

COUNCIL PROCEEDINGS

Regular Meeting

July 19, 2016

The fifteenth meeting of the City Council of Charleston was held this date convening at 5:05 p.m. at the Gaillard Center, Ballroom 3.

A notice of this meeting and an agenda were mailed to the news media July 13, 2016 and appeared in The Post and Courier July 17, 2016 and are made available on the City's website.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Williams(<i>by phone</i>)	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Riegel	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Wilson	District 12

Mayor Tecklenburg called the meeting to order at 5:05 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "I would like now to call on Councilmember Seekings to lead us in an invocation and the Pledge of Allegiance."

Councilmember Seekings opened the meeting with an invocation and a moment of silence.

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

Mayor Tecklenburg said, "Next, I would like to call on the 3rd Grade World Championship Double Dutch team. Are they here?"

Ms. Brenda Shokes said, "Yes, sir."

Mayor Tecklenburg said, "Please come forward. So, under the leadership of World Double Dutch Championship Judge Brenda Shokes, who is the Recreation Manager at the St. Julian Devine Community Center and who recruits the athletes and advises the team, and the Head Coach Laquetta Williams, the 3rd Grade Lil Baby Jays Double Dutch Team from the City of Charleston competed at the World Double Dutch Championship. Our City team was comprised of all new jumpers and turners but they competed against all of the competition and were crowned the World Champions."

There was applause in the ballroom.

Mayor Tecklenburg continued, "Did you bring me jump ropes? No, I thought we were going to have a demonstration."

Ms. Shokes said, "We can't jump on the carpet."

Mayor Tecklenburg said, "It doesn't work on the carpet. Would you like to say a word? The microphone is right here."

Ms. Shokes said, "I'm just so proud of these little girls because we started working in October and they worked real hard. I always told them if they put their minds to it and work hard, then nobody can beat them, and they overcame."

There was applause in the ballroom.

Mayor Tecklenburg said, "Would you please introduce them by name?"

Ms. Shokes said, "This is Telala Robertson. She's in 3rd grade. Precious Goodwin and Saniyah Rivers, they're all in 3rd grade so they will be moving up to the 4th grade next year." (Alana Buncum was also a member of the team, but was unable to attend the meeting.)

There was applause in the ballroom.

Mayor Tecklenburg said, "Well, thank you very much. Thank you all to the girls."

Next, I received and I wanted to share with Council a proclamation from the Bishop of the Anglican Church in North America, and it was relative to Mother Emanuel that they offer their condolences. This is the Most Reverend Doctor Foley Beach. He is the Archbishop and Primate of the Anglican Church in North America. They met here in Charleston, and they were moved to send us this communication, expressing their condolences, recognizing the power of love, grace, and forgiveness demonstrated by the family members and victims, and by the people of Mother Emanuel and the Charleston Community. They, and we, repent the sins of racism, of bigotry, of cowardness, ambivalence, and apathy towards racism. They recognize that few of us have known the terror of violent, racist attacks of oppression, and that we owe a depth of love to our brothers and sisters and how they have responded in this tragedy. So, I wanted to present this to Councilmember Gregorie to give to his church, Mother Emanuel."

Councilmember Gregorie said, "Thank you."

Mayor Tecklenburg then read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "So, next, I would like to call on Councilmember Riegel and Representative Gilliard. Is Wendell Gilliard in the house tonight?"

Councilmember Riegel said, "Has Wendell arrived yet?"

Mayor Tecklenburg said, "He's not here. So, we have a proclamation recognizing former City Councilmember Wendell Gilliard, regarding the Project Cool Breeze which was established in 1999. It's been in existence for 17 years. It targets adults 60 years and older. They have served over 8,000 families during the last 17 years, providing fans and air conditioners. Their efforts have been financially supported with contributions from local businesses and from the City of Charleston. They have received numerous awards for community service, such as recognition from the South Carolina State House of Representatives and from the President of the United States.

Mayor Tecklenburg then read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, Mr. Mayor. My assumption is that my good friend, Wendell, is probably down at Broad Street at City Hall on the second floor looking for us right now as we speak. So, I'm going to have Ms. Gerri Drain step in for him and receive the proclamation, but I'll go ahead and make my remarks since Wendell's not here. I'll just have to e-mail it to him. It's a great honor and privilege to present this wonderful honor from the City of Charleston to my good friend, Representative Gilliard, tonight. He has long served our wonderful community. He first chaired, as a member of this very esteemed body, and then later as a member of the South Carolina House of Representatives. Representative Gilliard's presence has reached far and wide in the Lowcountry. He was a leader in banning texting, an ordinance which this very body approved. He was also a strong advocate of body cameras, which now I am proud to say all Charleston Police Department officers are now wearing. He has also promoted Community Unity Day, which is an effort for the community to work with law enforcement officers to get to know each other, to realize we're all human beings, and all lives matter. It's been a wonderful, wonderful endeavor. It's typically been held at Brittlebank Park. This year it will be held at Hampton Park, if I'm not mistaken. Finally, Wendell has been such a staunch supporter for affordable housing, the homelessness in our great City, and I can go on and on and on tonight until he shows up, but we're here to praise Project Cool Breeze, a partnership with Lowe's Home Supply, as Wendell would have told you, the provider of air conditioning units to many of those who are less fortunate in this room. Can you imagine the summers in the Lowcountry and the summers in Charleston, the high humidity and temperatures without the air conditioning? I wanted to relay a story. I hate to waste this story without Wendell being here, but at our Press Conference several weeks ago and, Gerri, you will remember this, Representative Gilliard related how wherever he goes, the residents, the elderly come up and thank him for his efforts, especially, it seems to be an inordinate amount of ladies that come up and hug Wendell. He recalled a particular incident where, I think she was 113 years old, the lady came up and thanked him and gave him a particularly long hug. The only thing I would say to Representative Gilliard, if he's still here, I said, 'Old friend, you always did have a way for ladies'. So, thank you for your hard work. Gerri, thank you, all of the volunteers and the folks that are here in the front row and, Wendell, especially, thank you for your friendship. Gerri, would you say a few words, please?"

Gerri Drain said, "Thank you. Thank you so much. I receive this honor on behalf of Representative Wendell Gilliard, today for the many different things that he has done in this community, but especially for Project Cool Breeze, and what he does for the senior citizens in the Tricounty area. I know a lot of them are very appreciative of the efforts that have been going on for over 17 years now. I would like to thank all of our Project Cool Breeze volunteers,

if you want to stand up for a minute. These are some of the people that give of their time. Also, the City of Charleston is very helpful with us and supportive. We just want to thank Mayor Tecklenburg for continuing in what Mayor Riley had done, in helping us do what we do, and all of the people at this City of Charleston Police Department that are so helpful with us. They come out to help us at every distribution, and there are a lot of people that have helped, even the different businesses throughout the community that have given and supported Project Cool Breeze financially. So, we just want to thank you all on behalf of Representative Gilliard. We thank you from Project Cool Breeze.”

There was applause in the ballroom.

Mayor Tecklenburg said, “Thank you very much. Finally, I would like to recognize Steve Bedard. Where are you, Steve?”

Councilmember Moody said, “Over to your right.”

Mayor Tecklenburg said, “Oh, please come forward. Steve, as many of you know, he was hired with the City of Charleston back in 1998 after a terrific career serving our Country in the United States Navy. He graduated in 1976 from the Naval Academy and got a MBA from the University of Georgia in 1984, and he also has a degree from the University of Virginia and he is well-learned. He knows his numbers. He really did a remarkable job, folks, with the finances of this great City. Since the time that Steve became the Chief Financial Officer of the City of Charleston, we achieved for the first time a AAA Credit Bond Rating that has saved this City at least hundreds of thousands, if not millions, of dollars. I would say even this year, because our bond rating falls with the Charleston Water Service, so we financed over \$100 million this year in savings of four or five million dollars. So, anyway, Steve has just done an incredible job. As many of you may know, he has now moved on, so to speak. An important City role is the success of this Gaillard Auditorium and Foundation. So, Steve has taken a position to run the Gaillard Foundation at a time when he’s needed there, and I just want to give him a special shout-out and thank you, a sincere, heartfelt thank you from the City of Charleston for his service to this City.”

There was applause in the ballroom.

Stephen Bedard said, “Thank you very much. I would just like to quickly say thank you to Mayor Riley and Mayor Tecklenburg. You have both been great bosses, Mayor Riley for a little bit longer than Mayor Tecklenburg was. Councilmember Lewis has been here since the beginning with me. Councilmember Mitchell had a little break, but he has been here for most of the time. Councilmember Waring’s dad was a great Statesman and did a great job here. Some moved on, too, a lot of great City Councilmembers. They spent a lot of time working on a lot of hard issues like you all are going to be facing tonight, and I think they do their best to try and represent everybody. I would just like to thank all of my colleagues that I work with in the City. They work way, way harder than any of you may know or believe, but they really do work hard. Finally, I would just like to say that I think we’ve left a really strong team in the financial area, and they’re going to serve the City very well. So, thank you very much, Mayor.”

There was applause in the ballroom.

Kay Cross, Director of Human Resources, said, “At this time, I would like to ask all City of Charleston Department and Division heads to please join me up front. Steve, everyone up here has been many years with you, working with you on very important issues, issues that

have so positively affected the City of Charleston. We want you to know how much we appreciate your support over the years and we have a little something for you to remember us by.”

Mr. Bedard said, “You want me to open it?”

Ms. Cross said, “Yes, I want you to open it.”

Mr. Bedard said, “Sorry, I don’t want to waste everybody’s time.”

There was laughter in the ballroom.

Mr. Bedard said, “It’s a picture of our office building at 116 Meeting Street.”

There was more laughter in the ballroom.

Mr. Bedard said, “Thank you very much, everybody.”

There was applause in the ballroom.

Mayor Tecklenburg said, “Alright. If I may, I want to thank you all for coming this evening. We are going to have to take a little ten-minute recess before we start on our public hearings, and the reason is because of your great public interest. We have already exceeded the capacity of this room. It’s real simple to fix. We’re just going to open part of this wall over here which will make this ‘one room’, and we’ll have some other chairs. We are going to have a quick ten-minute recess, so we can stay in compliance, and I just want to point out, please stand up, Representative Gilliard. He did make it. We love it. We all said a bunch of good things about you.”

There was applause in the ballroom.

Mayor Tecklenburg said, “We are going to open up the ballroom. We will be back in ten minutes. Thank you. Sorry for the delay.”

The City Council meeting recessed at 5:22 p.m.

The City Council meeting reconvened at 5:32 p.m.

Mayor Tecklenburg said, “There are a series of public hearings that we are going to have, and some of these will go quickly, for the couple of ones that have some considerable interest from the public, and you all want to make some comments, I know. In addition, we are going to have a Citizens Participation Period. It will be 30 minutes long but on the public hearings, I would like to set a 20-minute limit on each matter. I ask that if you have a number of folks here that are representing pro or con, that maybe you all hopefully can settle on two, three, or four people to represent your point of view, and then we will have a show of hands at the end of their presentations to show how many folks agree with them. That way, everyone gets heard and recognized, but we would not be able to allow everybody to make a comment. We want every point to be made. So, to proceed on with the public hearings, our first public hearing is a Resolution in support of the issuance of the South Carolina JEDA Economic Development Revenue Bonds. These will assist the Citadel in their construction of their new business school, which will be on the Citadel campus. There is no liability whatsoever to the City of Charleston.

We serve as, I guess, a conduit because they are required to have a public hearing, and that is right here right now.”

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, “Yes, sir. Prior to beginning this, I have got to ask for a point of order, please, sir.”

Mayor Tecklenburg said, “A point of order. Okay.”

Councilmember Wagner said, “In our ordinance of Rules and Decorum of Council, which we passed back in January, this is an annual document, we always talked about it, and nowhere in this document that I can find, are we allowed to call into Council. As such we have several votes tonight that are going to be tremendously close. I am aware of one or two votes where they’re going to make a difference. This is an annual document. This is the first one under you. What has occurred previously, unless it is in writing, I am told that it’s okay for anybody that wants to, to come here, they can call in, they can listen, they just can’t vote. If that were the case, we would probably all be home talking to you while we’re having a soda. You know, it’s kind of hard to get here. Another piece of this document which I have a tendency to believe, may be the reason why is, should we not have a majority, the Sergeant of Arms can come get us and bring us in, to get a quorum. If call-ins were okay, then we wouldn’t need them either, now would we? So, what I am asking is for a point of order. It does not matter what we’ve said and done in the past. I did speak to the Councilmember that did call in and, you know he’s my friend. I’d just as soon hear his opinion because we talked about every one of these items last night, however, you could just have a picture of all of us here if we’re allowed to all call-in and vote. So, for everything that comes down, regardless of what Legal believes or says, I want a voice vote on every one of these items. I assure them, and they will be challenged if I am wrong on this one. I am not trying to be a pain, but, guys there is some real heavy duty stuff here on this agenda tonight, and one or two votes is going to matter.”

Mayor Tecklenburg said, “Well, I appreciate your raising that point of order. I would respectfully say that the last meeting, we had many important issues at hand as well and we allowed it. Councilmember Williams is the party in question. He is on the conference phone right here to participate and to vote as he did just at last month’s meeting. I did look into this before our meeting because I knew last month that Councilmember Williams was going to be gone. There is no prohibition in our ordinance that disallows it. It is allowed under State law, and we have set the precedent last month that we could allow it without objection.”

Councilmember Wagner said, “Which is why we are having it all looked up because, as you will recall, there was a fair amount of background noise coming through and a bit of distortion.”

Mayor Tecklenburg said, “So, Councilmember Williams, we ask you to keep your phone on mute unless you are speaking to us.”

Councilmember Wagner said, “Can we ask Frances (Cantwell)?”

Mayor Tecklenburg said, “I’ll be glad to ask our Counsel to address this, Susan Herdina.”

Ms. Herdina said, “Councilmember Wagner was kind enough to raise this issue with the Mayor right before City Council started tonight, and I appreciate that, sir. There is nothing in the

Rules of Order that prohibit Councilmember Williams from participating by phone. The practice, the policy is authorized by South Carolina law under the Open Meetings Act. He can vote and participate in a discussion as if he were here. The only restriction under State law is that we have to have a quorum which we obviously have, and that the meeting has been noticed, and that minutes are taken. So, he can, in my opinion, fully participate tonight in voting on the matters before us. Thank you.”

Mayor Tecklenburg said, “Thank you very much.”

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “Yes, you said there was nothing to prohibit that participation. My recollection was in 2013 it came up, and we talked about it. We agreed that we could do it in Committee, the Sub-Committees, Real Estate, whatever, could do it. My understanding was that there was a ruling, and I don’t know, did you find any ruling? Tega Cay was part of the ruling that said, ‘There’s nothing to prohibit it, you can do it’. There is no prohibition against doing it, but the ruling came out, I don’t know whether it was the Supreme Court or the Attorney General, that you had to adopt rules as to how it was being done, and once you did that, then there was no prohibition. That’s my understanding of the law. Did you look at that or find anything that indicated ‘yes’ or ‘no’ that might be out there?”

Ms. Herdina said, “Well, it was my recollection and I went back and actually asked the Clerk’s office to pull the minutes of the meeting from November 6, 2013, where this issue was discussed. At that time, as you say, the issue before us was whether or not the Committees could have telephone participation by Committee members, and we adopted rules specifically for that issue, but it was clear at that point that under South Carolina law City Council could participate in this matter, as long as it follows certain rules and procedures which I just pointed out to you.”

Councilmember Moody said, “The rules and procedures that you’re talking about did not include a positive approval of the process because that’s how we were told to do it in the Committee. We had to set it up. Committee Chairmen had to be there, and the rules stated how we were going to do it electronically. We had to set up rules, and we did that. The conversation in the minutes did not also say that we decided at that point that we would not do it at City Council, because my recollection is exactly what we said?”

Ms. Herdina said, “We approved the use of it at City Council meetings. There was no discussion. When I went back and just looked at the minutes that we had to adopt specific procedures for City Council because that was already authorized by State law and by State law by cases, but the issue that was before us, specifically at that point, was what we needed to do with respect to committee members, and we didn’t add specific rules or procedure at that point and time.”

Councilmember Moody said, “So, what happens if we conduct this meeting tonight and we find out that we violated State law or some ruling, what happens then? We’ve been put on notice that that might be an issue and so, what happens to the meeting? That’s my question. I don’t want to go home and have to come back. I’m ready to be here but I just want to be sure that we understand what we’re doing, because my recollection is we said not for City Council.”

Ms. Herdina said, “Right, and so, that was my recollection, too, and, again, State law is clear that this body can go ahead, and that Councilmember Williams can participate fully, as

long as we have a quorum, and we meet the other requirements of State law, which is that the meeting was noticed, agenda was published, and we have someone here to take minutes.”

Mayor Tecklenburg said, “So, again, I thank you for bringing the point of order, given that it’s not disallowed by ordinance, and it’s allowable by State law, and we have the precedent. We did this last month without objection. The Chair rules that we will allow Councilmember Williams to vote this evening. Thank you.”

Councilmember Lewis said, “I do have a question, Mr. Mayor.”

Mayor Tecklenburg said, “Yes, sir.”

Councilmember Lewis said, “But, you know, we have Rules of Council. If we want to change the rule tonight under the State statute, we can’t change them, but we can incorporate this in the ordinance under the Rules of Council, and change it if we want to change it.”

Ms. Herdina said, “You could specifically add it to your rules and procedure, if you want to, but it’s not required.”

Councilmember Lewis said, “It’s not required, but right now, because it’s not added to our Rules of Council, we shouldn’t change it?”

Ms. Herdina said, “You can if you would like but, at this point, there is nothing that expressly prohibits you from doing it.”

Councilmember Lewis said, “Okay. In 20 years, this is the first time this subject has come up, or we’ve had something like this. I think that we need to look at it and have Counsel to continue to look at it, and maybe bring it to us hopefully in the next week so we can adopt in our rules. Then, with the Rules of Council, we won’t have to do this again. Thank you.”

Mayor Tecklenburg said, “Thank you very much. You want to be recognized? Thank you. So, we are going to proceed with our public hearing Item #1, the resolution about the JEDA bond for the Citadel. Would anyone like to be heard on this matter? Yes, sir, please state your name.”

1. Anthony G. Bryant said, “Anthony G. Bryant, 2123 Courtland Avenue, Charleston County, 29403. I made public comment to the State of South Carolina Planning and Housing Community Development 13 Action Plan. Community Development allowed grants for investment partnerships, emergency solution grants which would then entitle someone to be chronically or at-risk homes. I made public comments to the Army Corps of Engineers, Project Manager, and SCDOT. I’m going to ask Susan Herdina to put all three with Public Safety to ensure that people who are properly homeless or whatever, are being called by Nikki Haley, Bobby Hitt, and who else, and then granted by Lisa Kalsbeck, Assistant Director of Federal Programs and Grants Programs. We’ve made public comment on several, several times about funding and we redeemed possibly MUSC, West End, this development, other developments may be inducing housing marketing facts. We are deeply concerned about that. So, I’m comfortable with the fact that in 2010, Susan Herdina, Greg Mullen, we can get this Illumination Project regarding a previous report done in 2010 and it was the first one to be held on Holden Avenue. So, we are deeply concerned about this type of funding and the State’s funding in fine arts that are going on and then we don’t have any money within this program. The Federal

Government gives hardly any money, \$7 million total Statewide, for a building that, nobody I know around the Citadel, who can afford to live in the area.”

Mayor Tecklenburg said, “Thank you.”

Mr. Bryant said, “Thank you.”

Mayor Tecklenburg said, “Thank you very much. Would anyone else like to be heard on this matter? If not, it comes before Council.”

Councilmember Moody said, “Move for approval.”

Councilmember Riegel said, “Second, Mr. Mayor.”

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

On a motion of Councilmember Moody, seconded by Councilmember Riegel, City Council voted unanimously to approve the following resolution:

Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (the Citadel Real Estate Foundation project), pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$17,500,000.

Mayor Tecklenburg said, “Secondly, we have an ordinance on a rezoning matter at 606 Savannah Highway.”

Christopher Morgan said, “This is 606 Savannah Highway. It is a quarter of an acre, TMS #421-03-00-180. It is a request to go from Single-Family Residential (SR-1) to Residential Office (RO) classification. The map is in front of you on the image there. That’s Savannah Highway to the middle of the item. This has the Savannah Highway Overlay over to the right or to the east of the property, that is the gray hatched area. All of the other area that is in yellow is Single-Family Residential, and then we have a new addition in here, a recently annexed property that was zoned RO. That RO property has been commercially zoned for many decades and was commercially zoned in Charleston County. We recently brought it into the City, but it’s had a commercial use for many, many years, because I know that that’s been one of the things that the applicant asked about on this. We have some images of the property. Right here is an aerial photo. Again, it is a single-family residence. A little bit closer aerial photo, and here is an image of the overall section of Savannah Highway. Planning and staff have concerns with this rezoning because of the ability to create a slippery slope wherein, if this property were rezoned, it would open up the door to other rezonings along this portion of Savannah Highway, where we know there is a lot of neighborhood concern about now going to commercial uses. We feel that there is no justification for this one to go to commercial use, just because the property to the east has been commercially zoned for many decades. So, both staff and Planning Commission recommend disapproval of this request.”

