AMENDED
July 14, 2020
5:00 p.m.
Conference Call:
1-929-205-6099
Access Code:
912096416

CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Shealy

C. Pledge of Allegiance

D. Presentations and Recognitions

1. Proclamation recognizing Dekeiya Cohen Day (*Requested by Councilmember Kevin Shealy)*

2. Proclamation recognizing National Collector Car Appreciation Day *(Requested by Councilmember Kevin Shealy)*

3. Recognition of Bastille Day

E. Public Hearings

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. June 23, 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. If requesting to speak, you must join by telephone using the conference call number listed at the top of the agenda. Requests to speak at the meeting and comments must be received by 12:00 p.m., Tuesday, July 14th:

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, July 14th at 12:00 p.m.**

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

I. Petitions and Communications:

1. Appointment of Municipal Court Judges:

   a. Lindsey McClain Byrd

   b. Emmanuel Ferguson

2. Recommendation of members for the Central Business District Improvements Commission, contingent on final reading of Agenda Item M-1 ***(To be sent under separate cover)***

3. Update on the City's response to COVID-19 - *Mayor John J. Tecklenburg, Shannon Scaff, Emergency Management Director, and Tracy McKee, Chief Innovation Officer*

4. Executive Order Continuing the Declaration of State of Emergency in response to COVID-19 Virus Outbreak.

5. Emergency Order extending certain emergency ordinances related to COVID-19.

6. **Emergency Ordinance requiring persons to wear face coverings in certain circumstances in City of Charleston, limiting capacity in bars and restaurants, and prohibiting amplified music in bars and restaurants after 9 p.m., to reduce risk of exposure to COVID-19 during the public health emergency and recovery. (AS AMENDED)** ***(To be provided under separate cover)***

J. Council Communications:

K. Council Committee Reports:

1. Committee on Public Safety: (Meeting was held Thursday, July 1st, 2020 at 4:30 p.m.)

a. Update on public safety discussion regarding Saturday, May 30th

b. Update on the vandalism at Charleston Nine Memorial Park

c. Discussion on enforcement of ordinance re: face coverings

d. Update on Fire Station #11

2. Committee on Public Works and Utilities: (Meeting was held Monday, July 13, 2020 at 4:00 p.m.)

a. Public Service Department Update:

(i) Report from Undergrounding Advisory Committee

(ii) Dominion Energy Tree Trimming

b. Stormwater Management Department Update:

(i) Discussion of Angel Oak Parking Area Design

(ii) Discussion of Coordination with Charleston Water Systems on Sinkhole and Drainage Repairs

(iii) Stormwater Project Updates
(iv) Floodplain Project Updates

c. Discussion regarding Dominion permit to provide electric service to Ghost Island

d. Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice related to potential drainage easement abandonments

3. Committee on Traffic and Transportation: (Meeting was held Tuesday, July 14, 2020 at 3:00 p.m.)

a. Bicycle and Pedestrian Advisory Committee Report:
Open Streets

b. Signal Maintenance and Projects Update

c. Application for Original Certificate of Public Convenience And Necessity:
-- Charleston Car Service, LLC (Taxi)

d. Traffic Calming Speed Humps for Approval:
Bluewater Way – Bolton's Landing

e. Build Grant Ashley River Crossing

f. Director's Update

4. Committee on Ways and Means:

(Bids and Purchases
(An ordinance authorizing the borrowing by the City of Charleston, South Carolina of not exceeding $40,000,000 in anticipation of the collection of ad valorem taxes and license fees for fiscal year 2020.
(Parks-Capital Projects: Approval of a contract with Turner Construction Company in the amount of $136,637 for the removal of the John C. Calhoun Statue located in Marion Square Park. The contract includes Task 1, the removal of all bronze work, and task 2, the removal of the stone column pedestal down to the 2nd tier base. The total cost to the City is $36,637, as $100,000 was donated for the removal of the statue. The remaining funding will come from contingencies, as this is not a budgeted item. This is an after the fact approval as authorized by the Resolution passed by City Council on June 23, 2020.
(Planning, Preservation and Sustainability: Approval of a contract with Dutch Dialogues consultants to analyze the Army Corps of Engineers 3x3x3 study and advise the City. ***(To be sent under separate cover by the Planning Department)***
(Parks and Capital Projects: Approval of construction contract Change Directive in the amount of $32,056.00 with Turner Construction. This work is time sensitive and required for utility rough-ins that will allow the contractor to keep working there by saving potential delay costs. This work is part of larger Change Order that will be brought to Council for approval once the final costs have been determined.
(Request approval of a Parking Agreement with Anson House Condominium Association for continued lease of ten (10) parking spaces in the Maritime Center Parking Lot per

year-to-year lease with the condition of relocation upon termination at current lot. (10 Wharfside Street; TMS: 459-00-00-170)

(At the request of the Washington Light Infantry and Sumter Guards Board of Officers (the "WLI"), request authorization for the Mayor to execute a quitclaim deed and other necessary documents to quitclaim the portion of Marion Square on which the Calhoun monument formerly stood to WLI. The City does not own this portion of Marion Square. The quitclaim deed is being executed to help clarify WLI's title to the subject property. (Ordinance)

Give first reading to the following bill from Ways and Means:

An ordinance authorizing the borrowing by the City of Charleston, South Carolina of not exceeding $40,000,000 in anticipation of the collection of ad valorem taxes and license fees for fiscal year 2020.

