

John J. Tecklenburg
Mayor



Randall Keith Benjamin, II
Director

City of Charleston
South Carolina
Department of Traffic & Transportation

Traffic & Transportation Committee
Conference Call #1-929-205-6099
Access ID: 556524367
Tuesday, April 14, 2020 Time: 2:00 p.m.

Chair, Councilmember Michael Seekings
Vice-Chair, Councilmember Karl L. Brady, Jr.
Councilwoman Marie Delcioppo
Councilwoman Carol Jackson
Mayor John J. Tecklenburg

AGENDA

- | | |
|---|------------------------|
| 1. Invocation | Councilmember Seekings |
| 2. Approval of Minutes | March 10, 2020 |
| 3. An ordinance to amend 31-77(a) and 31-77(b) to expand documentation options required for a taxi cab operator license and a chauffer's license (this is the yellow cab request) | Janie Borden |
| 4. Avondale LOI Coordination with Charleston County US17 Roadway Project for Approval | Keith Benjamin |
| 5. Lockwood/Beaufain Maintenance Agreement for Approval | Keith Benjamin |
| 6. Director's Update | Keith Benjamin |
| 7. Discussion | |

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TRAFFIC AND TRANSPORTATION

March 10, 2020

A meeting of the Committee on Traffic and Transportation was held this date beginning at 3:45 p.m., at City Hall, 80 Broad Street, First Floor Conference Room

Notice of this meeting was sent to all local news media.

PRESENT

Councilmember Seekings, Chair; Councilmember Brady, Councilwoman Jackson, Councilwoman Delcioppo, and Mayor Tecklenburg **Present:** Robbie Somerville, Keith Benjamin, Kelsey Sanna, Tracy McKee, Rick Jerue, Janie Borden, Councilmember Sakran, Councilmember Shealy, and Bethany Whitaker, Council Secretary **Also Present:** Angela Ray and Scott Mansedy (Residents)

The meeting was opened with an invocation provided by Councilwoman Jackson.

APPROVAL OF MINUTES

On the motion of Councilmember Brady, seconded by Councilwoman Delcioppo, the Committee voted unanimously to approve the minutes of the February 25, 2020 meeting.

Appeal – Denial of District I Residential Parking Decal, 63 South Street, Apt. B

Chairman Seekings said that he would let Ms. Borden introduce this. Ms. Borden stated this was an appeal from a denial of an additional residential parking permit for 63 South Street. The appellant was there and the City of Charleston was there to present the case. Chairman Seekings stated that the way the procedure worked was that any appeal of the residential parking decal denials came through the Traffic and Transportation Committee for review. It was a sort of quasi-judicial proceeding. They would give the appellants five minutes to present their case, and then the City's representative would present the City's case.

Angela Ray, Appellant, stated she was also joined by Scott Manseny. They lived on South Street and she was a law student. She had one more year of Law School and they were hoping to stay in their current location for another year. Mr. Manseny was a banker and worked in Mt. Pleasant. They moved to South Street on August 1st. There were four people living in the apartment. They knew they would only be able to have two parking passes per the ordinance. South Street was free parking at the time, and that was part of why they chose to live there. The other two students could park on the street and they would all have parking. Around January, it started to become enforced that parking was not free anymore and it was a residential street. They were told that there were meetings and the South Street community was actually who elected it. However, they didn't receive any mail or email. Their landlord was supposed to be there that day, but got tied up. He hadn't informed them of anything. He had said he wasn't informed. They would've been at those meetings had they known to voice their concern for the parking issue. Mr. Manseny had been having to leave his car at work and she was having to travel back and forth. Her other roommate parked at school, however the parking lot she parked in could no longer guarantee parking because they were selling the lot. They would love to stay on their lease for another year, but if they could get an additional two parking passes for the remainder of the year, even that would be helpful if they couldn't be granted another two for the full year of the lease.

