January 25, 2022
5:00 p.m.
City Hall
80 Broad Street
Conference Call: 1-929-205-6099
Access Code: 912096416

DUE TO AN INCREASE IN COVID CASES AND THE OMICRON VARIANT, IT IS STRONGLY RECOMMENDED CITIZENS WATCH THE MEETING ON THE CITY’S YOUTUBE CHANNEL AND PARTICIPATE VIRTUALLY. IF ATTENDING IN PERSON, YOU WILL BE REQUIRED TO SHOW PROOF OF VACCINATION OR A NEGATIVE COVID TEST WITHIN THE PAST 72 HOURS, AND A VALID ID. MASKS MUST BE WORN AT ALL TIMES.

CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Mitchell

C. Pledge of Allegiance

D. Presentations and Recognitions

1. Resolution in remembrance of Abe Jenkins *(Requested by Councilmember Karl Brady)*

2. Presentation of City of Charleston M&WBE Business Spotlight Awards

3. Presentation on Keep Charleston Beautiful Program Impacts -- Mallory Cofey, Keep South Carolina Beautiful State Leader

E. Public Hearings

*Any person who speaks at a City Council meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and is asked to observe Section 2-28 (a) of the Code of the City of Charleston, Rules of Decorum. Violation of the Rules of Decorum may result in the forfeiture of audience before Council and/or removal from the meeting.*

Citizens may sign-up to speak in person at the Council meeting until 5:00 p.m. at the meeting location.

If participating virtually, citizens may use one of the following methods to request to speak at the meeting or provide comments for City Council. Requests to speak at the meeting and comments must be received by 12:00 p.m., Monday, January 24th:
1. Request to speak (via Zoom or telephone) or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at http://innovate.charleston-sc.gov/comments/.

3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

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 a portion of 2003 Cherry Hill Lane (Peninsula) (approximately 0.69 acre) (TMS #464-02-00-053) (Council District 4), be rezoned from General Business (GB) classification to Heavy Industrial (HI) classification. The property is owned by Gerald F McMahon.

2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that a portion of property on Island Park Drive (Daniel Island) (approximately 0.08 acre) (TMS # 271-00-00-001) (Council District 1), be rezoned from Daniel Island Residential (DI-R) classification to Daniel Island Conservation (DI-C) classification. The property is owned by Daniel Island Golf Club LLC.

3. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending applicable sections related to the Design Review Board in order to establish board member alternates. (SECOND READING)

4. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 326 Geddes Avenue (West Ashley) (approximately 0.45 acre) (TMS #350-10-00-138) (Council District 5), annexed into the City of Charleston December 7, 2021 (#2021-177), be zoned Single-Family Residential (SR-1) classification. The property is owned by Megan Elizabeth Moore and Willie Tosh Moore.

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. January 11, 2022

H. Citizens Participation Period

PLEASE NOTE THAT THE CITIZENS’ PARTICIPATION PERIOD IS 30 MINUTES.

*Any person who speaks at a City Council meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and is asked to observe Section 2-28 (a) of the Code of the City of Charleston, Rules of Decorum. Violation of the Rules of Decorum may result in the forfeiture of audience before Council and/or removal from the meeting.*

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1. Request to speak or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

2. Sign-up to speak or leave comments for City Council by completing the form at [http://innovate.charleston-sc.gov/comments/](http://innovate.charleston-sc.gov/comments/) by Monday, January 24th at 12:00 p.m.

3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

**I. Petitions and Communications:**

1. **Appointments:**
   
   a. Resiliency and Sustainability Advisory Committee:
   - Councilmember Seekings – appointment
   - Councilmember Shealy – reappointment
   - Councilmember Bowden – appointment
   - Stewart Weinberg – reappointment (Community Member)

   b. Municipal Golf Course Commission:
   - Abraham Brown – reappointment
   - Barney Henderson – reappointment
   - Steve Matthews – reappointment
   - Gene Kizer – reappointment
   - Dan Henderson – reappointment
   - Billy Wise – reappointment
   - William Palmer – reappointment
   - Larry Shirley – reappointment
   - Elaine Bonner – reappointment
   - John Wohlscheid – new appointment
   - Troy Miller – new appointment
   - Ross Appel – new appointment – City Councilmember
   - Caroline Parker – new appointment – City Councilmember
   - Peter Shahid – new appointment – City Councilmember

2. **Update on the City’s response to COVID-19** - Mayor John J. Tecklenburg, Tracy McKee, Chief Innovation Officer, and Mary Cummings, RN, Wellness Program Manager

**J. Council Communications:**

**K. Council Committee Reports:**

1. **Committee on Community Development:** (Meeting was held Thursday, January 20, 2022 at 3:00 p.m.)

   a. **New Business:**

   (i) Consider a Resolution certifying property located at 94 Sheppard Street (Charleston County TMS No. 460-04-04-086) as an abandoned building
site under section 12-67-160 of the South Carolina Code. (Memorandum and Draft Resolution attached).

b. Old Business:

(i) Accessory Dwelling Unit Ordinance Amendment, Section 54-214, Governing Accessory Dwelling Units (Discussion Only)

2. Committee on Traffic and Transportation: (Meeting was held Monday, January 24, 2022 at 2:00 p.m.)

a. Receive comments on the status of the portion of Frampton Street lying between Inverness Drive and Harbor View Road and on the status of the portion of Fairway Drive lying between Burning Tree Road and Harbor View Road, both of which lie within the Country Club II subdivision of James Island. After the public hearing, the Committee may or may not recommend that the City Council of Charleston take action to address the status of these rights-of-way in accordance with the general authority of the City and section 5-27-150 of the South Carolina Code.

3. Committee on Public Works and Utilities: (Meeting was held Monday, January 24, 2022 at 4:30 p.m.)

a. Acceptances and Dedications of Rights-of-Way and Easements:

(i) Approval to notify SCDOT that the City will accept maintenance of the sidewalk in the right of way of Maybank Highway in conjunction with the project at 1800 Produce Lane.

b. Stormwater Management Department Update:

(ii) King/Huger Drainage Project – Recommend Approval to apply for a FEMA HMGP grant for the design and construction of a pump station (Project Phase 2) at the intersection of Huger and King Street. Total funding request of $9,582,143.00 (Federal Share $7,186,607.25 and City Match of $2,395,535.75). The City match is available within the Drainage Fund.

(iii) Johns Island Resiliency Plan – Discussion of Project Report

(iv) Medical District Tunnel Extension at Ehrhardt – Project Update

4. Committee on Ways and Means:

(Bids and Purchases

(Stormwater Management: Approval to submit the Huger Street Drainage Improvements Phase II – Pump Station FEMA HMGP Grant Application for the design and construction of a pump station at the intersection of Huger and King Street. Total funding request of $9,582,143 (Federal Share $7,186,607.25, City Match $2,395,535.75), with a cost share of 75/25. The application deadline is February 1, 2022. Funding for this grant match in the amount of $2,395,535.75 will come from the Drainage Fund.)
(Parks – Capital Projects: Approval for an after the fact grant application for the 2022 Park and Recreation Development (PARD) Grant to replace the current playground equipment and install new structures. Requested funding of $27,443.37 with a 20% City match of $6,861.09. The deadline for this grant application is January 14, 2022. The City match of $6,861.09 will come from 523000-52435 Maintenance, Playground Equipment.

(Parks – Capital Projects: Approval of JPR Ballpark Electrical Renovation Change Order #2 with Gatch Electrical Contractors, Inc., in the amount of $10,895.40 for the installation of additional fire alarm devices in the batting cages. Approval of Change Order #2 will increase the construction contract by $10,895.40 (from $1,722,925.09 to $1,733,820.49). Approval of this Change Order will amend the project budget, increasing the project budget from $2,400,822.91 to $2,411,718.31. This will also approve a budget transfer of $10,895.40 from 170100-52410 (Facilities Maintenance, General Maintenance) to 170100-90010 (Transfer Out JPR Jr., Ballpark) to fund this Change Order. The funding source for this project is the General Maintenance line-item in the JPR Jr., Ballpark Budget (023010-52410).

(Parks-Capital Projects: Approval of Cannon Street Fire Station #6 Retrofit Fee Amendment #2 with Evans and Schmidt Architects, LLC in the amount of $26,250 for the extension of construction observation service through January 2022. The approval of Fee Amendment #2 will increase the professional services contract by $26,250 from ($338,955 to $365,245). Approval of this Fee Amendment will amend the project budget, increasing the project budget from $5,554,229 to $5,754,229. This additional funding of $200,000 is coming from 2019 General Fund Reserves. The funding sources for the project are: FEMA Hazard Mitigation Grant ($3,378,171.75) and 2015 IPRB Bond ($1,126,057.25), 2015 General Fund Reserves ($269,000), 2018 General Fund Reserves ($781,000), and 2019 General Fund Reserves ($200,000).

(Parks-Capital Projects: Approval to convert Stoney Field Improvements Purchase Order P162743 to a Professional Services Contract with Johnson, Laschober & Associates. The original PO was for $37,250 and this request will add an additional $24,500 for pre-construction services, coordination and close-out services for the Stoney Field Improvement Project related to the civil sitework construction. Approval of the Professional Services Contract will convert P162743 to a professional service contract and increase the contract amount by $24,500 (from $37,250 to $61,750). Funding sources for this project are: 2005 GO Bond ($399,048.85), 2018 Recreation GO Bond ($2,600,000), and Capital Contribution ($19,432.50).

(Parks-Capital Projects: Approval to apply for a FEMA Hazard Mitigation Grant Application – 4492 (COVID-19) – Structural Retrofit of FS2&3 (Central Station). The application will request $6,506,558 in Federal funds with a City match of $5,000,013. This project will address seismic, wind/hurricane and flood hazards. This application is due February 1, 2022. Funding for the City Match of $5,000,013 will come from General Fund Reserves.

(Housing and Community Development: Request the Mayor and City Council approve $78,500 in funding for the demolition of four (4) existing structures located at 3, 5, 7, and 9 Cunnington Avenue, Charleston, SC and asbestos abatement of one (1) structure located at 7 Cunnington Avenue. This parcel was acquired for the purpose of creating affordable rental housing, and the demolition of these structures is necessary to further facilitate this project.

(Legal Department: Approval to authorize the Mayor to execute a Memorandum of Understanding between the City and the Charleston Parks Conservancy to improve the Susie Jackson Freedom Memorial Garden.
(Police Department: Approval to accept the FY21 BJA-OJP Connect and Protect Grant for $412,236 for a Mental Health Clinician, one Peer Support Specialist, and Crisis Intervention training. There is no match required for this grant. The estimated annual cost to continue the program after conclusion of grant is $160,000.

(Mayor’s Office for Children, Youth and Families: Approval to submit the renewal grant for VISTA, which allows the City to provide up to 25 VISTA member slots to Charleston non-profits, and to receive 2 VISTA Leaders to serve in MOCYF. There is no match required for the City-per the terms of the grant. The cost share funding will be covered through Site Fees received from participating organizations.

