

April 28, 2020
5:00 p.m.
Conference Call:
1-929-205-6099
Access Code:
912096416

CITY COUNCIL

- A. Roll Call
- B. Invocation – Councilmember Shahid
- C. Pledge of Allegiance
- D. Presentations and Recognitions
- E. Public Hearings
- F. Act on Public Hearing Matters
- G. Approval of City Council Minutes:

1. April 14, 2020

- H. Citizens Participation Period

Please 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., Tuesday, April 28th:

- 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/> by Tuesday, April 28th at 12:00 p.m.**
- 3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401**

- I. Petitions and Communications:

- 1. Update on the City's response to COVID-19 - *Mayor John J. Tecklenburg, Dr. Katy Richardson - DHEC, and Shannon Scaff, Emergency Management Director*
- 2. Update on status of Comprehensive Plan – *Jacob Lindsey, Director of Planning, Preservation and Sustainability*

- J. Council Communications:

K. Council Committee Reports:

1. Committee on Human Resources: (Meeting was held Thursday, April 23, 2020 at 3:00 p.m.)

a. New Business:

- (i) Update on the City's response to COVID-19
- (ii) Discussion re: Commission on Women's Resolution on Paid Family Leave Care

b. Old Business

c. Other Business

2. Committee on Public Safety: (Meeting was held Monday, April 27, 2020 at 2:00 p.m.)

- a. Update from Court Administration on status of pending cases set for jury trials, including DUI
- b. Setting dates for interviews of judicial candidates
- c. Discussion of status of DUI judge/prosecutor
- d. Reports from Fire Chief and Police Chief as to "state of" each department
- e. Update on STR/livability enforcement
- f. Update on City's response to COVID-19 (follow-up on Mayor's Three Step Plan)

3. Committee on Public Works and Utilities: (Meeting was held Monday, April 27, 2020 at 4:00 p.m.)

a. Stormwater Management Department Update:

- (i) Update on Schedule for acquired Church Creek Properties
- (ii) Discussion of Upcoming National Fish and Wildlife Foundation Grant Opportunity – Long Branch Creek Improvements
- (iii) Discussion of Pump Station Operation and Maintenance Plans

4. Committee on Ways and Means:

(Bids and Purchases

(Office of Cultural Affairs: Approval to apply for a grant in the amount of \$10,000 from SC Arts Commission for a sub-granting program (July 1, 2020 to June 30, 2021). This is the renewal of an annual award to fund the Lowcountry Quarterly Arts Program administered by the Office of Cultural Affairs. A 1:1 match is required. Matching funds will come from FY20 Community Assistance and private donations.

(Office of Cultural Affairs: Approval to apply for a grant in the amount of \$2,500 from South Arts to support fees for visiting artists for Free Verse Festival in October 2020. A 1:1 match is required. Matching funds will come from private donations. **(To be sent under separate cover by the Office of Cultural Affairs)**

(Office of Cultural Affairs: Approval to apply for a grant in the amount of \$50,000 from the National Endowment for the Arts to support funding to offset venue costs and artist fees in conjunction with the CARES Act. The grants.gov application portal will not open until late April, but the deadline precedes the first Ways and Means meeting in May. The draft application will be shared at the April 28th meeting. No match is required. **(To be sent under separate cover by the Office of Cultural Affairs)**

(Parks-Capital Projects: Approval of Stoney Field Improvements increase to P162427 for LED lighting improvements with National Energy Solutions in the amount of \$3,532.99

for the remittance of state use tax on materials provided by the contractor. The contractor applied 7% sales tax on materials and an additional 2% is required to be remitted to the State. Approval to increase P162427 will increase the PO amount by \$3,532.99 (from \$304,083.12 to \$307,616.11) Funding for this project is the 2005 GO Bond (\$399,048), 2018 GO Bond (\$2,600,000), Hospitality Funds (\$1,250,000), and a Capital Contribution (\$19,432.50).