Councilwoman Jackson asked how a parking pass worked. Chairman Seekings said they were in a residential parking district that was recently created. It was Parking District I. If you were in a district, you had to park on

the street with a decal/permit. Chairman Seekings asked who the landlord was. Ms. Ray said it was Reid Walker. Chairman Seekings asked if they had discussed this with him and Ms. Ray said they had.

Ms. Borden, on behalf of the City, stated that the appellants moved in on August 1st, 2019. The residential district was actually created in 2017. Signs were put up more recently, but that didn't mean the law wasn't in effect. It had been in effect since it was adopted in 2017 and clearly indicated that South Street was included in the residential district. Not every residential street in a residential parking area contained a sign. To do so would obliterate all the streets with signage. Therefore, they did signed streets when requested by a neighborhood. They had a representative there from the neighborhood. The neighborhood had worked with Councilmember Mitchell to put up the signs and create the residential district. They asked that the denial be upheld. It was given in accordance to the City's ordinances that only permitted two residential parking permits per TMS. They already had two and while they had more residents residing than parking permits, the point was they had to find alternative parking solutions. Mayor Tecklenburg asked if there were nearby streets that were not in the parking district where they could park their car. Mr. Somerville said of the top of his head, America Street would probably be the closest where it was unrestricted. The right/east side of America Street was unrestricted. He had the Neighborhood President there that could speak to the notifications they had put out prior to South Street and others being declared residential. Chairman Seekings said that the way he understood it, the appellant wasn't complaining about the residential district. They just wanted two additional passes. He thought they were limited in that scope.

LaTonya Gamble, Eastside Neighborhood Association President, stated that South Street hadn't gotten their parking decals until January. It hadn't been enforced up to that point. They were given a month a half grace period. The City had helped with the papering. They had been trying to get residential parking for years and she thought it would set a precedent if the appellant was given two additional passes. A lot of people had more than two cars at their residence, and if they set the precedent, everyone would want the extra passes. She, personally, had gone on South Street to help with papering. The landlord had attended some of the meetings, so he knew that the residential parking was coming. It had been on Facebook. Other people on South Street knew that this was coming.

Ms. Ray, Appellant, stated that the only thing she wanted to say was that she heard that the district started in January, but Ms. Borden had stated the district started in 2017. That was conflicting. Councilmember Brady asked if they were bound by the precedent or if it was an individual case basis. Chairman Seeking said that the short answer of if this would be precedent setting was 'yes'. Councilwoman Jackson stated that she applauded the initiative of the appellants. Anytime someone came to a body like that and made a case, in human nature, they wanted to honor that, but she was concerned about the precedent that could be set. They knew the neighborhoods were becoming more densely populated. Developers were trying to figure out how to park as many cars as possible in neighborhoods. Mayor Tecklenburg said that he would suggest that, in addition to some nearby streets, there were some alternatives. This same issue came up with a business on Columbus Street and they requested special exception to their limitations, and the City had directed them a few blocks away where they could legally park. There were some property owners and parking garages not too far away. He would suggest talking to their landlord, and have him adjust their rent for the increased parking cost if they ended up incurring any. Chairman Seekings thanked the appellants for coming. He applauded their initiative. With the addition of Parking District I, they now had nine parking districts on the Peninsula. There were more people that could get passes in those districts than there were actual parking spaces. They had limited everybody, homeowner and renter, to two parking decals. If they added stickers to any particular property,

they would be setting a precedent and would have a problem. Parking was very difficult and he suspected that the result was going to encourage them to look for alternatives.

On the motion of Councilwoman Jackson, seconded by Mayor Tecklenburg, the Committee voted unanimously to deny the appeal of a denial of parking decals in District I.

Traffic Calming Speed Humps for Approval

a. Eastside Neighborhood – Aiken Street

b. North Central Neighborhood – Magnolia Avenue

Mr. Somerville stated that both of these applications met the 75% petition requirement. He had worked with Ms. Gamble on placing the speed humps. They were requesting approval.