(An ordinance to authorize the Mayor to execute a permanent right-of-way and utility easement to the Commissioners of Public Works as part of the new force main for the Credit One Stadium. (TMS No. 275-00-00-078)

(Request approval of the Port Facility License Agreement between the City of Charleston and the South Carolina State Ports Authority (“Ports Authority”) for use of Building 313 at the Union Pier Terminal for the purpose of storing the Fire Department’s marine firefighting and rescue equipment. (32 Washington St., Charleston, SC (Union Pier Terminal, Building 313) (TMS No. 459-13-02-035). The property is owned by the South Carolina State Ports Authority.

(Request that City Council authorize the Mayor to execute the necessary documents for the re-purchase of 3 Drews from the Estate of Lillian A. Miller for $171,504. The property will be rehabilitated and sold for its original purpose – affordable homeownership opportunities for persons whose income does not exceed 120 percent of the Area Median income. The cost of the acquisition of this will be borne from the Fee-in-lieu account. (3 Drews Court, Charleston, SC) (TMS No. 459-05-01-056).

(Please consider the following annexation:
-- 2309 Lazy River Drive (0.46 acre) (TMS# 310-14-00-017), West Ashley, (District 11). The property is owned by Seel Living Trust.

Give first reading to the following bills from Way and Means:

An ordinance to authorize the Mayor to execute a permanent right-of-way and utility easement to the Commissioners of Public Works as part of the new force main for the Credit One Stadium. (TMS No. 275-00-00-078)

An ordinance to provide for the annexation of property known as 2309 Lazy River Drive (0.46 acre) (TMS# 310-14-00-017), 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 11. The property is owned by Seel Living Trust.

L. Bills up for Third Reading:

1. An ordinance to repeal and replace Chapter 2 (Administration), Article IV (Boards and Commissions), Division 11 (Special Commission on Equity, Inclusion, and Racial Conciliation) of the Code of the City of Charleston and adopt a new Division 11, Sections 2-206 through 2-210, creating a permanent standing “commission on equity, inclusion, and racial conciliation Human Affairs and Racial Conciliation Commission” and describing its purpose, duties, responsibilities, and organization. (AS AMENDED)

M. Bills up for Second Reading:
(City Council may give second reading, order to third reading, give third reading, and order engrossed for ratification any bill listed on the agenda as a second reading.)

1. An ordinance to designate the 220 Nassau District as a Non-Standard Service District in accordance with Sec. 30-171 through 30-178 the Code of the City of Charleston, said district being located in the City and County of Charleston, State of South Carolina, and being more particularly described in Exhibit A, attached hereto and incorporated herein by reference.

2. An ordinance authorizing the Mayor to execute First Amendment to Option to Lease by and between the City of Charleston, South Carolina and the Lowline Housing, L. P.

3. An ordinance to provide for the annexation of property known as 2216 S Dallerton Circle (0.26 acre) (TMS# 310-07-00-044), 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 11. The property is owned by Danielle D. Cerasi.

4. An ordinance to provide for the annexation of property known as 1506 N Edgewater Drive (1.59 acre) (TMS# 349-09-00-026), 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 11. The property is owned by Ellison C. and Jeanne R. Livingston.

5. An ordinance to provide for the annexation of properties known as 30, 32 and 34 Wedgepark Road, 43 and 49 Lolandra Avenue (0.99 acre) (TMS# 418-13-00-254 through 256, 260 and 262), 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 properties are owned by Glory Holdings, LLC.

6. An ordinance to provide for the annexation of property known as 2319 Lazy River Drive (0.62 acre) (TMS# 310-14-00-014), 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 11. The property is owned by Carl E. Seel, Sr. and Jean B. Seel.

7. An ordinance to amend Article II (City Council), Division 2 (Rules of Order) of Chapter 2 of the Code of the City of Charleston (Administration). (AS AMENDED)

8. An ordinance to amend Article II (City Council), Division 1 (Generally) of Chapter 2 of the Code of the City of Charleston (Administration). (AS AMENDED)

9. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that portions of 518 E Bay Street and 81 Washington Street (Peninsula) (approximately 0.67 acre) (portions of TMS #459-13-02-011 and 459-13-02-010) (Council District 4), be rezoned from Light Industrial (LI) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification and from 5 Story and WP Old City Height District classifications to 6 Story Old City Height District classification. The properties are owned by Morris Sokol LLC and 530 E Bay LP. (DEFERRED AT THE REQUEST OF THE APPLICANT) (Expires December 21, 2022)

10. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by changing Article 3, Part 4 to add two new sections providing for shared parking. (DEFERRED FOR PUBLIC HEARING) (Expires January 11, 2023)
11. An ordinance to amend Article 2 (Land Use Regulations), Part 4 (Accessory Uses) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to clarify certain allowed outdoor activities under home occupations. (DEFERRED FOR PUBLIC HEARING) (Expires January 11, 2023)

12. An ordinance to provide for the annexation of property known as 1851 Old Folly Beach Road (0.702 acre) (TMS# 334-05-00-055), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 12. The property is owned by Battery Island Community LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

13. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that properties on Cumberland Street, Church Street and Linguard Street (Peninsula) (approximately 0.68 acre) (TMS #458-05-03-089, 090, 091, 093 and 087) (Council District 1), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by Cumberland, LLC. (DEFERRED)

14. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that properties on Cumberland Street, Church Street and Linguard Street (Peninsula) (approximately 0.68 acre) (TMS #458-05-03-089, 090, 091, 093 and 087) (Council District 1), be removed from the Accommodations Overlay Zone. The property is owned by Cumberland, LLC. (DEFERRED)

15. An ordinance requiring face coverings in certain circumstances in City of Charleston to reduce risk of exposure to COVID-19 during the public health emergency and recovery. (AS AMENDED) (DEFERRED)

16. An ordinance to provide for the annexation of property known as 3255 Maybank Highway (1.64 acre) (TMS# 279-00-00-206), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by GANB LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

17. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Article 2, Part 3, Table of Permitted Uses to add Utility-Scale Battery Storage Facilities as a principal use category and make this use a permitted use within the Light Industrial and Heavy Industrial Zoning Districts. (DEFERRED) (Expires March 23, 2022)

18. An ordinance to amend Sec. 2-23(b) of the Code of the City of Charleston to provide for keeping summary minutes and video recordings of its proceedings. (DEFERRED)

19. An ordinance to amend Chapter 29, Article V1, Sec. 29-240 of the Code of the City of Charleston pertaining to the procedure of accident reporting. (DEFERRED)

20. An ordinance to amend Article III (Stormwater Management Utility) of Chapter 27 (Stormwater Management and Flood Control) of the Code of the City of Charleston, South Carolina, by eliminating the “Homestead Exemption” in Sec. 27-140(a), applicable to the payment of Stormwater Utility Fees; by deleting Sec. 27-132(j), (k), and (l), which contain certain findings associated with the adoption of the “Homestead Exemption” with respect to
N. Bills up for First Reading:

1. An ordinance to amend Part 4 (Accessory Uses) of Article 2 (Land Use Regulations) of the Zoning Ordinance of the City of Charleston, by modifying Sec. 54-214 (Accessory Dwelling Unit) thereof to add a thirty (30) year affordability period for Accessory Dwelling Units and to clarify the existing procedures and requirements for approval of Accessory Dwelling Units. (Expires December 21, 2022) (DEFERRED)

O. Miscellaneous Business:

1. The next regular meeting of City Council will be Tuesday, February 8, 2022 at 5:00 p.m.

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.
CITY OF CHARLESTON
MINORITY & WOMEN-OWNED 2021 Spotlight Winners:

The City of Charleston M&WBE Spotlight Program recognizes local entrepreneurs who are vital to the City of Charleston’s economic growth and awards them for their achievements in developing both their businesses and supporting their communities.

- Charleston’s Rigging & Marine Hardware – Jessica Sage
- Inspired By Annette Event Planning & Rentals- Courtney Scipio
- Old Whaling Co. – April Budney
- Hard Hat Transportation – Frank Ancrum
- Trash Gurl LLC – Melissa Polutta
- MCC Property Solutions Inc. – Shawntelle Matney
- EDRUSH Consulting and Development Group LLC – Keena Edwards
- Lee H. Moultrie & Associates LLC – Lee Moultrie
- 2xposu Digital Media LLC – Darryl Goodman
- Wellness & Beyond LLC – Eileen Easler
- E2 Exhibits & Displays, Inc. – Nilsy Rapalo
- W-W Productions, Inc. – Karen Wright Chisolm

In 2022, the M&WBE Office will be recognizing M&WBE Spotlights quarterly.
MINORITY & WOMEN-OWNED BUSINESS SPOTLIGHT 2021

Inspired By Annette Event Planning & Rentals - Courtney Scipio
Charleston's Riggings & Marine Hardware - Jessica Sage
Old Whaling Co. - April Bushey
Trash Gurl LLC - Melissa Polutta
Hard Hat Transportation - Frank Ancrum
MCC Property Solutions Inc. - Shawntelle Matney
Lee H. Moultrie & Associates LLC - Lee Moultrie
EDRUSH Consulting and Development Group LLC - Keena Edwards
2Exopus Digital Media LLC - Darryl Goodman
Wellness & Beyond LLC - Nilsy Rapolo
E2 Exhibits & Displays, Inc. - Eileen Easter
W-W Productions, Inc. - Karen Wright Chisolm
PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, January 25, 2022 beginning at 5:00 p.m. at City Hall, 80 Broad Street and via Conference Call # 1-929-205-6099, Access Code 912 096 416, on the request that the Zoning Ordinance of the City of Charleston be changed in the below respects. The public may participate by signing-up to speak in person at the meeting or by using one of the following virtual options:

Requests to speak at the meeting and comments must be received by 12:00 p.m., Monday, January 24th:

1. Request to speak (via Zoom or telephone) or leave a comment for City Council via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;
2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at http://innovate.charleston-sc.gov/comments/
3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

REZONINGS

1. To rezone 2003 Cherry Hill Lane (Peninsula Neck) (Approx. 0.69 acre) (A portion of TMS # 464-02-00-053) from General Business (GB) classification to Heavy Industrial (HI) classification on a portion of the property.

2. To rezone Island Park Drive (Daniel Island) (Approx. 0.08 acre) (A portion of TMS # 271-00-00-001) from Daniel Island Residential (DI-R) classification to Daniel Island Conservation (DI-C) classification on a portion of the property.

ORDINANCE AMENDMENT

1. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending applicable sections related to the Design Review Board in order to establish board member alternates.

ZONING

1. 326 Geddes Avenue (Geddes Hall - West Ashley) (Approx. 0.45 acre) (TMS # 350-10-00-138) Single-Family Residential (SR-1).

JENNIFER COOK
Clerk of Council

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email schumacherj@charleston-sc.gov three business days prior to the meeting.
CITY OF CHARLESTON
PLANNING COMMISSION

MEETING OF DECEMBER 15, 2021

MINUTES

Request approval of minutes from November 17, 2021 Planning Commission meeting.