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 Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2020.*

2. *An ordinance to provide for the annexation of property known as 1720 Pinecrest Road (0.22 acre) (TMS# 351-12-00-038), 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 9. The property is owned by Elizabeth White.*

3. *An ordinance to provide for the annexation of property known as 2118 and 2120 Saint James Drive (0.23 acre) (TMS# 343-02-00-072), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Claire Witbeck (TO BE WITHDRAWN AT THE REQUEST OF THE APPLICANT.)*

4. *An ordinance to provide for the annexation of property known as property on Savannah Highway (approx. 6.68 acres) (TMS# 307-05-00-015), 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 5. The property is owned by John McLeod Bradham et al. (DEFERRED)*

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 property located on Savannah Highway (West Ashley) (approximately 6.68 acres) (TMS #307-05-00-015) (Council District 5), be zoned General Business (GB) classification. The property is owned by John McLeod Bradham et al. (DEFERRED FOR PUBLIC HEARING)*

6. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance), by changing the Zone Map, which is a part thereof, so that the real property designated as Nats Court, also known as Grants Court (Peninsula) (District 3), be zoned to DR-2F (Diverse Residential) classification. (DEFERRED FOR PUBLIC HEARING)*

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 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)*

8. *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. (DEFERRED FOR PUBLIC HEARING)*

9. *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)*

10. *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)*

11. *An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to incorporate provisions to allow subdivison and development of Single Family Detached Affordable Housing as a conditional use within multiple base zoning districts. (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 29, Article V1, Sec. 29-240 of the Code of the City of Charleston pertaining to the procedure of accident reporting. (DEFERRED)*

15. *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)*

M. Bills up for First Reading

1. An ordinance to amend Chapter 23 of the Code of the City of Charleston by deleting Article IV. Sections 23-46 through 23-48 in their entirety and substituting in their place new Sections 23-46 through 23-49, creating a Commission entitled "Central Business District Improvement Commission" and describing its membership, mission, powers and duties, and organization.

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 previously unzoned former Summerville Avenue Right-of-Way (Peninsula Neck) (approximately 1.40 acres) (TMS #464-02-00-107) (Council District 4), be zoned General Business (GB) classification. The property is owned by 1834 Summerville Ave LLC.

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 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)*

4. 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 Grimball, and Gary S. Worth. *(DEFERRED)*

5. 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)*

N. Miscellaneous Business:

1. The next regular meeting of City Council will be Tuesday, July 28, 2020 at 5:00 p.m.

2. Executive Session in accordance with S.C. Code Section 30-4-70(a)(2) to receive legal advice relating to the WestEdge Development

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.

D1.

City of Charleston

JOHN J. TECKLENBURG

MAYOR

PROCLAMATION

WHEREAS; the City of Charleston wishes to recognize one of its outstanding citizens, **DEKEIYA COHEN,** who was born on February 11, 1996. She is the daughter of Keith and Deborah Cohen and has two brothers, Tye and KJ; and

WHEREAS; **DEKEIYA COHEN** graduated from West Ashley High School in 2014 and maintained an above 3.0 average. She earned All-State Volleyball and Basketball recognition, received the South Carolina Player of the Year for basketball her Junior and Senior seasons, and earned District Player of the Year Honors; and

WHEREAS; as a student athlete at Baylor University, **DEKEIYA COHEN** was a standout member of the women's basketball team; they were four-time Big 12 Regular Season Champions, made three Elite Eight Appearances, one Sweet Sixteen Appearance, and she received All-Big 12 Honorable Mention. During her senior year, she was awarded with the Commissioner's Honor Roll (Fall 2018) and Dean's List (Fall 2018); and

WHEREAS; after her graduation from Baylor University in 2018, **DEKEIYA COHEN** joined the professional basketball league in Spain and quickly made an impact by becoming the leading scorer of the league; and

WHEREAS; of all her accolades, **DEKEIYA COHEN** is most proud that she was recently recognized as the Most Valuable Player of her women's basketball team in Turkey. As a member of this team, she also received Import Player of the Year and Forward of the Year; and

WHEREAS; the City of Charleston would like to congratulate **DEKEIYA COHEN** on her successful basketball career and thank her for her ongoing leadership and service to the Charleston community; her professional career has only just begun and we look forward to many successful seasons in her future.

NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, in honor of her, do hereby proclaim Tuesday, July 14, 2020 as:

DEKEIYA COHEN DAY

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 14th day of July in the year of 2020.

John J. Tecklenburg, Mayor

P.O. BOX 652, CHARLESTON, SOUTH CAROLINA 29402
843-577-4727 TECKLENBURGJ@CHARLESTON-SC.GOV

D2.