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

Donna Jacobs said, “Yes, Mayor.”

1. Donna Jacobs said, "Mayor, City Council, my name is Donna Jacobs. I live in Byrnes Down and I'm the current President of the Ashley Bridge District Board. Its current owner, located in the Moreland neighborhood, has requested that this property be rezoned from Single-Family Residential (SR-1) to Residential Office (RO), and I would like to go on record as not supporting this request. One of the main reasons that the Ashley Bridge District plan came to be was a grassroots effort to maintain the residential livability of its neighborhoods. One of the strong points was to protect the existing residential border in each neighborhood. Starting down the slippery slope of rezoning requests along our borders violates the efforts of eight neighborhoods. Please vote to support the Planning Commission's recommendation of disapproval for this request. Thank you."

Mayor Tecklenburg said, "Thank you. Would anyone else like to be heard? Please come forward. If you know that you're going to address a matter, please come forward, kind of, so to speak, in line or in queue, so we move this along as quickly as possible. Thank you."

2. Andrea Woodfield said, "Hi, I'm Andrea Woodfield and the President of the Moreland Civic Club. We are opposed to the rezoning request for 606 Savannah Highway from Single-Family Residential (SR-1) to Residential Office (RO). Moreland has consistently opposed Residential Office (RO) and commercial rezoning requests in order to preserve the integrity of our residential borders and status. We are in full support of the Planning Commission's disapproval of this request. Thank you."

Mayor Tecklenburg said, "Thank you. Would anyone else like to be heard? If not, this matter will come before Council."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. I have met with the people in the neighborhoods around here, and I'm going to oppose the rezoning in this and supporting the Planning Commission's disapproval. The gentleman who wants to do this wants to put an accounting office there. The problem with this whole thing is that, once you change the zoning on this piece of property, there is actually a piece of property right next to it that would probably want to be changed. Then, there is another one right beside it. It's on the corner there of Orr and Highway 17, and then, if you start there where Mr. Morgan has his pointer, and you go all the way the other side of Highway 17, all of those houses would also like to come in or have their zoning changed. Until there is a better understanding of what we want to accomplish in this Overlay District, I think it's been thought-through and there may be some opportunities to maybe look at this. The real issue is not maybe what this person wants to do with this property, but as soon as he gets in or she gets in, then they sell, and then you've got a problem. So, I'm going to oppose it and I hope my Council colleagues will also oppose it."

Councilmember Waring said, "I'll second the motion."

Mayor Tecklenburg said, "Thank you. Is that a motion?"

Councilmember Moody said, "Yes, sir."

Mayor Tecklenburg said, "To oppose the rezoning."

Councilmember Moody said, "To support the Planning Commission's denial. I think that would be the right way to say it."

Mayor Tecklenburg said, "We have a second. Is there any further discussion?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. I am going to follow Councilmember Moody's lead and oppose this, too, for the following reasons. This is a property that went through the process and went to the Planning Commission. The Planning Commission reviewed it in relation to the properties around it, the neighborhoods. Most of the neighborhoods looked at what our plans are for that area and decided it was incompatible zoning for the area in which this zoning change was requested. The Planning Commission did the right thing. They did it the way that they should have done it. So, I think that this is a perfect example of how this process should work and, without a compelling reason to not support the Planning Commission, I'm going to do the same, and there is no compelling reason here. So, I am in full support of the Planning Commission and I'll vote against this rezoning. Thank you."

Mayor Tecklenburg said, "We are voting against the rezoning."

Councilmember Moody said, "In favor for the Planning Commission."

Mayor Tecklenburg said, "That's right. So, a 'yes' vote means you want the zoning to stay the same. A 'no' vote means you want to change it, right? Okay. Is there any other discussion?"

On a motion of Councilmember Moody, seconded by Councilmember Lewis, City Council voted unanimously to support the Planning Commission's recommendation of disapproval of the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 606 Savannah Highway (Moreland – West Ashley) (0.24 acre) (TMS #421-03-00-180) (Council District 11), be rezoned from Single-Family Residential (SR-1) classification to Residential Office (RO) classification. The property is owned by Terry Day.

Councilmember Seekings said, "I'm not sure we did that right. The ordinance is to amend and we don't want to amend the ordinance. So, the Planning Commission said don't do it. So, actually it's a 'no' vote we should be taking because we don't want to amend this."

Mayor Tecklenburg said, "Okay, you want to restate your motion, please."

Councilmember Moody said, "I restate my motion."

Mayor Tecklenburg said, "Restate the motion, please."

Councilmember Moody said, "Well, what Councilmember Seekings said."

There was laughter in the ballroom.

Councilmember Moody said, "Go ahead and say it and I'll second it."

Councilmember Seekings said, "If the vote is to approve this, I would vote that we do not approve this rezoning. That is my motion. We do not approve the rezoning, but because of the way it's listed on our agenda, it is to give it rezoning. So, you vote 'nay' on the way it's presented to us."

The Clerk said, "But you are affirming what Planning wanted."

Councilmember Seekings said, "That's right."

Mayor Tecklenburg said, "Right. I think it's correct. So, I want to point out to Council and really to everyone, this Council just agreed with the Planning Commission, and unanimously. It can happen."

Item #3, we have a public hearing on an ordinance regarding 1522 Balsam Street. Mr. Morgan."

Mr. Morgan said, "This is about a half-acre and the TMS# is 350-07-00-045. It's a request to rezone from Single-Family Residential (SR-2) to Single and Two-Family Residential (STR) and this is a neighborhood that is a real mix of zoning types. You will see some denser multi-family types and you will see some STR over here as well as some SR-2. So, given the size of the lot and this location within the neighborhood, we were comfortable with this request and the Planning Commission recommended to the Board as well."

Councilmember Waring said, "Mayor, move for approval."

Mayor Tecklenburg said, "First, we've got a public hearing going on. Would anybody like to be heard on this matter? If not, it comes to Council for a vote."

The Clerk said, 'someone is coming.'

Mayor Tecklenburg said, "I'm sorry, please come forward. Please state your name and address."

1. Pastor Sandra Smith said, "Good afternoon. I'm Pastor Sandra Smith and I live in the community. I've been there for 17 years and there is no opposition for Mr. Coaxum to add the low income houses in the community. I think it's a good idea. Thank you."

Mayor Tecklenburg said, "Thank you very much. Yes, ma'am. Would anyone else like to be heard on this matter? If not, the matter comes to Council. We have a motion to approve."

Councilmember Moody said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1522 Balsam Street (Ardmore - West Ashley) (0.55 acre) (TMS #350-07-00-045) (Council District 7), be rezoned from Single-Family Residential (SR-2) classification to Single and Two-Family Residential (STR)

classification. The property is owned by Anthony A. Coaxum.

Mayor Tecklenburg said, "Next, I will propose that we take Items #4 and #5 together."

Councilmember Seekings said, "Move for approval."

Councilmember Moody said, "Second."

Mayor Tecklenburg said, "We've got to have a public hearing first. So, I'm going to turn this over to our Planning Director. Please proceed."

Jacob Lindsey said, "Thank you. This applies to property TMS#459-00-00-009, which is five acres and property TMS#459-00-00-0091, and this property comes to you from the Planning Commission with a recommendation of 55/30 Height District, which is different from what the applicant applied for. Staff recommended the 55/30 in front of the Planning Commission specifically because we haven't had a chance to review how the applicant would apply the zoning and we weren't comfortable with it. We've since had a chance to review it. We like the way the zoning is being applied and we recommend for approval on Items #4 and #5."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter? Please come forward. Yes, ma'am."

1. Katie Zimmerman said, "Hi, I'm Katie Zimmerman. I direct the Conservation League's Air and Water and Public Health Program. Thank you for letting me comment on these two items. I just wanted to make it clear to you all, I said this at Planning Commission about this item as well, we're concerned about what we see as certain rapid land use changes happening in the area, Union Pier and surrounding. There are a fair amount of planning efforts that are wonderful that are happening, including, hopefully, the West Ashley Revitalization Plan. It looks to us that Union Pier and surrounding, while all of these changes are very exciting, we're concerned that there's not a sub-area plan that is guiding it instead of it being piecemeal. This change in use from the SPA's headquarters, we think, is a really exciting and transformative opportunity, and it's probably going to be the legacy of Mayor Tecklenburg to use some of the SPA, and you all. We want to make sure that there is some semblance of guidance happening cumulatively along with all of the plans that have already been done, such as the hotel recommendations. So, we have recommended, and are kind of pushing for, this sub-area plan to go into place, involving a public charrette, and all of landowners involved in changing uses. The African-American Museum is going to be amazing and we want them involved, we want the Aquarium involved, and we want the neighborhoods involved, so that we can do this in a non-piecemeal manner. Primarily, what I wanted to try to convey to you all tonight is, we understand that this applicant is caught sort of in the middle. The hotel owners, we get that but, we really think that this is going too fast. We're not sure, the public isn't aware, I don't think you all are aware, of what the Court's plans are for the remainder of Union Pier, as they are clearly pulling away from the Peninsula. We don't know what the outcome of the cruise terminal is going to be. We just want to sort of get this organized and so, the bare minimum, I ask that you uphold the Planning Commission's recommendation tonight, but in the longer term, would really like to slow down a little bit and get some planning in place. So, thank you, I appreciate it."

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

2. Tim Condo said, "Hi. Good evening, Tim Condo, with the Preservation Society. The Downtown Plan supports lower heights on the perimeter of the Peninsula and, if you look at

this area with the context, it's slated at 55 feet. It's appropriate there. There is no reason to go against the decision of the Planning Commission here. We urge you to support their decision, to support the planning process and to deny the request to rezone the height of this property. Thank you."

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

3. Christopher Cody said, "Good evening, my name is Christopher Cody, and I represent the Historic Charleston Foundation. Historic Charleston Foundation also supports the Planning Commission's recommendation to rezone the height of the former SPA headquarters building site to 55/30 Old City Height District and we ask Council to affirm that decision. We can concur with the Planning Commission's denial of the applicant's request to rezoning it to 56/30V, as that would allow for elements of the building to be as high as 70 feet, significantly taller than adjacent buildings, and contrary to City planning documents. It is the universal best practice, in our City's planning documents, that buildings should decrease in height as they approach the waterfront. We ask that Council support the well-reasoned decision of the Planning Commission to denying this application and we ask that you affirm the Planning Commission's recommendation to rezone the property to the very appropriate 55/30 Old City Height District. Thank you."

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

4. Diane Deangelis said, "Diane Deangelis. I live at 32 Prioleau Street, adjacent to Waterfront Park and this building. I was at the Planning Commission, and before that I, what I'm talking about are photographs taken from the roof of 1 Vendue Range looking towards this property, the adjacent harbor view end property, and beyond. As you can see, the bridge is visible just above the height that building is now. If you start to construct at 70 feet, which would be way above the buildings across the street, then you will block the view of not only the hotels, the condos across the street and our condos, but the whole neighborhood would suffer because, as has been said at the Planning Commission, the height going out to the water should be lower than the neighborhood around. So, I urge the City Council to support the Planning Commission in accepting the 55/30 and rejecting the applicant's request. Thank you."

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

5. Joanne Cooper said, "I'm Joanne Cooper. I'm Vice-President of the HPR, the 175 Concord Street Condos across from this project, as well as a member of the French Quarter Association. We urge you to accept the Planning Commission recommendation of the 55/30, but that the higher towers not be allowed. I don't know if you received the photos that I e-mailed you today but it's clearly beyond scale of the Custom House and all of the other buildings in the area. Thank you."

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

6. Andrea Skant said, "Hi, good evening, my name is Andrea Skant and I live in Mazyck-Wraggborough. I urge you to stick with the Planning Commission's recommendation from two points, livability and precedent. It's going to be a long night, so I don't repeat everything that's already been said, but I do urge that you consider the planning that's already been in place and the height that's in place and to heed that and keep it."

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard? If not, this matter will come before Council."

Councilmember Shahid said, "Point of Order, Mr. Mayor, just to make sure that I heard Mr. Lindsey. We're now changing to his recommendations for approval to the 56/30V."

Mr. Lindsey said, "That's correct."

Councilmember Shahid said, "So, I'll vote to change on this. Is that correct? We don't need a $\frac{3}{4}$ count."

Mr. Lindsey said, "My understanding is that you need a $\frac{3}{4}$ vote, which is ten votes, in order to approve the 56/30V which is staff's recommendation."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, Mr. Mayor. Jacob, please stay up for second. Please clarify, if we did not change the zoning recommended by the Planning Commission, does the zoning stay as it presents as is? If the zoning presents as is, the new owners can build a hotel or whatever, office building, right there on the property line, and without any possibility or chance of a wonderful waterfront promenade or park or walk. This rezoning allows for setback. We're giving back a little height, only 25 percent, as I understand, but in turn we get a wonderful continuation of our sidewalks and walking paths and our harborfront views. So, would you clarify that? It's one or the other, it's not both. I sort of would be in favor of a wonderful harbor walk and sidewalk continuation with all the money spent on the Battery, upgrading that to keep that continuing. Thank you, Jacob."

Mr. Lindsey said, "We certainly look forward to working with the applicant to continue to hold the ground in the absolute best way possible. We expect that anyone who develops this piece of property will build something that is worthy of the standards of the City of Charleston. This, of course, is subject to BAR approval and will make sure that it's excellent in its design. This rezoning does not specifically say anything about the treatment of the waterfront or about the sidewalks or things of that nature, but what currently exists on the site is a 50-foot height maximum. It's currently 50/25 and, of course, this is in a V Zone, a Velocity Zone, which means that the building, the bottom, I think, 13 or 14 feet of the building cannot be built with a habitable use, so that means that presently under the 50-foot requirement, it's fairly suppressed in terms of what can be built in that building. The request by the applicant takes it up to 56 feet, with an additional area that could go up to 70 feet, that can only be on 25 percent of the footprint of the building. That is one-quarter of the building you go up to that additional height. That's the nature of the request to change to the 56/30V."

Councilmember Riegel said, "Thank you."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Mr. Lindsey, my understanding of the process, as it was going through that right before the presentation the Planning Commission, you all were kind of on board and you changed. I'm going to ask you to verify, or tell me if I'm wrong. You basically changed your opinion because you didn't understand, or they had not identified, exactly where that extra 25 percent was going to go, whether it was going to go on the waterfront on one end. Have you had a chance, I know that what I've seen lately was that it's kind of on one end, on the

north end of the building where the height of the other surrounding buildings are very close to that, about 69 or 70 feet, so not much different, but would that have changed your opinion, or is that maybe the improper question to ask you all? If you had seen that, and from what I've seen it looks pretty good, and to get the public domain across the front, and continue the Riley at Waterfront Park all the way down, and give us an opportunity to actually have that public process all the way down is very attractive to me. I know you've probably seen this extra 25 percent, would that have changed your opinion?"

Mr. Lindsey said, "So, no change in our opinion at the beginning. We gave one opinion to the Planning Commission which was for the 55 feet but that was because we had seen no massive studies. We had seen no proposal for how the zoning would be applied to the site."

Councilmember Moody said, "Right."

Mr. Lindsey continued, "We have had a chance to see that now and we feel like it's appropriate."

Councilmember Moody said, "So, if this were going back to the Planning Commission tonight, you would recommend approval, whereas before, you recommended disapproval? Is that fair?"

Mr. Lindsey said, "Hypothetically, yes."

Councilmember Seekings said, "Nice try."

Mayor Tecklenburg said, "The answer is yes."

There was laughter in the ballroom.

Councilmember Moody said, "That's what I thought."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Yes, I move that we approve the recommendations of staff. They have viewed this. We have seen the plans, and I think we need to move on, because we have a lot to do tonight, and I think we need to approve the recommendations."

Councilmember Waring said, "I second."

Mayor Tecklenburg said, "We have a motion to approve and a second. This would be on Items #4 and #5, correct? Councilmember Lewis?"

Councilmember Lewis said, "Yes."

Councilmember Moody said, "This would be to approve the effective zoning change."

Mayor Tecklenburg said, "To approve the zoning change to 56/30V, and I would like to comment that, prior to seeing the plan, I wasn't able to personally agree with this change of zoning because I didn't know what they were going to do. I want to point out that this matter will go through the full City design review process including the BAR and our TRC, and hasn't even started there yet. So, it will get a full vetting from a design point of view, but there are very few

properties that this zoning category applies to; those that are in a Velocity Zone, and the whole purpose of this category is to provide an incentive for a new building to interact at the street. Even though, according to FEMA regulations and the Velocity Zone, you can't have a residence there, you can have a business there. We want to have those spaces activated, and the zoning gives that incentive, but most importantly, critically, it's been an objective of the City of Charleston to provide public access to our waterfront for decades. We have White Point Gardens and the Battery and, over time, we've been able to piece together other public access to the waterfront. The proposal that these developers have would provide a permanent right of access to the public along the waterfront and activate on more than one level this facility, this property to the public. So, after, I think, along with some of my colleagues here on Council, if it went back to the Planning Commission and they saw the plan, I think they would agree with us, but they did not have the benefit of it being available at the time that it went to them, unfortunately. So, anyway, we have the matter before us. It's been seconded. Are there any further comments?"

Mayor Tecklenburg recognized Councilmembers Seekings and Shahid.

Councilmember Seekings said, "Just very briefly, Mr. Mayor. One of the things that was said during the public comment that I agree with is, we need to start thinking about what's going to go on the Eastside and do a sub-area plan. This is the south end Gateway to what is going to be the most valuable piece of undeveloped property. This is not overstating it. The most valuable piece of undeveloped property on the East Coast of the United States, if not on the coast of the United States. There are how many acres, Jacob, between the SPA property and the north end of Union Pier? It's a lot."

Mr. Lindsey said, "Yes, off the top of my head, I couldn't tell you but it's probably the single largest and contiguous developable piece of property."

Councilmember Seekings said, "It's 30, 40, 50 acres of undeveloped pure land that the SPA ultimately is going to slide out of there and it's going to come into the public realm. By the way, for those of you sitting here, it's great we have a huge crowd. For the first time since the SPA has been in that property, the minute this closes, the property hasn't closed yet, it's going to get on the tax scrolls. We do have bills to pay in the City, a wonderful piece of property on the tax scrolls. It's going to be an amazing development, but it is a notice to all of us sitting here, and those who work for the City, that the Eastside is going and it's going to be a big, big, big area of development. We've got to think about it now and not piecemeal it as we go forward. So, I think this will be a great development. It's a one off when you all see when this thing closes. It will be an enormous amount of money to be paid for it. The developer is a developer who has put forward a plan that we've never seen something like this before, which is good and the public realm. I agree with you, Mayor. Having access to that public realm, if this was condos or offices, we would never get along the front there. So, I will vote for it. This is a special circumstance, an exceptional circumstance, where the Planning Commission, I don't think, heard the full story. So, I agree with that. Let's do that so there is a study."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. I just want to echo Councilmember Seekings and Ms. Zimmerman's comments about what's going to happen with the rest of this property. I may be one of the few folks who are sad to see the State Ports Authority leave the Port of Charleston to go to a different location outside of the Charleston jurisdiction and move to another area. I do realize the value of this property being developed,

and I just want to echo Ms. Zimmerman's concerns. I think that they're viable concerns, but as Mr. Seekings has just said, I don't want to see the erosion of the Ports Authority on this part of our City, vital to our identity, vital to our economy, obviously. I was a little reluctant to support this initially, but after meeting with the folks and talking to Mr. Lindsey, I have a better understanding of what we're doing here, and I'm going the support the request. Thank you."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, Mr. Mayor. I do agree with the Coastal Conservation League and Ms. Zimmerman. I know that's a shock to you, but that's now on public record."

There was laughter in the ballroom.

Councilmember Riegel said, "Would you refrain that? But, the exciting thing about this to me is the big picture. This is a leap forward for our great City, Downtown Charleston. We're doing the right things. It will give us the financial wherewithal, a million and a half of tax revenues per year, property taxes, which the State Ports Authority pays zero. Here comes hotel, food and beverage accommodation taxes, and a lot of folks may not realize, and I think it's public knowledge, the buyer of this property owns Wild Dunes, and Wild Dunes is one of the premier resort areas along the Eastern coast. The reason I'm bringing that up is Lowes Properties is known for paying above-scale, for the benefits, for how they treat their people, for providing transportation to and from the job site. So, I would welcome that development Downtown for Concord Street. I think the Old Exchange, it's on the waterfront. A rise in tide, it raises all ships. Therefore, the other food and beverage property owners would also then have to be competitive or they will lose their best people. Just in final, I would say from what I know, the Lowes Properties' people's tremendous, tremendous community involvement and community partners, and I've heard them say personally they look forward to working with the Mayor Tecklenburg administration, so I'm absolutely in support of it. Thank you."

Mayor Tecklenburg said, "Thank you. Are there any other discussion or comments?"