Motion: APPROVAL WITH CORRECTIONS (7-0)

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REZONINGS

1. 2003 Cherry Hill Ln (Peninsula Neck) TMS # 4640200053 (a portion) – approx. 0.69 ac. Request rezoning from General Business (GB) to Heavy Industrial (HI) on a portion of the property.

Motion: APPROVAL (7-0)

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2. Island Park Dr (Daniel Island) TMS # 2710000001 (a portion) – approx. 0.08 ac. Request rezoning from Daniel Island Residential (DI-R) to Daniel Island Conservation (DI-C) on a portion of the property.

Motion: APPROVAL (7-0)

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ORDINANCE AMENDMENTS

1. River Rd & Maybank Hwy (The Village at Fenwick PUD – Johns Island) TMS# 34600000004 – approx. 11.730 ac. Request an amendment to the Planned Unit Development Master Plan and Development Guidelines as applicable to the property owned by the City of Charleston.

Motion: APPROVAL (7-0)

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1st: JACOBS

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2nd: BAILEY

2. Request to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending the requirements and provisions in Article 2, Part 4, Section 54-214 pertaining to Accessory Dwelling Units.

Motion: APPROVAL (7-0)

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2nd: LESESNE

3. Request to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending applicable sections related to the Design Review Board in order to establish board member alternates.

Motion: APPROVAL (7-0)

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1st: LESESNE

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2nd: BRYANT-JENKINS
S U B D I V I S I O N S

1. Parklawn Dr (Carolina Bay – West Ashley) TMS # 3070000099 & 3070500501 – approx. 12.42 ac. Request subdivision concept plan approval for 43 lots. Zoned Planned Unit Development (Carolina Bay PUD).

Motion: APPROVAL WITH STAFF CONDITIONS (7-0)  

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1st: JOHNSON  2nd: LEMPESIS


3. Sanders Rd (Rhodes Crossing – West Ashley) TMS # 2860000001 – approx. 0.30 ac. Request subdivision concept plan approval for a public road. Zoned Limited Business (LB) & Diverse Residential (DR-1F).

Motion: APPROVAL (7-0)  

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1st: LEESNE  2nd: LEMPESIS

Z O N I N G

1. 326 Geddes Ave (Geddes Hall – West Ashley) - TMS # 3501000138 – approx. 0.45 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Motion: APPROVAL (7-0)  

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1st: BAILEY  2nd: LEESNE
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A PORTION OF 2003 CHERRY HILL LANE (PENINSULA) (APPROXIMATELY 0.69 ACRE) (TMS #464-02-00-053) (COUNCIL DISTRICT 4), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO HEAVY INDUSTRIAL (HI) CLASSIFICATION. THE PROPERTY IS OWNED BY GERALD F MCMAHON.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from General Business (GB) classification to Heavy Industrial (HI) classification.

Section 2. The property to be rezoned is described as follows:
a portion of 2003 Cherry Hill Lane (Peninsula) (approximately 0.69 acre) (TMS #464-02-00-053)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of ___________, in the Year of Our Lord ___________, in the ____ Year of Independence of the United States of America.

By: ____________________________
John J. Tecklenburg
Mayor, City of Charleston

Attest: ____________________________
Jennifer Cook
Clerk of Council
REZONING 1

2003 Cherry Hill Ln (Peninsula Neck)

TMS # 4640200053 (a portion)

approx. 0.69 ac.

Request rezoning from General Business (GB) to Heavy Industrial (HI) on a portion of the property.

Owners: Gerald F. McMahon
Applicant: Thomas & Hutton Engineering Co

Department of Planning, Preservation & Sustainability
www.charleston-sc.gov 2 George St, Charleston, SC 29401 843.724.3765
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A PORTION OF PROPERTY ON ISLAND PARK DRIVE (DANIEL ISLAND) (APPROXIMATELY 0.08 ACRE) (TMS # 271-00-00-001) (COUNCIL DISTRICT 1), BE REZONED FROM DANIEL ISLAND RESIDENTIAL (DI-R) CLASSIFICATION TO DANIEL ISLAND CONSERVATION (DI-C) CLASSIFICATION. THE PROPERTY IS OWNED BY DANIEL ISLAND GOLF CLUB LLC.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from Daniel Island Residential (DI-R) classification to Daniel Island Conservation (DI-C) classification.

Section 2. The property to be rezoned is described as follows:

a portion of property on Island Park Drive (Daniel Island) (approximately 0.08 acre) (TMS #271-00-00-001)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ______ day of
__________, in the Year of Our Lord
__________, in the ______ Year of Independence
of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council
Rezoning 2
Island Park Dr (Daniel Island)
TMS # 2710000001 (a portion)
approx. 0.08 ac.
Request rezoning from Daniel Island Residential (DI-R) to Daniel Island Conservation (DI-C) on a portion of the property.

Owners: Daniel Island Golf Club LLC
Applicant: Thomas & Hutton Engineering Co
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING APPLICABLE SECTIONS RELATED TO THE DESIGN REVIEW BOARD IN ORDER TO ESTABLISH BOARD MEMBER ALTERNATES.

Section 1. That Section 54-269 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting text shown below with strikethrough and adding text shown below with double underline:

"Sec. 54-269. - Design Review Board created; composition, appointment and terms of members.

a. A Design Review Board is hereby established. Such board shall consist of seven (7) board members and two (2) alternates who do not hold any other public office or position in the City of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, with the exception of the professions required by this ordinance who may be non-citizen owners or principals of a business within the City of Charleston. These members and alternates shall have a demonstrated interest in, and a competence and knowledge of architecture, landscape architecture and urban design. The Board, and shall include four (4) design professionals including at least one (1) registered architect, one registered landscape architect, one (1) professional engineer, and one (1) realtor/development professional. The board shall elect one of its members as chairman, who shall serve for one year or until he/she is re-elected or his/her successor is elected and qualified. The board shall appoint a secretary who may be an officer of the governing authority. The board shall adopt rules of procedure.

b. Board members and alternates shall serve staggered terms of four (4) years or until their successors are appointed as described in the Code of the City of Charleston Sec. 2-152. The initial terms of three (3) of seven (7) members first appointed shall expire on the date of the first regular City Council meeting in January next following their appointment, and the initial terms of the other four (4) of the seven (7) members first appointed shall expire on the date of the first regular City Council meeting in January two years thereafter. Following the initial
term, the terms of all members shall be four years. No member shall serve more than two successive four-year terms. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

c. Alternate members, when seated, have all the powers and duties of regular members. Alternate members may always attend meetings but shall only participate in Board deliberations and debate, make motions and vote in the absence or voting disqualification of a regular member or the vacancy of a regular member's seat."

Section 2. That Section 54-273 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to revise the section title and first paragraph by deleting text shown below with strikethrough and adding text shown below with double underline:

"Sec. 54-273. - Approval procedures. Application and review procedures.
The procedures outlined below are to be followed for all projects seeking approval by the Board or administrative officer. Submittals must be complete and shall be received by the Urban Design and Preservation Division Department of Planning, Preservation and Sustainability, or its successor department, in accordance with the published schedule of deadlines and meeting dates and submittal requirements, at least eight (8) days prior to the date of the next scheduled Board meeting."

Section 3. That Appendix K, Article I, Section 1 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting text shown below adding text shown below with double underline:

"Section 1. - Rules.
These rules of procedure are adopted pursuant to S.C. Code 6-29-870 for the City of Charleston Design Review Board, which consist of seven (7) members and two (2) alternates appointed by City Council."

Section 4. That Appendix K, Article I, Section 4 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting text shown below with strikethrough and adding text shown below with double underline:

"Section 4. - Terms of Members Office."
The Chairman and Vice-Chairman shall serve for one year or until he/she is re-elected or his/her successor is elected and qualified. The initial terms of three (3) of seven (7) members first appointed shall expire on the date of the first regular City Council meeting January next following their appointment, and the initial terms of the other four (4) of the seven (7) members first appointed shall expire on the date of the first regular City Council meeting in January two years thereafter. Following the initial term, the terms of all members shall be four (4) years. No member shall serve more than two successive four-year terms. An appointment to fill a vacancy shall only be for the unexpired portion of the term.”

Section 5. That Appendix K, Article II, Section 3 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding text shown below with double underline:

“Section 3. - Agenda.
A written agenda shall be furnished by the secretary staff to each member of the Board and the news media and shall be posted at least five (5) days prior to each regular meeting, and at least twenty-four (24) hours prior to a special meeting. Items may be removed from the agenda or postponed at a meeting by a majority vote.

Section 6. This Ordinance shall become effective upon ratification.

Ratified in City Council this ______ day of
__________ in the Year of Our Lord, 2022,
and in the_____ Year of the Independence of
the United States of America

__________________________
John J. Tecklenburg, Mayor

ATTEST:

__________________________
Jennifer Cook,
Clerk of Council
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 326 GEDDES AVENUE (WEST ASHLEY) (APPROXIMATELY 0.45 ACRE) (TMS #350-10-00-138) (COUNCIL DISTRICT 5), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 7, 2021 (#2021-177), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY MEGAN ELIZABETH MOORE AND WILLIE TOSH MOORE.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

326 Geddes Avenue (West Ashley) (approximately 0.45 acre) (TMS #350-10-00-138)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-1) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of

___________ in the Year of Our Lord

__________, in the ______ Year of Independence

of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council
326 Geddes Ave (Geddes Hall - West Ashley)
TMS # 3501000138
approx. 0.45 ac.

Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Megan Elizabeth Moore and Willie Tosh Moore
MEMORANDUM

TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: January 25, 2022
RE: Resiliency & Sustainability Advisory Committee

The committee shall act as an advisory board to city council on all matters related to resiliency and sustainability, and shall consider and discuss resiliency and sustainability proposals which may be considered by city council.

The commission shall be appointed by the mayor with the approval of council. The committee shall be comprised of thirteen (13) voting members consisting of three (3) members of city council, the mayor, one representative of the metro chamber of commerce, one representative of South Carolina Electric & Gas Company, one representative of the South Carolina State Ports Authority, one person selected to represent the collective group of the home builders’ association, the Trident Board of Realtors and the real estate development community, one representative of the Berkeley-Charleston-Dorchester Council of Governments, one technical expert on resiliency, one technical expert on sustainability, one representative of a higher education institution committed to advancing resiliency and/or sustainability, and one community member who shall be a resident in the City of Charleston and be representative of community interests conducive to promoting and enabling resiliency and sustainability in Charleston. The mayor shall be a permanent member of the committee. Members of city council on the committee shall serve for a term of two (2) years. The community member shall serve for a term of two (2) years and all other members shall serve for terms of three (3) years, or until their successors have been appointed and qualified.