(Parks-Capital Projects: Approval of the Ashley River Pedestrian Bridge Professional Services Contract with HDR Engineering Inc. of Charleston in the amount of \$49,946 for project management and coordination, jurisdiction determination of critical areas and wood stork survey, and other surveying services as part of the design and construction of a bicycle and pedestrian bridge crossing the Ashley River. Approval of this contract will be covered by a future budget amendment using 2017 General Fund Reserves.

(Housing and Community Development: Mayor and City Council approval is requested for a Substantial Amendment to the 2020 Consolidated Plan and 2020-2021 Annual Action Plan. The purpose for the amendment is to include additional funding support for low and moderate income persons due to COVID-19. Funds are awarded by the Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) (\$488,628) and Housing Opportunities for persons with AIDS (HOPWA) (\$118,886) programs. City of Charleston will release a request for application to local nonprofit organizations to expend the funds upon receipt and execution of a Grant Agreement with the Department of HUD.

(Budget Finance and Revenue Collections: An ordinance to provide for the issuance and sale of not exceeding \$6,000,000 General Obligation Bonds of 2020 of the City of Charleston, South Carolina, to prescribe the purposes for which the proceeds of the bonds shall be expended, to provide for the payment thereof, and other matters relating thereto.

(Budget Finance and Revenue Collections: An ordinance to provide for the issuance and sale of not exceeding \$11,800,000 General Obligation Refunding Bonds of 2020 of the City of Charleston, South Carolina, to prescribe the purposes for which the proceeds of the bonds shall be expended, to provide for the payment thereof, and other matters relating thereto.

(Parks-Capital Projects: Approval of Change Order #13 with NBM Construction Company, Inc. in the amount of \$0.00 and modifies the contract by: adding 5 weather days for a new substantial completion date of 12/26/19, if NBM achieves substantial completion by June 5, 2020, all liquidated damages are waived, however, if this date is not achieved the City is entitled to recover all liquidated damages, the City reserves the right to issue joint checks to contractor and subs/vendors/supplies or design professionals. Approval of Change Order #13 will increase the Construction Contract by \$0.00. The funding sources for this project are the Installment Purchase Revenue Bond (\$7,989,524), Proceeds from Sale of Real Estate (\$1,135,607.64), Surplus Sales (\$1,130.02) and Hospitality Funds (\$380,000).

(Approval of Amendment #1 to the Management Agreement for 22 West Edge with the Charleston Digital Corridor Foundation allowing for an increase in the approved tenant upfit amount. Approval of the amendment would allow for an additional \$105,000 in tenant upfit improvements. Additional cost is offset by savings in design, FFE and lease expenses making it budget neutral.

L. 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 amend the Code of the City of Charleston, South Carolina, Chapter 31, Section 31-77(a) and 31-77(b) to clarify and to expand the options for required documentation necessary to receive a chauffeur's license to operate a taxi cab or limousine in the City of Charleston.*
2. *An ordinance authorizing the Mayor to execute on behalf of the City of Charleston ("City") an Agreement of Purchase and Sale, in which the City agrees to sell to Peter Lewis Buck the property located at 87 Cooper Street (Charleston County TMS No. 459-05-04-122) (Peninsula) (District 4) for \$201,834.00, subject to the City of Charleston Single-Family Affordable Housing Restrictive Covenants, with an affordability period of ninety (90) years.*
3. *An ordinance authorizing the Mayor to execute on behalf of the City of Charleston ("City") any and all documents necessary to quitclaim Grants Court (Peninsula) (District 3) to Manx Holdings, LLC, in exchange for an easement permitting access over a portion of Grants Court from Nunan Street to 4 Grants Court (Charleston County TMS No. 460-07-02-222) (Peninsula) (District 3) and 4 Nunan Street (Charleston County TMS No. 460-07-02-221) (Peninsula) (District 3), upon approval of any such documents by Corporation Counsel.*
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 220 Nassau Street (peninsula) (0.89 acre) (TMS #459-05-01-067) (Council District 4), be rezoned from Diverse Residential (DR-2) classification to Mixed-Use/Workforce Housing (MU-1/WH) classification. The property is owned by Charleston County School District. (DEFERRED FOR PUBLIC HEARING)*
5. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Ashley River Road (West Ashley) (1.53 acres) (TMS #354-12-00-004) (Council District 2), be rezoned from Single-Family Residential (SR-1) classification to Limited Business (LB) classification. The property is owned by Laura M. Smith. (DEFERRED FOR PUBLIC HEARING)*
6. *An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1970 Delaney Drive (James Island) (0.303 acre) (TMS #340-00-00-099) (Council District 6), be rezoned from Single-Family Residential (SR-1) classification to Single-Family Residential (SR-4) classification. The property is owned by Jesse J. Richardson III. (DEFERRED FOR PUBLIC HEARING)*
7. *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, prioritize placement of affordable/workforce housing projects on agendas, and limit the number of agenda items. (DEFERRED FOR PUBLIC HEARING)*
8. *An ordinance to provide for the annexation of properties on Maybank Highway (3.5 acres) (TMS# 313-00-00-034; 313-00-00-035), 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 properties are owned by William Stephen Harris. (DEFERRED)*