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

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 176 Concord Street (Peninsula) (5.039 acres) (TMS #459-00-00-009) (Council District 1), be rezoned from 50/25 Old City Height District classification to 56/30v Old City Height District classification. This property is owned by the South Carolina State Ports Authority.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 186 Concord Street (Peninsula) (1.493 acres) (TMS #459-00-00-0091) (Council District 1), be rezoned from 50/25 Old City Height District classification to 56/30v Old City Height District classification. This property is owned by the South Carolina State Ports Authority.

Mayor Tecklenburg said, "Next, we have Items #E-6 and #E-7, two matters that are simple annexations and zonings. So, Mr. Morgan, let's take these two together, if we may."

Mr. Morgan said, "We have Item 1211 Camellia Road in Pinecrest Gardens. It's 0.14 of an acre. The zoning request will be for Single-Family Residential (SR-2) as is to match with the surrounding area, and then Item #E-7 is for 1643 Sulgrave Road in Forest Lakes. It's 0.30 acre, TMS #354-02-00-043 and the request is for SR-1 Single-Family Residential. The Planning Commission and staff recommend approval."

Mayor Tecklenburg said, "Was that both matters?"

Mr. Morgan said, "Yes, sir."

Mayor Tecklenburg said, "Okay. Is there any discussion?"

Councilmember Mitchell said, "Move for approval."

Councilmember Wagner said, "Second."

The Clerk said, "It's a public hearing."

Mayor Tecklenburg said, "Oh, I'm sorry, I forgot it's a public hearing. Would anyone like to be heard on either of these two matters? Hearing none, we have a motion to approve and a second. Is there any discussion?"

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1211 Camellia Road (Pinecrest Gardens - West Ashley) (0.14 acre) (TMS #351-12-00-050) (Council District 9), annexed into the City of Charleston June 21, 2016 (#2016-077), be zoned Single-Family Residential (SR-2) classification. The property is owned by Denis O'Doherty and Robert Harvey.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1643 Sulgrave Road (Forest Lakes - West Ashley) (0.30 acre) (TMS #354-02-00-043) (Council District 2), annexed into the City of Charleston June 21, 2016 (#2016-078), be zoned Single-Family Residential (SR-1) classification. The property is owned by Emmanuel Ferguson and Maranda Adams.

Mayor Tecklenburg said, "Next is Item #8 which is an ordinance regarding a new Overlay Zoning district. Would anyone like to be heard on this matter?"

Councilmember Seekings said, "Mayor Tecklenburg."

Mayor Tecklenburg said, "Yes."

Councilmember Seekings said, "The point of procedure for those are here, this Item #8 of the Public Hearings, Item #E-8, is tied into and inextricably tied into L-2. Even though L-2 is not up for a Public Hearing, the two go hand in hand, which is the Overlay Zone and then the amendment of our Comprehensive Century V Plan."

Mayor Tecklenburg said, "That's correct."

Councilmember Seekings continued, "So, I just, for those of you who are here, and I know a lot of people want to talk about this, although they're separate on our agenda, they go hand in hand. I do believe they came from the Planning Commission hand in hand, and, I think, if people want to make comment about both this zoning and the changing of the Comprehensive Plan, it's probably the appropriate timing here."

Mayor Tecklenburg said, "Okay, and it's 6:20 p.m. now. I'm going to try to limit this to 20 minutes. If you all can maybe settle on a few folks that want to make the points on here, and if someone else has already made the point that you had in mind, if you have another point to make, that's fine. Let's try to move this along as best as we can. Who would like to be heard on this matter? Please come forward. Yes, sir, Mr. King."

Councilmember Riegel excused himself from the ballroom at 6:22 p.m.

1. Kristopher King said, "Mr. Mayor, Members of Council, thank you. I'm Kristopher King, Executive Director of the Preservation Society of Charleston. Now, the Society remains committed to a better outcome for the Sergeant Jasper, and we don't believe that this plan before you tonight offers that. Our membership is very concerned about this ordinance. We have been bombarded with the calls and e-mails, as I am sure you have, as well. This ordinance has been drafted in haste. It's poorly designed, and it shouldn't be approved. It's not the result of a public meeting, a study, a charrette. It's the result of a legal settlement. If you allow the metrics of height in this Overlay for height, density and lot coverage, that's the Sergeant Jasper settlement exactly. Outside the Sergeant Jasper, not one other parcel was identified or brought forward as being appropriate for the specifics of this ordinance. Ms. Cantwell will assure you this is not contract or spot zoning. We disagree, but the questions that you should ask are, will the public believe that this is not contract or spot zoning, and then, if not, is someone going to challenge that? We believe that you're putting the City at risk by voting forward on a bad ordinance that's inviting the challenge. This was rushed to the Planning Commission, whose members and the public were not even provided with a copy of the ordinance or the areas to which it would be applied until ten minutes after the meeting was scheduled to start, but I ask if you really understand what it allows, if that's the question, 'What does this allow? Where can it be used? How does this really truly benefit the City of Charleston?' Some facts I would like to share. This does not allow a change in use, simply a change in use to the Chicago Plan. It explicitly allows a 160-foot tall building to cover 55 percent of the property. That's over two acres. Also, St. Mary's Field could be included in this, adding another 162,000 square feet to this project. This ordinance directly conflicts with the Comprehensive Plan. It conflicts with the Planning Commission and your constituents. Risking a spot zoning, to create this new ordinance with unknown consequences, is also totally unnecessary, when we have the tools available to rezone this property right now with the MU Workforce Housing District. Unless Council and the Beach Company are opposed to affordable housing, then this entire exercise is unnecessary, and you can get this done. You don't need to go through this process. But, we question how you could approve any new ordinance to propose increased density without a meaningful component of affordable housing. This seems counterintuitive. This is a crudely cobbled-together attempt to satisfy one problem and one property owner that has no broader application in the City, and it undermines the planning process. We are also opposed to amending the Comprehensive Plan to do this. We ask that you support the recommendation and wisdom of your Planning Commission and support the Comp Plan, the backbone of our planning process. Applying a Gateway to 310 Broad is in direct conflict with the Comp Plan, the Downtown Plan and the Preservation Plan. What this proposes is grossly out of scale and character with the area. What you need to ask is, 'What other properties can this apply to, what benefits does it really offer, and where else does 160

feet work in the City of Charleston.’ For that matter, ‘What is a Gateway?’ This clearly does not have any broader application. Changing the Comp Plan to make this legal is the wrong way to plan. It sends the wrong message. So, given the pressures that we face as a community, it’s more important than ever for you to support and uphold the planning process. The community is watching. We ask what message will you send about the future for growth and development in the City of Charleston. We respectfully request that you deny the amendments of the Comp Plan and deny the ordinance outright. Thank you.”

Mayor Tecklenburg said, “Thank you very much.”

There was applause in the ballroom.

Mayor Tecklenburg said, “Yes, ma’am. We will allow everyone to have to show of hands in support of one position or the other, but I ask you to please refrain from applause or outbursts during the meeting. Thank you so much. Yes, ma’am.”

2. Virginia Bush said, “My name is Virginia Bush. I am President of the Charlestowne Neighborhood Association. In the interest of everyone trying to get to bed tonight, I’m not going to make the remarks I planned to. Kristopher King said everything I would have said very well. I hope that City Council will take the opportunity to respect and show its respect for the Planning Commission, and not attempt to overrule its considerate objective, a political judgment, in this case. I have here, and I’ll just hand over for the public record, about 33 pages of e-mails with the same opinion that came from people who couldn’t be here tonight or knew that 20 minutes wouldn’t be enough time for them to speak. So, I just wanted to hand those over. I printed them out. Thank you.”

Mayor Tecklenburg said, “Thank you very much. I’m going to switch over to this microphone. Yes, sir.”

3. Dan Doyle said, “Thank you, Mayor Tecklenburg and members of City Council. My name is Dan Doyle with the Beach Company at 211 King Street. I come before you tonight to address some comments that have been made mostly recently in the press to try to clarify some of, what I would consider, misinformation, but before I do that, real quickly, some of the comments that have already been made. Staff can correctly answer any of those questions that have been posed as to what can and can’t be done under the new zoning. Really what this comes down to, to really get to the point, to whether this applies to the Sergeant Jasper property or any of the other properties that have been identified in the Overlay, is simply ‘What is that use?’ Does the City want to see a more commercial use on the Sergeant Jasper property or one of those other locations, or would they like to see something with more of a residential use? In regard to the Sergeant Jasper property, we’ve had close to a hundred meetings over the past four years. The one thing, the one consensus that has come out of all of those meetings was that ‘we want to see the development primarily residential, primarily residential.’ The Overlay isn’t going to change the building envelope. It’s not going to change the footprint. It’s not going to change the size. That has been approved. What it does is it shifts the use from something primarily commercial, which is what is approved right now, to something more residential which is the one thing, the one thing that we can take out of the meetings that we spent the past four years working on. So, I ask you to consider that. Regardless of the outcome this evening, we’re committed to a world-class project. Thank you very much.”

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

4. Christopher Cody said, "My name is Christopher Cody, and I represent Historic Charleston Foundation. The Historic Charleston Foundation is strongly opposed to the Gateway Overlay Zoning amendment to the Comprehensive Plan. We ask that you support the Planning Commission's thoughtfully deliberated recommendation to deny the amendment. The Foundation is concerned that the amendment is not sufficiently developed and contains an unsustainable number of vagaries and omissions, including the lack of any affordable housing requirements and the failure to even define what a Gateway area is. Any amendments to the Comprehensive Plan, one of our City's most important planning documents, merit proper research, study, review and analysis, as well as considerable, considerable public input. This proposed amendment has received none of that deserved deliberation and that deficiency is evident in this incomplete and inadequate language. Please deny this amendment. Thank you."

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

5. Keith Kirkland said, "Hi, I'm Keith Kirkland. I'm on the Harleston Village Neighborhood Association. I am representing our neighborhood tonight and we are here, I am here tonight to support the Planning Commission and deny this Gateway ordinance. One of the issues, when we were meeting, was we couldn't quite figure out how that corner became a Gateway to the City, when, in reality, that corner is a Gateway to two neighborhoods and also to the number one Historic District in America. Everyone here needs to sit back and think. When you take that corner at Lockwood and turn onto Broad, what do you want to see there? Is it going to match the other things that are around it? Is it going to primarily be Single-Family homes which is what is around that? I would like for all of you all to sit back and think what would you like to see on that corner, because that's the most important issue here and that's going to be something. We talked earlier about legacies, and the legacy is going to be your legacy, what sits there. I can tell you two years from now when something is built there, everyone is going to look at it and wonder either how we got there or what a beautiful structure it is. Thank you."

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

6. Randy Pelzer said, "Randy Pelzer with the Charlestowne Neighborhood Association. I live on South Battery. I just want to ask the Councilmen to carefully consider, many of you have made promises to your residents about livability, livability of the residents. This is a major livability issue not only for the Downtown residents, but for the West Ashley residents. They are going to be the ones facing the traffic jam trying to get in and out of the City. We're already seeing those traffic jams. So, we're asking you to consider this. It's not only going to be an albatross for our neighborhood to have this massive building built in a residential neighborhood, it's going to be an albatross for all of you, because in the coming years as that is built-out, residents, both Downtown and West Ashley, are going to experience incredible traffic congestion there, and they're going to say; 'how did this happen?' So, we ask you to consider that. How are you going to face residents? We will be talking with other neighborhood groups all around the City who will share our feeling that City Council needs to consider the traffic congestion first and foremost in terms of any planning decision, and it certainly hasn't been done in connection with the Sergeant Jasper today. Thank you."

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

7. Alice Paylor said, "Thank you, Mayor Tecklenburg and members of City Council. I'm Alice Paylor. I'm a lawyer representing the Beach Company. At the Planning Commission,

there were a lot of misrepresentations and misleading statements made. Mr. Pelzer just made many, as did the preceding speaker. This is not about the building envelope that is going to be built there. That's been approved. BAR has already approved that. It's set. The only question is whether or not it's going to be primarily commercial or primarily residential. What the Beach Company heard from everyone was that they wanted it primarily residential. The genesis of this ordinance actually was last November, when Mayor Riley said that the City needed to come back with better zoning for this site in order to accomplish what everyone wanted, which was more residential. An Overlay Zone is just an alternate. If this is not approved, then you're going to have the same building, but you're going to have it with commercial space and office and only the 80 units that it's presently zoned for. I would urge you to think about what is best for the City, and if you want residential there, then you need to vote for this amendment. Thank you."

Mayor Tecklenburg said, "Yes, sir."

8. Mike Frederick said, "My name is Mike Frederick and I live on South Battery. Two years ago, the City did a survey attentive to the Tourism Management update. That survey can be found on the City's website. Eighty-five percent of the residents said that congestion was a problem. That is a remarkable number. What this project is going to do to Lockwood Boulevard is awful. The people that live in the neighborhoods are going to suffer. The people that have to use Lockwood to get back and forth from work are going to suffer, and tonight the City Council is going to send a message, and the message is either we're with the developers or we're with the residents, and I hope you do the right thing."

Mayor Tecklenburg said, "Thank you, sir."

9. Michael Master said, "Hi. My name is Michael Master. I live on Rutledge Avenue. I would note that people who lived at the Sergeant Jasper were not causing congestion on Lockwood Boulevard at 4:00 in the afternoon heading north. The City will benefit greatly by having a residential project at the Sergeant Jasper. A commercial project, on the other hand, is going to promote traffic. People who are going to be living at the Sergeant Jasper generally are going to be working and playing Downtown and walking our City, keeping it safe. Making this a commercial project is going to create traffic at the residence. People in all parts of Charleston are going to experience the congestion. Thank you."

Mayor Tecklenburg said, "Thank you. Would anyone else like to be heard?"

10. Carol Ezell-Gilson said, "I'm Carol Ezell-Gilson, and I live on Broad Street. Three hundred twenty-four residential units could potentially house 800 to 1,000 people and their cars, all crammed on a four-acre plot at the end of Broad Street. This is way too dense to be allowed. The Planning Commission was given this new Gateway Zoning Ordinance for the first time at their meeting last week and incredibly, as Christopher King said, City staff was handing out the information ten minutes after the meeting was supposed to start. This appeared to be an insult to the volunteers serving on the Commission and, to a member of the public present, it appeared that the City was trying to push this thing through in an underhanded way. This Gateway Zoning Ordinance does not make any sense. Why would you move to create more density and more congestion at the entry and exit points on the Peninsula? At best, it looks like poor City planning done in haste and, at worst, it appears to be spot zoning created for the benefit of the Beach Company. I urge the Council to stand with the Planning Commission in denying this Gateway Zoning request. Thank you."

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard? If there is anyone, please come forward and stand in line. We're just going to take three more minutes on this."

11. Marc Knapp said, "Marc Knapp. You know I've been to more meetings than anybody in here."

There was laughter in the ballroom.

Mr. Knapp continued, "Well, except maybe Mohammed. You've been absent on a bunch of them. I'm getting tired of this. We waste taxpayers' dollars. The Beach Company has a right to develop their property, okay? I'm a property rights guy. We've been going at this for what, two years now. It's ridiculous. This makes it residential and, as one guy once said about three meetings ago, 'You know, you need to make up your mind. Either you're going to have fill-in or you're going to have sprawl.' I prefer fill-in. The Sergeant Jasper property, it's designed, it's perfect, it's residential. I liked the first plan. A bunch of fools fought it, and we end up with something else that no one likes. You need to let them do it. The Beach Company does a very good job, from what I've seen over the years in their developments, and if you're worried about the development, look at the end of Prioleau Street where the Colony House used to be, for those of you that remember. You can't even see the water anymore. There are probably 1,000 units over there. It's all residential. Let's get through this and put down the gauntlet and say we're done with it, okay? It's ridiculous. You've already spent enough money on lawyers. Thank you."

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

12. Warren Schwarzman said, "Warren Schwarzman. I live on Water Street Downtown. Alice, as you mentioned over there that the genesis of the Gateway ordinance was proposed last November at the museum talks, and that's true, but the truth of the Gateway as it was proposed at that point was an incentive to get the Beach Company to get a more appropriate building in the neighborhood setting. The negotiation that was done, there was no concession. There was no compromise. There was nothing. The City gave everything to the Beach Company. So, the Beach Company basically got a bonus from the City. The Beach Company gave nothing to us in return. The small park is not a real park nor is even assured that it will become a park. They might do it. Vote for the Planning Commission to not approve this project."

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

13. Wiley Bowker said, "Thank you. Very briefly, my name is Wiley Bowker. I live on Savage Street about two blocks away from this parcel. My entire street, I counted this week, has 38 residences, and this is a proposal for increasing from 80 to 324 residences. It's about nine new streets, the equivalent of nine new streets in that neighborhood that already is struggling to support itself and will live with the traffic. Please think about the scale and density of this development. Thank you."

Mayor Tecklenburg said, "Thank you, sir. There being no other public comment, the matter comes before Council."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mr. Mayor, I would like to move for approval with the amendment."

A citizen asked, "What about the show of hands?"

Mayor Tecklenburg said, "Who all here today is opposed to this Overlay Zoning District being approved tonight? Show your hands and, please, those in favor show your hands, as well. Thank you very much."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mr. Mayor, I would like to move for approval with the amendment and I would like to read that amendment if I get a second, please."

Mayor Tecklenburg said, "Yes, sir. Please read the amendment."

Councilmember Waring said, "Well, I want to get a second to the motion."

Councilmember Lewis said, "Second."

Councilmember Waring said, "It's been properly moved and seconded. The amendment, the second sentence of Section 54-229.2-B to read as follows:

In the alternative land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the underlying Zoning District and may include residential uses at a density between 50 and 78 dwelling units per acre on high ground or a fraction thereof rounded up provided that all dwelling units above 72 dwelling units per acre of high ground or a fraction thereof must meet the requirements of affordable housing in Section 54-207I and provide further that the Zoning Administrator approves the site plan for the property being put to the alternate uses that demonstrates the following conditions are met.

Amend Section 54-229.2C-3 to read as follows:

The total number of required off street parking spaces must be provided on site and calculated in accordance with the parking standards of the underlying zoning district provided that parking requirements of affordable housing units shall be one space per unit.

Amend Section 54-229.2C-6 to read as follows:

The number of dwelling units per acre of high ground or a fraction thereof shall be within the limits as noted in the Section and if exceeding 72 dwelling units per acre of high ground or a fraction thereof the site plan shall indicate the total number of affordable housing units.

Amend Section 54-229.2D by adding the following:

In the event that a site plan includes affordable housing the site plan shall note the total number of affordable units and include notes that restate the requirements of Section 54-207, PF&G.

Move for approval with this amendment."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Move for an amendment and seconded. Is there any discussion?"

Councilmember Lewis said, "Question. Yes, sir."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Mr. Lindsey, according to your ordinance, why didn't your staff see that affordable housing was incorporated in this project?"

Mr. Lindsey said, "The ordinance, as it's written, currently doesn't preclude affordable housing or workforce housing. Certainly, the developer could build that, should they opt into that. So, it doesn't preclude it and, obviously, the amendment as made by Councilmember Waring adds affordable housing at the density over 78 dwelling units per acre."

Councilmember Lewis said, "But our ordinance does call for 15 percent of affordable housing in big developments like that. Has staff spoken with the developer about putting in affordable housing in this project, or workforce housing, as you all might want to call it?"

Mr. Lindsey said, "I have not personally had direct conversations about affordable or workforce housing. I would hope the developer would be open to that, but our zoning ordinances do not require 15 percent. The only zoning ordinance that we have that requires affordable housing is our MU Zoning Ordinance, which I want to point out is an unlimited density, and would not be appropriate for this site but, again, I think Councilmember Waring's amendment provides for a provision of affordability in this Overlay Zone."

Councilmember Lewis said, "I hope that the staff would work with the developer to see if we could incorporate some sort of affordable housing because that is one of the goals that the City of Charleston is trying to reach, that we have affordable housing. I can tell you right now everyone sitting in here that lives in the City, works in the City, or comes to the City knows that the City getting the recognition that it's getting from these different magazines, with the 'Most Livable' City, the 'Most Favorable' City, or whatever, is because of the workers in the City. I can guarantee you right now, if you poll those workers, those low-level workers, 90 percent of them cannot even afford to live in the City. They dump the garbage and take care of the parks. They fix the sidewalks, and we have some of the best craftsmen that work on sidewalks. A lot of the time contractors come and work in the City, but then BellSouth or SCE&G tears up these sidewalks and stuff, and they cannot even put the curbing back down. Our people have to come back and put the curbing down. So, we need to make sure that these workers are taken care of, or put some sort of affordable housing in place with these big developments, to make sure that those who want to live in the City can live in the City, if they can work in the City. Thank you."

There was applause in the ballroom.

Mayor Tecklenburg recognized Councilmember Gregorie.

Mayor Tecklenburg said, "Please refrain from applauding."

Councilmember Gregorie said, "Just so we're clear. What is the potential number of affordable units that can be gained from this project?"

Mr. Lindsey said, "I'm not prepared to discuss that. I would have to talk to Councilmember Waring and review them, but let's talk one more time about what the actual amendment would be."