I am recommending the appointment of the following individuals for the Resiliency & Sustainability Advisory Committee:

- Councilmember Seekings – appointment – Councilmember – term expires 02/29/2024
- Councilmember Shealy – reappointment – Councilmember – term expires 02/29/2024
- Councilmember Bowden – appointment – Councilmember – term expires 02/29/2024
- Stewart Weinberg – reappointment – Community Member – term expires 02/29/2024
TO:       City Councilmembers
FROM:     John J. Tecklenburg, Mayor
DATE:     January 25, 2022
RE:       Municipal Golf Course Commission Appointments

The Municipal Golf Course Commission comprises fourteen (14) members. The members shall consist of: three (3) of the members so appointed shall be members of City Council; at least one member shall be a current junior player; at least one member shall be a member-at-large; at least one person considered for membership shall be a member of the Jenkins Links Golf Association, and one shall be appointed upon the nomination of the Edisto Realty Company or its successors in title.

I recommend John Wohlscheid as the Junior Representative. He is a senior at James Island Charter High School, where he is an IB student and member of the varsity golf team, whose home course is the Muni. He is also an Evans Scholar participant at Kiawah Island Club where his father, Joe, is Senior Assistant Golf Professional. I’m also recommending Troy Miller as the Agronomy Expert Representative. He is a resident of Riverland Terrace with a long history of golf course design. He designed the renovation of the Muni.

The following are my recommendations for the Municipal Golf Course Commission:

- Abraham Brown – Reappointment – term expires 02/29/2024
- Barney Henderson – Reappointment – term expires 02/29/2024
- Steve Matthews – Reappointment – term expires 02/29/2024
- Gene Kizer – Reappointment – term expires 02/29/2024
- Dan Henderson – Reappointment – term expires 02/29/2024
- Billy Wise – Reappointment – term expires 02/29/2024
- William Palmer – Reappointment – term expires 02/29/2024
- Larry Shirley – Reappointment – term expires 02/29/2024
- Elaine Bonner – Reappointment – term expires 02/29/2024
- John Wohlscheid – New Appointment – term expires 02/29/2024
- Troy Miller – New Appointment – term expires 02/29/2024
- Ross Appel – New Appointment – City Councilmember
- Caroline Parker – New Appointment – City Councilmember
- Peter Shahid – New Appointment – City Councilmember
MEMORANDUM

DATE: April 1, 2021

TO: Mayor Tecklenburg and Members of City Council

FROM: Chip McQueeny, Assistant Corporation Counsel

RE: Certification of Abandoned Building Site at 94 Sheppard Street

On February 3, 2021, SSR Investors, LLC (the "Taxpayer") filed a notice of intent to rehabilitate the existing abandoned building located at 94 Sheppard Street, designated as Charleston County TMS No. 460-04-04-086 (the "Property"), under the South Carolina Abandoned Buildings Revitalization Act (the "Act"). The Taxpayer owns the Property, the location of which is shown on Exhibit A. A copy of the Taxpayer’s application for the credit is attached hereto as Exhibit B. The Property lies within Council District 4.

In 2013, the General Assembly passed the Act to create an incentive for the rehabilitation, renovation, and redevelopment of abandoned buildings located in South Carolina. Subject to the terms and conditions of the Act, a taxpayer who rehabilitates an abandoned building is eligible either for (1) a credit against income taxes, corporate license fees, taxes on associations, or insurance premium taxes; or (2) a credit against real property taxes. In this case, the Taxpayer seeks a credit against income taxes, not property taxes. The amount of the credit is based on the amount of rehabilitation expenses incurred for the project.

In seeking the credit against income and other taxes, the Act permits a taxpayer to apply for certification of the abandoned building site made by ordinance or binding resolution of City Council. The certification must include findings that (1) the building is an “abandoned building” under the Act; and (2) the geographic area of the abandoned building site is consistent with the definition of an “abandoned building site” in the Act. If City Council passes such a resolution, then the taxpayer may conclusively rely upon the certification in determining the credit allowed.

To qualify as an “abandoned building,” at least 66% of the space within the building must have been “closed continuously to business or otherwise nonoperational for income producing purposes” for a period of at least 5 years prior to the taxpayer filing a notice of intent to rehabilitate.

In the present case, the Taxpayer submitted documentation from the local power utility confirming power has been completely disconnected from the home at 94 Sheppard since June 10, 2022, which is attached hereto as Exhibit C, affirms that the Property has been vacant and nonoperational for income producing purposes since at least June 10, 2022.

A “building site” includes the abandoned building, the parcel of land upon which the abandoned building is located, and other improvements located on the parcel. To show the building site, the Taxpayer submitted site plans for the development of the Property, attached hereto as Exhibit D. The site plans show that the Taxpayer will renovate the existing structure, remove an existing one story exterior addition and construct a new two story addition to the house. The
rehabilitation will include two (2) dwelling units—one unit on the ground floor and one unit on the second floor.

Although a property owner may also seek a credit against real property taxes under the Act, such an application would require additional findings by City Council. For instance, City Council would need evidence as to whether the application meets the purposes of the Act and whether the rehabilitation expenses are eligible for a credit under the Act.

Here, the Taxpayer seeks a credit against income and other taxes. Under these circumstances, the South Carolina Department of Revenue will be required to address these issues. As a result, section 2 of the resolution submitted to City Council emphasizes that it “provides no tax relief whatsoever, and the City expresses no opinion regarding the availability of tax relief to the Taxpayer beyond the certification contained herein.”

To the extent the Taxpayer later seeks a property tax credit, the Taxpayer would need to submit additional evidence addressing these issues before City Council would consider whether to grant the application.

Thank you for your consideration. Please let me know if you have any questions or concerns.

s/Daniel S. McQueeny, Jr.
Daniel S. ("Chip") McQueeny, Jr.
RESOLUTION NO. __________

A RESOLUTION CERTIFYING PROPERTY LOCATED AT 94 SHEPPARD STREET (CHARLESTON COUNTY TMS NO. 460-04-04-086) AS AN ABANDONED BUILDING SITE UNDER SECTION 12-67-160 OF THE SOUTH CAROLINA CODE

WHEREAS, the South Carolina Abandoned Buildings Revitalization Act, codified at sections 12-67-100 to -160 of the South Carolina Code, (the “Act”) creates an incentive for the rehabilitation, renovation, and redevelopment of abandoned buildings located in South Carolina;

WHEREAS, section 12-67-140(A)(1) of the South Carolina Code sets forth certain conditions under which a taxpayer who rehabilitates an abandoned building is eligible for a credit against certain income taxes, corporate license fees, and insurance premium taxes, or a combination thereof;

WHEREAS, section 12-67-160(A) of the South Carolina Code provides that a taxpayer may apply to the municipality in which an abandoned building is located for a certification of the abandoned building site made by ordinance or binding resolution of the governing body of the municipality;

WHEREAS, SSR Investors, LLC (the “Taxpayer”) owns certain real property located at 94 Sheppard Street, being designated as Charleston County TMS No. 460-04-04-086, containing one (1) building, and more particularly described in Exhibit A, attached hereto and incorporated herein by reference (the “Building Site”);

WHEREAS, Taxpayer desires to rehabilitate the Building Site, which is located within the municipal limits of the City of Charleston (the “City”);

WHEREAS, pursuant to section 12-67-140(A)(1) of the South Carolina Code, on February 3, 2021, Taxpayer filed a Notice of Intent to Rehabilitate with the South Carolina Department of Revenue in order to claim certain income tax credits for Taxpayer’s rehabilitation of the Building Site; and

WHEREAS, pursuant to section 12-67-160(A) of the South Carolina Code, Taxpayer now requests that the City certify the Building Site as an abandoned building site as defined by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHARLESTON, SOUTH CAROLINA:

Section 1. Based on information supplied by Taxpayer, the City hereby certifies that (i) the Building Site constitutes an abandoned building as defined by section 12-67-120(1) of the South
Carolina Code; and (ii) the geographic area of the Building Site is consistent with section 12-67-120(2) of the South Carolina Code.

Section 2. This Resolution provides no tax relief whatsoever, and the City expresses no opinion regarding the availability of tax relief to the Taxpayer beyond the certification contained herein.

Section 3. This Resolution does not provide any approvals or permits for the project. The Taxpayer is required to obtain all necessary approvals and permits for the project from the City pursuant to the City’s ordinances.

Section 4. This Resolution shall become effective upon the date of enactment.

PASSED AND APPROVED, this _____ day of ____________________, 2022.

_____________________________________
John J. Tecklenburg, Mayor
City of Charleston

ATTEST:

_____________________________________
Jennifer Cook
Clerk of Council
Exhibit A

LEGAL DESCRIPTION

All that certain piece, parcel or lot of land, with the buildings and improvements thereon, situate, lying and being on the north side of Mary Street, in the City of Charleston, Charleston County, South Carolina, and more particularly shown and designated as "NEW AREA 8,319.500 sq. ft. 0.191 acres," on that certain plat entitled, "PLAT TO ADJUST THE PROPERTY LINE BETWEEN TMS# 459-09-03-091 & -078, PREPARED FOR ROBERT GRAVES, CITY OF CHARLESTON, CHARLESTON COUNTY, SOUTH CAROLINA," prepared by James T. Reid (SCPLS No. 17228), dated July 14, 2014, last revised July 21, 2014, and recorded August 7, 2014, in Plat Book S14 at Page 0148 in the ROD Office for Charleston County, South Carolina, said piece, parcel or lot of land having such size, shape, dimensions, butts and bounds as are shown on said plat.
MEMORANDUM

DATE: January 4, 2022
TO: Mayor Tecklenburg and Members of City Council
FROM: Daniel S. ("Chip") McQueeny, Jr., Assistant Corporation Counsel
RE: Draft Ordinance Amending Sec. 54-214, Governing Accessory Dwelling Units

Attached, please find a draft ordinance addressing the procedures and conditions for accessory dwelling units (ADUs) within the City. Sec. 54-214, as currently written, permits ADUs only when restricted perpetually to affordable housing, except when leased for no remuneration. The draft ordinance attached hereto would amend Sec. 54-214 by reducing the affordability period to thirty (30) years.

All remaining changes to the ordinance clarify the existing procedures and substantive requirements, which I have outlined below. The remaining changes are not intended to substantively change the process or requirements for ADUs.

In the opening paragraph, I have emphasized that the Zoning Administrator will review and approve the application. Sec. 54-214.a explains that the Planning Department will continue to prepare the application and site plan checklist for use by applicants. A separate provision stating that the applicant must certify that there are no prohibitions on ADUs on the subject lot has been incorporated into Sec. 54-214.a. A draft of the affordable housing restrictive covenants must also be submitted with the application for review and approval by the Department of Housing and Community Development and the Legal Department. A certificate of occupancy will not be issued for the ADU until an approved, recorded version of these restrictive covenants has been submitted. Pursuant to Sec. 54-214.g, the restrictive covenants must include provisions ensuring affordability for thirty (30) years after a certificate of occupancy is issued for the ADU.