City of Charleston

JOHN J. TECKLENBURG
MAYOR

PROCLAMATION

WHEREAS; in 2009, the United States Congress declared NATIONAL COLLECTOR CAR APPRECIATION DAY to recognize the collection and restoration of historic and classic cars as an important part of preserving the technological achievements and cultural heritage of the United States; and

WHEREAS; for more than 100 years, the history of the automobile has impacted economic progress and the City of Charleston recognizes the activities involved in the restoration and exhibition of classic automobiles; and

WHEREAS; the collection, restoration, and preservation of automobiles is an activity shared across generations and across all segments of society, through thousands of car clubs and related businesses; and

WHEREAS; automotive restoration provides well-paying, high-skilled jobs for the citizens of the Charleston community; and

WHEREAS; automobiles have provided the inspiration for music, photography, cinema, fashion, and other artistic pursuits that have become part of popular culture; and

WHEREAS; I encourage the citizens of our community to engage in the events and commemorations of Collector Car Appreciation Day that create opportunities for collector car owners to educate young people about the importance of preserving the cultural heritage of the United States, including the collection and restoration, and preservation of collector cars.

NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, in honor of her, do hereby proclaim Saturday, July 11, 2020 as:

NATIONAL COLLECTOR CAR APPRECIATION DAY

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 14th day of July in the year of 2020.

John J. Tecklenburg, Mayor

P.O. BOX 652, CHARLESTON, SOUTH CAROLINA 29402
843-577-4727 TECKLENBURGJ@CHARLESTON-SC.GOV

I4.)

EXECUTIVE ORDER
CONTINUING THE DECLARATION OF STATE OF EMERGENCY
IN RESPONSE TO THE COVID-19 VIRUS OUTBREAK

WHEREAS, in December 2019, an outbreak respiratory illness due to a novel coronavirus (COVID–19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, across the world, including the United States; and,

WHEREAS, it is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and,

WHEREAS, on January 23, 2020, the Center for Disease Control ("CDC") activated its Emergency Response System to provide ongoing support for the response to COVID–19; and,

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency to assist with combating the coronavirus; and,

WHEREAS, on March 13, 2020, Governor Henry McMaster (the "Governor") declared a state of emergency in South Carolina, Executive Order 2020-10, based on a determination that "COVID-19 poses an actual or imminent public health emergency"; and,

WHEREAS, on March 16, 2020, Mayor John J. Tecklenburg declared a local state of emergency in the City of Charleston; and,

WHEREAS, on March 16, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-038) to prohibit consumer price gouging on all commodities in the City of Charleston with limited exceptions; and,

WHEREAS, on March 16, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-040) suspending the requirements of Section 2-23(f) of the Code of the City of Charleston requiring the physical presence of Councilmembers at City Council meetings and committee meetings to permit participation by video conferencing or other virtual means to slow the spread of COVID-19; and,

WHEREAS, on March 17, 2020, the Governor issued Executive Order 2020-10, ordering and directing that any and all restaurants or other food-service establishments to suspend on-premises or dine-in consumption; and,

WHEREAS, on March 20, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-041) to temporarily suspend the accrual of the City's business license penalties, to suspend enforcement of the City's plastic bag ban, and to suspend the City's chauffer's license requirements; and,

WHEREAS, on March 21, 2020, the Governor issued Executive Order 2020-13, authorizing and directing law enforcement officers to prohibit or disburse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in his or her discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and,

WHEREAS, on March 24, 2020, City Council passed a temporary emergency ordinance, "Stay at Home Ordinance" (Ordinance No. 2020-042) which required individuals to stay in their homes and not travel or congregate in the streets of Charleston except for purposes of working at or conducting business with an essential business or engaging in individual outdoor recreational activities; and,

WHEREAS, on March 27, 2020, the Governor issued Executive Order 2020-14, directing that individuals who enter the State of South Carolina from an area with a substantial community spread of COVID-19 be required isolate or self-quarantine; and,

WHEREAS, on March 28, 2020, the Governor issued Executive Order 2020-15, declaring a separate and distinct state of emergency "due to the evolving nature and scope of the public health threat or other risks posed by COVID-19 and the actual, ongoing, and anticipated impacts associated with the same" and extending certain previous Executive Orders for the duration of the state of emergency; and,

WHEREAS, on March 30, 2020, the Governor issued Executive Order 2020-16, closing any and all public beach access points and public piers, docks, wharfs, boat ramps, and boat landings; and,

WHEREAS, on March 31, 2020, the Governor issued Executive Order 2020-17, closing or restricting access to certain non-essential businesses, venues, facilities, services, and activities; and,

WHEREAS, on April 1, 2020, City Council passed a second Stay at Home Ordinance (Ordinance No. 2020-048) which includes provisions contained in Governor McMaster's Executive Orders regarding dispersing of crowds (2020-13); quarantining of individuals from New York, New Jersey, and Connecticut (2020-14); closing of beaches and boat landings (2020-16); and closing of non-essential businesses (2020-17); and,

WHEREAS, on April 3, 2020, Governor Henry McMaster issued an Executive Order (2020-18) closing additional non-essential businesses; and,