Councilmember Gregorie said, "Why I am raising the question is, the way I read the amendment, there is a potential that there may be no affordable units based upon this amendment. So, I think that it's very, very important that we be transparent, and let us know potentially, here before we even vote on this how many potential units there are. I'm willing to support it, if there is a substantial amount of affordability tied to the project. Otherwise, we're playing games."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. The acreage at the site, we all can pull out our calculators, but, the count shows about 24 units. Right now, it has none. It has zero. Zero is the joke. Any time we can create any affordable housing, housing is so acute; the need for affordable housing is so acute on this Peninsula. Any time we can create one, we'll leap at the opportunity. We're not down laughing at 24. We probably can sit down with the developer and maybe negotiate more but, at least, as this is written, we get 24. The first reading that was approved, approved zero. So, the ordinance, and Mr. Lindsey is right, MU does have that requirement. This kind of Overlay does not have the requirement where we can enforce the 15 percent workforce guidelines, and I agree with everything that Councilmember Lewis has said and more. So, if we were to take 72 times the 4.1599 acres that they have, it actually comes technically to 299, whatever, units, which rounds up to 300. Right now, they've approved basically with the 78. If you take the 78 back times the 4.1599, that comes to 324 units. These people who have addressed it today spoke in terms of 324 units. So, what would be affordable housing created under this amendment would be 24 units, Councilmember. Thank you."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Having affordable units is one thing that I fight for all the time, and that's one thing that is lacking. We know in the City of Charleston we get a lot of lip service. People say what they're going to do and what they're not going to do, and I'm getting tired of hearing lip service. I want people to show with their actions, and what they're doing, and we can see it. Affordable housing, we talked about it. We are working together, we are going to come together, we're going to do this, we're going to do that, but, to me, it's all just lip service. I've been in this community a long time, 68 years. This is my home, Charleston, and I'm still hearing lip service all this time. I've said we've got to come to the point that we've got to stop. We all talk, talk about working together. We're not doing it. We're not looking at everyone. We have staff, as my colleagues say, working in the City of Charleston. I don't see half of them living in the City of Charleston anymore, and I don't want to live in a place that is only going to be me, or someone that looks like me so to speak. I want to see the cross-reference of people viably moving in the City of Charleston, living together in the City of Charleston, making the City of Charleston what it is today. All of these people that worked in the City of Charleston way back when, built up the City of Charleston. That's why the City of Charleston is the way it is right now today, but half of them are not here anymore because they can't live here. I represent the Eastside of the City of Charleston. They're gone. Half of my colleagues and constituents are

gone. They can't live here. Not even my family, my family can't even live here. I live on King Street because I've been there 33 years. I bought my house a long time ago, but right now, today, I could not even live in the City of Charleston. I'm retired, but others still can't live here because it costs too much. So, what are we going to do? We are having these developers come into the City of Charleston, and they are building, and we are approving things they are building. They are building, but it when it comes down to the low-level staff or low-level people, they're not concerned. I've got a problem with that. From now on, I'm going to tell you publicly, if this is going to keep happening, I'm going to vote against it every time because we have to stop it. We have to come to a point that we're going to look at everyone here in the City of Charleston who lives here, not just certain people, not for everything that's going to be high-end. We've got to stop it. This is what we are here for. We are elected to represent everyone who lives in the City of Charleston and the district that you live in. So, I'm talking to my colleagues here, this is what we are here to do. I'm getting tired sitting here hearing when you say affordable housing, we are going to build 400 units, we're going to give 24 units. What is this 24 units? It's just a problem I'm seeing, but we have to stop and we have to come to a point that, hey, we're going to work together. We're going to get these things done. We're going to work together and have people work together inclusively that we can do something for the City of Charleston to make it better. We are not going to do lip service, but we are going to show it in our actions that we are walking, standing, talking and doing everything else. That's what I wanted to say."

Councilmember Waring said, "Amen."

There was applause in the ballroom.

Mayor Tecklenburg said, "Please refrain from applauding."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I agree with my colleague, but, instead of voting against, I would suggest, just as City Council voted in an ordinance with the MU Zoning category to require the 15 percent, we need to add those provisions to other zoning categories. We did it as a Council on a couple. There's an MU-1 and there's an MU-2. Mr. Lindsey, what other zoning categories require that 15 percent requirement?"

Mr. Lindsey said, "MU-1 Workforce Housing, MU-2 Workforce Housing and our Peninsula Zoning District also has a provision for affordability at a 99-year level, but that's something that the developer opts into. I would also like to point out that all affordable housing in the City in terms of zoning is something that a developer must opt into. We cannot require per our interpretation of the State statute."

Councilmember Waring said, "We need to look at best practices of the States outside South Carolina. There are other cities and states that have a requirement like that. If we need State law changed, then we need to lobby and get those things done. But, just to vote against it, not this particular amendment, Councilmember, if we're going to be solution-oriented moving forward, we have to look at best practices in cities like San Francisco that have a higher housing cost than we do. We are right up there with them. There are other practices across the nation that we have not ingrained in our ordinances in Charleston. We need to review them. So, I would suggest, in agreement with everything that you all have said, we need to modify some of the existing ordinances and have more power in this respect. Anyway, as I said, just to repeat, the first reading did not include any affordable housing, zero. This amendment adds 24, but we

can go forward with other units in other zoning categories and do better. There's no doubt about that. Thank you."

Mayor Tecklenburg said, "Thank you, Councilmember."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, just a couple of things. The increase in density appears to be tied to the number of affordable units, to me, the way I read it. You have to go over a certain density in order to get the affordable number of units. The second issue for me is how are they defining affordability in this law. Is it consistent with our definition? Is it consistent with the City definition? I just don't want us flying blindly, folks."

Frances Cantwell said, "Councilmember Gregorie, the section of the zoning ordinance in Councilmember Waring's amendment to 57 something or other, section P, that defines affordable housing. It's very tight. It follows the HUD definition that is with the variances allowed locally to the Community Development office. It tightens up household income to make sure that we capture all of it to make sure that we don't have college students necessarily living off the dole. The length of time for the affordable housing, I don't want to be held to this, but, I think, Mr. Batchelder told me earlier today, that under the section that Mr. Waring is proposing to add to the ordinance, the length of time for the affordability is actually longer than what is required under the MU Districts. So, we do have, we're not flying by the seat of our pants, we know what affordability means, we know what household income is, we know what qualified households are, and we have longer terms for maintaining the affordability."

Councilmember Gregorie said, "Okay, question. How do we get from a potential of 24 units to assuring that there are at least X number of units in this project?"

Ms. Cantwell said, "Well, that's a call for Council to make. As Mr. Lindsey mentioned earlier, we're a little bit constrained with State law in mandating affordable housing. This Overlay that you are considering tonight is optional, so that you might have some wiggle room to put some mandate in there. We thought the best approach was, having looked at what a maximum density would reasonably be, to say, 'if you want to get that maximum density then you've got to give us some affordable housing'. So, that's what we're trying to do with this amendment. I think that was Councilmember Waring's focus."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Let me just address this because we get lost in a lot of weeds here as to exactly what we're trying to do. Correct me if I'm wrong, but my understanding is, based on the ruling that has been proposed by the Judge, the Beach Company is allowed to basically build this building 14 stories, 300 and some thousand square feet; there is no requirement that there be St. Mary's Field; there's going to be 80 luxury apartments without any workforce or obtainable housing; and it will primarily be office space. Is that kind of where we are? That's what they can do now without really going to anybody else or asking anybody's permission. That's what we're looking at as a City."

Mayor Tecklenburg said, "That's correct. That's the way I understand it. Yes, sir."

Councilmember Moody continued, "So, that's the point I want to make and as, I don't know, if somebody said, the one thing that everybody seemed to agree on, and I was at a lot of

those meetings, was that we would prefer to have residential versus the office facilities. In terms of traffic, and I heard a lot of comments about we were creating a traffic problem, etcetera. If I can remember my numbers, if you have a 100,000 square foot apartment building, you would have to have about 150 parking places, and if you have a 100,000 square foot office building, you would have to have about twice that many, or 300, give or take a small number. So, if you have an office building, primarily an office building here, and it's 300 vehicles, I mean, multiply that. That's a lot of cars that you've got to have coming and going every day. So, if we adopt this Overlay District, then we can have, or we can allow, the Beach Company to move from office to residential apartments and immediately probably cut that traffic in half. Those are our two choices. We don't have a third choice. I've gotten calls, as I know my colleagues have. Usually when I get a call but it doesn't have a name on the telephone number, I don't take it, but the last couple of days I've been taking it. I've been able to chat with some of my new friends around Colonial Lake. When you come right down, and you took a vote earlier as to how many people were going to support this or how many people didn't support it, it would be interesting, if all those people that voted for this, would say how many of them would prefer apartment buildings, compared to how many people would prefer an office building, because that's what we're really faced with. There have been comments made about we need to do, the public is waiting for us to make a comment. Well, I'm going to make a comment. I'm going to support this Overlay District because I think it is less intrusive on the neighborhood. Is it a perfect solution? Absolutely not, but this company, the Beach Company has the right to do what they can with these offices. I just think this is not the best solution, but it's a much better solution in terms of traffic, and the building is going to look pretty much the same. You're going to have people there. They're going to be using the beautiful gardens we just created out there. We aren't going to get the whole St. Mary's Field. We're going to get part of it. My view of the plans had Canal Street, with a walking park, tying-in Colonial Lake to that, St. Mary's Field. I think we've got about as much as we're going to get and for us to do this, I don't have any insight into what the Beach Company wants, but I would say you would be looking at an office building down there, and I think that's worse. So, I'm going to support. Thank you, Mr. Mayor."

Councilmember Gregorie said, "Last question, Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "What is the proposed number of units at this point?"

Mr. Lindsey said, "We haven't seen an exact proposal with a number of units associated with it. This is a zoning that assigns a range of densities so it goes from 50 to 78 dwelling units per acre. So, that's what this zoning does, and if I could also, Mayor and Councilmembers, point out the fact that we have, in fact, looked at this Overlay District on other sites. I personally have run the numbers myself for a potential location of this at the Albemarle/Folly/Highway 17 area, as well as the Medical District, and I believe that it does work and is applicable to other parts of the City. I personally have done it. So, I just wanted to make that clear and on the record."

Mayor Tecklenburg said, "Is there anyone else? Well, I would like to make a couple of comments myself. I first want to share with my citizens what an honor it is to serve as your Mayor. It's the greatest honor of my life. I consider myself a pretty good analytical person and problem solver, and this issue of the Sergeant Jasper has been a very confounding conundrum, I call it. It's a complex problem and issue. The other confounding conundrum will be before us tonight also, the bike lane over the Ashley River Bridge. So, I get both of them in one night, we do. A comment was made about our negotiations and what we've given up to the Beach

Company, and really what we've given up is what a Judge, Judge Nicholson, insists that they have, and that is conceptual approval at the Board of Architectural Review. They will still have to go two more times to the Board of Architectural Review, but with what was denied by the BAR, and the Judge insists on its approval, you end up with a building, a development that's approximately 320,000 feet on the Sergeant Jasper property. I will be the first to tell you that I think it's bigger than should be on that site, but I'm afraid the Judge insists that we give it conceptual approval. Thank goodness, based upon his more recent clarification, this matter will have to come back to the BAR for preliminary and final approvals. I'm convinced when we go through that design process that a new building would be of excellent design and a beautiful new building, albeit bigger than we all want. Now, Councilmember Moody made some excellent points, but there is, in fact, a third alternative that's possible for them to continue with, and that is the renovation of the existing building in which there are already 225 units and those units would be grandfathered in. In addition to renovating that building, they are entitled by right, by existing zoning, to add additional buildings to the site. They are not limited just to renovating the building. So, by the time they would do that, they would easily exceed the square footage of what the Judge insists we give them conceptual approval for. Either way you go, any of those three ways, and really when you said two ways, you meant the same building but with different uses, but any way you go, you're going to have a bigger development than what most of our citizens wanted for that site. I'm afraid that the Judge insists, and so, this Council approved a settlement agreement with the Beach Company at its last meeting, because we were so concerned about the design review process in our City and the integrity of the Board of Architectural Review. It's a separate matter, but I just want to cover this. With that agreement, and the Judge's Order being vacated, it clears the way for BAR to conduct its business as it has successfully in this City for over 80 years. In addition, a matter before us, this Council, later this evening, includes modifications to the BAR process which will further ensure the BAR as a whole to do their job, and will not be subject to future lawsuits such as the one that we've been in. So, you have this property, it's going to be bigger than everybody wants, whether we like it or not, and so, you get to the question of what do you want to be there. Again, Councilmember Moody, I think, did a good job of explaining that a residential use is more desirable, in my view, than a predominantly commercial use. The parking requirements are much less. The traffic that results, at least daytime use and during peak hours, would be less. Housing and our City needs to be infilled in places. So, no other zoning category that we have, these Mixed-Use categories that Jacob mentioned have a limit to density. If we went to a Mixed-Use Zoning category, under the scenario where they renovated the existing building and added additional buildings, there's no limit to how many units they could build other than how many cars they could park on the property, which would be bigger than what the Judge, again, is insisting that we approve for them. In addition, we never changed the Height District for this property. It's still 3X and if the Beach Company were to renovate the existing building, they could build yet another building that would be taller than the existing building without this Overlay District being in place. The fundamental question is what kind of use do we want at the property? I concur with Councilmember Moody that with all the meetings that I've attended that the preponderant use should be residential and I think that would be more fitting with the neighborhoods. I admit it's a bigger building than we want. St. Mary's Field, by the way, is not included in this Overlay District."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor, ladies and gentlemen. It certainly is an interesting time in Charleston. If you look at your agenda tonight, you might see that we're on Item #8 and we're talking about zoning. We have a Byzantine level of zoning in the City. It's amazing. If you try to figure every piece of zoning in the City, you can't do it. None

of us in this room can do it, except for maybe Mr. Lindsey, who is truly a genius. When we came to talk about zoning and, particularly the Gateway G Overlay Zone which was proposed before this Council 30 days ago, coincidentally, and, I guess, randomly in connection with, the same night we voted on a settlement over a piece of property in Downtown Charleston, otherwise known as the Sergeant Jasper, and because we can't have a meeting ever in public around here without talking about the Sergeant Jasper, here we go again. This ordinance is not about the Sergeant Jasper. This ordinance is about zoning in the City of Charleston. However, every single person that got up here to speak tonight, and everyone along here, has brought the Sergeant Jasper up. This is zoning aimed at it. Well, if you want the Sergeant Jasper litigation to end, this ordinance will not do it because everyone will take the transcript from this and say, 'why did you do Gateway G Overlay Zone', and the answer is, 'to satisfy the requirements of one piece of property'. That's not how we zone in the public realm. With all due respect to Mr. Lindsey, he said he's personally identified other properties. If you look at the ordinances before us that we're actually looking at, it references two pieces of property, two TMS numbers and an address, 310 Broad Street. So, this is zoning aimed at a single property, okay. That in the public realm, in your realm, where you live, is improper. We need to do zoning that fits a broad category and, had it not been for the settlement of the Sergeant Jasper a month ago, I don't believe anybody sitting up here or anybody around this room would have said we have to immediately come up with Gateway G Overlay Zoning. We can't live without it ever again in the City of Charleston. We've got to have it right away. We had to have it right away because of what was going on with other things. Now, look, I'm the first one that's been on record a million times saying at 310 Broad Street we should have a residential project, but we should do it in a way that's the right way, not the wrong way. This is the wrong way, and I'm going to tell you why I think it's the wrong way legally, and then I'm going to shut up. I was one out of twelve last time we voted against it. I'm going to vote against it again. Either way, this went to the Planning Commission. The Planning Commission voted 5-2 against this. The Planning Commission was asked to take up this zoning, as well as, at the same time, an amendment to our Century V Plan. For those of you who don't know what the Century V Plan is, that's sort of our gospel, our bible, for planning for the City in five- to ten-year increments. We update it every five years. We have to change it every ten years, and we're told that we have to do that, not by our own internal rules, there is a State statute that requires us to do it. Now, one of the things that goes hand in hand with this ordinance, this Overlay ordinance, is a change to the Century V Plan. In order for this all to work, this property, if we termed it, or these properties that are identified, if we want them to fit in Century V Plan, we have to change it. It doesn't fit in our currently existing Century V Plan. Now, I just happened to be sort of tinkering around on the computer today, and I went and looked about how Century V Plans work, how the planning works in cities from the State perspective. The State is the one that tells us that we have to do this. Now, what's been proposed to the Planning Commission, and what they said no to, was amending our bible, our gospel, our big document that we're led by every day and that we plan the City around, a great City, the greatest City in the world. You're sitting in the middle of it right now and we've got to plan it properly. This isn't about property rights. This is not about property rights. If the Beach Company wants to go and build on their property how they're zoned, do it, and we've heard from around here tonight people are ready for that. What they're not ready for is going and changing things that are bigger. No one project is bigger than this City, not one. So, I found today, just sort of toying around, an opinion from the Attorney General. You heard earlier tonight, someone mentioned the Attorney General's Opinion. I forgot what we were talking about, but someone mentioned the Attorney General's Opinion."

Councilmember Riegel said, "Attendance."

Councilmember Seekings continued, "Oh, right, right, on the voting. Rodney (Councilmember Williams), I hope you're listening. He did, on attendance, so, the Attorney General has some sway around here. I found an Attorney General's opinion from 2007. It was in connection with the brawl they're having in Mt. Pleasant over development. Sound familiar? Still going on. It's still the same brawl, by the way, and the question that was posed to the Attorney General and, I was reading, this is a quote, it says, 'The question is whether a Comprehensive Plan and amendments to a Comprehensive Plan require affirmative recommendation by the jurisdiction's Planning Commission before adoption'. That was the question that was put to the Attorney General. I'll read it again. 'The question is whether a Comprehensive Plan and amendments', remember, we're tonight going to take up amending our Comprehensive Plan, to 'require affirmative recommendation by the jurisdiction's Planning Commission before adoption'. 'Affirmative recommendation by the Planning Commission'. The Planning Commission, on this change to our Century V Plan, did not give it an affirmative recommendation, 5-2, it said no. So, you can go and read the whole thing. I'll make it available. If you go and look at the conclusion, the conclusion is by the Attorney General that, yes indeed, if you want to amend a Century V Plan or other planning document 'it must be done by the affirmative votes of at least a majority of the entire membership of the Planning Commission'.

So, if we go and change our Century V Plan tonight and by the way, this case law we're going to be probably going against the Attorney General, the Supreme Court, the Court of Appeals, the Legislature, our Planning Commission, all the neighborhoods that came out here to speak, all that say don't do it. If we do it, we're going to be no closer to a) solving 310 Broad Street or b) solving how we're going to go and plan for this City's future in a comprehensive way, which is the one thing that the Comprehensive Plan does. I believe, other than you're just sick of 310 Broad Street, there is a compelling reason to amend the Century V Plan and overturn the Planning Commission. I'm not sure, and I'm sure our legal Counsel will step up and tell me where I'm wrong, even if we wanted to, I'm not sure we can. That seems sort of counterintuitive, but I can read, like everybody else, that if the Attorney General's opinion is right, this has to come back to us on a recommendation from the Planning Commission. So, how this should have worked is we should have said, 'Oh, we need some help here. We need some different zoning. Planning Commission, we really deliberated about this; we thought a lot about it, we thought about a lot of what we need to do. We need Gateway Zoning, and all over the place, and here's our plan.' Send it to the Planning Commission in a reasoned way. Go and argue our position and convince the Planning Commission to give us a positive recommendation. Then, we would have been in compliance with them on other things, in the Attorney General's opinion, but we didn't do that. We cobbled it together very quickly. We sent it over there. They didn't like it for a lot of reasons. One of which, by the way, was the affordable housing component, which I agree with. You heard Mr. Lindsey say we can't mandate and demand people voluntarily provide affordable housing. So, sigh, deep breath, do we just give up? Of course, we don't give up, but let's not do it the wrong way and prolong what has been agonizing for this community, for you all sitting here, for this Council, for this Mayor and for me, and anybody else, the Sergeant Jasper Project. You've heard all sorts of things tonight. Absolutely, we all have a right to build within our zoning. This is a change in zoning. We all own changes in zoning. Zoning is forever till it's not, and when it's not, we need to all agree on it. It's not just to act being expeditious. So, I don't think we can do it. The Planning Commission didn't recommend it. There is no compelling reason other than the Sergeant Jasper to do it. I'm going to vote no again. I'm hoping I'm not going to be the only one, but I am, I've said enough, I think, for people to think about this. I don't believe the manner in which we've gone about doing this is the right way, and for those of you who want to know how the settlement of the Sergeant Jasper is going, I don't know, maybe not so great. We haven't heard from the Judge yet, and he's sort of sitting on it. People are thinking about it, but it's not

anytime soon going to end if we keep putting stuff on the fire. This I do believe, this rezoning because you're heard what was going on tonight, everybody talked about one property, and if you talked about one property, that's contract zoning. Even if it's not, someone's going to contest it. Someone's going to contest it. So, Mr. Mayor, fellow Councilmembers, support the Planning Commission on this, and then let's go to work and do it better. There is a way to get 310 Broad Street to be principally residential, a great project that they can build up and make money. There's two ways, build in zoning you've got, or we've got tools at our disposal to do this. We're all ready for it, but I can tell you, I have some confidence in this that if we vote in favor of this right now, I think with the amendments, it would have to go back to the Planning Commission anyway, but it's not ending anything. It's the beginning of a whole new chapter and saga and something we need to resolve, and this isn't Problem Solving 101. This is a mistake. So, I'm going to vote no, again. I would encourage my fellow Councilmembers to do the same, if for no other reason than to have the debate about affordable housing that Councilmembers Lewis, Waring, Gregorie and Mitchell spoke so eloquently about. We have an issue with that in the City of Charleston. Look at best practices. Look at all that stuff, but this cobbled together isn't passing the smell test. I just really would ask each one of you sitting here tonight against this to raise your hand, to take a deep breath before you do, and think about working together. Thank you."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. That Councilmember Seekings is a great Councilmember. Give him a hand."