Chairman Seekings asked where they were in the budget at this time. Mr. Somerville said he believed they had spent right around \$39,000 on nine speed humps. They had been approved for \$111,000 for the year. Mr. Benjamin said they had received a lot of requests, close to \$200,000 in requests for traffic calming. However, the citizens who had made those requests had not necessarily gotten their petitions. They wanted and needed to follow up with those citizens. Chairman Seekings asked if they had notified the residents that were adjacent to the speed hump locations. Mr. Somerville stated that they would reach out to Police, Fire, and the residents once they had locations for the humps.

On the motion of Councilwoman Jackson, seconded by Mayor Tecklenburg, the Committee voted unanimously to approve the above Traffic Calming Speed Humps.

Director's Update

Mr. Benjamin stated that that week, the CHATS Policy Committee/Board approved Complete Streets funding for the Maybank Corridor. That was officially funded. A project that had originally started as \$200,000 was now \$1.2 million to help that corridor. They also had the Road Safety Audits for Calhoun/St. Philip. It was just the preliminary walk-throughs. SCDOT did want to come before the Committee for the Road Safety Audits that were conducted for Meeting and King Streets to present some of their recommendations and give them a chance to ask about how the \$5 million per year would be spent from the ten-year plan. There were some bridge improvements that would be happening to a number of the bridges in the City, including the James Island Connector. They would be working on the Connector from mid-March through mid-May during the night. Council had funded positions for them and they had been working on getting those positions filled. The 526-Lowcountry East community meetings would be happening soon and they needed to make sure their voices were heard and included there. They would be discussing what to do with the bridges at those meetings and in the future.

Councilwoman Jackson asked if the City took an official position on the 526 expansions. Mr. Benjamin said he wasn't sure about City position, but the project managers came to the City and allowed the City to weigh in on the project. He hadn't received requests to go on record or send letters. What had occurred thus far, was them receiving the preliminaries and being able to comment on what was right and what needed to change. For example, the Paul Cantrell and Magwood intersection, what they currently had proposed was not something the City favored. They made that clear. Councilwoman Jackson said that there was a movement in citizen groups to ask DOT to go back to the drawing board for the west

expansion. She wanted to know if they had joined in that agreement. Mr. Benjamin said he wasn't aware of them being asked to, at least on his side. He hadn't received a formal request.

Having no further business, the Committee adjourned at 4:08 p.m.

Bethany Whitaker

Council Secretary



Ratification
Number _____

A N O R D I N A N C E

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 CHAUFFER'S LICENSE TO OPERATE A TAXI CAB OR LIMOUSINE IN THE CITY OF CHARLESTON.

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

Section 1. Chapter 31, Section 77(1)(a) and 77(1)(b), of the Code of the City of Charleston is hereby amended by deleting the following struck through phrases and adding thereto the following underlined phrases, which shall read as follows:

"Sec. 31-77. - Data required of applicant.

(1) Each applicant for chauffer's license issued by the City of Charleston shall make his or her application on forms to be provided by the police department. Such application shall be completed by the applicant with all requested information and shall be signed and sworn to by the applicant. Any false statement made by an applicant in applying for a chauffer's license shall invalidate the license issued to such applicant. The applicant must submit along with his chauffer's license application the following documents and information:

- a. Signed ~~medical~~ statement from the applicant certifying that they do not have a documented or known physical or mental disability that would prevent them from safely operating a vehicle and performing the normal duties of a driver;
- b. A certified copy of their criminal background check through SLED Documented results of a nationwide criminal records check conducted by the South Carolina State Law Enforcement Division, Federal Bureau of Investigation, or other entity as approved by the City;
- c. A certified copy of their ten-year driving record through SCDMV;
- d. Copy of current South Carolina Driver's License;
- e. fingerprints taken and photograph by the city police department, for identification purposes;

f. The name of their employer; and

g. The permit fee.

Section 2. This Ordinance shall become effective upon ratification.