WHEREAS, on April 6, 2020, Governor Henry McMaster, recognizing that public health officials had reported over 2,000 cases of COVID-19 in South Carolina, issued a Work or Home Executive Order (2020-21) which limited individuals from moving outside their homes except to engage in Essential Businesses; Essential Activities, and Critical Infrastructure Operations as defined in the Order; and,

WHEREAS, on April 6, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-042) to provide for temporary procedures for public hearings; and,

WHEREAS, on April 12, 2020, the Governor issued Executive Order 2020-23, recognizing that public health officials had reported over 3,319 confirmed cases of COVID-19 throughout South Carolina, and stating that "the extraordinary circumstances and conditions that necessitated" the Governor's "prior emergency declarations have not subsided and have, in fact, evolved and expanded to present different and additional risks and dangers," and explaining that the State "has transitioned from the investigation, reporting, and initiation phases of the COVID-19 pandemic to the acceleration phase"; and,

WHEREAS, in Executive Order 2020-23, the Governor declared a separate and distinct state of emergency based on a determination "that the accelerated spread of COVID-19 throughout the State poses an actual, ongoing, and evolving public health threat to the State of South Carolina, which now represents a new and distinct emergency and requires additional proactive action by the [State] and the implementation and enforcement of further extraordinary measures to slow the spread of COVID-19, minimize the strain on healthcare providers, and otherwise respond to and mitigate the expanding public health threat imposed by [the] emergency"; and,

WHEREAS, on April 16, 2020, the Governor issued Executive Order 2020-25, determining that "the ongoing, evolving, and accelerating public health threat imposed by COVID-19 requires additional proactive action by the [State] and the implementation, extension, or modification of additional extraordinary measures to cope with the existing or anticipated situation, to include mitigating the significant economic and other impacts and burdens on individuals, families and businesses," while generally reopening public boat ramps or boat landings, as well as adjacent or associated public parking lots, for the purpose of launching and retrieving boats; and,

WHEREAS, on April 16, 2020, President Donald Trump issued guidelines entitled "Opening Up America Again," describing criteria that state and local officials should satisfy before proceeding to a phased opening of the economy; and,

WHEREAS, on April 20, 2020, Governor McMaster issued an Executive Order (2020-28), reopening retail businesses previously determined to be non-essential including department stores, furniture stores, luggage stores, flower shops, book, craft and music shops subject to certain emergency rules and restrictions, including but not limited to an emergency maximum occupancy rate, social distancing practices, and compliance with certain sanitation guidelines and further ordered any local ordinance that conflicts with the Order is superseded; and,

WHEREAS, on April 22, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-052) to decrease the potential likelihood of exposure to COVID-19 in retail establishments opened by Governor McMaster's Executive Order 2020-28; and,

WHEREAS, on April 27, 2020, Governor McMaster issued an Executive Order (2020-29) declaring a fourth (4th) State of Emergency in order to prepare for and respond to the ongoing and evolving public health threat posed by the COVID-19 pandemic, to mitigate the significant impacts associated with the same, and to extend certain Executive Orders related to the pandemic; and,

WHEREAS, on April 30, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020 -56) to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending the Design Review District Section 54-268.c to allow affordable housing developments to be approved by the Administrative Officer; and,

WHEREAS, on May 1, 2020, by Executive Order No. 2020-30, the Governor rescinded Executive Order Nos. 2020-14 and 2020-19 which had imposed mandatory self-quarantine and lodging and travel restrictions for individuals entering South Carolina from high-risk areas; and,

WHEREAS, on May 3, 2020, Governor McMaster issued an Executive Order (2020-31) modifying his home or work order to urge any and all residents and visitors of the State of South Carolina to limit social interaction, practice "social distancing" in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and further encourage residents and visitors of the State of South Carolina to limit their movements outside of their home, place of residence, or current place of abode; and to authorize restaurants to provide outdoor customer dining services in addition to previously authorized services for off-premises consumption; and,

WHEREAS, as of May 8, 2020, the total number of persons infected with COVID-19 in South Carolina was 7,367, with 320 deaths; including 481 cases in Charleston County with 9 deaths and 191 cases in Berkeley County with 14 deaths; and,

WHEREAS, on May 8, 2020, Governor McMaster issued an Executive Order (2020-34) which modified prior orders to authorize restaurants to provide services for limited indoor, on-premises customer dining, effective May 11, 2020, in addition to previously authorized services for off-premises consumption and outdoor customer dining; and,

WHEREAS, on May 12, 2020, Governor McMaster issued an Executive Order (2020-35) declaring an additional fifth (5th) State of Emergency in order to prepare for and respond to the ongoing and evolving public health threat posed by the COVID-19 pandemic, to mitigate the significant impacts associated with the same, and to extend certain Executive Orders related to the pandemic; and,

WHEREAS, on May 12, 2020, Mayor John J. Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until May 31, 2020; and,