Councilmember Seekings said, "Yep, 1-12."

There was laughter in the ballroom.

Councilmember Waring continued, "I apologize for that."

Mayor Tecklenburg said, "Don't complain to me now."

There was laughter in the ballroom.

Councilmember Waring said, "I know, I asked for it. I'll pay my \$5.00 fine. He makes the Planning Commission, and I take that with pride because I served on the Planning Commission almost 18 years, and some of these people are getting tired of hearing that. He makes that sound like the best legislative body in the entire United States, but the reality is the law in municipal government is law made by the Mayor and Council. Now, those volunteers are invaluable. As I said, I was one of them, and every time I hear Mike, Councilmember Seekings, speak about the Planning Commission, I think I want to go back. This public process we have is wonderful. The one thing I prayed for earlier was that we could agree to disagree, and that's what we're doing here today. One of the things that Councilmember Moody said, and Councilmember Seekings, with all due respect, glossed over, was that they can build what they have now. The people who live closest to it have no idea of the traffic volume that commercial office space will generate. You're looking at two, maybe two and a half times the traffic volume that residents will generate. It's not the 'either/or', and I know some people in this audience would like to see the whole thing be a park, but the reality is that's not going to happen. We had a good shot, and some of these people in the room were in there with us, along with

Councilmember Seekings, rolling up our sleeves trying to get St. Mary's Field, the whole thing as a park, and we were that close, that close. The process kept us from being able to consummate that transaction for all of you and all of the 130,000 people outside. The public process is part of it. We may not like the results, because we don't get what we want. That's true, but we certainly get to have our say. There's another aspect to this so-called settlement, and this has nothing to do with zoning or anything like that. Let's say we were to take it, and this is one responsibility that the Planning Commission does not have, the BAR does not have, but the Mayor and City Council do. Let's say we appealed and lost and, again, we appealed to the Supreme Court, and we lose again, and then there are damages hypothetically awarded. We don't have insurance to cover that. You just saw the Police Chief come up here and ask for -- and rightly so, and quickly and unanimously we supported him because we have, as Mayor Riley said, and certainly as Mayor Tecklenburg said, the best Police Chief in the County -- an emergency request for equipment upwards of \$250,000 to keep long rifles from penetrating our men and women in our Police force. Well, if we were to lose a lawsuit for big damages, the majority of those damages would come out of our General Fund. In other words, the taxes that you, I, and everybody else pays, that part hasn't been talked about. So, the Planning Commission does not have that responsibility to even think of. They don't have that responsibility to say anything about the resources that the City puts in fighting this. Does it make sense to continue to fight, or does it make sense to correct the error in the ordinance that allowed this lawsuit, quite frankly, to be brought? The height, scale, and mass that the BAR operated on, those words are not in the ordinance, and words matter. I know my colleague of the law would agree with that. Words matter. On this agenda tonight is an attempt to help correct that. So, the 'us against them' certainly had a fair play in the public process. It's been asked of the Councilmembers West of the Ashley, why do they have a dog in the hunt? That goes to two Charlestons, and we really have one Charleston, and we're better when we're together. We're not better when we bifurcate and, as my colleague, Bill Moody, likes to say, 'Get in a circle and pull our guns and start firing. All we do is shoot one another.' So, the total responsibility of saving taxpayer's dollars for a lawsuit that, quite frankly, is a loser, and this Judge has certainly given us a good indication on that, the Mayor and the Council, all those are important parts to this, and no one's talking about them. If you speak one-sided on the issue, you can sound glorious, but Councilmember Seekings, myself, the Mayor, and staff, for three days, I think, the second time around, we really tried hard in the mediation. As I said, we came that close to it in the process. It wasn't an agreement on the size of the building, the use of the building, it was the process, quite frankly, that kept that mediation from being successful. So, now we're back in the public realm. With that said, I appreciate the time. I appreciate serving with Councilmember Seekings because we all learn from one another up here, but we have to look at it as a totality. With all due respect, the Planning Commission does not."

Mayor Tecklenburg said, "Thank you very much."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Can I ask Ms. Cantwell to come back up to clarify some points for me? To the point that we came to discuss, Ms. Cantwell, the settlement that we entered into last month addressed part of the, our fixing, I guess, of the BAR Ordinance. Is that not right?"

Ms. Cantwell said, "No, the settlement did not include amendments to the Zoning Ordinance nor to the BAR ordinance. The settlement set forth what would be approved, the process by which it would be approved, the vacating of the Order that has been entered dismissing the appeal, and the City getting a park."

Councilmember Shahid said, "So, what impact does this proposed Overlay have on that settlement agreement?"

Ms. Cantwell said, "They are two separate issues."

Councilmember Shahid said, "So, we're not undoing the settlement agreement depending on our vote with this tonight?"

Ms. Cantwell said, "That is correct."

Councilmember Shahid said, "Thank you."

Mayor Tecklenburg said, "Are there any other questions from Council?"

Councilmember Gregorie said, "Yes, I have some questions. My esteemed colleague, Councilmember Seekings, brought up something. Correct me if I'm wrong. What I believe from what Councilmember Seekings' interpretation of the AG's Opinion is that, by our voting on this tonight, without having a recommendation for amending the Century V Plan by the Planning Commission, that this is all for nothing. Did he interpret the AG's report?"

Ms. Cantwell said, "That's how he interpreted it. Yes."

There was laughter in the ballroom.

Councilmember Gregorie said, "That's why I'm raising the question. So, can you interpret it in such a way that we would be better informed with regard to that decision and how we should react?"

Ms. Cantwell said, "I will tell you that every Municipal lawyer in the State is aware of that 2007 Attorney General's Opinion, as well as every County lawyer. Nobody agrees with it. The Attorney General's Opinion is just that. It's the opinion of the Attorney General, Mr. Pascoe and Mr. Wilson, but when you read the Attorney General's Opinion, the provisions that were cited in there, the Assistant Attorney General, were dealing with the Planning Commission undertaking its initial review of the Comprehensive Plan and the Periodic Amendments. The law provides that, before the Comprehensive Plan is adopted, it has to be on a recommendation from the Planning Commission. This Council did that with the Century V Plan in 1999 or so. Every five years, or as often as the Planning Commission wants, it may make recommendations to the Plan. They have to do it every ten years, and so the provisions in the State statute that the Assistant Attorney General was citing were saying you have to recommend the Plan, you have to look at it at least every ten years, or every five years, or on other intervals if you want to, and any recommendation that you make when you're going through that process that's mandated by the statute, is done by affirmative vote of the entire membership. That, in my estimation, does not preclude this Council. If you interpret the Attorney General's Opinion and, respectfully, the statute as Councilmember Seekings might be suggesting, what that would mean is that once the Plan was adopted, this Council would be powerless to change it unless the Planning Commission said so by an affirmative vote of all its entire membership. That is not the intent of the Enabling Act. The Enabling Act was saying we're going to give the Planning Commission this responsibility. When they exercise that responsibility, this is how they do it, but I don't believe that that ordinance or that statute was designed or intended or has ever been

interpreted to tie the hands of the City Council in looking at an amendment to the Comprehensive Plan, as and when it wants to.”

Councilmember Gregorie said, “We’ve got a good one here. Thank you.”

Mayor Tecklenburg said, “Thank you. Are there any other comments or questions? We have a motion that’s been amended and seconded.”

Councilmember Seekings said, “I have a procedural question just real quick. We’ve got an amendment to it. If this passes, does this have to go back to the Planning Commission because of the amendment?”

Ms. Cantwell said, “No, this will be passed, and then, the amendment that’s before you tonight would be to amend the Plan to conform with the legislative will of Council to create the Overlay Zone.”

Councilmember Seekings said, “But the Affordable Housing component to it?”

Ms. Cantwell continued, “Actually, three separate things. Jacob asked me to clarify that you’re voting on creating an Overlay Zone for a Gateway District. That’s one vote. Later on in the meeting, if you pass this, you will then be entertaining an ordinance as to whether or not you would accept the recommendation, the Planning Commission did not, but whether you would accept the proposal of staff as to where those locations could be. One thing that I do want to clarify is that this ordinance that’s before you is really two things. It creates the Overlay Zone. That’s one thing it does, and the second thing it does, is that it actually applies it to a specific property, but that’s no different. In my estimation, we rezone individual properties just about every single meeting of Council. So, I don’t think that raises any great red flags that it’s spot zoning or anything like that, but to go back to, and I’ll hush because I know everybody’s tired, you’ve got two issues tonight, the Overlay that creates the District, and then the Comprehensive Plan that was up for first reading tonight, and then we’ll have to have a public hearing. We can’t do it at the same time because the requirements to amend the Plan are 30 days for a public hearing and 15 days for a rezoning. So, that’s the lag.”

Councilmember Gregorie said, “Point of clarification, because we did vote for the Overlay at one point. What we’re getting ready to do now is to determine whether or not we agree with the Planning Commission’s recommendations.”

Ms. Cantwell said, “Yes, you gave it first reading and sent it to them for their recommendation, and they recommended not to do it, and so now, it’s back before Council for a final reading.”

Councilmember Gregorie said, “Thank you.”

Mayor Tecklenburg said, “Alright. Are there any other questions or comments?”

No one else asked to speak.

Mayor Tecklenburg said, “We have a motion that’s been amended and seconded.”

The Clerk said, “A show of hands. Is it two nays?”

Councilmember Williams said, "I voted no."

Mayor Tecklenburg said, "Councilmember Williams, did we hear from you?"

Councilmember Williams said, "I voted nay."

Councilmember Seekings said, "He voted nay."

The Clerk said, "You said you voted nay?"

Councilmember Williams said, "I voted no."

The Clerk said, "Okay. So, you would still have ten votes. We have 13 members. So, you have ten votes."

Mayor Tecklenburg said, "The motion passes."

On a motion of Councilmember Waring, seconded by Councilmember Lewis, City Council voted to give second reading to the following bill:

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to add a new Overlay Zoning district to be known as the Gateway Overlay Zone, add regulations to authorize specific land uses, building heights and lot occupancy requirements in the Gateway Overlay Zone, and change the Zone Map, which is part thereof, so that certain properties bearing the following Charleston County Tax Map Numbers, to wit: TMS# 457-07-01-029 and 457-07-01-061 (310 Broad Street) be included within the Gateway Overlay Zone. (AS AMENDED)

The vote was not unanimous. Councilmembers Williams, Seekings, and Shahid voted nay.

Mayor Tecklenburg said, "The next order of business is to approve our City Council minutes from the June 21st Regular and June 21st Special Meetings."

Councilmember Riegel said, "So moved, Mr. Mayor."

Councilmember Moody said, "Second."

On a motion of Councilmember Riegel, seconded by Councilmember Moody, City Council voted unanimously to approve the minutes of the June 21, 2016 Regular and Special City Council meetings.

Mayor Tecklenburg said, "Next, would be our Citizens Participation Period. I've gotten a couple of requests from Councilmembers here that we take another ten-minute break. It is now 7:36 p.m. We will reconvene promptly at 7:45 p.m. Thank you."

City Council recessed at 7:36 p.m.

City Council reconvened at 7:48 p.m.

Mayor Tecklenburg said, "Alright. I call this meeting now of City Council back to order, and with a point of order, we need to take third reading and ratification on the Overlay Zoning District."

Councilmember Gregorie said, "So moved."

Mayor Tecklenburg said, "We have the motion."

Councilmember Wagner said, "Second."

Mayor Tecklenburg said, "We have a second."

On a motion of Councilmember Gregorie, seconded by Councilmember Wagner, City Council voted to give third reading to Item #E-8. The bill was immediately ratified as follows:

2016-079 AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO ADD A NEW OVERLAY ZONING DISTRICT TO BE KNOWN AS THE GATEWAY OVERLAY ZONE, ADD REGULATIONS TO AUTHORIZE SPECIFIC LAND USES, BUILDING HEIGHTS AND LOT OCCUPANCY REQUIREMENTS IN THE GATEWAY OVERLAY ZONE, AND CHANGE THE ZONE MAP, WHICH IS PART THEREOF, SO THAT CERTAIN PROPERTIES BEARING THE FOLLOWING CHARLESTON COUNTY TAX MAP NUMBERS, TO WIT: TMS# 457-07-01-029 AND 457-07-01-061 (310 BROAD STREET) BE INCLUDED WITHIN THE GATEWAY OVERLAY ZONE. **(AS AMENDED)**

The vote was not unanimous. Councilmembers Williams, Seekings, and Shahid voted nay.

Mayor Tecklenburg said, "Okay. Next, we're going to go to our Citizens Participation Period. It is now 7:47 p.m., but I'm going to say it's 7:50 p.m. We're going to take 30 minutes from there which would get us to 8:20 p.m. for our Citizens Participation. I know a lot of folks are here to talk about the bike lane. I would respectfully ask for those who are against the bike lane to speak first, and then we'll have those who are in favor to speak second. We'll do about ten minutes of each. Again, it would be wise if you could pick out a representative, and if you want to make a point that's already been made, please defer, and move on to another point. So, for those who are not in favor of the bike lane, go first."

1. Eric Jackson said, "We have nothing to do with the bike lane."

Mayor Tecklenburg said, "Okay."

Mr. Jackson continued, "So, I'm coming on behalf of the youth of Charleston and their communities."

Mayor Tecklenburg said, "Yes, sir. Please state your name."

Mr. Jackson continued, "My name is Eric Jackson."

Mayor Tecklenburg said, "Yes, sir."

Mr. Jackson continued, "I'm a Youth Advocate and a Community Advocate. Earlier, the Police Chief asked for \$250,000 to get his officers better prepared for some possibilities. As an advocate for the youth in the community, I'm asking that we have some funds generated to get our children a little bit more prepared so we won't have incidents that need police protection. With this crime rate and all the things that are changing, we're in the community working in small collaborating groups to make this community better, but we are talking amongst ourselves. We have no representation from the City. We have no representation from law enforcement. So, I have come to Council, and you, Mayor, we've already met before, and I think you're doing a wonderful job, but we have to do more. We can't just have the police talking about crime and not addressing the social, emotional issues that are going on in our community, especially with our youth. So, I ask of the Council to look at doing a task force, someone that's trying to fight crime issues or working on getting our communities and getting our youth more economically prepared for the future. Thank you."

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

2. Mohammed Idris said, "Good evening, Mayor, City Council, Mohammed Idris. I passed out some information to you all, and it was concerning one of the greatest Police Chiefs that has ever been on this planet, Reuben Greenberg. We recognized Chief Greenberg in 1991 when a police officer had to kill someone because the person came at the police officer with a knife or a board or something, and the police officer had to kill that person. The whole community came against the Police Department, but we recognized that the police officer was doing the best he could at that particular time. Reuben Greenberg served this Country greatly, and we had a wonderful relationship with the people. We stopped the drugs coming down. He did great work, but he was not recognized by the City, etc. There's a lot I want to say, but tonight is another thing. This month is July, and this is the month that the Founding Fathers put the Constitution together and said 'we hold these truths to be self-evident, that all men are created equal'."

The Clerk called time.

Councilmember Riegel was excused from the Chamber at 7:50 p.m.

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

3. Anne Marie Hagood said, "Thank you, Mr. Mayor and Council. My name is Anne Marie Hagood. I live on James Island. I spoke at your meeting in June, and I set forth all the reasons I felt the bike lane was a bad idea, potentially and most importantly, because of the traffic backlog it created. Then, I sat down and listened to the bike lobby talk to you, and make no mistake, they are lobbyists, and I was completely flabbergasted. They were not interested at all in working toward a common goal for all citizens. They simply want to get rid of the lane of auto traffic. The bike lane is a benefit to their ultimate goal of getting cars off the road, cars off from people who are commuting to work, transporting children and elderly, and contributing to the economy every single day, not just during tourist season, or when we feel like taking a bike ride. What no one is talking about is the money, and I want to make sure that all of you understand what this agreement that's dated April 2014, what that says, and what the City and County and DOT agreed to. What this agreement provides is that the bike lane would be a partial interim solution until certain conditions were met. One of those conditions is, the traffic volume gets too high, and most even conservative estimates say that will be three years or less. Here's the kicker: The other reason that DOT can be forced to reclaim this lane is for any reason at all. Any reason at all that DOT wants it back, they can force us to put it back to a lane

of auto traffic. That means who will be paying for that? That's the County. The County is also required to pay for every single part of this bike lane. So, in a sense, what we're looking at is paying \$3 to \$6 million . . ."

The Clerk called time.

Ms. Hagood continued, ". . . for a bike lane that could last six months, or 18 months, or maybe up to three years because you've got to spend \$2 to \$4 million to put it in and another . . ."

The Clerk called time.

Ms. Hagood continued, ". . . \$2 to \$4 million to take it out. Please do your job, and represent all of us. Thank you."

Mayor Tecklenburg said, "Thank you very much. We set a 90-second limit, just to let everybody know, on your presentation."

4. Marc Knapp said, "Marc Knapp, 2258 Pristine View. Jeff Foxworthy said it best. You can't fix stupid, but you can sure build stupid. This bike lane is stupid. I mean let's face it. Every time the County or City starts to build something, they say, 'Oh, it's going to cost \$2 million', but it's kind of like the Aquarium, \$17 million, and it ends up over \$70 million, then we're going to have to take it down. Come on, folks. We've got the hair on the tail of the dog wagging the dog. You've got to stop it. You've got to represent all of us. I told you last time, 7:00 a.m. in the morning, I came off of Johns Island and got backed-up on Maybank Road because of this bike lane closure, 7:00 a.m. I'd already been to Johns Island on a jobsite and left. That's ridiculous. Do not approve this. I ask you, represent everybody. Thank you."

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

5. Geoff Groat said, "Mr. Mayor, Council. We find ourselves here this evening to discuss the bike lane across the Ashley River. A bike lane that nearly everyone sees as a great concept, a benefit to the City and a binding connection between West Ashley and Downtown. I think nearly everyone would admit that conceptually this is a great idea, but when great ideas become demands by a few organized individuals utilizing the squeaky-wheel-gets-the-grease-approach to try and get their way, all of the greatness flies out the window. When a decision was being made to move forward with the project, that was originally costing \$2 million, and it's now expected to be in excess of \$4 million, even before the proposed design has been prepared, reviewed, or approved. We are making foolish decisions. Would anyone approve the construction of a new house before you had reliable bids, much less an idea of what it's going to look like? How about the functionality of it? Would you add a very expensive, brightly-lit basketball court, not knowing if you would ever use it? Of course not. Rather, you would build something that is going to be used, is high-functional, and would not detract from the quality of life for your neighbors. This is what makes this bike lane a prime example of the cart far outrunning the horse. Why are we considering approving something we have not seen and have no idea how much it will be used, don't know what it will cost the taxpayers, yet we do know how much a negative impact it will have on your neighbors, based on the first hand reports from the constituents who endured the mess that was called a test. Now, thinking about that same house, would you spend a tremendous amount of time and excessive amounts of money to build that house on someone's else's land, land that belonged to your neighbor or a

friend, knowing full well that they could have you tear down that house, clear the lot, and return it to the original condition anytime they want.”

The Clerk called time.

Mr. Groat continued, “After all of the money you spent on that house, the landscaping, irrigation, and returning it to the original condition is still your debt, and you will get nothing back for all that you have done and spent . . .”

The Clerk called time.

Mr. Groat continued, “. . . both to build it and also to remove it. The answer is yet again, of course not.”

The Clerk said, “Sir, what is your name?”

Mr. Groat said, “Geoff Groat. I live in West Ashley.”

The Clerk said, “Thank you.”

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

6. Tim Condo said, “Good evening, again, I’m Tim Condo with the Preservation Society. I’m not speaking in opposition to the bike lane. I’m actually wanting to bring to your attention two items up for first reading. Number L-1, amendments to the Accommodations Overlay, we believe these amendments are very positive. It’s a good step forward to refining this ordinance. The second item is #L-3 regarding changes to the definition of ‘structure’, etcetera. We feel that these are also very positive changes. We do have one comment, however, about Section 2, Paragraph G and would like to see that changed for the definition of ‘immediate surroundings’ to include a distance of two full blocks in either direction from the property. Thank you.”