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

By:

John Tecklenburg
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank
Clerk of Council

April _____, 2020

Sunshine S. Trakas, P.E.
Construction Project Manager
Charleston County Public Works
4045 Bridge View Drive, Suite C204
North Charleston, SC 29405

Charleston County is preparing to embark on a \$48,000,000.00 capacity project on US 17 from Magnolia Road to Interstate 526. This roadway improvement project provides a wonderful opportunity for significant pedestrian safety, traffic, and quality of life improvements for West Ashley residents and visitors. Before this project can progress further, Charleston County is requesting this Letter of Intent (“LOI”) and support from the City of Charleston and those residents whose property will be affected by these improvements.

This LOI is drafted and signed by the City of Charleston and those affected property owners as a show of support for the realignment of the Avondale Avenue and Magnolia Road intersection as it relates to the *Savannah Highway Capacity and Intersection Improvement* project. A detailed description of the improvements supported by this LOI is shown on Figures 1 through 3 attached hereto and incorporated herein. The City is committed to working with the various property owners identified in Figure 1 who border the intersection and Charleston County Transportation to achieve the fulfillment of this specific realignment project as shown on Figures 1 through 3.

In addition to signing this LOI of intent, the City of Charleston agrees to coordinate meetings between all interested stakeholders for the duration of the Avondale Avenue and Magnolia Road intersection right-of-way realignment project portion of the *Savannah Highway Capacity and Intersection Improvement* project.

Each party hereto willingly agrees to openly participate in dialogues regarding the project and any post project dialogues regarding allocation of right-of-way after realignment and abandonment. further agreed that any dialogues that may be had will be done in good faith. We recognize that by signing below, there are no further obligations other than those specifically mentioned herein.

We believe that by supporting this project, we are taking action to facilitate safer connections and improved movement of people in this area. We also believe that there are tremendous benefits to safety and property values associated with this realignment project. The City and County are willing to continue the dialogue between each other, South Carolina Department of Transportation, and the private property owners signing below.

[SIGNATURE PAGE TO FOLLOW]

Sincerely,

City of Charleston:

John J. Tecklenburg, Mayor

Pinnacle Financial:

Printed Name: _____ for

Avondale Holding Company:

Printed Name: _____ for
Avondale Holding Company

List of Figures:

Figure 1: Existing Conditions

- Existing right-of-way shown in grey (X) to be obtained by SCDOT and controlled by City of Charleston. This is the portion of right-of-way, measuring approximately 0.301 acres, to be abandoned and split evenly among two adjacent property owners (A and B), as shown in Figure 2.
- Avondale Holding Company, LLC (B) is likely to acquire TMS 4181400081 from Bishop of Charleston, A Corporation (C), the details and timing of which is currently unknown. The parcels are treated separately for the purposes of this document.