As with the prior version of Sec. 54-214, only one ADU will be permitted per lot, and the total number of dwelling units on the lot may not exceed two. The maximum conditioned floor area for the ADU will be 850 square feet, but this provision does not supersede the requirement in Sec. 54-506.f that accessory buildings utilizing exceptions to the minimum setback requirements are limited to a 600 square foot maximum building footprint. An additional off-street parking space must be situated on the lot for the ADU, but such parking space may be situated in tandem with the other required spaces thereon.

The ordinance is drafted to be effective immediately; however, the reduced affordability period would be applied retroactively to existing ADUs. Thank you for your consideration.

s/Daniel S. McQueeny, Jr.
Daniel S. ("Chip") McQueeny, Jr.
Assistant Corporation Counsel
AN ORDINANCE

TO AMEND PART 4 (ACCESSORY USES) OF ARTICLE 2 (LAND USE REGULATIONS) OF THE ZONING ORDINANCE OF THE CITY OF CHARLESTON, BY MODIFYING SEC. 54-214 (ACCESSORY DWELLING UNIT) THEREOF TO ADD A THIRTY (30) YEAR AFFORDABILITY PERIOD FOR ACCESSORY DWELLING UNITS AND TO CLARIFY THE EXISTING PROCEDURES AND REQUIREMENTS FOR APPROVAL OF ACCESSORY DWELLING UNITS.

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

Section 1. That section 54-214 (Accessory Dwelling Unit) of the Code of the City of Charleston, South Carolina, is hereby amended to read as follows:

Sec. 54-214. – Accessory Dwelling Unit.

In all base zoning districts, an accessory dwelling unit (ADU) may be approved by the Zoning Administrator as an accessory use to a principal single-family dwelling unit, if the Zoning Administrator finds the following conditions have been met:

a. The Department of Planning, Preservation, and Sustainability (“Planning”) shall prepare a site plan checklist and application for use by applicants. The application shall include, without limitation, a statement, signed by the applicant, certifying that no covenants exist prohibiting the construction or use of an ADU on the lot. In addition to other items required by the application, the applicant shall submit the following to Planning with the signed application:

1. A scaled site plan showing all information required in the site plan checklist; and

2. A draft Declaration of Covenants and Restrictions (“DCR”), which must be approved by the Department of Housing and Community Development (“Housing”) and the Office of Corporation Counsel (“Legal”), including the terms, conditions, and provisions set forth in Sec. 54-214.g. The DCR must be executed by the owner(s) of the lot, in a form sufficient for recording with the applicable Register of Deeds Office. A certificate of occupancy/completion shall not be issued for the ADU until the applicant provides a recorded copy of the DCR, as approved by Housing and Legal, to Planning.

c. There shall be a limit of one (1) ADU per lot.

d. The total number of dwelling units, including the ADU, shall not exceed two (2) dwelling units per lot. The ADU may be separately metered for electricity, gas, and water.
e. The ADU may include no more than 850 square feet of conditioned floor area; provided, however, for ADU’s within an accessory building approved utilizing the setback exceptions in Sec. 54-506.f, the maximum building footprint shall be 600 square feet.

f. One (1) off street parking space shall be provided for the ADU on the lot, in addition to providing, on the lot, required off street parking for existing uses thereon. The off street parking space provided for the ADU may be situated in tandem with the required spaces for other uses on the lot.

g. The DCR shall include the following terms, conditions, and provisions:

1. Either the principal dwelling unit or the ADU must be owner-occupied and serve as the primary dwelling unit for the owner of the lot. If neither dwelling unit is owner-occupied, the ADU may not be rented separately from the principal dwelling unit.

2. No subleases of the ADU shall be permitted.

3. If rented for remuneration, the ADU must meet affordable housing income and rental thresholds, as defined in Sec. 54-120, where the occupants have, in the aggregate, a household income of less than or equal to eighty percent (80%) of AMI, and the owner shall provide proof of affordability to the City of Charleston Department of Housing and Community Development, or its successor, on an annual basis during the affordability period.

4. The affordability period shall be at least thirty (30) years, beginning upon receipt of a certificate of occupancy/completion for the ADU.

5. Occupancy of an ADU shall be limited to no more than two (2) adults, with “adult” defined as any person eighteen years of age or older.

6. Under no circumstances shall the property be converted to a horizontal property regime.

7. Neither the principal dwelling unit nor the ADU shall be utilized for a short term rental.

8. The covenants shall accord the City, or its assignee, rights to enforcement by any legal and/or equitable means, including the revocation of a certificate of occupancy.

Section 2. That this Ordinance shall become effective immediately upon ratification; provided, however, the affordability period for an existing ADU may be reduced by thirty (30) years from the original certificate of occupancy for the ADU.

Ratified in City Council this ___ day of ___________ in the Year of Our Lord, 2022, and in the ____ Year of the Independence of
the United States of America

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John J. Tecklenburg, Mayor

ATTEST:

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Jennifer Cook
Clerk of Council
January 18, 2022

Mr. Michael Black, PE
District Maintenance Engineer
SCDOT District 6
6355 Fain Street
North Charleston, SC 29405

Subject: Maintenance of 170 LF of eight foot wide concrete sidewalk, 55LF of sidewalk paver bands and 1 ADA ramp along Maybank Highway (SC 700)

Dear Mr. Black:

This letter concerns the proposed 8’ concrete sidewalk, sidewalk paver bands and one ADA ramp within the SCDOT right-of-way shown on the attached drawings on Maybank Highway (SC 700).

The City Council of Charleston, at its meeting held January 25, 2022 agreed to accept maintenance responsibility for these items. The work will be constructed under a valid SCDOT Encroachment Permit. The City of Charleston agrees to maintain these improvements in compliance with current ADA and SCDOT standards. (ADA Standards for Transportation Facilities, SC Highway Design Manual, SCDOT Standard Drawings, AASHTO Guide for Development of Pedestrian Facilities).

Should there be any questions please contact me at 843-724-3777 or obrien@charleston-sc.gov

Sincerely,

[Signature]

Thomas F. O’Brien
Director of Public Service

CC: Rodney Porter, Parks Department
Kyle Taylor, PE Hoyt & Berenyi Engineering
Brian Pokrant, GIS Analyst
January 5, 2022

Tom O'Brien
City of Charleston
Department of Public Service
Engineering Division
2 George St, Suite 2109
Charleston SC 29401

RE: Maintenance and Liability Letter of Concrete Sidewalk and Non-Standard Materials within Maybank Hwy (SC 700)
City Project ID #: SP2020-000367
Johns Island Retail
TMS #313-00-00-157

Dear Mr. O'Brien:

Please accept this letter as our request for the City of Charleston to adopt maintenance and liability responsibility for the following items along Maybank Hwy (SC 700) for the above cited property:

- 170 LF of 8' wide Concrete Sidewalk
- 55 LF of Paver Sidewalk Bands
- 1 ADA Ramp

Please see the attached (1) Exhibit (Sheet C4.0 w/ Markups) showing the locations of these items.

If you have any questions, or require any additional information, please do not hesitate to contact me at (843) 870-7001, or via email at KTaylor@HoytBerenyi.com.

Sincerely,

Kyle A. Taylor, P.E.
Senior VP of Engineering
Hoyt + Berenyi
KTaylor@HoytBerenyi.com

Copy: 20-056
TO REPEAL AND REPLACE CHAPTER 2 (ADMINISTRATION), ARTICLE IV
(BOARDS AND COMMISSIONS), DIVISION 11 (SPECIAL COMMISSION ON
EQUITY, INCLUSION, AND RACIAL CONCILIATION) OF THE CODE OF THE
CITY OF CHARLESTON AND ADOPT A NEW DIVISION 11, SECTIONS 2-206
THROUGH 2-210, CREATING A PERMANENT STANDING “COMMISSION ON
EQUITY, INCLUSION, AND RACIAL CONCILIATION HUMAN AFFAIRS AND
RACIAL CONCILIATION COMMISSION” AND DESCRIBING ITS PURPOSE,
DUTIES, RESPONSIBILITIES, AND ORGANIZATION. (AS AMENDED)

PREAMBLE

When Martin Luther King Jr. spoke at Marietta (Ohio) College on March 2, 1967, he ended with
words from his classic "I Have a Dream" speech: "We will be able to hew out of the mountain
of despair a stone of hope." Dr. King would rekindle hope by helping America and its leaders
define and proclaim a new unifying quest that transcends temporal tumult. His words and life's
example show all of us the power of a clear vision of a common good persistently pursued with
patience and fortitude. Progress is possible only with change. To change anything, we must
change ourselves. It is time to look and really see; listen and really hear; talk and have something
important to say.

After the murder of George Floyd in the Summer of 2020, this country was forced to grapple not
only with a pandemic but with the aftermath of centuries of racial injustice. The City of
Charleston decided it was time to clearly see and address the role local government played and
continues to play in creating racial inequities. Mayor John Tecklenburg and City Council voted
on June 9, 2020, to create the Special Commission on Equity, Inclusion, and Racial Conciliation
(SCEIRC). This Commission was charged with making the city’s Apology for Slavery and Jim
Crow more than just a promise, but rather a commitment to revealing and dismantling systemic
racism through policy-level change.

SCEIRC was first given ninety days to develop a plan toward the creation of a racially equitable
Charleston. However, the group spent well over a year meeting, discussing and developing
recommendations for Council due to the enormity of the task at hand. The focus was on the
creation of measurable outcomes, promotion of greater accountability, and coordination of
community-wide efforts to achieve racial equity in the community.
Using the report generated by Avery Research Center: "The State of Racial Disparities in Charleston County Disparities Report" as a guide, the commission created seven subcommittees: (1) Criminal Justice; (2) Economic Empowerment; (3) Health Disparities and Environmental Justice; (4) History and Culture; (5) Housing and Mobility; (6) Internal Review; and (7) Youth and Education. City of Charleston staff from a variety of departments assisted with administrative support and provided immeasurable guidance. In all, the subcommittee chairs conducted 68 individual subcommittee meetings and the larger commission conducted 14 of its own meetings.

The effort culminated in a Final Report comprising over 125 recommendations which was presented to City Council in August of 2020. Following a brief presentation, the motion to receive the report and forward it to the appropriate standing committees for further consideration failed. Mayor Tecklenburg received the report on behalf of his office and forwarded it to the appropriate standing committees. The recommendations of the Commission are intended to create a path forward for the city toward positive change with input from the Mayor, Council members and citizens. By affirming the creation of this permanent standing Commission on Equity, Inclusion, and Racial Conciliation, to be called the Human Affairs and Racial Conciliation Commission, this Council will not only validate acknowledge the work put into this report, but also ensure that its stated purpose, to eliminate the vestiges of Jim Crow and slavery in our City, is heard and fulfilled with patience and fortitude. Success for all today depends upon the ability to adapt and change.

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

Section 1. Chapter 2, Article IV, Division 11 of the Code of the City of Charleston is hereby repealed and replaced as shown by the language that is stricken which shall read as, as amended, as follows:

"DIVISION 11. – COMMISSION ON EQUITY, INCLUSION, AND RACIAL CONCILIATION HUMAN AFFAIRS AND RACIAL CONCILIATION COMMISSION."