WHEREAS, on May 12, 2020, City Council passed three temporary emergency ordinances that extended certain temporary emergency ordinances and repealed certain temporary emergency ordinances (Ordinance No. 2020-059); authorized outdoor dining on new and additional areas (Ordinance No. 2020-060); and urged citizens and tourists to stay at home (Ordinance No. 2020-061); and,

WHEREAS, on May 15, 2020, Governor McMaster issued an Executive Order (2020-36) authorizing certain businesses, venues, facilities, services, and activities, including fitness centers, barber shops, and hair salons, previously deemed "non-essential" and previously directed to close, to re-open for access and use by the public, effective May 18, 2020; and,

WHEREAS, on May 21, 2020, Governor McMaster issued an Executive Order (2020-37) allowing additional businesses, venues, facilities, services, and activities, including tourist attractions, indoor children's play areas, and recreational and athletic facilities and activities, previously deemed "non-essential" and previously directed to close, to re-open for access and use by the public, effective May 22, 2020; and,

WHEREAS, on May 27, Governor McMaster issued an Executive Order (2020-38) declaring an additional sixth (6th) State of Emergency, extending the State of Emergency to control the spread of COVID-19 and lessen its impacts on portions of the State's population; and,

WHEREAS, on May 28, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until June 30, 2020; and,

WHEREAS, on May 28, 2020, City Council passed an emergency ordinance extending certain emergency ordinances until June 30, 2020 (Ordinance No. 2020-068); and also amending the emergency ordinance on decreasing the risk of exposure to COVID-19 in retail businesses (Ordinance No. 2020-069) and replacing the stay at home ordinance with a new stay at home ordinance (Ordinance No. 2020-070); and,

WHEREAS, on June 11, 2020, Governor McMaster issued an Executive Order (2020-40) declaring an additional seventh (7th) state of emergency, extending the State of Emergency to authorize the continued use of extraordinary measure to meet the threat of COVID-19 and "the evolving nature and scope of this public health emergency…."; and further modifying prior orders relating to organized events or public gatherings on state or local government property and to retail stores required to follow certain emergency rules and restrictions; and further permitting previously deemed "non-essential" businesses operating as bowling alleys to re-open for access and use by the public; and,

WHEREAS, as of June 17, 2020, the total number of cases infected with COVID-19 in South Carolina was 19,990 with 607 deaths, including 1,230 cases in Charleston County with 16 deaths and 427 cases in Berkeley County with 19 deaths; and,

WHEREAS, on June 25, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until July 15, 2020; and,

WHEREAS, on June 25, 2020, City Council passed an emergency ordinance (Ordinance No. 2020-083), temporarily suspending the accrual of the City's business license late fees; an emergency ordinance (Ordinance No. 2020-084), requiring persons to wear face coverings in certain circumstances in the city of Charleston to reduce the risk of exposure to COVID-19

during the public health emergency and recovery; and an emergency ordinance (Ordinance No. 2020-086) extending certain emergency ordinances related to COVID-19; and,

WHEREAS, on June 26, 2020, Governor McMaster issued an Executive Order (2020-42) declaring a new state of emergency, which was the eighth (8th) state of emergency in our state; and,

WHEREAS, the number of cases of persons infected with COVID-19 in South Carolina continues to climb at a dramatic rate; the number of cases in South Carolina as of July 7, 2020 is 47,214 with 838 deaths, including 6,072 cases in Charleston County with 41 deaths and 1,703 cases in Berkeley County with 24 deaths; and,

WHEREAS, until the threats posed by COVID-19 to persons, to businesses, and to the public health, safety and welfare of this city are neutralized, emergency conditions exist which require our taking steps to continue to minimize the risk of exposure in public, limit the spread of infection in the community, and limit the burdens on the health care delivery system; and,

WHEREAS, the City is authorized to undertake and coordinate all necessary and reasonable activities for this emergency response, to take all appropriate actions required to alleviate the effects of the coronavirus disaster emergency, including action following the guidelines of the CDC and the DHEC, to and in the aid of essential public services, and to take any other lawful emergency response or action deemed necessary to protect the public health, safety, and welfare of the City of Charleston.

NOW, THEREFORE, I, John J. Tecklenburg, Mayor and Chief Executive Officer of the City of Charleston, South Carolina in consultation with and the agreement of the City Council of Charleston, in furtherance of the public health, safety and welfare and based on evolving medical and scientific information, do hereby declare effective immediately that the local state of emergency shall continue until July 31, 2020. I further state that I will evaluate the continuing need for this declaration prior to its expiration.

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 J. Tecklenburg
Mayor, City of Charleston

ATTEST:_____
Vanessa Turner Maybank
Clerk of Council

I5.)