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

7. Susan Pearlstine said, “I don’t think it’s my turn yet. There are some more nays.”

Mayor Tecklenburg said, “No, it’s okay.”

Susan Pearlstine said, “Okay. Hi, I’m Susan Pearlstine, and I live in South Windermere on Chadwick Drive. I only brought a list for how many reasons why I think I need to be at this microphone and none of you all have ever seen me here yet. I think most of you know from Pearlstine Distributors that we’ve been in this community for a long time, and as such, I know of so many City projects that we’ve participated in. It occurred to me, it was quite unusual that I was sitting here trying to add and trying to get an understanding from you. This is not a position I’m used to being in. So, that’s my distance hat that I’m putting on. As a resident of South Windermere, and I moved back to South Windermere, the neighborhood that I was born and raised in, I realized the Neighborhood Association had gone dormant. So, we got together a few years ago when we reorganized and put the neighborhood back together. There was a catch that they said I had to be President because I organized it. So, in that regard I’m standing here before you, too. As President of the South Windermere Neighborhood Association, I’ve had the privilege to work with my fellow neighborhoods that, as many of you know, have

organized the Mayoral candidate debate. I've worked with the library there. I work with the Merchants Association there. I know how our residents feel and also the school. The less cars that we could have in our neighborhood is of benefit to every single group I just told you that I've touched as President of that Neighborhood Association. We are the gateway neighborhood as you come off of the Ashley River Bridge. I've also been asked to speak on behalf of the Jewish population from which you've gotten a letter."

The Clerk called time.

Ms. Pearlstine continued, "Who?"

Mayor Tecklenburg said, "One sentence."

Ms. Pearlstine continued, "Okay. So, when they go over the bridge, it is Friday night and Saturday morning. There is no traffic. This is 10-hours a week of workday traffic. I don't understand how we've had such a great divide over such a short span. We need this to revitalize West Ashley."

The Clerk called time.

Ms. Pearlstine continued, "Sorry."

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

Councilmember Riegel returned to the Chamber at 7:59 p.m.

8. Glenda Nemes said, "I'm not speaking about the bike issue either. I'm referencing the second reading under K-3 about the amendment to the zoning to allow microbreweries and fresh fruits and vegetables, and it lists a whole bunch of zoning areas to allow them. General Business is one of those (GB). I am asking you all to remove General Business from that list and the reason being, there are many residents, talk about quality of life, there are many homes and residences that back up or abut General Business properties. You're opening the door here for microbreweries to smoothly go in without any debate on those lots and back out to homes. So, please do a study. Find out how many General (Business) properties back up to residences before you allow microbreweries to go in there, and then work on changing the zoning for those properties that back up to residences to Limited Business. Please, don't include microbreweries on that list for Limited Business. Thank you."

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

9. Tom O'Rourke said, "Mayor Tecklenburg and members of Council, my name is Tom O'Rourke. I'm the Executive Director of the Charleston County Park and Recreation Commission. Before I start, I just want to thank you for what you do. I've been in this game a long time. We've got hard jobs, and I appreciate the work you do with the partnerships that we have on many things."

Mayor Tecklenburg said, "Yes, sir."

Mr. O'Rourke continued, "I want to talk about our parks, recreation, and open space planning we just completed. My constituency is a little larger. It's the whole County, but as we were going through the process, the transportation and bicycle issue became so big, that we

went out to ALTA, the National Planning Group, to provide a plan that would link every park to each other, every school to each other, every public park, not just the parks that we have. That plan was just completed, and we're very excited about the implementation of that plan. We are seeking the funding to do that right now and work with all of the communities, including your own to do that. We've noticed in our parks a higher percentage, year in and year out, in bicycles that come to the parks, and so, as we link these parks together, there are two, in particular, that are going to become extremely popular in the City of Charleston. One is the new skate park that we have that's going to go up, and the second is the old Ashland property we call Old Towne Creek. So, what we want to do is, we want to make sure that people can get there, and without the Legare Bridge, we don't have it."

The Clerk called time.

Mr. O'Rourke continued, "Man, I talk too much."

Mayor Tecklenburg said, "One sentence. Thank you very much. Yes, sir."

Councilmember Waring was excused from the Chamber at 8:02.

10. Dr. Pat Cawley said, "Mr. Mayor, Dr. Pat Cawley from MUSC. I'm here today to speak on behalf of any infrastructure that provides biking around Charleston. MUSC is in support of this for two reasons. Number one is the active lifestyle and the health benefits. We know that one of the things that we need to do across Charleston, as well as the State, is improve and build healthy communities. That's one of the key tenets of MUSC. We know that we have to move more. That's why we're all wearing Fitbits and Apple watches and to avoid chronic illness. That's number one. The second reason we support this is because, as we work with the City and Roper Hospital and the VA to build the Greenway, we think this is a key connection point to biking across all of Charleston, and we're actively working with MUSC employees, the 13,000 employees and the 3,000 students, in order to develop more biking around MUSC, and we think this is a key step for the future. Thank you."

Mayor Tecklenburg said, "Thank you very much. We're going to have to reduce our time per speaker to 60 seconds because we're already bumping up on our time. Yes, ma'am. Over here."

11. Donna Jacobs said, "Mayor Tecklenburg."

Mayor Tecklenburg said, "I didn't know we had a whole other line over here."

Ms. Jacobs continued, "Mayor Tecklenburg, Councilmembers, my name is Donna Jacobs. I live in Byrnes Down, and I'm the President of the Ashley Bridge District. I've been asked to speak tonight in favor of the access lane proposal on the Legare Bridge on behalf of the District and my neighborhood, as well. In 1997, the City adopted the Ashley Bridge District Plan. One aspect of that plan was a pedestrian program. This was more than intriguing to the many residents of these eight neighborhoods representing close to 1,400 households. A few of the Board members began investigating how we could make a safe connection across the Ashley River. Many ideas were discussed, edited, and reviewed. The current project in front of Council today is the result of what the City, the County, and the State DOT reviewed, designed, and funded. This is not a design from the community. It is a result of over 15 years of hard work of these governmental agencies. Traffic is probably the number one problem in the Lowcountry. We need safe alternatives. This lane across the Ashley Bridge . . ."

The Clerk called time.

Ms. Jacobs continued, “. . . is a first such alternative as the design reviewed, vetted, and approved by Council. Thank you.”

Mayor Tecklenburg said, “Thank you very much. Yes, sir, over here.”

12. Frank Brewer said, “Good evening, my name is Frank Brewer. I’m the President of the Wappoo Heights Civic Association, and for those of you who don’t know where Wappoo Heights is, it’s fronting along Folly Road. It’s adjacent to the South Windermere Shopping Center, and actually, it’s very close to the bridge itself. Yesterday, I did a survey of our 58 some homes in our neighborhood, and I found that just over two-thirds of our residents do not want that lane converted. I think we’ve heard a lot of the reasons, and I won’t repeat them in deference to the time.”

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

13. Jordan Amaker said, “Good evening, Mayor Tecklenburg and members of City Council. My name is Jordan Amaker. I’m the Director of Marketing and Communications for Lowcountry Local First. My husband, Marcus, recently was appointed as Poet Laureate, and we just closed on a new home in the Westside Neighborhood, previously living in North Central. We serve on various boards and committees, myself, most proudly, on Charleston Moves Board of Directors. My husband and I are very committed to the future of this City. I’m here this evening to speak on behalf of Charleston Moves, its Director, its Board of Directors, and all of our supporters. You heard from many of us in June, and I will ask that those of you who did speak or are here in support, that you please stand silently in support, and if you have spoken before, to please refrain and respect City Council’s time.”

Mayor Tecklenburg said, “Thank you very much.”

Ms. Amaker continued, “You received 1,200 hand-delivered postcards in May. Dozens of local tech companies have submitted letters in support of this lane conversion, as have dozens of businesses, merchant associations, MUSC . . .”

The Clerk called time.

Ms. Amaker continued, “Thank you for your time and consideration.”

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

14. Heather Powers said, “Good evening, Mayor Tecklenburg and members of City Council. My name is Heather Powers. I am a resident and small business owner in West Ashley in the Byrnes Downs Neighborhood. I conducted a poll of our neighborhood, via both our Facebook page and Next Door, and I have sent this information on to our Councilmembers at Mr. Mike Seekings’ request. We found that between 78 and 81 percent of the residents that we polled in our neighborhood of almost 350 homes are in favor of the bike lane. Thank you very much.”

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

15. Jeddie Smith said, "Mayor Tecklenburg and members of Council, my name is Jeddie Smith, and I also live in Wappoo Heights. The gentleman earlier was from Wappoo Heights, as well. Although, two-thirds of the residents of Wappoo Heights on Folly Road between South Windermere and the Wappoo Cut Bridge oppose the bike lane, the neighborhood is changing because older residents are giving up their homes to younger residents. There are more bikers in the neighborhood, but still we oppose the lane because the West Ashley side, there are no facilities to get from, for example, St. Andrews Boulevard, over to that side."

The Clerk called time.

Mr. Smith continued, "So, if you do the bike lane, please give us some facilities for biking."

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

16. Fran Clasby said, "Hello. Thank you, Council, and thank you, Mayor, for your efforts. My name is Fran Clasby. I have over 80,000 miles of commute to MUSC on my bicycle, and I thank you for the new lane."

Mayor Tecklenburg said, "The lines keep growing. We're going to go down to 45 seconds now. Yes, ma'am."

17. Susan Farrell said, "Hi, Council. My name is Susan Farrell. I'm a Professor at the College of Charleston. I'm not a lobbyist. I'm 53 years old. I've lived in Ashley Forest, right next to Avondale for 22 years. I ride the bridge two to three times a week. I use the sidewalk. I feel like I risk my life. I rode here tonight, left home at 4:20 p.m. My husband and I passed three other bikers and two other walkers on the sidewalk on our way here. That's seven people willing to risk their lives in a five-minute span on a sidewalk. We are going to ride our bikes and we really, really ask you to make it safe for us to do it. There's already seven lanes of traffic. Thank you."

There was applause in the ballroom.

Mayor Tecklenburg said, "No, no, no, sorry. Please refrain."

18. Joe Kelly said, "My name is Joe Kelly. I live in Ashley Forest in West Ashley. I am the bike lobby. I am waiting for my check, but I haven't gotten it yet."

There was laughter in the ballroom.

Mr. Kelly continued, "I commute Downtown three to four days a week by bike over the Ashley River Bridge, that dangerous bridge just spoken of. Someone is going to get killed pretty soon someday as more bikers use that space. I'm not here to talk about commuting, though. What I would like to point out is something that people haven't talked very much about at all, and that is access to the Ashley River. People in West Ashley have, I think, about four parking spaces in Maryville as our access to the Ashley River. Opening this bike lane would open up the Ashley River to the residents of West Ashley."

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

19. Ann Garris said, "Yes, my name is Ann Garris. I am a City resident who lives on James Island. I've lived on James Island for over 40 years. I am not opposed to bicyclists, but I am opposed to taking a very valuable artery coming into the City of Charleston based on a flawed study. My understanding is that the study involved the Ashley River Bridge that would be involved with a lane closure. No one took into account the people from James Island, Johns Island, West Ashley, who all came through James Island during that time period. The only time I have seen more traffic on James Island was when we did not have Highway 30. I do not want to go backwards. Thank you."

Mayor Tecklenburg said, "Thank you very much."

20. David Engle said, "As many of you know, my name is David Engle. I live in Riverland Terrace, and I am not opposed to bike lanes at all. I want us to have a safe passage across the Ashley River Bridge or the Ashley River at some point for all who live West Ashley and Downtown, but all I've heard tonight for the last three hours is about traffic, congestion, and more people and more development. To take away a lane of traffic when we have to deal with all of the new residents that will be coming to the Peninsula and West Ashley, it doesn't add up. I think it's a huge mistake. It's too expensive. Let's build a new bridge, let's talk to Columbia, let's talk to DOT, let's talk to County Council, let's build something like we did with the Cooper River Bridge, and make it right for the entire community. We're being ripped apart. It's silly."

The Clerk called time.

Mr. Engle continued, "Thank you."

There was applause in the ballroom.

Mayor Tecklenburg said, "Thank you very much. Yes, ma'am. Please refrain. Yes, ma'am."

21. Debra said, "Yes, I'm from James Island, and it's not going to help you get across the Wappoo Cut, but it would certainly connect the lanes that have already been built on West Ashley back into the City. We have lanes on Folly Road right now. They go nowhere. All of our bike lanes go nowhere. I pay City taxes. I feel like I have a right to get Downtown, and I'd like to do it on my bike."

Mayor Tecklenburg said, "Thank you."

The Clerk said, "Your name, please?"

Mayor Tecklenburg said, "Your name, please?"

Debra said, "Debra."

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

22. Matt Martin said, "Mayor, Councilmen. Matt Martin, West Ashley. This other fellow just alluded to it while I was sitting, listening to this thing about the Jasper that you all did. It's going to be what 300,000 square feet of residential? Is that what we just voted on here apparently? What about the West Edge? It's going to be 1.5 million square feet of residential, 900,000 square feet of office, 300,000 square feet of retail, and 300,000 square feet of hotel."

I'm not against bike lanes either, but \$2 million is just a waste, but more importantly, I guess it will never really actually happen because if you get in this agreement with County Council, it took them a year and a half to figure out how to put . . ."

The Clerk called time.

Mr. Martin said, ". . . their yard waste, what bag to put it in, a year and a half. So, go ahead and have for it, but it's kind of stupid, I think."

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

23. Bill Marshall said, "Yes, sir, Mayor. Bill Marshall. I live at 428 Greenbrier Lane on James Island, and I think I would ask that Council defer this for additional study. I take my son to school in Mt. Pleasant, and it was actually much faster for me to take the James Island Connector, go south on Lockwood, go up Montague East, and up Ashley. It was also faster to go down South Battery to East Bay across the Peninsula. I think that the traffic studies are going to show that people are going to try to figure out ways to work their way across the Peninsula, and it will take a lot of traffic through other neighborhoods, in some cases, the neighborhoods people were speaking of earlier."

The Clerk called time.

Mr. Marshall said, "I'm sorry. Thank you, ma'am."

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

24. Geoff Richardson said, "Yes, hi, Geoff Richardson. I own Lava Salon in Avondale in West Ashley. I'm also a Byrnes Down resident, very active in the community, have been. We are celebrating our 10th year in business locally, in Avondale. I'm representing Mellow Mushroom, Voodoo, Verde, the unofficial Avondale Business Association. If we're supposed to be the number one City in the world, we should act like it, and part of that includes pedestrian and safe access for bicycles. The studies are there. I don't know why people haven't read them maybe, but it very clearly indicates that the drive times are affected by only people in peak traffic, and these are all arguments that we don't need to rehash right now, but as a resident and business owner, I'm aware that property values do go up when bike access is given to the local communities. Now, this is . . ."

The Clerk called time.

Mr. Richardson continued, ". . . not the perfect solution. Just like Jasper, but I support it. It's the underdog, and we need more safe access."

Mayor Tecklenburg said, "Thank you. We are going to go to 30 seconds now."

There was applause in the ballroom.

Mayor Tecklenburg said, "I ask the crowd please refrain. Yes, ma'am."

25. Ellen Hoffman said, "Good evening. My name is Ellen Hoffman. I am a small business owner in West Ashley, and I also am here to represent South Windermere. This is a rebuttal to the Ashley River Bridge lane closure. This was a flawed study and will negatively impact Charleston for years to come if City Council votes to retrofit the Legare Bridge. Please

carefully consider this: two major apartment communities who are not leased up, 35 Folly and The Standard, plus additional developments that our infrastructure cannot handle personally.”

The Clerk called time.

Ms. Hoffman continued, “Can I just sum it up?”

Mayor Tecklenburg said, “Sum it up. Yes, ma’am.”

Ms. Hoffman continued, “The bridge is obsolete. It’s the elephant in the room. The solution is find the funds, build a Ravenel Bridge, a gateway bridge that satisfies both groups. Don’t let us both suffer. Let’s just build something that we can all live with.”

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

26. Teresa Westbury said, “Good evening, and thank you. My name is Teresa Westbury. I work for MUSC Storm Eye. I also live in West Ashley. I started commuting to work by bike on the National Bike to Work Day this year. My greatest hazard is that bridge. To cross that bridge to meet someone coming or going is very dangerous. In the afternoons on my way home, I can get to my home not far down from the plantations faster than I can in my car. Thank you.”

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

27. Bill Eubanks said, “Bill Eubanks, 39 Yeadon (Avenue) in Byrnes Down. I’m also past President of the Ashley Bridge District Board. I’m also a landscape architect. My studio did the most recent Master Plan for the West Ashley Greenway, and we’re working right now with the BCDCOG on a Bike-Ped Master Plan for the entire three county area. This connection is crucial for our infrastructure.”

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

28. Dinos Liollo said, “Mr. Mayor, dear friends of City Council, my name is Dinos Liollo, representing West Ashley, James Island Business Association, affectionately known as WAJIBA. Three specific items, do I get 30 seconds for each one, Mayor?”

Mayor Tecklenburg said, “No, sorry.”

Mr. Liollo continued, “Great. The first is our great support for the TIF District and the West Ashley Redevelopment Plan. We would love to see a world-class natatorium built in the West Ashley area, as well as all of the other recreational facilities that have been talked about. The second is a great concern with regards to the closure of the Legare lane. Our fears of the vehicular lane, we fully support . . .”

The Clerk called time.

Mr. Liollo continued, “. . . the concept of connectivity, but we’re greatly concerned with regards to the congestion.”

The Clerk called time.

Mr. Liollo continued, "The final thing is, just very quickly, is the support of the West Ashley Revitalization Commission and our full support as WAJIBA and 50 business members to help out in regards to fulfill the goals and objectives. Thank you."

Mayor Tecklenburg said, "Thank you. We were lenient because he had two other items to discuss. Yes, ma'am."

29. Amanda Davis said, "I just wanted to speak in opposition to the bike lane. It's not about bikers and the commute. I agree it needs to be safe. Everyone should have the opportunity to do that, but traffic is the biggest concern. People clearly can't merge where they need to merge now. They require another merge at peak times when there's schools and carpool and all involved. It just seems shortsighted."

Mayor Tecklenburg said, "Thank you very much."

The Clerk said, "Your name, please?"

Mayor Tecklenburg said, "Your name, please."

Ms. Davis continued, "Amanda Davis."

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

30. Andy Gilliam said, "Hi, Andy Gilliam, 1421 Downing Street. This bike lane is not just about bourgeois access Downtown. This is a class issue as much as anything else. The majority of the people moving here to Charleston are young people strapped in student debt. We need to incentivize people to be able to live in dense communities, to get Downtown quickly, perhaps without a car, because they might not be able to afford a car. So, the economic impact of this . . ."

The Clerk called time.

Mr. Gilliam continued, ". . . is going to incentivize smarter growth."

Mayor Tecklenburg said, "Restate your name, please, sir."

Mr. Gilliam said, "Andy Gilliam."

The Clerk said, "Thank you."

Mayor Tecklenburg said, "Yes, sir."

31. Christopher Cody said, "Good evening, my name is Christopher Cody, and I represent Historic Charleston Foundation. The Historic Charleston Foundation would like to briefly express support for the same two items up for a new reading, or first reading, that the Preservation Society did. Firstly, Historic Charleston Foundation supports the proposed amendments to the Accommodations Overlay, and we very much thank the City for involving us in the process that led to that much-needed update and improvement of the Overlay, and we hope that the City will continue its efforts to further refine the Overlay. Secondly, Historic Charleston Foundation also supports the proposal to amend the BAR ordinance to codify and clarify . . ."

The Clerk called time.

Mr. Cody continued, “. . . the BAR’s authority on height, scale, and mass. Thank you very much for your efforts.”

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

32. Max Streeter said, “Mr. Mayor and members of Council. Serve all of us. Represent everybody. These are some comments from those that are in opposition of the bike lane. Right now, you and also our infrastructure, does not do that. It serves people and cars. I love driving in the air-conditioned car. I like the music that I can listen to, and I wouldn’t mind taking a little bit longer when I’m in my car to keep the bike members safe. I like to cycle across the bridge and visit my friends in Avondale and visit the restaurants there. I live Downtown, but I think we need a safe means . . .”

The Clerk called time.

Mr. Streeter said, “. . . that keeps everyone safe. Thank you for your time.”

Mayor Tecklenburg said, “Thank you very much.”

The Clerk said, “Your name?”

Mr. Streeter said, “Max Streeter.”

Mayor Tecklenburg said, “Yes, sir.”

33. Ethan Jackson said, “Hi, Ethan Jackson. I’m a resident of Charleston. It’s the first time I’ve ever spoken at this. I just want to say I’m a small business owner. I currently have employees who drive into the City and bike even further Downtown to get there. I would like to see the same afforded for those from the other side from West Ashley.”

Mayor Tecklenburg said, “Thank you very much. I appreciate you being here.”

Mr. Jackson said, “Thank you.”

Mayor Tecklenburg said, “Yes, ma’am.”