9. *An ordinance to provide for the annexation of property on Maybank Highway (2.05 acre) (TMS# 313-00-00-306), 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 LMC, LLC. (DEFERRED)*
10. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to incorporate provisions to allow subdivision and development of Single Family Detached Affordable Housing as a conditional use within multiple base zoning districts. (DEFERRED FOR PUBLIC HEARING)*
11. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-220 Accommodations Overlay Zone to correct a scrivener's error. (DEFERRED FOR PUBLIC HEARING)*
12. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending applicable sections related to Planning Commission composition to establish commission member alternates and to update other applicable sections related to Planning Commission Rules and Procedures. (DEFERRED FOR PUBLIC HEARING)*
13. *An ordinance to amend Chapter 27, Stormwater Management and Flood Control, of the Code of the City of Charleston, to add a new Article IV to provide fill requirements for all new construction, developments, and redevelopments within the City. (DEFERRED)*
14. *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, prioritize placement of affordable/workforce housing projects on agendas, and limit the number of agenda items. (DEFERRED)*
15. *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)*
16. *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 Stormwater Utility Fees; and to provide that the elimination of the "Homestead Exemption" in Sec. 27-140(a) shall not apply until January 1, 2020. (DEFERRED FOR PUBLIC HEARING)*
17. *An ordinance to provide for the annexation of property known as 1415 S Edgewater Drive (0.72 acre) (TMS# 349-13-00-095), 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 Robert F. Kauffmann.(DEFERRED)*
18. *An ordinance to provide for the annexation of property known as 1389 River Road (10.94 acres) (TMS# 311-00-00-025), 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 Knapp A Partnership. (DEFERRED)*

19. An ordinance to provide for the annexation of property known as 1381 River Road (1.28 acres) (TMS# 311-00-00-097), 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 Knapp A Partnership. (DEFERRED)

M. Bills up for First Reading

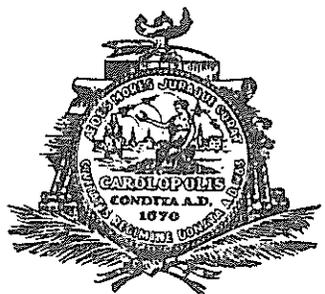
1. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Design Review District Section 54-268.c to allow affordable housing developments to be approved by the Administrative Officer.
2. An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to amend Section 54-505(c) pertaining to the exception for maximum allowed height for properties located in a special flood hazard area within the Conservation, RR-1, SR-1, SR-2, SR-6, SR-7 and STR zoning districts.
3. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 276 Coming Street (Peninsula) (0.07 acre) (TMS #460-04-04-003) (Council District 3), be rezoned from Diverse Residential (DR-2F) classification to Commercial Transitional (CT) classification. The property is owned by Matthew Black Lineberger. **(The Planning Commission recommends disapproval.)** (DEFERRED)
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 1815 Beechwood Road (West Ashley) (0.65 acre) (TMS #354-07-00-101) (Council District 2), be rezoned from Single-Family Residential (SR-6) classification to Diverse Residential (DR-6) classification. The property is owned by Matt and Angela Chambers. (DEFERRED)
5. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is part thereof, so that property located on River Road, Summerland Drive, and Oakville Plantation Road (Johns Island) (126.95 acre) (TMS #317-00-00-007, 317-00-00-011, 317-00-00-012, 317-00-00-075, 317-00-00-076, and 317-00-00-089) (Council District 5), be zoned, and existing Light Industrial (LI) classification be rezoned to Planned Unit Development (PUD) classification. The property is owned by Keith W . Lackey, Gail Grimbball, and Gary S. Worth. (DEFERRED)
6. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to make rooftop eating and drinking places subject to the approval of a special exception in the GB, UC, MU-2, MU-2/WH, and UP base zoning districts, adopt regulations for rooftop eating and drinking places in the GB, UC, MU-2, MU-2/WH, and UP base zoning districts, and prohibit rooftop eating and drinking places in all other base zoning districts. (DEFERRED)
7. 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 former Summerville Avenue right-of-way (Peninsula Neck) (approximately 1.4 acres) (Unzoned Right-of-Way) (Council District 4), be zoned General Business (GB) classification. The property is former right-of-way deeded to adjacent property owners. (DEFERRED)