Figure 2: Interim Condition

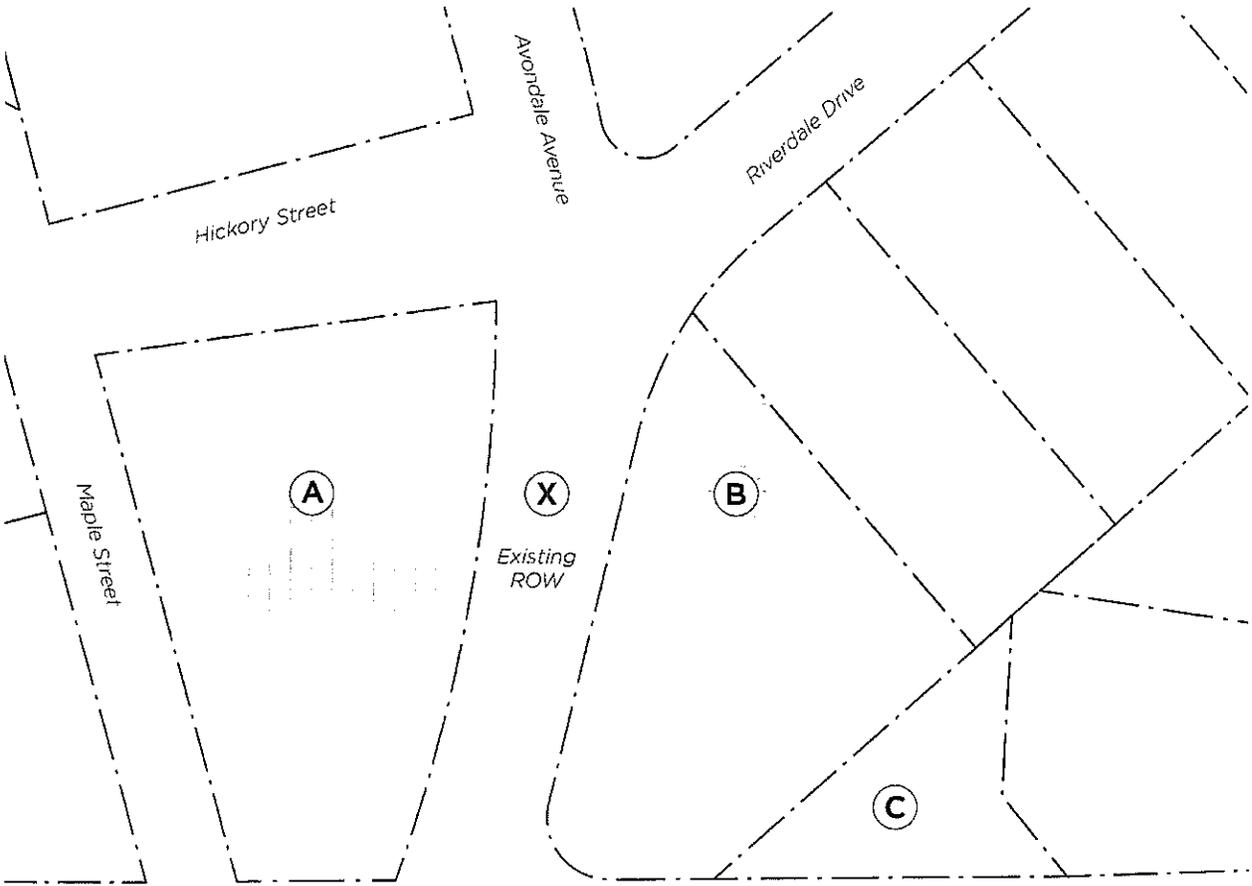
- The interim condition is likely to be instantaneous.
- Approximately 0.135 acres of the abandoned right-of-way would be allocated to Pinnacle Financial (A), while the remaining 0.166 acres would be allocated to Avondale Holding Company, LLC (B).
- The portion of right-of-way labeled C would be retained by the City of Charleston for use of new roadway alignment.
-

Figure 3: Proposed Condition

- Significant portions of B and C are abandoned and demolished for a new right-of way (C).
- Parcel D represents the portion of former parcel B that is combined with aforementioned 0.166 acres of abandoned right-of way (X).
- Abandoned right-of-way for realignment is taken from two parcels:

- 0.258 acres from Parcel B, currently owned by Avondale Holding Company, LLC
 - 0.057 acres from Parcel C, currently owned by Bishop of Charleston, A Corporation
- Parcels A and B are to be combined as a single parcel for mixed-use development as described in Design Division Report 08: Avondale, published in the fall of 2018 by the Design Division of the Department of Planning, Preservation and Sustainability of the City of Charleston.

Figure 1: Existing Conditions



EXISTING CONDITIONS

(A) Southcoast Community Bank
 TMS# 4181400042
 Legal Acres 0.66
 GIS Acres 0.612

(B) Avondale Holding Company LLC
 TMS# 4181400056
 Legal Acres 0.58
 GIS Acres 0.497

(C) Bishop of Charleston, A Corporation
 TMS# 4181400081
 Legal Acres 0.22
 GIS Acres 0.148