34. Ellen Lucas said, “Hi, my name is Ellen Lucas, and I live off of Folly Road in the City, and I also am a small business owner on Albemarle Road. During the bike lane study, I will have to say our commute times were just exasperating. We couldn’t move on Albemarle Road. I had patients that couldn’t get to my husband’s office. I couldn’t get out of my own neighborhood. It might be where everyone was merging. It is just a poor design. I’m not against a bike lane at all, and I agree that we need to build a new bridge . . .”

The Clerk called time.

Ms. Lucas continued, “. . . and a path. Thank you.”

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

35. Laura Beck said, "My name is Laura Beck. I'm the President of Country Club II Neighborhood Association, and I live on James Island. The word 'equity' is being used to support this bike lane. Equity is fairness, and this is patently unfair to those of us who do not live in close proximity to this project. James and Johns Island residents cannot use this lane. We can't get there, and if it's implemented, we can't get anywhere. The impact of traffic on James and Johns Island was so intense during the test, it more than tripled commute times. This is not equity. I am in favor of a bike lane, rebuild the bridge, or retrofit the Connector . . ."

The Clerk called time.

Ms. Beck continued, ". . . so that one is properly provided for all of us, so that we can access the bridge with a bike lane . . ."

The Clerk called time.

Ms. Beck continued, ". . . on it."

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

36. Stephanie Hunt said, "Thank you. My name is Stephanie Hunt. I would like to use my 30 seconds to read quickly, read to members of Council and the Mayor, excerpts from a letter written to you by Michelle Mapp, the leading advocate for affordable housing in South Carolina and Director of the South Carolina Community Loan Fund. 'The things of affordable housing and accessible transportation are intertwined, and it's clearly obvious that we have an opportunity in front of us now to endorse an actual project that links more affordable housing in West Ashley to major employment centers on the Peninsula without continuing to allow . . ."

The Clerk called time.

Ms. Hunt continued, ". . . only one method of transportation'. Therefore, we applaud this proposal, and urge you to proceed. Thank you."

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

37. Tommy Harkin said, "Tommy Harkin, West Ashley. I've lived there for 66 years. I live in The Crescent. I ride my bike four to five times a week. I would love to see a bikeway across the Ashley River, but I feel that the one that's designed now is totally improper. It is unsafe for people crossing Folly Road getting across Lockwood Boulevard to the hospitals. There's no crosswalk. If you put timed crosswalks in there, it's going to back up traffic."

The Clerk called time.

Mr. Harkin continued, "The timed walkway in front of South Windermere is 25 seconds. If 50 people use that timed walk, that's 20 minutes . . ."

The Clerk called time.

Mr. Harkin continued, ". . . a morning to delay of traffic."

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

38. Charlie Karesh said, "My name is Charlie Karesh. I live West Ashley. People keep referring to this as a bike lane. It's not just a bike lane. It's a pedestrian, it's a family lane, it's everything. So, forget about the bike lane thing. I'm glad they're using it but, secondly, you all voted on this, I believe, two times in favor of this. We hear about other options building bridges. We should all live so long to see other bridges and other options."

There was laughter and applause in the ballroom.

Mr. Karesh continued, "Let's do this now."

Mayor Tecklenburg said, "Please, please."

Mr. Karesh continued, "Then let's look at other options as time goes on, but we should all just do this. You all have done it twice, and I appreciate it."

The Clerk called time.

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

39. Matt Moldenhauer said, "My name is Matt Moldenhauer. I live at 1312 Raymond Way in Lenevar, West Ashley. I also work for Tom O'Rourke with Charleston County Parks. He did not get to finish his statement. I manage the People to Parks Plan. You all, hopefully, received a letter pointing out that this bridge is a bottleneck for the future of bike and pedestrian connectivity in Charleston County, and, Mr. Mayor, that includes connectivity for bikes, pedestrians, kids, people with disabilities."

The Clerk called time.

Mr. Moldenhauer continued, ". . . and they have not been mentioned yet. Thank you."

Mayor Tecklenburg said, "Thank you very much. We're going to 20 seconds. Yes."

There was laughter in the ballroom.

40. Katie Zimmerman said, "Katie Zimmerman, Coastal Conservation League. Yes, bike lane, no brainer. You read the studies. You should know. It's a great idea, no more debate. The other thing I need to just let you all know, the Maybank pitchfork situation that you all debated in Committee earlier, we have some serious concerns about that. My colleague is at County Council right now taking it up with them. We don't have concerns with you all, just them, but there was an agreement, City, County, Charleston Moves, and the Conservation League all came together to make sure that the protected tree area that's part of . . ."

The Clerk called time.

Ms. Zimmerman continued, ". . . the National Register, and it's a problem the way the County is doing it. So, I just wanted to let you all know that we're working that out."

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

41. Kate Peabody said, "Kate Peabody. I'm a small business owner in the City of Charleston, and I live off of Folly Road. I'm against the bike lane at this time, mainly for my

employees that live out on James Island and further out in West Ashley. They cannot afford to live closer to town. It tripled my employees' commute time to work in the morning from 20 minutes to an hour. These are two working parents with young children. They're just trying to survive, and they've lived on James Island for 15 years. So, when we talk about supporting livability for the . . ."

The Clerk called time.

Ms. Peabody continued, ". . . low income to middle income workers, this bike lane really does hurt them."

The Clerk called time.

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

42. William Hamilton said, "William Hamilton, best friends of the Lowcountry Transit and Bus Good, Bike Good. Freedom is about choices, and if anyone believes living in America without a car is equity to the people that are walking and are riding a bike and riding a bus, they're insane. This Country is devoted to cars. Cars are freedom. They're oppressive, and they're killing the planet. Some of us need an alternative to make our lives work and make our society work better."

There was applause in the ballroom.

Mayor Tecklenburg said, "Thank you, sir. Yes, sir. Please, no applause."

43. Joel Fludd said, "Joel Fludd. I live in Windermere. To me, this is not a car versus bike issue. I think it's a connectivity issue, inclusion issue, and a safety issue. This pedestrian and the bike lane allows families like mine to safely cross over the bridge and enjoy the amenities that our great City has to offer."

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

The Clerk said, "What was your last name?"

Mr. Fludd said, "Fludd."

44. Steve Ramos said, "Steve Ramos with the Elliotborough-Cannonborough neighborhood. That's a really tough act to follow. This is about safety. It's not about traffic. It's certainly not about traffic in Johns Island. It's not about the Sergeant Jasper. It's about safety. When accidents happen, fender benders, when it happens with a pedestrian and an automobile, it can be tragic. Please do the right thing and vote this bridge in. Thank you."

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

45. Virginie Ternisien said, "I commute on my bike pretty much from Mount Pleasant to North Charleston. I am talking today for our nature. Climate change is the global reality, less right? We all know about air pollution. So, one person lives in a car. One person on a bike is actually a person that's in a car. Simpleness. Thank you."

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

46. Pam Ferguson said, "Pam Ferguson. I bike from James Island to Downtown. We spoke earlier about how important it is to have the waterfront, you, yourself, said, over to the people, and I think it should be. Everyone in this room has a choice to drive if they want, but please, give us a safe way to bike."

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

47. Beth Jowers said, "Beth Jowers from District 11. When I bought into West Ashley about 14 years ago, it was understood among the young professionals I was working with, as we established our law firm Downtown, that you bought into West Ashley as a starter home until you got married and had children. Then you took your money and your children to Mt. Pleasant schools. Now, I am investing, and I'm trying to reinvest the people I work with back into West Ashley. I have successfully recruited some families until two months ago, when it was published that City Council wanted to squash the system. One of those families had already picked-up and moved Downtown. She couldn't be here tonight because she's trying to close on that house Downtown. We're losing those people. We're losing those tax dollars."

The Clerk called time.

Ms. Jowers continued, "We're losing vested parents in the schools. Thank you."

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

48. Neil Stevenson said, "Neil Stevenson, 39 Gadsden Street. I'm actually here to talk about Section 54-22, the amendment to change the Accommodations Overlay Zone to deny housing and office space, and I'm just saying, I'm asking the Board to vote that down because that would effectively cause the prohibition of adaptive reuse to existing buildings for the use of accommodations, which the study has shown is less traffic intensive than both residential and office space, . . ."

The Clerk called time.

Mr. Stevenson continued, ". . . which a lot are coming into Charleston."

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

49. Connor Andrew Lock said, "I'm Connor Andrew Lock. I'm a local business owner here in Charleston living in Wagener Terrace. One of my recent projects was documenting all the people who currently use the bridge to get across whether it's bike or by foot, and from that month's study of checking people out from the early morning's commute to their time going home at night, there are hundreds of people out there, who don't have the means to have an automobile to get over that bridge, and it's about having an access . . ."

The Clerk called time.

Mr. Lock continued, "So, I ask of you to vote in favor of this for all."

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

50. Joshua Robinson said, "My name is Joshua Robinson. I'm a resident of Byrnes Down, 11 Sothel Avenue. I'm here to speak in favor of the bike lane representing my family of four. I'm a small business owner. I work Downtown. I commute during peak hours in my vehicle every morning, and then on the mornings I wish to risk my life, I commute by bike once in awhile. However, the solution to traffic is fewer cars, and if the bike lane is approved, then I will be one fewer car on the road every morning, and I know of at least ten people that will also use the lane. So, that's at least 11 fewer cars every morning. Thank you."

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

51. Charlie Smith said, "Yes, sir. I'm Charlie Smith. I own CSA Real Estate in West of the Ashley, and I live in the Dupont section of West Ashley. We call ourselves a great City. A great City is measured by the degree to which its citizens are willing to share its public resources with each other and outsiders. We're known for this. This is one thing we do really well. There are 54,000 people who live West of the Ashley, 20,000 more than live Downtown. Many, many of these people want this ability to have pedestrian and bike access into the City."

The Clerk called time.

Mr. Smith continued, "It's time to share."

There was applause in the ballroom.

Mayor Tecklenburg said, "Thank you very much. Yes, sir. Please, please refrain."

52. Nicholas Bell said, "Hello, Mayor, and members of City Council. My name is Nicholas Bell. I'm a member, a resident of West Ashley and a recent transplant from the West Coast. For Charleston to be the wonderful, livable City that you all want it to be, it needs to have access for bicycles and pedestrians. People want to be able to walk, and they don't want to sit in traffic all day. So, this is part of the future of Charleston. I really appreciate your efforts to make this bike lane happen. Thank you."

Mayor Tecklenburg said, "Thank you. That's the end of our Public Participation Period."

Councilmember Seekings said, "Mayor, one more, please."

Mayor Tecklenburg said, "One more, please, Councilmember Seekings."

Councilmember Seekings said, "There's one citizen of our City who could not be here tonight, and I asked her to film this. This is one minute and 30 seconds."

Several audience members said, "No."

Mayor Tecklenburg said, "Thirty seconds."

53. Hannah Holland said via a video, "Some of you may know me I'm a second year medical student at MUSC, but probably more of you know my father, Mitchell Holland, who was killed in a cycling accident in 2011 on the James Island Connector. I wanted to speak on behalf of him tonight, as well as on behalf of myself and fellow cyclists, and on behalf of all of you, in support of the bike lane. I really just wanted to address the safety issues that the bike lane

could address, as that is what I'm most passionate about. I just wanted to remind everyone who we're building this bike lane for, it's for people . . ."

The Clerk called time.

Mayor Tecklenburg called time.

Ms. Holland continued, ". . . who can't afford to drive to and from Downtown to West Ashley or simply don't want to."

Mayor Tecklenburg said, "Thank you. So, just to finish up, we'll recount one more time. No outbursts, please, but anyone in favor of the bike and pedestrian lane, please stand. Thank you very much."

Approximately 140 people stood in favor of the bike lane.

Mayor Tecklenburg continued, "Those who are not in favor of the bike and pedestrian plan, please stand."

Approximately 35 people stood in opposition to the lane.

Mayor Tecklenburg said, "Thank you very much. I appreciate everybody's participation and patience with us tonight. Now, we'll move forward to our section on Petitions and Communications. The first is an appointment of Emmanuel Ferguson to the Board of Zoning Appeals – Site Design."

Councilmember Seekings said, "So moved."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We have a second. Is there any discussion?"

On a motion of Councilmember Seekings, seconded by Councilmember Lewis, City Council voted unanimously to appoint Emmanuel J. Ferguson to the Board of Zoning Appeals – Site Design.

---INSERT APPOINTMENT MEMO---

Next is the appointment of Amy Wharton as our Chief Financial Officer.

Councilmember Riegel said, "So moved, Mr. Mayor."

Councilmember Seekings said, "An enthusiastic second."

Mayor Tecklenburg said, "An enthusiastic second, and I could say many wonderful things about Amy. She's been with the City also for many years and trained under Mr. Bedard and will lead our Finance Department forward beautifully."

On a motion of Councilmember Riegel, seconded by Councilmember Seekings, City Council voted unanimously to appoint Amy Wharton as Chief Financial Officer for the City of Charleston.

---INSERT APPOINTMENT MEMO---

Mayor Tecklenburg continued, "Next, we have the issue of the West Ashley Revitalization Commission, either the appointment of members as we discussed last month, or a revised ordinance that we are presenting to you."

Councilmember Waring said, "Mr. Mayor, I'd like to move for the revised ordinance."

Mayor Tecklenburg said, "A motion has been put forward for the revised ordinance. This is a revision of the original ordinance that basically gave the Mayor the ability to appoint the members of the Commission and then ask for City Council's approval. Council, is there a second?"

The Clerk said, "There is. Councilmember Moody is the second."

Councilmember Gregorie said, "I'm trying to figure this out. I'm not clear yet. What are we doing?"

Mayor Tecklenburg said, "We're at Item I-3(b)."

Councilmember Gregorie said, "I know that."

Mayor Tecklenburg said, "A motion has been made to approve the ordinance at Item I-3(b) to create the West Ashley Revitalization Commission, with 19 members to be basically appointed by the Mayor, with remaining members to be appointed by the Mayor to be representatives of various disciplines, professional, and community interests, but subject to City Council's approval. It's been moved and seconded. Are there any questions, discussion, or comments?"

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mr. Mayor, I want to thank my colleagues on Council and certainly you for reconsidering. We had quite a bit of discussion on this at the last meeting. We've had quite a bit of discussion since the last meeting and ensuing months, inside the paper, outside of the paper, neighbor to neighbor. So, I appreciate your consideration on all the information you've had since that time. Revising this ordinance certainly gives you the flexibility that you asked for, and I appreciate the consideration by our Councilmembers to give you that flexibility, so we can at long last get a task force in place and get the revitalization going. Thank you."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "So, we're going back to the original one where the Mayor makes the appointments. Is that right?"

Mayor Tecklenburg said, "Essentially."

Councilmember Gregorie said, "Essentially."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Gregorie said, "I thought we all were pretty adamant at the time, so that it could be democratic, that we do give the option to other Councilmembers who may or may not be West Ashley to make appointments. I understand the argument that was posed at the last meeting. I totally disagreed with it. That argument was made to include more business people on the Commission. I think that the variety that we have on the current Commission is a better makeup of the total community. While I do think that it's important to have business people on this Commission, I do think that it's important to have neighborhood Presidents and other people in the community to have some input on the future of West Ashley. I think it is totally inappropriate, given that we all took time to talk to various people to be a part of the Commission, to now rescind it. I think it sends a terrible message about this Council, about a Council, who, when we don't get what we want, we change the rules of the game. I think that it's very inappropriate for us to even consider voting to change what we've already done. I've not counted votes to determine whether or not I have them to defeat it, but I just want the record to be clear that when we talk negatively about people who volunteer to work on a Commission or a Committee, it is totally inappropriate. I see some faces that weren't at the last meeting where many of the appointees were referred to as being mediocre. Okay, the epitome is the mediocrity. I thought it was totally inappropriate for this body to describe people who are going to volunteer to participate, people whom we've had dialogues with, who want to participate, and now rescind them. I think it's sending a very, very bad message to the citizens of the City that we're pretty inconsistent and that, when we don't get our way, we change the rules to the game. I think this body should stand on what we voted on, first reading, with regard to the Commission. Now, we have people, other Councilmembers, appointing themselves to the Commission. Come on, folks. Either we're going to do this democratically, either we're going to make sure that everyone, everyone West Ashley, has an opportunity to participate in the Commission, to participate on what the future of West Ashley will be. I don't think that we should leave that up to business people because, I think, that the business and the economic development will come once the Commission comes up with a feasible plan, because if there is profit, the businesses will come. They don't necessarily have to be on the Commission. I think a Commission that represents the community will be a much better Commission for the community because they will be of the community, as opposed to allowing our Mayor, who was in total agreement with us initially to now have to face the task of appointing 19 people to a Commission when we've already done it. I just wanted that to be a part of the record. I think that we need to stop changing in midstream when we don't get our way. This is a democratic process, and it should not change."

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard?"

Councilmember Williams said, "I would like to speak."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Williams.

Councilmember Williams said, "Yes, I concur with Councilmember Gregorie, and I will be voting absolutely 'no' on that because I think the process originally, was an appropriate process. Then, the process they voted for was to change the process, and now we are doing that again. It just sends a bad signal, and it's an insult to my appointees. I will be voting against it. I will not support that."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mr. Mayor, we just got through talking about the Jasper, and I think we've been talking about that for almost two years in one way or another. We've been dealing with this 45 days, for the largest part to the City of Charleston. We have a little over 130,000 people in the City of Charleston, 100,000 of those are West of the Ashley. This has nothing to do about getting one's way or not. I respect my colleague, but I don't take it personally, and I'll tell you why. If there is a section of this City that's waited their turn to have one of the best in the class planning processes applied, it's West of the Ashley. The Mayor came to us, initially, and said, 'Give me the opportunity to name these people, subject to Council's approval' and what did we do, and I include myself, as politicians, we jumped in and said, 'Oh, no, you can't name 19 people alone.' We didn't hear the part where he said, 'subject to Council approval.' So, we switched it on the floor, as opposed to having conversations. Six for the Mayor and one each for the Council. None of us had the opportunity to know what each Councilmember selected. So, we didn't get a look at the total picture until it was put in front of you. That, in my opinion, was a mistake, and I was part of that mistake. I didn't do it alone, but I was part of that mistake. The Mayor was right in asking to have the flexibility to appoint, and, I'm sure, with consultation subject to Council approval. That's how it works. So, a lot of these people, I don't know what makes you think they're not going to be involved. They will be involved. There are going to be committees and subcommittees. There will be separate committees with the business community, but to somehow slant business or put it against Neighborhood Association Presidents, we're going to need them all to turn West Ashley around. So, I just want to go back to what the original request was from the Mayor, and if we didn't interject, we would've been right where we are right now probably, looking at a list of people that the Mayor would have put together for our approval. So, that's what that is. It doesn't have anything to do with something personal or anything about business people dominating the process. We're going to need them all to properly revitalize the largest geographical and populated area in the City of Charleston. Thank you."

Mayor Tecklenburg said, "Council, is there any Councilmember not heard yet who would like to speak?"

Councilmember Lewis said, "I haven't been heard yet."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I agree with Councilmember Gregorie, to a certain extent. When it was first put before us, you were going to make the recommendations. I think I stated when we put together certain committees, Committees of the Downtown Plan, Committees to study what we were doing with the horse carriages and all of that stuff, Mayor Riley appointed the Committees. We really did not have a whole lot to say, but one thing about it, he knew a lot of people, and he knew how to pick people. So, it came to the point when you were elected, to come up with this Committee, and we wanted to change it again. I think we ought to give you a chance to pick the Committee, but I think with you picking the Committee, we need to have subcommittees. We need to notify the people that we have already put on the Committees that we're going to change the way the major committees are made up. They will have some subcommittees for the Commission, and I think that would be better than just dropping all the names off who were sent to you. We need everybody we can get to be involved in getting West

Ashley revitalized.”

Mayor Tecklenburg said, “Thank you. Thank you very much. Would anyone else like to be heard?”

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, “Ms. Cantwell, can I call you back to the podium? This is going to be based on my being a new member of this Council. If we vote to repeal and replace this ordinance, which would be the original ordinance that we had, does this have to go back through a first, second, and third reading?”

Ms. Cantwell said, “Yes, sir. The ordinance that’s before you tonight would repeal the ordinance that you passed, but you would give first reading to this ordinance, and it would come back to you for second and final reading in August.”

Councilmember Shahid said, “Which would then be subject to further modification?”

Ms. Cantwell said, “Yes, sir.”

Councilmember Shahid said, “If we vote to not have the ordinance repealed, the ordinance that’s in existence now will stay in effect, and then the only thing left to be done would just be to approve the Mayor’s appointments?”

Ms. Cantwell said, “Yes, sir.”

Councilmember Shahid said, “The appointments made by Council?”

Mayor Tecklenburg said, “By Council.”

Ms. Cantwell said, “Correct.”

Mayor Tecklenburg said, “I made one appointment.”

Councilmember Shahid said, “Thank you.”

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

Councilmember Shahid said, “May I finish?”

Mayor Tecklenburg said, “Yes.”