Section 2. Chapter 2 of the Code of the City of Charleston is hereby amended as shown by the language that is stricken which shall read as follows:

"Sec. 2-206. - Establishment.

There is hereby established a permanent standing Commission on equity, inclusion, and racial reconciliation issues to be called the "City of Charleston Human Affairs and Racial Conciliation Commission on Equity, Inclusion, and Racial Conciliation. (hereinafter "CHIRC"")."

Section 3. Chapter 2 of the Code of the City of Charleston is repealed and replaced with the following:

"Sec. 2-207. - Purpose."
The purpose of the CEIRG HARCC is to promote equity, inclusion, and racial conciliation through presentations regarding all forms of institutional and community discrimination to and facilitation of any recommendations from the Mayor and Council through standing its committees to the public, assistance with education and implementation of any directive from Council.

The CEIRG HARCC will prioritize racial equity and will work with city government and partner with outside agencies, in an effort to encourage and ensure diversity, fairness, equity, and inclusion throughout the city.”

**Section 4.** Chapter 2 of the Code of the City of Charleston is hereby repealed and replaced with following:

“Sec. 2-208. – Duties and Responsibilities.

1. Provide recommendations to the Mayor and City Council on development of a racial equity framework that will serve as a tool and processes to analyze, influence, and improve internal decision-making in a way that supports racial equity within the City as an organization and through its services;

2. Assist city staff and participate in conjunction with the City in public engagement, education and outreach activities that promote equity, inclusion, racial conciliation, and engagement;

3. Provide educational and outreach support to established programs and organizations in the community to promote a more inclusive and equitable city;

4. Identify and provide active assistance toward training and resources to educate community members about the importance of and helpful guidance toward respectful and meaningful conversation;

5. Provide any needed resources and support to city’s office of Equity, Inclusion, and Racial Conciliation;

6. Work with City staff toward the development of a strategic outreach plan to engage a broad spectrum of community members to provide input to the Mayor and City Council;

7. At the direction of the Mayor and Council, meet and collaborate with community partners such as educational institutions, civil rights organizations, business organizations, local Chambers of Commerce, Charleston Regional Development Alliance, and Lowcountry Local First for input and assistance toward its goals;

8. Report annually to the City Council on the status of its work, its recommendations, and any activities related to carrying out the duties and responsibilities of the Commission on Equity, Inclusion, and Racial Conciliation;

9. Assist in the review and provide recommendations in any other areas of equity, inclusion, and racial conciliation, as needed, and engage the Mayor and City Council as needed in furtherance of the welfare of the city; and

10. At the direction of the Mayor and Council, carry out any other issue that the Special Commission believes they deem necessary to carry out its duties, and responsibilities.
Section 5. Chapter 2 of the Code of the City of Charleston is hereby repealed and replaced with the following:

“Sec. 2-209. - Organization.

(a) **Membership.** The Mayor shall appoint four (4) city councilmembers and five (5) members of the community to the Commission for staggered two-year terms.

(b) **Management.** The Commission shall be supported by the City’s Manager of Equity, Inclusion, and Racial Conciliation and other City staff and consultants as needed.

(c) **Subcommittees.** The Commission will have the authority to designate subcommittees on matters including but not limited to housing, health care, criminal justice, small business and economic development, and communications.

(d) **Meetings and minutes.** The Commission shall establish a regular time and place of meeting and shall hold at least one regular meeting every month. For purpose of action, a quorum of the Commission shall consist of five (5) members of the commission in attendance. The Commission shall keep a written record of its proceedings and file the record with the Clerk or Council after the completion of any meeting.”

(e) **Procedure.** The Commission shall make and alter rules governing its organization and procedures that are not inconsistent with any city ordinance or Roberts Rules of Order.

(f) **Periodic Review by Council.** Council shall have the opportunity to review and reauthorize the HARCC every three (3) years to ensure that it is meeting its goals and objectives and make amendments as necessary.

(g) **Transition Period of New Members.** Upon appointment of new members, a transition period of ninety (90) days wherein the outgoing members are to advise, brief and update the incoming members on any old, ongoing and new business of the HARCC.

Section 6. Chapter 2 of the Code of the City of Charleston is hereby repealed and replaced with the following:

“Sec. 2-210. - Intragovernmental relations.

All City departments shall cooperate with and provided any needed information to HARCC in the performance of its duties."
Section 7. This Ordinance shall become effective upon ratification.

Ratified in City Council Chambers this ______ Day of ____________, 2022, in the ___ year of the Independence of the United States of America.

________________________
John J. Tecklenburg, Mayor

(ATTEST) _______________________
Jennifer Cook
Clerk of Council
AN ORDINANCE

TO AMEND ARTICLE II (CITY COUNCIL), DIVISION 2 (RULES OF ORDER) OF CHAPTER 2 OF THE CODE OF THE CITY OF CHARLESTON (ADMINISTRATION) (AS AMENDED)

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

Section 1. Division 2 (Rules of Order) of Chapter 2 (Administration) of the Code of the City of Charleston is hereby amended by adding the text shown below with a double-underline and deleting text shown below with a strike-through:

Sec. 2-36. Meetings.
The regular meeting of the city council shall be held at 5:00 p.m., on the second and fourth Tuesdays of January, February, March, April, May, September, October, and November; and at the same hour on the third Tuesday of June, July, and August; and at the same time on the first and third Tuesdays of December. Regular meetings of council will be held in City Hall except that the council will, unless it determines otherwise by majority vote at the preceding meeting, meet at an alternate location within the city limits for the second meetings in the month of January, March, May, September, and November except that council will hold four regular meetings at alternate locations within the city limits. Regular meeting dates, times, and locations are subject to change. Special meetings may be held at any time on the call of the Mayor, at his/her discretion or whenever he/she shall be thereunto requested in writing by at least one-third (1/3) of the whole number of councilmembers elected; such request stating in brief the nature and objects of the call. Whenever the designated Tuesday falls on a holiday observed by City Hall, council shall hold its regular meeting on the next succeeding Wednesday.

Sec. 2-37. Call to order; order of business.
Immediately at the hour appointed for the meeting, the mayor shall take the chair, and the clerk shall proceed to call the roll. If a quorum is present, business shall proceed in the following order:
(1) Properly advertised public hearings shall be conducted. Immediately following the adjournment of the public hearings, city council shall discuss the matters for which the public hearings were held.
(2) Citizens participation period as provided by section 2-69 herein.
(3) Reading of the journal of the previous meeting.
(4) Petitions received and disposed of.
(5) Councilmember communications.
(6) Reports or communication from city officers or boards.
(7) Reports from standing committees.
(8) Reports from special or joint committees.
(9) Bills already in possession of council shall then be taken up for a second or third reading.
(10) Introduction of bills and resolutions.
(11) Miscellaneous business not included in any of the previous orders.

Sec. 2-38. Members may leave upon absence of quorum fifteen minutes after starting time.
If a quorum of council fails to appear within fifteen (15) minutes after the hour appointed, no member shall be required to attend longer, unless he/she chooses to do so.

Sec. 2-39. Leaving council meeting without permission of mayor prohibited.
Any member leaving the council chamber during a meeting, without permission of the mayor, shall be fined five dollars ($5.00), and should his/her leaving council chamber, without such permission, cause any suspension of business, he/she shall be fined fifteen dollars ($15.00), unless excused. Permission to leave the council chamber shall be requested of the mayor in open session of council after having been duly recognized. The amount of all fines shall be deducted from the councilmember's salary on the councilmember's next paycheck.

Sec. 2-40. Recognition of members desiring to speak; forms of address; profanity.
(a) Any member when about to speak shall address the mayor as "Mr. Mayor," but shall not proceed with his/her remarks until recognized and named by the mayor. A member shall at all times avoid any profanity or disrespect to the council and all personalities, and shall confine himself/herself to the question under consideration. The fine for use of profanity shall be ten dollars ($10.00) for the first occurrence at a meeting and fifteen dollars ($15.00) for the second occurrence at the same meeting. The amount of all fines shall be deducted from the councilmember's salary on the councilmember's next paycheck.
(b) The mayor, when addressed by a member, shall name the member using the title of "councilmember." The member who shall first seek to be heard in order shall be first heard and if two (2) or more members seek to be heard at the same time, the mayor shall decide who shall speak first.

Sec. 2-41. Limit on speeches.
No member shall speak a second time on the same question until every member desirous of speaking shall have spoken; and no more than twice without leave of council, except to explain. Nor shall he/she speak at any time longer than fifteen (15) ten (10) minutes.

Sec. 2-42. Division of house.
(a) If upon a question taken by acclamation the mayor doubts, or a division be called for, council shall divide, by those in the affirmative first raising their right hands, then those in the negative.
(b) The ayes and noes on any question shall always be ordered when required by any two (2) members, and the clerk shall call the role and take names of all who vote aye and all who vote no, which he/she shall enter on the journal. When the question has been stated and the first response has been made to the clerk's call, all debate shall cease, and no members shall say more than "aye-aye" or "no." During the call no member shall leave the council chamber.

Sec. 2-43. Explanation of vote.
A member may be permitted to explain his/her vote only by leave of council, and for such explanation he/she may be allowed not more than two (2) minutes.

Sec. 2-44. Mayor to decide questions of order.
All questions of order shall be decided by the mayor without any debate, subject to an appeal to council.
Sec. 2-45. Mayor to vote in all cases; exception; effect of tie vote.
The mayor shall vote in all cases (except when he/she may be directly interested, or shall be excused), his/her name being called last in the ayes and noes. If, with his/her vote, the council be equally divided, the question shall be decided in the negative.

Sec. 2-46. Forms of laws; each ordinance to receive three readings; adoption procedures.
(a) All laws passed by council shall be in the form of ordinances, which shall receive three (3) readings. The first reading of a bill shall be by title only, for information; no amendment shall then be in order. The bill presented shall be printed as a part of the official proceedings, and lie over until the next meeting of council. No notice shall be necessary for the introduction of a bill.
(b) The style of all ordinances shall be, "Be it Ordained by the Mayor and Councilmembers of Charleston, in City Council Assembled."
(c) The second reading of a bill shall be by title only except that, if requested by any two (2) members of council, it shall be read section by section. After the bill has received second reading and all amendments and privileged motions (if any) disposed of, the question shall be, "Shall this Bill be ordered to a third reading?" Upon a decision in the affirmative, the order shall be accordingly; a decision in the negative shall be a rejection.
(d) At a third reading of the bill, the bill shall be read by its title only. After the bill shall have been so read the question shall be, "Shall this Bill pass, the title thereof be changed to an Ordinance and be ordered engrossed for ratification?" Upon the third reading of a bill, no amendment shall be offered, except by unanimous consent or previous notice.
(e) After a bill shall have passed its third reading and shall have been ordered to be engrossed for ratification, it shall then be ratified in open council by being signed by the mayor and clerk.
(f) A bill having passed its third reading but held over for ratification cannot at a subsequent meeting be considered, except by unanimous consent, two-thirds (2/3) of the members of the council being present at that meeting. It shall be the duty of the clerk to have such a bill which has passed its third reading engrossed and ready for ratification at the next regular meeting, and neither the clerk nor the city council shall have power to withhold its ratification, except by the unanimous consent of the council, two-thirds (2/3) of the council being present.
(g) Every bill before presentation shall have its title engrossed; every report its title at length; every petition, memorial, or paper its prayer or substance; and any council member presenting such a bill, report, memorial, or other paper shall endorse his/her name therein.