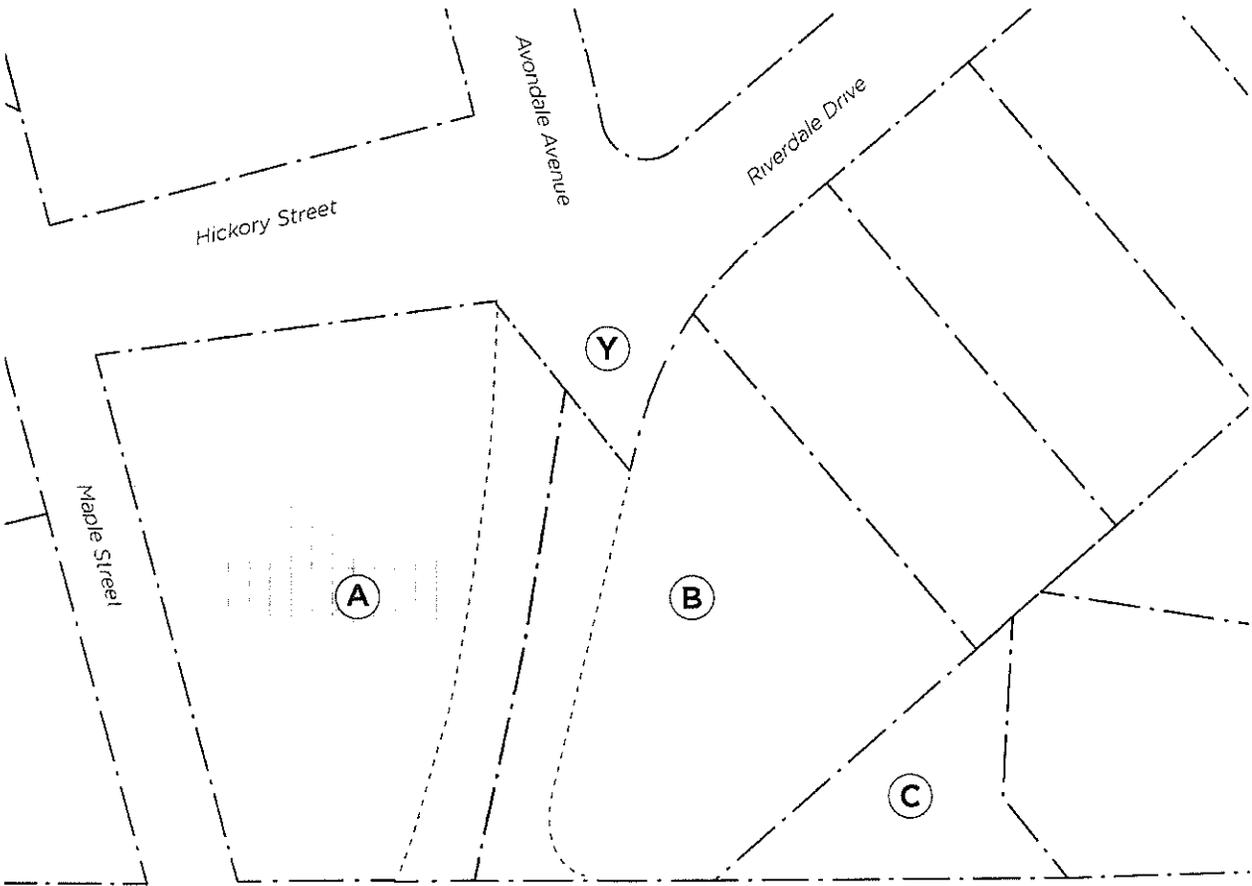
(X) Existing Road ROW
 TMS# N/A
 Legal Acres N/A
 GIS Acres 0.301

Savannah Highway / Hwy 17

Nicholson Street



Figure 2: Interim Conditions



INTERIM CONDITIONS

A

Southcoast Community Bank
 TMS# 4181400042
 Legal Acres TBD
 GIS Acres 0.747

B

Avondale Holding Company LLC
 TMS# 4181400056
 Legal Acres TBD
 GIS Acres 0.798

C

Bishop of Charleston, A Corporation
 TMS# 4181400081
 Legal Acres 0.22
 GIS Acres 0.148