EMERGENCY ORDINANCE
EXTENDING CERTAIN EMERGENCY ORDINANCES
RELATED TO COVID-19

Section 1. Findings. City Council does hereby make the following findings:

WHEREAS, on March 16, 2020, Mayor John J. Tecklenburg declared a local state of emergency in the City of Charleston based on a determination that in furtherance of public health and safety that the City take all necessary steps to protect the citizens from increased risk of exposure to COVID-19; and,

WHEREAS, on March 16, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-038) to prohibit consumer price gouging on all commodities in the City of Charleston with limited exceptions; and,

WHEREAS, on March 16, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-039) to prohibit gatherings of 50 people or more; amend on March 19, 2020, by temporary emergency ordinance, Ordinance No. 2020-39(a), reducing the size of public gatherings to less than 10 people; and,

WHEREAS, on March 16, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-040) suspending the requirements of Section 2-23(f) of the Code of the City of Charleston requiring the physical presence of Councilmembers at City Council meetings and committee meetings to permit participation by video conferencing or other virtual means to slow the spread of COVID-19; and,

WHEREAS, on March 20, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-041) to temporarily suspend the accrual of the City's business license penalties for sixty days, to suspend enforcement of the City's plastic bag ban for sixty days, and to suspend the City's chauffer's license renewal requirements issued between March 18, 2019 and April 1, 2019 for an additional sixty days; and,

WHEREAS, on March 24, 2020, City Council ratified a temporary emergency ordinance, "Stay at Home Ordinance" (Ordinance No. 2020-042) requiring individuals to stay in their homes and not travel or congregate in the streets of Charleston except for purposes of working at or conducting business with an essential business or engaging in individual outdoor recreational activities; and,

I 6.)

City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor

DATE: July 13, 2020

RE: Municipal Court Bench

I would like to advise you of my nominations for two vacancies on the Municipal Court bench.

I am nominating Lindsey McClain Byrd to fill the Municipal Court vacancy created when Judge Mendelsohn retired last year. Lindsey has served as Deputy Prosecutor for the City for almost five years, and before that time was an Assistant Solicitor to the Hon. Scarlett A. Wilson. During her tenure as Deputy Prosecutor, Lindsey has prosecuted a large volume of criminal cases and has assisted in supervising the staff in the Office of the Prosecutor. She also has worked with the Solicitor's Office and other local governmental agencies on referrals to the Mental Health Court and Veteran's Court, and in developing the diversionary Gateway program. If approved by Council, Lindsey will serve a term of two years.

I am nominating Emmanuel Ferguson to fill the newly created position of Municipal Judge for the DUI court. Emmanuel has served as an Assistant United States Attorney and Assistant Solicitor to the Hon. Scarlett A. Wilson during which time he handled various aspects of criminal prosecutions, including providing guidance on indictment or declination of individuals under investigation, and litigating criminal cases in federal court. Emmanuel is currently specializing in employment law matters with the law firm Cleveland & Conley, LLC. If approved by Council, Emmanuel will serve a one-year term.

I am confident that both Lindsey and Emmanuel will be excellent additions to our Municipal Court and look forward to their service.

I thank the efforts of the Public Safety Committee members, Councilmembers Shahid, Seekings, Shealy, and Sakran, for the hours they dedicated to reviewing the candidates for these positions. They interviewed 19 candidates during this process and provided valuable insight to me as a result of their work.

JJT:egb

WHEREAS, on March 26, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-046), amending the Consolidated Plan for reallocation of CDBG funds to provide funding for public services and temporary living quarters to persons who are homeless or vulnerable due to COVID-19; and,

WHEREAS, on March 27, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-047), extending the due date for filing and remittance of hospitality taxes for February and March to May 13, 2020; and,

WHEREAS, on April 1, 2020, City Council repealed Stay at Home Ordinance No. 2020-042 and ratified a second Stay at Home Ordinance (Ordinance No. 2020-048) which included provisions contained in Governor McMaster's Executive Orders regarding dispersing of crowds (Ex. Order 2020-13); quarantining of individuals from New York, New Jersey, and Connecticut (Ex. Order 2020-14); closing of beaches and boat landings (Ex. Order 2020-16); and closing of non-essential businesses (Ex. Order 2020-17); and,

WHEREAS, on April 6, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-049) to provide for temporary procedures for public hearings; and,

WHEREAS, on April 16, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-051) to prohibit open burning; and,

WHEREAS, on April 22, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-052) on decreasing the risk of exposure to COVID-19 in retail businesses; and,

WHEREAS, on April 30, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-056) 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; and,

WHEREAS, on May 12, 2020, City Council readopted five of the temporary emergency ordinances, such ordinances which are now set to expire on May 31, 2020 (Ordinance No. 2020-59); and,

WHEREAS, on May 12, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-060) to authorize the use of new or additional space for outdoor dining, and a temporary emergency ordinance (Ordinance No. 2020-061) urging, among other matters, for residents and visitors to stay in their homes, such ordinance to expire on May 31, 2020; and,

WHEREAS, on May 27, Governor McMaster issued an Executive Order (2020-38) declaring an additional sixth (6th) State of Emergency, extending the State of Emergency to control the spread of COVID-19 and lessen its impacts on portions of the State's population; and,

WHEREAS, on May 28, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until June 30, 2020; and,

WHEREAS, on May 28, 2020, City Council passed an emergency ordinance extending certain emergency ordinances until June 30, 2020 (Ordinance No. 2020-068); and also amending the emergency ordinance on decreasing the risk of exposure to COVID-19 in retail businesses (Ordinance No. 2020-069) and replacing the stay at home ordinance with a new stay at home ordinance (Ordinance No. 2020-070); and,