Sec. 2-47. Notification of business association prior to debate or vote on lease or transfer of city-owned or controlled property.
Prior to debate on a vote by city council or any standing committee thereof to consider the transfer or lease of city owned or controlled property to a business as defined in § 8-13-100(3) of the 1976 S.C. Code of Laws, as amended, including a non-profit corporation (hereinafter referred to as "business"), with which a councilmember or the mayor is associated, city councilmembers and the mayor shall be notified of the nature of the association between the councilmember or the mayor and the business by the councilmember or the mayor having the association with the business. The city employee responsible for placing the matter on the agenda for consideration shall also be subject to the requirements of this section if the employee has knowledge of the councilmember's or mayor's association with the business.

Sec. 2-48. Use of electronic devices prohibited.
No person shall possess or use an electronic device, including but not limited to mobile phones, pagers and computers, that emits an audio alert or sound, unless such device is equipped for a vibration or other
silent alert, in any meeting conducted by the city, including but not limited to meetings of city council, city boards and commissions or special meetings. However, in no event shall any person verbally communicate on a two-way radio or mobile phone during any city meeting. Any electronic device brought to a city meeting shall be set to silent or vibrate, so as not to disturb the meeting. Nothing in this provision shall apply to the clerk of council’s office, council member or Mayor in executing the official duties of that position. Any person who violates this section shall be removed from council chamber and shall may not be re-admitted unless absent the offending device.

Sec. 2-49. Standing committees—Appointment by the mayor.
The mayor, at the first meeting of each year during his/her term shall appoint standing committees and shall name the chairperson of each; and in case of a vacancy in any committee, or in the chairpersonship of any committee, from any cause during his/her term of office, he/she shall fill such vacancy. The mayor may, from time to time, make such changes in said committees as may be necessary, or conducive to the convenience of the members.

Sec. 2-50. Same—established.
The standing committees are as follows:

1. Ways and means, to consist of all council members and the mayor, to whom shall be referred all matters connected with city finance, assessments and taxes. A quorum shall be seven (7) members.
2. Public works and utilities, to consist of four (4) members of council and the mayor. A quorum shall be three (3) members.
3. Public safety, to consist of four (4) members of council and the mayor. A quorum shall be three (3) members.
4. Traffic and transportation, to consist of four (4) members of council and the mayor. A quorum shall be three (3) members.
5. Real estate, to consist of four (4) members of council and the mayor. A quorum shall be three (3) members.
6. Community development, to consist of six (6) members of council and the mayor. A quorum shall be four (4) members.
7. Special facilities, to consist of six (6) members of council and the mayor. A quorum shall be four (4) members.
8. Human resources, to consist of five (5) members of council and the mayor. A quorum shall be three (3) members.
9. Recreation, to consist of five (5) members of council and the mayor. A quorum shall be three (3) members.
10. License, to consist of five (5) members of council and the mayor. A quorum shall be three (3) members.
11. Audit, to consist of all council members and the mayor. A quorum shall be seven (7) members.

All other committees shall be appointed by the mayor, unless a ballot is called for by the members of council.

Sec. 2-51. Same—Duties generally.

(a) It shall be the duty of each member of a standing committee to attend all meetings of the committee of which he/she is a member, and lend his/her aid and assistance to the proper investigation into and report upon all matters referred to the committee.
(b) It shall be the duty of the standing committees of the council to carefully examine into and report upon all petitions and other matters referred to them by this body, using due diligence thereon.
(c) It shall be the duty of the standing committees and of the members thereof, to carefully examine the ordinances of the city appertaining to the subject with which the said committee is especially charged and to endeavor to ascertain from time to time whether the ordinances appertaining to the said subject are being properly regarded and enforced, and whether in their opinion these ordinances are sufficient and satisfactory; reporting from time to time to city council such violations as they may ascertain, such changes in ordinances on aforesaid subjects as they may deem proper, or any other matter connected therewith, which may seem to them to be in the best interest of the city.

Sec. 2-52. Same—Referral of matters brought before council.
(a) The matters to be referred to the said several standing committees shall be such as appertain or relate to the subjects designated in the name of said committee and whenever matters shall be brought before city council by petition or otherwise connected with or relating to anyone of the said subjects exclusively, said matters shall be referred as of course to the standing committee having charge of said subject.
(b) Whenever any matter shall come before the city council by petition or otherwise, which shall be connected with or related to two (2) or more of these subjects with which the standing committees are especially charged, council shall in such case determine whether it shall be referred to a special committee or to a joint committee, to be composed of two (2) or more of the standing committees concerned therewith, or to one of the said standing committees, and in the latter case to which one the reference is to be made.

Sec. 2-53. Same—Calling of meetings.
The chairman of any standing committee shall, upon the written request of not less than one-third (1/3) of such committee within two (2) days thereafter, issue a call for a meeting of such committee, to be held not later than ten (10) days thereafter, and on his/her failure to do so the members making such request may call a meeting of such committee.

Sec. 2-54. Same—Ways and means.
(a) Composition. The committee on ways and means shall consist of all councilmembers and the mayor, to whom shall be referred all matters connected with city finance, assessments and taxes.
(b) Quorum. A quorum shall be seven (7) members.
(c) Responsibilities. The responsibilities of the committee on ways and means shall involve legislative action on other matters pertaining to:
(1) Adoption of annual budget;
(2) Budgetary allocations and reallocations;
(3) Taxation ordinances and levies;
(4) Assessment and collection of revenues;
(5) Purchasing policies;
(6) Licensing;
(7) Contracts executed by executive branch;
(8) Review and approval of expenditures of proceeds from municipal hospitality tax;
(9) Review and approval of expenditures of proceeds from municipal accommodations tax.
(d) Coordination with executive branch. The committee on ways and means shall be responsible for coordination with the procurement division and the finance division of the department of administrative services and the corporation counsel.
Sec. 2-55. Same—Public works and utilities.

(a) Composition. The committee on public works and utilities shall consist of four (4) members of council and the mayor.
(b) Quorum. A quorum shall be three (3) members.
(c) Responsibilities. The responsibilities of the committee on public works and utilities shall involve recommendations to council on matters pertaining to:
(1) Liaison with public works commission in matters related to water supply and distribution, service and pollution control;
(2) Improvement of sanitation and garbage services and maintenance of streets;
(3) Public works engineering;
(4) City maintenance services;
(5) Building, plumbing and electrical inspections, and code enforcement;
(6) Municipal marina and yacht basin.
(7) Stormwater project and floodplain management and stormwater maintenance.
(d) Coordination with executive branch. The committee on public works and utilities shall be responsible for coordination with the department of public service, department of stormwater management, department of traffic and transportation, housing board of appeals, commissioners of public works, and the yacht basin commission.

Sec. 2-56. Same—Public safety.

(a) Composition. The committee on public safety shall consist of four (4) members of council and the mayor.
(b) Quorum. A quorum shall be three (3) members.
(c) Responsibilities. The responsibilities of the committee on public safety shall involve recommendations to council on all matters pertaining to:
(1) Fire service policy;
(2) Police service policy;
(3) Civil defense and emergency planning;
(4) Municipal penal ordinances and court services.
(d) Review of judicial candidates. The committee on public safety shall review and make recommendations regarding judicial candidates submitted by the mayor prior to the mayor's formal nomination of a judicial candidate to council for its approval.
(e) Coordination with executive branch. The committee on public safety shall be responsible for coordination with the police department, fire department, trustees of the fireman's insurance and pension fund, police relief and pension fund commission, board of firemasters and municipal court system.

Sec. 2-57. Same—Community development.

(a) Composition. The committee on community development shall consist of six (6) members of council and the mayor.
(b) Quorum. A quorum shall be four (4) members.
(c) Responsibilities. The responsibilities of the committee on community development shall involve recommendations to the council on matters pertaining to:
(1) Land use and development policy;
(2) Municipal planning and comprehensive development planning services;
(3) Urban and neighborhood redevelopment services;
(4) Economic development services.
(d) **Coordination with executive branch.** The committee on community development shall be responsible for coordination with the department of planning and urban development, public works commission, planning and zoning commission, redevelopment and preservation commission, board of architectural review, CBD revitalization commission, board of adjustment, and the economic development commission.

**Sec. 2-58. Same—Traffic and transportation.**

(a) **Composition.** The committee on traffic and transportation shall consist of four (4) members of the council and the Mayor.

(b) **Quorum.** A quorum shall be three (3) members.

(c) **Responsibilities.** The responsibilities of the committee on traffic and transportation shall involve recommendations to the council on matters pertaining to:

1. Highway programs;
2. Traffic planning and engineering;
3. Mass transit;
4. Municipal parking facilities.

(d) **Coordination with executive branch.** The committee on traffic and transportation shall be responsible for coordination with the department of traffic and transportation.

**Sec. 2-59. Same—Special facilities.**

(a) **Composition.** The committee on special facilities shall consist of six (6) members of the council and the mayor.

(b) **Quorum.** A quorum shall be four (4) members.

(c) **Responsibilities.** The responsibilities of the committee on special facilities shall involve recommendations to the council on matters pertaining to matters pertaining to City owned special facilities. The committee shall meet on a quarterly basis.

(d) **Coordination with executive branch.** The committee on special facilities shall be responsible for coordination with the department of special facilities, commission on arts, commission on history, and the board of trustees of the Charleston Museum.

**Sec. 2-60. Same—Human resources.**

(a) **Composition.** The committee on human resources shall consist of five (5) members of the council and the mayor.

(b) **Quorum.** A quorum shall be three (3) members.

(c) **Responsibilities.** The responsibilities of the committee on human resources shall involve recommendations to the council on matters pertaining to:

1. Municipal personnel and merit system;
2. Accident review;
3. Municipal health, education, and welfare programs;
4. Charitable institutions;
5. Community social service programs.

(d) **Coordination with executive branch.** The committee on human resources shall be responsible for coordination with the personnel division of the department of administrative services, the commissioners of the Charleston Orphan House, and the commissioners of the Charleston Housing Authority.
Sec. 2-61. Same—Recreation.
(a) Composition. The committee on recreation shall consist of five (5) members of the council and the mayor.
(b) Quorum. A quorum shall be three (3) members.
(c) Responsibilities. The responsibilities of the committee on recreation shall involve recommendations to the council on matters pertaining to:
(1) Parks improvement and expansion;
(2) Recreation services and facilities;
(3) Cultural services.
(d) Coordination with executive branch. The committee on recreation shall be responsible for coordination with the department of recreation, commissioners of the Colonial Common and Ashley River Embankment, commissioners of Marion Square, golf course commission and board of recreation.