Y

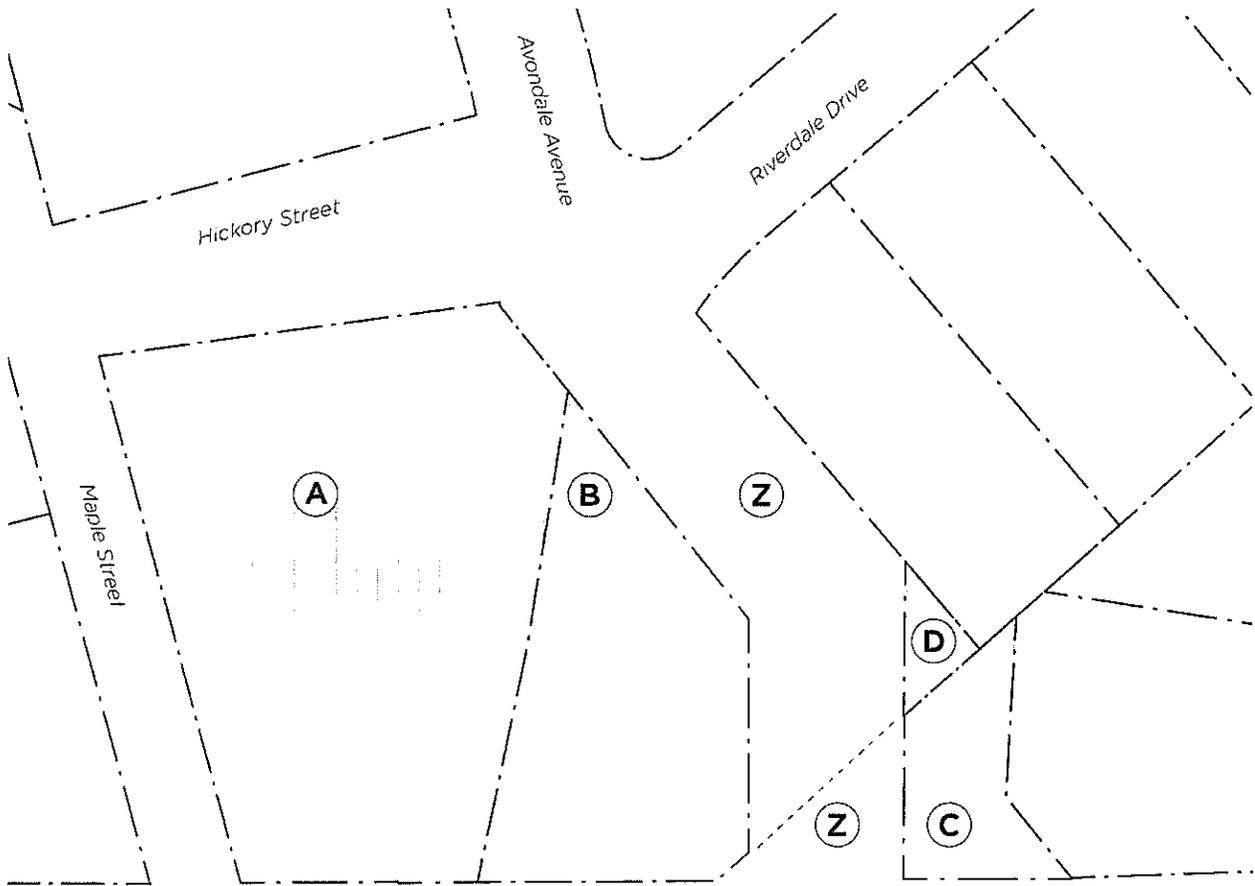
ROW at Intersection
 Retained for New Alignment

