all zoning matters, Items K-1 through K-4. Would it be the pleasure of Council to take them together? We have a motion and a second, is there any discussion?"

No one asked to speak.

On a motion of Councilmember Moody, four (4) bills (Items K-1 through K-4) received second reading. They passed second reading on motion by Councilmember Shahid and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Gregorie, the rules were suspended, and the bills were immediately ratified as:

2017-065 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 350 FOLLY ROAD (JAMES ISLAND) (0.50 ACRE) (TMS #424-05-00-028) (COUNCIL DISTRICT 11), BE REZONED FROM GENERAL OFFICE (GO) CLASSIFICATION TO LIMITED BUSINESS (LB) CLASSIFICATION. THE PROPERTY IS OWNED BY REGINA BROWN.

2017-066 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 67 MOULTRIE STREET (HAMPTON PARK TERRACE - PENINSULA) (0.26 ACRE) (TMS #460-03-01-018) (COUNCIL DISTRICT 3), BE REZONED FROM DIVERSE RESIDENTIAL (DR-1F) CLASSIFICATION TO RESIDENTIAL OFFICE (RO) CLASSIFICATION. THE PROPERTY IS OWNED BY CHORALIERS MUSIC CLUB INC.

2017-067 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 52 LINE STREET (PENINSULA) (APPROXIMATELY 0.90 ACRE) (RIGHT-OF-WAY) (COUNCIL DISTRICT 4), BE REZONED FROM UNZONED AREA TO GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY NORFOLK SOUTHERN RAIL. **(AS AMENDED – NEW MAP)**

2017-068 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY ON BOYD HAYES ROAD (JOHNS ISLAND) (16.026 ACRES) (TMS #279-00-00-235 AND 279-00-00-067) (COUNCIL DISTRICT 5), BE REZONED FROM CONSERVATION (C) CLASSIFICATION TO COMMERCIAL TRANSITIONAL, LIMITED BUSINESS AND DIVERSE RESIDENTIAL (CT, LB AND DR-6) CLASSIFICATIONS. THE PROPERTY IS OWNED BY NANCY RITCHIE, CAROLYN SLAY, JOHN HAYES AND ROBERT HAYES.

Mayor Tecklenburg said, "Now, we have a bill up for first reading, and that's to amend a lease between the City and Charleston Marine Associates."

The Clerk said, "We have two bills up."

Mayor Tecklenburg said, "We have two bills up, one or both of them?"

Councilmember Moody said, "Move for approval of both of them."

Mayor Tecklenburg said, "Both of them."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We've got a motion and a second to approve Items L-1 and L-2, and now, I'm getting going so good, I need a moment to sign these ratifications while we're in session. Is there any discussion on Items L-1 or L-2?"

No one asked to speak.

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

An ordinance authorizing the Mayor to execute on behalf of the City a Third Amendment to site lease between the City and with Charleston Marine Associates pertaining to property located at 3 Lockwood Drive.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 938 Savannah Highway (West Ashley) (0.15 acre) (TMS #418-13-00-191) (Council District 3), be zoned General Business (GB) classification. The property is owned by Debra Myers.

The Clerk said, "Excuse me, Mayor, if we could just have a formal motion to withdraw Item K-15, I think it has expired, under Second Readings."

Councilmember Gregorie said, "So moved."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We've got a motion to remove Item K-15 under Second Readings. What was that for?"

The Clerk said, “It was the old BAR item.”

Mayor Tecklenburg said, “The old BAR item, and nothing to do with what we’re doing here tonight, right?”

The Clerk said, “No.”

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

No one asked to speak.

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

An ordinance to amend the Old and Historic District and Old City District Regulations of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to amend the definition of structure, to provide definitions for height, scale, mass and immediate surroundings, immediate surrounding area and neighborhood, to clarify the authority of the Board of Architectural Review as it pertains to its review of height, scale and mass of new construction to achieve compatibility and proper form and proportion between new structures and those in its immediate surroundings, and to codify certain policy statements for the use in evaluation applications. ***(WITHDRAWN)***

Mayor Tecklenburg said, “I’ve got two more things to sign, and the next meeting is going to be Tuesday, July 11th, I think it is.”

Councilmember Lewis said, “Mayor.”

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, “Can we get a report on what’s happening with the parking garages, because we’re hearing from employees that all of them are going to be automated. I would like to know because I get a lot of comments on that, and we were told it wasn’t going to happen.”

Mayor Tecklenburg said, “I’m sorry, Councilmember Lewis, I’m not hearing very well. A report on what?”

Councilmember Lewis said, “Can we get a report on the parking garages, on whether they’re going to be automated or not?”

Mayor Tecklenburg said, “What firm?”

Councilmember Lewis said, “Our parking garages.”

Mayor Tecklenburg said, “Our parking garages, yes, we can get a report on that.”

Councilmember Lewis said, “We’re being told by some employees that it’s going to be automated.”

Mayor Tecklenburg said, “I think there is a plan to increase automation without reducing the number of employees, is what I was told.”

Councilmember Lewis said, “We need that report.”

Mayor Tecklenburg said, “I’ll be glad to get one.”

Councilmember Mitchell said, “I think Councilmember Waring and I met with them, and it’s here.”

Mayor Tecklenburg said, “They were here recently, right? I did not attend that, so they know more about it than I do.”

Councilmember Mitchell said, “We attended. Yes, we spoke with them, and I said, ‘I don’t appreciate that automated thing, so I don’t care for it too much. I said, ‘if in the event that it happens, are you still going to have someone there in the booth, in case a person doesn’t have credit cards, or whatever the case may be’, and they said, ‘yes’. Now, I’ve found out when you go to the Queen Street Garage or a certain garage, there is no one there. So, to me, they’re telling me untruths.”

Mayor Tecklenburg said, “Okay.”

Councilmember Mitchell said, “So, I have a problem with that. I have a big problem with that, because I went in the County garage and didn’t have my cards with me. I had to come out on the street to ask a fellow to use his card to get out of the garage, because the County garage is automated.”

Mayor Tecklenburg said, “Yes, I know somebody told me that there is supposed to be a button you can push and communicate with some live person somewhere who would have the ability to let you out if there was ever an emergency, but, anyway, I’ll get a report.”

Councilmember Lewis said, “That’s what we need to do.”

Mayor Tecklenburg said, “Right. Alright. Is there any further business to come before Council tonight? If not, you all have a happy 4th of July. This meeting is adjourned.”

There being no further business, the meeting was adjourned at 9:36 p.m.

Vanessa Turner Maybank
Clerk of Council