WHEREAS, on June 11, 2020, Governor McMaster issued an Executive Order (2020-40) declaring an additional seventh (7th) state of emergency, extending the State of Emergency to authorize the continued use of extraordinary measure to meet the threat of COVID-19 and "the evolving nature and scope of this public health emergency…."; and further modifying prior orders relating to organized events or public gatherings on state or local government property and to retail stores required to follow certain emergency rules and restrictions; and further permitting previously deemed "non-essential" businesses operating as bowling alleys to re-open for access and use by the public; and,

WHEREAS, as of June 17, 2020, the total number of cases infected with COVID-19 in South Carolina was 19,990 with 607 deaths, including 1,230 cases in Charleston County with 16 deaths and 427 cases in Berkeley County with 19 deaths; and,

WHEREAS, on June 25, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until July 15, 2020; and,

WHEREAS, on June 25, 2020, City Council passed an emergency ordinance (Ordinance No. 2020-083), temporarily suspending the accrual of the City's business license late fees; an emergency ordinance (Ordinance No. 2020-084), requiring persons to wear face coverings in certain circumstances in the city of Charleston to reduce the risk of exposure to COVID-19 during the public health emergency and recovery; and, an emergency ordinance (Ordinance No. 2020-086) extending certain emergency ordinances related to COVID-19; and,

WHEREAS, on June 26, 2020, Governor McMaster issued an Executive Order (2020-42) declaring a new state of emergency, which was the eighth (8th) state of emergency in our state; and,

WHEREAS, the number of cases of persons infected with COVID-19 in South Carolina continues to climb at a dramatic rate; the number of cases in South Carolina as of July 7, 2020 is 47,214 with 838 deaths, including 6,072 cases in Charleston County with 41 deaths and 1,703 cases in Berkeley County with 24 deaths; and,

WHEREAS, based on the continuing nature of the pandemic and the need for City Council to respond with flexibility to the public health emergency as it evolves, it is necessary to extend certain temporary emergency ordinances, now set to expire.

Section 2. The following temporary emergency ordinances are ratified and shall expire on July 31, 2020:

2020-038 - Emergency Ordinance prohibiting consumer price gauging.

2020-040 - Emergency Ordinance suspending the requirement of physical presence of Councilmembers at Council meetings/permitting telephonic/virtual attendance.

2020-049 - Emergency Ordinance regarding temporary procedures for public hearings.

2020-056 - Emergency Ordinance on allowing affordable housing units to be approved by the Administrative Officer.

2020-069 - Emergency Order on Decreasing Risk of Exposure to COVID-19 in Retail Businesses.

2020-070 - Emergency Order re Stay at Home.

Section 3. The following temporary emergency ordinance is amended and is ratified and shall expire on August 31, 2020:

2020-060 - Emergency Order on New or Additional Outdoor Dining.

Section 4. 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 J. Tecklenburg
Mayor, City of Charleston

ATTEST: _____
Vanessa Turner-Maybank
Clerk of Council

M1.)

ORDINANCE

TO AMEND CHAPTER 23 OF THE CODE OF THE CITY OF CHARLESTON BY DELETING ARTICLE IV. SECTIONS 23-46 THROUGH 23-48 IN THEIR ENTIRETY AND SUBSTITUING IN THEIR PLACE NEW SECTIONS 23-46 THROUGH 23-49, CREATING A **COMMISSION** ENTITLED "CENTRAL BUSINESS DISTRICT IMPROVEMENT COMMISSION" AND DESCRIBING ITS MEMBERSHIP, MISSION, POWERS AND DUTIES, AND ORGANIZATION.

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

Section 1. The title "Article IV. – CENTRAL BUISINESS DISTRICT REVITALIZATION COMMISSION" is hereby amended by deleting the title in its entirety and substituting in its place the new title "Article IV – CENTRAL BUSINESS DISTRICT IMPROVEMENT COMMISSION."

Section 2. Section 23-46 of the Code of the City of Charleston is hereby amended by deleting it in its entirety and substituting in its place as follows:

"Sec. 23-46.- Central business district improvement commission established.

There is hereby established a central business district improvement commission."

Section 3. Section 23-47 of the Code of the City of Charleston titled "Composition, terms" is hereby amended by deleting it in its entirety and substituting in its place as follows:

"Sec. 23-47. - Composition; terms.

(a) *Membership*. The Commission shall consist of nine (9) voting members, one (1) of whom shall be the Mayor; two (2) members of City Council who represent a district or portion thereof in the Central Business District appointed by the Mayor; the remaining members who shall be appointed by the Mayor and be representative of the following constituencies of the Central Business District: two (2) hospitality industry, one (1) merchant, one (1) property owner, one (1) peninsula resident, and one (1) non peninsula resident, all subject to approval by City Council. The Mayor shall also appoint the Chairperson of the Commission.

(b) *Terms of Office*. The Mayor shall be a permanent member of the Commission. All other members of the Commission shall serve for terms of one (1) year or until their successors have been appointed and qualified. This Commission will dissolve after two (2) years of service or the creation of a Business Improvement District, whichever occurs first."