Sec. 2-62. Same—Real estate.
(a) Composition. The committee on real estate shall consist of four (4) members of the council and the mayor.
(b) Quorum. A quorum shall be three (3) members.
(c) Responsibilities. The responsibilities of the committee on real estate shall involve recommendations to the council on matters pertaining to municipal real estate transactions.

Sec. 2-63. Same—License.
(a) Composition. The committee on licenses shall consist of five (5) members of the council and the mayor.
(b) Quorum. A quorum shall be three (3) members.
(c) Responsibilities. The responsibilities of the license committee shall involve recommendations to the council on matters pertaining to the business license ordinance for the City of Charleston and matters related thereto. The committee will also be responsible for considering appeals of business license fees and any determination, denial, or suspension and proposed revocation of a business license, and appeals of peddler permit applications that have been denied.

Sec. 2-64. Other committees.
All committees other than standing committees shall be appointed by the mayor, unless a ballot is called for by a majority of the members of council.

Sec. 2-65. Reports to be signed by majority of committee.
All reports shall be signed by a majority of the committee to whom the subject was referred.

Sec. 2-65. Prayers, petitions and memorials not to be granted without referral to and report by committee; exception.
No prayer, petition or memorial shall be granted, except by unanimous consent, without first being referred to its appropriate committee and until there has been a report from such committee.

Sec. 2-66. Election of officers and commissioners.
The election of all officers and commissioners shall be by roll call, the clerk of council to call the roll and every member to state for whom he desires to vote, except when otherwise provided for by ordinances, and the election shall be determined by a majority of votes actually given. When, however, there is only
one nomination for any vacant office, the mayor shall cast the unanimous vote of council for that office; unless a councilmember specifically shall request a roll call.

Sec. 2-67. Robert's Rules to be followed.
The rules of parliamentary practice comprised in the current edition of Robert's Rules of Order shall govern the council in all cases to which they are applicable, and in which they are not inconsistent with the foregoing rules.

Sec. 2-68. Election of mayor pro tempore.
At the first meeting of each year, and upon recommendation of the mayor, there shall be elected by ballot from the councilmembers, a mayor pro tempore who for the ensuing year, shall act as mayor, during the sickness or temporary absence of the mayor, and who shall not be re-elected to such office during the term, and in the event of the sickness or temporary absence of the mayor pro tempore, while acting as mayor, then and in that event, the chairman of the first standing committee in the order named in section 2-49, who shall be in the city and available, shall be acting mayor in said interim.

Sec. 2-69. – Citizens’ Participation and Petitions and memorials.
(i) Members of the public who want to address the City Council at a City Council meeting shall sign-up before the start of the meeting in accordance with the instructions provided on the City Council agenda, whether it be virtually, by phone, email or in-person. Public participation during Citizens’ Participation shall be limited to the first thirty citizens who have signed-up and shall be no longer than thirty (30) minutes in total unless extended for a time certain by the Mayor or by a majority vote of the City Council. If there are more speakers signed up to address the City Council than time will allow, citizens may provide a written copy of the comments to be included in the public records. The individual requesting to speak shall identify themselves by providing their name, address, and zip code and shall conduct themselves in accordance with the Rules of Decorum in Section 2-28. Additionally, speakers and members of the audience agree to adhere to the following rules:

(a) Speakers residing in or maintain a business license with the City of Charleston shall speak first.
(b) Speakers shall limit their remarks to no more than the time limit set by the Mayor at the beginning of Citizens’ Participation.
(c) Speakers may not pass his or her allotted time to another speaker.
(d) Upon expiration of the allotted time, speakers shall stop speaking unless additional time is granted.
(e) Groups of speakers should, whenever possible, consolidate their comments and avoid repetition through the use of representative speakers.
(f) Speakers shall address their remarks to the City Council as a whole and not to any individual Councilmembers.
(g) Speakers shall not ask questions of individual Councilmembers or a member of the City staff without first obtaining permission from the Mayor.
(h) Speakers shall not harass or make direct threats or personal attacks at Councilmembers, staff, other speakers or members of the audience.
(i) Members of the audience shall maintain decorum and refrain from noisy outbursts or other distracting actions such as applauding, cheering, or booing during or at the conclusion of any remarks made by the speaker, staff member or Councilmember.
(ii) All communications to the city council shall be by petition or memorial. Only members of council shall be heard on any petition or memorial without the unanimous consent of council, except that during a period of thirty (30) minutes of each regular meeting the mayor may recognize citizens of
Charleston who wish to address council on matters of city business. City council shall be provided, by
the office of the clerk of council, with a published agenda the Thursday before each regular meeting.
The deadline for submitting items to be considered at the city council and ways and means committee
shall be noon on the Monday of the week prior to the scheduled meetings. A two-thirds (%) vote of
the council members present shall be required for a matter to be added to the agenda after it has been
closed.

Sec. 2-70. Ways and means committee to hold meetings every month and public works and utilities to
hold meetings when necessary, to carry out the provisions of section 2-52(a).
The ways and means committee of city council shall hold at least one meeting every month for the
purpose of carrying out the provisions of section 2-52(a). The public works and utilities committee of city
council shall hold meetings as necessary for the purpose of carrying out the provisions of section 2-52(a).
Meetings of the public works and utilities committee shall be called at the discretion of the committee
chairman or when at least one-third (%) of the committee requests a meeting in writing. When any
matter is referred to any committee at any regular or extra meeting of council, said committee shall meet
and take action on such matters before the next regular meeting, reporting thereon at said meeting, and
to every subsequent meeting until said matter reaches final disposition.

Sec. 2-71. Rescission, suspension or alteration of rules.
Any of the foregoing rules, except those requiring unanimous consent, can be rescinded, suspended, or
altered by a majority of three-fourths (%) of the members present.

Sec. 2-72. Procedure upon absence of quorum.
(a) No member of council shall absent himself/herself from the service of city council without leave.
If at any time during the sessions of city council, a question shall be raised by any councilmember, as to
the presence of a quorum, or if needed, a money quorum, the mayor or presiding officer shall forthwith
direct the clerk of council to call the roll, and shall announce the result, and these proceedings shall be
without debate.
(b) Whenever upon such roll call it shall be ascertained that a quorum, or if needed, a money
quorum, is not present a majority of the members of council present may direct the sergeant-at-arms to
request and when necessary, to compel, the attendance of the absent members of council, which order
shall be determined without debate; and, pending its execution, and until a quorum or, if needed, a
money quorum, shall be present, no motion, except to adjourn, shall be in order.
(c) The clerk of council, or any proper person deputized by the clerk shall be the sergeant-at-arms.

Secs. 2-73—2-85. Reserved.
Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this_____ day of
_______ in the Year of Our Lord, 2022,
and in the_____ Year of the Independence of
the United States of America

____________________________________
John J. Tecklenburg, Mayor

ATTEST:

____________________________________
Jennifer Cook, Clerk of Council
AN ORDINANCE

TO AMEND ARTICLE II (CITY COUNCIL), DIVISION 1 (GENERALLY) OF CHAPTER 2 OF THE CODE OF THE CITY OF CHARLESTON (ADMINISTRATION) (AS AMENDED)

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

Section 1. Division 1 (Generally) of Chapter 2 (Administration) of the Code of the City of Charleston is hereby amended by adding the text shown below with a double-underline and deleting text shown below with a strike-through:

Sec. 2-23. Meetings; rules and procedures for meetings; freedom of information; emergency ordinances.

(a) The council, after public notice, shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of a majority of the members.

(b) The council shall determine its own rules and order of business and shall provide for keeping minutes of its proceedings which shall be a public record.

(c) Procedures for meetings of a municipal governing body shall not conflict with the provisions of the general laws of the state with regard to freedom of information.

(d) To meet public emergencies affecting life, health, safety or the property of the people, the council may adopt emergency ordinances; but such ordinances shall not levy taxes, grant, renew or extend a franchise or impose or change a service rate. Every emergency ordinance shall be enacted by the affirmative vote of at least two-thirds (2/3) of the members of council present. An emergency ordinance is effective immediately upon its enactment without regard to any reading, public hearing, publication or public notice requirements. Emergency ordinances shall expire automatically as of the sixty-first day following the date of enactment.

(e) All regular meetings of city council that are recorded by a videographer which are held in City Hall shall be posted virtually in real time or televised as long as any existing cable franchise provider is required, as a part of its franchise agreement with the city, to provide such televising services, including at least one (1) camera and camera operator, to televise such meetings at no cost to the city. The city shall provide copies of all televised regular meetings of city council to all cable providers in the City of Charleston at no cost to such cable providers. Additionally, the city shall place a copy of each televised or virtually-posted regular city council meeting on the city’s website. The public shall obtain copies of any televised or virtually-posted regular city council meeting in accordance with the requirements of the S.C. Freedom of Information Act. Copies of all virtual or televised meetings of city council shall be archived and retained by the city’s records management division.
(f) Councilmembers may attend standing committee meetings virtually or by telephone. Councilmembers may attend meetings of city council or the committee on ways and means virtually or by telephone only in cases of emergency or illness and if the remaining members attending in person constitute a quorum of the governing body, or if such meetings are emergency or special meetings called because of exigent circumstances, and the telephonic attendance if by the mayor. Councilmembers may attend committee meetings, other than the committee on ways and means, by telephone only in cases of emergency. When virtual or telephonic attendance is permitted in accordance with this subparagraph, the following rules and procedures shall apply:

(1) Notice of virtual or telephonic attendance shall be provided to the clerk of council's office and when possible, not less than twenty-four (24) hours before the scheduled start time for the meeting. The clerk of council shall advise the mayor or committee chair of the request.

(2) If committee meetings where a councilmember is attending virtually or by telephone, the chair or his/her designee who is presiding over the meeting, a member of the clerk of council's office, and a member of the legal department shall be physically present.

(3) At any meeting where a councilmember is attending virtually or by telephone, there shall be a telephone device that allows the voice of the remotely-participating councilmember on the telephone line to be heard by everyone present in the meeting room. A councilmember attending virtually or by telephone shall count as part of a quorum and the vote of the member shall be valid. The reason for attending the meeting virtually or by telephone shall be recorded in the minutes of the meeting.

(4) Any meeting where a councilmember is attending virtually or by telephone shall be conducted in accordance with the requirements of the S.C. Freedom of Information Act.

(5) Any councilmember attending a committee meeting virtually or by phone where an executive session is held will ensure that, after the vote to go into executive session is approved, but prior to the convening of the executive session, declare that no other person is on the phone or is within a range that would allow matters to be discussed or considered to be heard. The clerk of council shall enter such declaration into the minutes of the meeting.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of ______________ in the Year of Our Lord, 2022,
and in the _____ Year of the Independence of the United States of America

________________________________
John J. Tecklenburg, Mayor

ATTEST:

________________________________
Jennifer Cook
Clerk of Council