Savannah Highway / Hwy 17

Nicholson Street



Figure 3: Proposed Conditions



PROPOSED CONDITIONS

- (A)** Southcoast Community Bank
TMS# 4181400042
Legal Acres TBD
GIS Acres 0.747
- (B)** Avondale Holding Company LLC
TMS# 4181400046
Legal Acres TBD
GIS Acres 0.329
- (C)** Bishop of Charleston, A Corporation
TMS# 4181400081
Legal Acres TBD
GIS Acres 0.091
- (D)** Avondale Holding Company LLC
TMS# TBD
Legal Acres TBD
GIS Acres 0.21
- (Z)** New ROW
TMS# N/A
Legal Acres TBD
GIS Acres 0.258 0.057 (0.315 total)

Savannah Highway / Hwy 17

Nicholson Street



11. APPENDICES

APPENDIX 1 – MAINTENANCE PARTNERSHIP AGREEMENT

2/17/00

THIS AGREEMENT is entered this 26th day of March, 2020 by and between The City of Charleston (hereinafter "Non-SCDOT Entity") and the South Carolina Department of Transportation (hereinafter "SCDOT").

WHEREAS, in accordance with Sections 57-3-110 (1) and (10), 57-3-650, 57-23-10, 57-23-800(E), 57-25-140, and the SCDOT's Policy of Vegetation Preservation on SC Highways, SCDOT is authorized to allow landscaping and beautification efforts on SCDOT right of ways;

WHEREAS, Non-SCDOT Entity has previously obtained a SCDOT Encroachment Permit for the one-time right to access SCDOT's right of way for landscaping, beautification and/or enhancement. Said encroachment permit is described as follows:

Permit Number: 233361 Date Issued: April 2, 2020

Location Intersection of Lockwood Blvd. and Beaufain Street;

WHEREAS, SCDOT and Non-SCDOT Entity are desirous of entering into this Agreement to grant a continuous license to the Non-SCDOT Entity to enter the SCDOT's right of way to conduct routine maintenance of landscaping, beautification and/or enhancements permitted by the aforesaid encroachment permit;

NOW THEREFORE, in consideration of mutual promises, SCDOT and Non-SCDOT Entity agree to the following:

- 1) SCDOT grants Non-SCDOT Entity a license to enter onto the SCDOT right of way at the area defined by the encroachment permit. The purpose of the license to enter is limited to routine maintenance of the encroachment permit area. Such entry will be limited to the scope of the work identified in the encroachment permit. No additional encroachment beyond that contemplated by the original encroachment permit is allowed. If additional maintenance, enhancement and/or beautification efforts, different from the original scope of work identified in the encroachment permit, is requested, Non-SCDOT Entity will be required to submit a new encroachment permit identifying the new scope of work. Entry onto SCDOT right of way pursuant to this agreement may be without notice to the SCDOT.
- 2) Non-SCDOT Entity agrees to post all necessary traffic control devices and take all necessary precautions in conformance with SCDOT traffic control standards and as required by the SCDOT, along the SCDOT right of way prior to and during the performance of any routine maintenance, enhancement and/or beautification efforts.
- 3) Non-SCDOT Entity agrees that no work shall be accomplished from the mainline side of the highway. Ingress and egress from the work area shall be made from private property as identified on the encroachment permit.
- 4) Non-SCDOT Entity agrees to indemnify and hold harmless the SCDOT from any and all claims, damages and liability arising or resulting from the Non-SCDOT Entity's presence on and use of the SCDOT right of ways for routine maintenance, enhancement and/or beautification. If Non-SCDOT Entity is a local government, it agrees to be responsible for all claims or damages arising from the work performed within the limits of the SC Tort Claims Act. In addition, Local government shall insert a hold harmless and indemnification clause in its contract with all contractors and subcontractors which requires the contractor and subcontractor to indemnify and hold harmless the local government and the State of South Carolina, specifically the SCDOT, from any liability, claims or damages which may arise from the performance of the work on SCDOT right of way. Further, municipalities agree that they are subject to S. C. Code Section 57-5-140, which provides that SCDOT shall not be liable for damages to property or injuries to persons, as otherwise provided for in the Torts Claims Act, as a consequence of the negligence by a municipality in performing such work within the State highway right of way.