Section 4. Section 23-47 [sic] of the Code of the City of Charleston titled "Duties and powers" is hereby amended by deleting it in its entirety and substituting in its place with a new section number, Sec. 23-48, as follows:

"Sec. 23-48. – Definition of Central Business District; Mission; Powers and Duties.

(a) *Definition of Central Business District*. The Central Business District shall consist of the area identified in the map attached hereto, entitled "City of Charleston Central Business District, dated 7.1.2020," which will be reviewed from time to time by City Council. A copy of the map shall be made available to the public online at the website for the Business and Neighborhood Services Division of the Department of Planning, Preservation, and Sustainability.

(b) *Mission*. The Central Business District Improvement Commission shall work to assure the long-term economic vitality of the King Street and surrounding commercial area, also known as the Central Business District. The Commission will consider and recommend policy and program changes to City Council that will balance the local economy with tourism needs and create a vibrant hub for commerce.

(c) *Powers and Duties*. The Commission shall have the following powers and duties:

(i) Study and recommend financial and organizational techniques, such as business improvement districts, to effectuate the continued health and vitality of Central Business District by the joint efforts of public and private entities;

(ii) Evaluate and implement early action improvements for the Central Business District as identified by the Commission and the Business and Neighborhood Services Division of the Department of Planning, Preservation, and Sustainability, especially in the areas of public safety, cleanliness, beautification, and occupancy;

(iii) Study and recommend methods to incubate, launch, recruit and sustain businesses in the Central Business District, paying special attention to small, local, and minority and women-owned businesses; and,

(iv) Consult with subject matter experts to guide and inform the Commission's recommendations."

Section 5. Section 23-48 of the Code of the City of Charleston titled "Administrative support" is hereby amended by deleting it in its entirety and substituting in its place with a new section number, Sec. 23-49, as follows:

"Sec. 28-49. – Organization.

(a) *Meetings*. The Chairperson shall establish a regular time and place of meetings. For purposes of Commission action, a quorum of the Central Business District Improvement Commission shall consist of a simple majority of those currently appointed.

(b) *Records*. The Commission shall keep a written record of its proceedings and file the record with the Clerk of Council after the completion of any meeting.

(c) *Organized*. The Commission shall be supported by city staff from the Business and Neighborhood Services Division of the Department of Planning, Preservation, and Sustainability.

(d) *Rules*. 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. "

Section 6. 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 J. Tecklenburg
Mayor, City of Charleston

ATTEST: _____
Vanessa Turner Maybank
Clerk of Council

M2.)

Ratification
Number_____

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 PREVIOUSLY UNZONED FORMER SUMMERVILLE AVENUE RIGHT-OF-WAY (PENINSULA NECK) (APPROXIMATELY 1.40 ACRES) (TMS #464-02-00-107) (COUNCIL DISTRICT 4), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY 1834 SUMMERVILLE AVE 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 that the below described property shall become a part thereof:

A portion of previously unzoned former Summerville Avenue right-of-way (Peninsula Neck) (approximately 1.40 acres) (TMS #464-02-00-107)

Section 2. That the said parcel of land described above shall be zoned General Business (GB) 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.

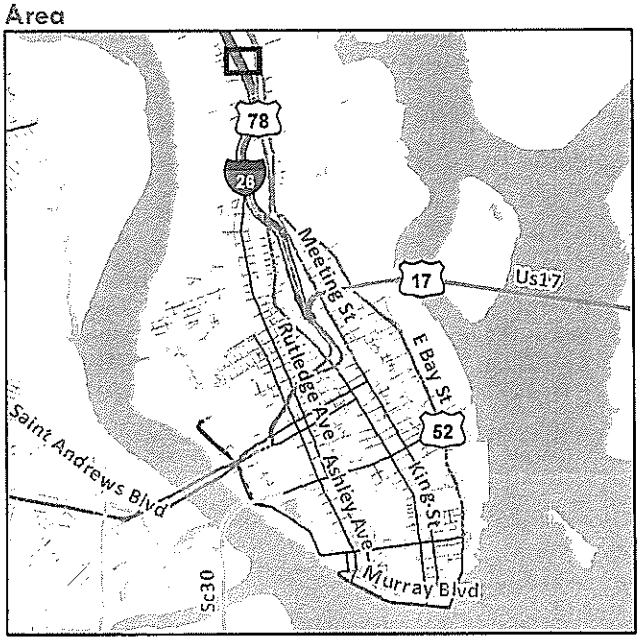
By: _____
John J. Tecklenburg
Mayor, City of Charleston

Attest: _____
Vanessa Turner Maybank
Clerk of Council

City of Charleston

City Council
July 14, 2020

Area



ZONING

Summerville Ave Right-of-Way (Peninsula Neck)

TMS # 4640200107

approx. 1.40 ac.

Request zoning of General Business (GB).
Previously unzoned right-of-way.

Owner: 1834 Summerville Ave LLC
Applicant: City of Charleston

Location