N. Miscellaneous Business:

1. The next regular meeting of City Council will be Tuesday, May 12, 2020 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.

m.l.)



Ratification
Number _____

A N O R D I N A N C E

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING DESIGN REVIEW DISTRICT SECTION 54-268.c TO ALLOW AFFORDABLE HOUSING DEVELOPMENTS TO BE APPROVED BY THE ADMINISTRATIVE OFFICER.

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

Section 1. Section 54-268.c of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to insert a new paragraph "2." in numeric order as stated below and to renumber existing paragraphs "2." through "11." to "3." through "12.":

"2. Affordable housing developments, satisfying the requirements below, shall require approval by the administrative officer:

- a. A minimum of fifty percent (50%) of the total dwelling units shall be identified as affordable housing; and
- b. The development must be verified as affordable housing by the City of Charleston Department of Housing and Community Development or its successor; and
- c. This provision does not apply to developments that opt to pay a fee in lieu of affordable housing.

Section 2. This Ordinance shall apply retroactively to any affordable housing developments that have already made application to the Design Review Board as well as future affordable housing developments.

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____ in the Year of Our Lord 2020, in the ____ Year of Independence of the United States of America.

By: _____
John Tecklenburg,
Mayor, City of Charleston

Attest: _____
Vanessa Turner Maybank,
Clerk of Council

M2.)



Ratification
Number _____

AN ORDINANCE

TO AMEND PROVISIONS OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO AMEND SECTION 54-505(c) PERTAINING TO THE EXCEPTION FOR MAXIMUM ALLOWED HEIGHT FOR PROPERTIES LOCATED IN A SPECIAL FLOOD HAZARD AREA WITHIN THE CONSERVATION, RR-1, SR-1, SR-2, SR-6, SR-7 AND STR ZONING DISTRICTS.

Section 1. Section 54-505 (c), Exceptions to Height Requirements, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows (new text in **bold** and deleted text with ~~strikethrough~~):

“c. In any Conservation, RR-1, SR-1, SR-2, SR-6, SR-7 and STR zoning district, the height of a dwelling may be increased to forty (40) feet, but not exceed 2½ stories, provided that the width of each side yard required by Table 3.1 for the districts in which the building is located is increased a distance equal to at least two times the added height of the buildings above the thirty-five (35) foot limitation of the district. Properties in the Conservation, RR-1, SR-1, SR-2, SR-6, SR-7 and STR zoning districts located within a Flood Insurance Rate Map (FIRM) special flood hazard area shall be permitted to have dwellings with a maximum height, not to exceed ~~forty-six (46)~~ **forty-seven (47)** feet or 2½ stories, whichever is less, based on the following formula: (FIRM base flood elevation + ~~one-foot~~ **two feet** of additional freeboard - lowest curb line elevation adjacent to the site + 35).”

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____ in the Year of Our Lord 2020, in the ____ Year of Independence of the United States of America.

By: _____
John J. Tecklenburg, Mayor

Attest: _____
Vanessa Turner Maybank,
Clerk of Council