Councilmember Shahid said, “We have discussed this numerous times. It is vitally important to West Ashley that we get this Commission right. It is also vitally important that we start moving forward. I appreciate Councilmember Waring’s comments concerning we need to go back to square one, because this ordinance that he has proposed is going to repeal the ordinance, for the ordinance we had initially proposed. However, that got modified, and then we deferred it at our last meeting. So, we are losing time on this. The folks who are named by the various members of the Council for this are good people; and the people who will get together and help formulate a revitalization plan, a revitalization mission for West Ashley which we need. We recognize that we need, and we all agree that it is past time for us to have this Commission

go forward. While I respect what the repealed ordinance will do, it's going to slow this process down. While I'm not in a hurry, I am in a hurry. I'm in a hurry to get this thing going, and I'm in a hurry to make sure that the people of West Ashley have a voice in all of this. I think where we are with this now is in a proper state. Let's vote down the repeal. Let's go forward with the original ordinance and get this Commission up and running and on a fast track. Thank you."

Mayor Tecklenburg said, "Thank you. Would anyone else like to be heard? I would simply like to add that despite the fact that there has been some confusion, for lack of a better word, with the formation of the Commission, I will do my best. One modification that was made to the original language is that the appointments that I make be representatives of various disciplines, not just business, but professional, business, and community interests. So, I will try to have that holistic view, number one, in its creation. Secondly, I do want to point out that the Commission does have the power and duties 'in its discretion to create committees to participate in various efforts of the Commission'. So, my goal would be, unless we've alienated them, is to ask everyone who hadn't been nominated by the Council to serve in some capacity with this effort."

Councilmember Gregorie said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Gregorie said, "I have just a quick question. Can someone explain to me the recommendations, and how they may differ from how you just described you will make those appointments, because I think we do have the variety that you just described. I just don't know how it would be different, and I'm not trying to be difficult, but if you take a look at the list. On the current list, you have business people, you have neighborhood people. You have an unbelievable variety of people on the existing list. I just don't know how what you do would make it any different in terms of its variety because, I think, you have that already based upon what your colleagues recommended for folks to participate on the Commission. I just don't know why we're going through the exercise if what you say, and I believe you, that you will make sure that your appointees represent a variety of interests in the community. My argument is that the current recommendations from this body already does that. So, what are we doing?"

Mayor Tecklenburg said, "Thank you very much."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. Let me try to weigh in with Councilmember Gregorie's question. First of all, we did not attempt or even try to identify who we needed on the Committee. By that, I mean, whether we needed engineers, planners, conservationists, or whoever. We never asked that question. What do we need on the Committee? What's the best function? What are you going to do? What's the Committee going to do? We never asked those questions. All we did was we started throwing names at something. Quite frankly, the comments that were made earlier about the mediocrity, those were aimed at me, and I accept that, but I didn't say anything about the mediocrity of the people. It was the mediocrity of the process and where we were. We didn't know who we needed, and then we just appointed people that we didn't know what they were going to do. That's where we were. Now, I'm hoping that the Mayor, and the Mayor actually wanted to kind of connect those two pieces. As we were to do, we were going to make this cake. We didn't know whether we were making cake or cookies. We all started throwing in some eggs. We didn't know if we had too many eggs, too much flour, too much milk. We just started throwing

stuff into the bowl and expected the Mayor to cook it and make something. So, that was my purpose in trying to back this thing up and say 'Wait a minute, let's talk about what we're doing here'. I'm expecting Mayor Tecklenburg to have a vision to how we're going to plan this thing and pick people that will bring disciplines, neighborhoods, whatever. Then, we get to review that and we get to vote on it. We're going to try to connect the job with the people we've got to do the job. That's all we're trying to do here. So, let's don't make it any worse than we've already made it by screwing it up the first time. Let's go back and start over again, get it right, let the Mayor pick it, bring it back to us with what he wants to do, who he wants on it, and you can give him all the names you want to. If you've got 50 people you want to give him that you would like to see on the Committee, give them to him. That means there are more people available to fill some of these slots that we need. That's all we're asking. Let's go back, take the thing back to where it was, and get some of these cooks out of the kitchen. Thank you, Mr. Mayor."

Councilmember Lewis said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Mr. Mayor, if my memory serves me right, when we first discussed this committee, we talked about one appointee, a recommendation of the name. Then they said 'two' because they want a mixture of community people and business people and landscape professionals, because they said that after I recommended my neighborhood President. I recommended someone who had experience in professional planning, who worked in Planning. So, you did ask, at first, for a mixture. The words don't mix up in there, but for some reason they felt that there were not enough business people on the Commission, and that's the argument they came at you with. That's why I asked for deferral, and we came back up with this. Regardless of how it is, my appointee will be glad to withdraw her name. I'll be glad to do that. The thing is, you're the Mayor, and if we give you the permission to do it, then let you do it, but if you're going to do it, we should not dictate to you how you do your job. You are the Mayor, you have a responsibility, you bring the names to City Council, and if City Council doesn't like it, then they vote it down. I think we need to move on and help people get West Ashley revitalized."

Mayor Tecklenburg said, "Thank you. Can we call for the question?"

Councilmember Gregorie said, "Just for the record, Councilmember Moody, that might have been the approach that you used in deciding on who you recommended, but I think it's totally inappropriate for you to describe that as the way we made our choices and recommendations because mine was not willy-nilly. It was totally different from how you described these appointees were made by each one of us. You can talk for yourself, but please, don't put me in the collective in terms of how I decided who I would recommend to be on the Commission, just for the record."

Mayor Tecklenburg said, "We have a motion and a second to approve I-3(b)."

On a motion of Councilmember Waring, seconded by Councilmember Moody, City Council voted to give first reading to the following bill:

An ordinance to repeal Ordinance No. 2016-64, ratified on May 10, 2016, and to replace the same with an amendment to Chapter 2, Section 2-184 of the Code of the City of Charleston, South Carolina, to create Division 8 which shall be entitled the West Ashley

Revitalization Commission and Section 2-184 which shall set forth the duties and responsibilities of the West Ashley Revitalization Commission. (AS AMENDED)

The vote was not unanimous. Councilmembers Williams, Mitchell, Gregorie, Seekings, and Shahid voted nay. Councilmember Wagner abstained from voting.

Mayor Tecklenburg said, "Seven in favor, five opposed, and one abstention. The motion carries. Thank you very much. Next, we have the matter coming before Council of the presentation of the West Ashley Redevelopment Plan of the Tax Increment Finance District. I'm going to call on our Planning Director, Jacob Lindsey. We're not actually voting on this matter tonight. This is presented as part of our legal requirements in the formation of the TIF District. Is that correct, Mr. deSaussure?"

Charlton deSaussure said, "It's one extra step beyond what's legally required. It's in response to a Resolution adopted at the end of 2015 directing staff to prepare a Redevelopment Plan, a draft of which is in your package. You don't take specific action until the October meetings, which allows the ordinance to be adopted by the end of the year, which establishes the TIF. So, what Jacob has done, with Amanda, Amy, and I have been in some meetings with them, is prepare the draft for you which is presented for your information and not necessarily discussion tonight, unless you would like to do so. You can get to any one of us, starting with Jacob, Amanda, and Amy, and I am available anytime you would like anything from me over the next two months, if you have any questions, concerns, changes, additions or further information you want about what has been developed following meetings that staff has had with many of you individually as to what you may have in mind for West Ashley. Then, we'll come back to you in October with the benefit of any comments you may have for further discussion and a public hearing at that time."

Mayor Tecklenburg said thank you very much and called on Mr. Lindsey.

Mr. Lindsey said, "Thank you. So, Mr. deSaussure actually covered the main points related to procedure."

There was laughter in the ballroom.

Mr. Lindsey continued, "Thank you. Thank you, Charlton. All that I will say very briefly is that this, of course, this covers 425 acres, and 125 parcels of underutilized property. The purpose of this, of course, is to revitalize West Ashley and catalyze private reinvestment, redevelop underutilized properties, improve the public realm, streetscaping, housing, parking, drainage, and public facilities. If you have some specifics about the Redevelopment Plan, I can answer them now, but I want to emphasize what Mr. deSaussure said earlier, which is that we have two months for you all to get back to us, the Planning Department, with any changes, additions, modifications, or questions that you may have, and ultimately our goal, of course, is to pass this by the end of the year, which is our goal and the deadline."

Mayor Tecklenburg said, "Don't you have, at least, a fancy map to show us or something?"

Mr. Lindsey said, "The fancy map is in your packages."

Mayor Tecklenburg said, "Oh, it's in the package."

There was laughter in the ballroom.

Mayor Tecklenburg said, "Are there any comments or discussion at this point?"

Councilmember Waring said, "Yes, I did have a question and I guess either of you can handle it. While we are deliberating from July until October, are there going to be any ongoing discussions with the other taxing entities like the County and the School Board while this is going on?"

Mr. Lindsey said, "So, I'll refer you to the schedule which was handed out, and what you will see is that on October 7th, the 45-day notice of public hearing will be given to taxing districts which will be, of course, the County, the School District, and the PRC, as required by the State law. So, that notice begins on October 7th. In regards to the actual process of adoption by those bodies, I would yield to Charlton to answer any details, but in response, what we have to do is, that notice goes out October 7th, and then we'll proceed from there with ultimate adoption by December 31st."

Councilmember Waring said, "My question concerns the schedule because I'm wondering is there any way we could give the other tax entities additional time? What I don't want to do is get to them as they get to the end of the calendar year, and then they have to take a little bit more time. It would be great if they could consider somewhat simultaneously, even though it's not in its final form, and then maybe everybody could have voted on it by 12/31."

Mr. deSaussure said, "Yes, we're required to give them 45 days notice, and we could give them less. We were trying to give you as much time as you might want, if you want a month to review it instead of the two months."

Councilmember Waring said, "I would be in favor of a month. That would give everybody else more time."

Mr. deSaussure said, "What's the date that we put in there, it's two months from today. Was it September 19th?" If we make it August 19th, then it could be finalized. We thought we would only make it available to the other taxing entities once it had your approval, but if that were available by August 19th, we could give them to the County and the School District in August, instead of late September or October."

Councilmember Waring said, "I think that would be great if we could do it and give deference to their schedules."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I guess, I'm kind of along with the same questions that Keith (Councilmember Waring) has. Are we going to be talking with the County and School District, the Aviation Authority, and whoever else might be in this thing? Are we going to be asking their folks to study this, or do we have to wait until we get something in front of them before we can even ask them?"

Mr. deSaussure said, "I would think the latter because when I've been involved in these previously: the King Street Gateway, the Waterfront Park, Charleston Neck Redevelopment Project Area. The overlying tax entities just want to see what we have in mind. Our thought in

getting this to you early, actually, was to get the benefit of your approval before going out with something that you hadn't had a chance to see. So, we've added this extra step to the front end of the process so that you can sign off on it because, if we give it to them now, and they start talking to us, and then if you all were to want to change anything, it just gets a little complicated. This document, from my experience, has been thoroughly developed by your staff, and I know they've taken into consideration a lot of the comments that you've offered over the past year, certainly in the last two years. So, if there were a deadline of August 19th, to let Jacob know if this looks good to you, my experience, again, with the County School District has been if we gave them that much time, that's a lot of time because they have the minimum of 45 days, and now we're going to give them an extra month beyond that."

Councilmember Moody said, "I guess my question was, it's not so much what we might do, but what they may have to give back to us that we can incorporate into ours. It might be a good idea that we need to listen to it."

Mr. deSaussure said, "We did that a lot on the last two TIF Districts within that 45-day period and even between first, second, and third readings. So, that has proved to be enough time, and if we had a month in addition to that by cutting it to August 19th, instead of September 19th, that would be better yet."

Mayor Tecklenburg said, "Alright. So, it sounds like it would be a good goal for us to come back for your approval of this plan by next month's meeting, rather than September."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Just so that I'm all clear on this, the comments that you all are looking for from us consists of what? What are you looking for from Council on either the August or the September deadline?"

Mr. Lindsey said, "So, it's open-ended, and we would hope that you all would go through the document. It does two things: first of all, it establishes what is required by the State law, if the property is being established as having blight, which means that they are, in our opinion, underutilized. It also establishes the principles of what this TIF is meant to do, and then it lays out what you all can use the TIF funds for in the future. So, those are the three pieces of the document. We think that it's been written very broadly and correctly in accordance with Charlton's deep experience, and I've also, of course, said before, credit to Mandi Herring and Amy Wharton for their tremendous contribution. We think it's been written broadly enough that we can use the potential bonding funds from this TIF to do everything that we need to do. If you feel like we've missed something, get back to us and let us know."

Councilmember Shahid said, "Thank you."

Mayor Tecklenburg said, "Alright. Is Mandi Herring in the house, by the way? I want to recognize Mandi. Amy worked on this, as well, but Mandi really put the shoulder to the wheel on this project, and I want to thank her and give her a shoutout. Council, she's done a terrific job. So, essentially, this is just for information to you, and I'll ask the Planning Department maybe to check back with Council individually in two or three weeks time, and poll you for any suggestions or a reminder to remind you to take a close look at it, and we'll try to bring it back for your approval in August. Sound good? Alright. Thank you."

Now, the next matter to come before Council will be the Reaffirmation of a Memorandum

of Agreement between the . . .”

Councilmember Waring said, “Move for denial, Mr. Mayor.”

Councilmember Moody said, “Second.”

Mayor Tecklenburg said, “Motion to deny. You didn’t let me finish.”

Councilmember Waring said, “Well, I believe in your ability to read.”

Mayor Tecklenburg said, “Okay, we have a motion to deny the Reaffirmation of the Memorandum Agreement between the South Carolina Department of Transportation, Charleston County, and the City of Charleston, and it’s been properly moved and seconded. I’d like to call on Councilmember Lewis first.”

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, “Yes, sir. Thank you, Mr. Mayor. This agreement between Charleston County, DOT (Department of Transportation), and the City was brought to us sometime last year. We voted on this agreement several times. Our agreement was to make sure that the County was able to get the money in order to retrofit these lanes for the bike lane. That’s what we’re asked to do. As far as the work being done, as far as the lanes being changed, that’s between the County and the DOT. If the County sees fit to continue and go forward with the plans, they control the money. They have the money. We have no money. The only thing they want from us is the headache that we’re getting from the citizens having to vote on this tonight. This actually shouldn’t have been before City Council. This proposal should have been before Charleston County Council. But because we are such a great City, and we take on such great responsibility, they dumped it in our hands. They paid for the study. We had no money. We didn’t hire consultants to do the study. They did it. If the Department of Transportation decides tomorrow, if we vote tonight, and they decide tomorrow they’re not going to change the Legare Bridge, to change that lane, there’s nothing City Council can do. That’s between the County and the DOT. Since we voted for this agreement, but never give money to do this, I will certainly vote tonight to continue and let them have the money to do it. Whether they do it or not, that will be between the citizens of Charleston County who live in Charleston County and the DOT, but we have done our part, went on and voted on the Memorandum of Understanding that we voted on twice before, and that’s all I’ve got to say. I’m ready to vote for it. Thank you.”

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, “Yes, I concur in the same way. The County, when we voted on this, and we voted on this twice, for them to proceed. When the study came back, it came back to the County, not to the City. The County right now, to me, is passing the buck to the City, and I have a problem with that. That’s my dilemma. I’ve voted on this twice before, and I’m pondering with it because, literally, it should not come back to the City of Charleston. The County should make the decision to vote on it, but they don’t want to vote on it, so they push it on down to the City of Charleston for us to vote on it. We’re going to get beaten up one way or the other, but they don’t want to get beat up, so they shoveled it down to the City of Charleston. It’s not right. It’s not politically right because we have done our job. I’m doing my job. When it came to this Council, I spoke to the Mayor. I’d send it right back to the County where it should go to. Then, you all fight for your County. You need to address your County Councilmembers sometime. They want to sit up there and just pass the buck to the City of

Charleston, and we have to vote on it. Then, one way or the other, we have to deal with all this like we did at the last Council meeting and stayed until about ten minutes before 11:00 that night. The County Council needs to do their job. They have the money. We don't have it. We have voted on this twice, voted to approve it, voted on it to send it, so that we can get the consultant to do it, and then the information came back to the County. It did not come back to the City of Charleston. See, I wanted to send it back, but then the Mayor said that we wanted to vote on it, so I'm going to vote on it one way or the other, but I don't want to be flip-flopping because I voted on it twice before. I pondered this, and anyone around here will tell you, I pondered this. I got the calls, and I told them I had not made my decision, and right now as I am sitting right here, I still have not made my decision, because I don't think it's right for them to do what they're doing. Anything that comes before this Council I vote on it, up or down. I pray on it, and when I'm finished praying, it doesn't make a difference, I go for it. The County Council needs to do the same thing, but they are passing the buck to us because they don't want to deal with it. That's why it's here tonight with us, and we have to go and vote on it again. So, I don't know what they're going to do once we vote on it again."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Well, now this is unique. We have a 'no' in front of us, and we have a, 'Hey, we shouldn't even be talking about this.' I have a tendency to agree with my colleagues to the right, and we probably shouldn't be talking about it. However, since we are, I'm going to take about ten minutes of your time, and we're going to talk about this a little bit. I represent an area called outer West Ashley and Johns Island. I have no problems with bicycles, bicycle lanes, or anything else that is going to help everybody out. What I do have a problem with is what happened during the test. It backed my people up all the way to Main Road and all the way back. Where was the test? The test was about half a mile because that's the only way that the test could pass, two times total, a couple of hours, and they kept people from James Island, Johns Island, and West Ashley in traffic for hours, for almost two months. Now, these people elected me to be their voice. I have some 300 e-mails where they're expressing their voice. I have to speak against this because it has hurt the people in my district, the people that elected me, and oh, by the way, I really think that we're trying to make a modification to a 60 to 65-year old bridge. It's functionally obsolete. It can be reclaimed by the South Carolina Department of Transportation in a heartbeat even before it's completed. Now, we heard \$200,000. Then we heard \$1,000,000 and \$1,500,000, \$2,000,000, \$3,000,000, who knows where it's going to go. I'm going to tell you point blank, we cannot convert a 1950 model anything into a 2016 anything, whether it's a car, boat, or bridge. That's what we're trying to do. We're trying to turn this into the Arthur Ravenel Bridge. It can't be done.

It's a public safety issue, and a lot of my e-mails have said that. One morning, let's try and walk across the street on Folly Road down say around South Windermere where The Crescent is. It's not going to happen. I'm not going to do it. I'm too old. I'm too fat. Even skinny, quick people can't do that. When you have, basically, six to eight lanes converting down into three, there are about four different choke points in that equation. We're going to kill somebody trying to get across there. We heard arguments, and I heard one of them tonight, 'Well, we've got to do this, otherwise we can't become a world-class City'. They must not have gotten the memo. We are a world-class City. We have been for a very long time and I'm really proud to be on this Council of the world's number one City. Now, I have read every one of the e-mails. I finally got to put some names with some of these e-mails. Dr. Cawley, I read his, and I got one and I got a phone call with it. It was from a gentleman by the name of, we've got it right here, Arthur Ravenel, III, and he asked, 'Can you read it or at least part of it when you get to Council?' I said, 'Yes'. I'm going to read it to you. 'Here are a few points of interest and

concern. Approximately 47,500 vehicles a day cross the Ashley River Bridges. Based on the July 1, 2016 Post and Courier, the Savannah Highway corridor from Wesley Drive to I-526 is listed as the third and fourth most congested corridor in the State.' He sent the article. The 50-acre, 2.9 million square foot WestEdge Development is starting to move forward. I have early morning meetings twice a week near City Hall. When traffic cones were in place, it was very tricky trying to maneuver my car to the far right lane to get onto Lockwood Boulevard. During this time of day, there is backup of vehicles at the Bee Street intersection with people trying to get to MUSC. You will only be creating more traffic congestion West of the Ashley in an area you are trying to revitalize. Basically, eliminating one lane of vehicular traffic would be squeezing four lanes of vehicles into three, taking away a vehicular lane that is used by 11,875 cars a day to allow approximately 10-200 bikes. I was recently driving across the Ashley River Bridge heading toward Downtown with my father, who is a Trump supporter, and my sister, Susie, who is a Bernie Sanders supporter, and told them about the proposed bike lane. They both said it was a terrible idea'. Now, that's all I'm going to read of that, but Arthur Ravenel, III was the signator.

This is a quality of life issue for James Island, Johns Island, and outer West Ashley pure and simple. I am their voice, and I'm using their voice to talk to you. I appreciate everybody's opinions, but I'm asking my colleagues to vote 'No' with me on this. Maybe when we get the new bridge, you can have one, or keep the old one or something. I don't know, but I've got to say 'No' on this, guys, and I'm asking you all to help me."

Mayor Tecklenburg said, "Well, just to be clear, the motion is to deny the reaffirmation."

Councilmember Wagner said, "We had two things, a denial of the reaffirmation."

Mayor Tecklenburg said, "Right. That's the motion."

Councilmember Wagner said, "Which is what I'm trying to do, and then we had the two gentlemen who said maybe we ought to try and take it back to the County, and let them do it."

Councilmember Mitchell said, "We didn't make a motion on that."

Councilmember Lewis said, "That was never in a motion."

Mayor Tecklenburg said, "The motion on the floor is to deny the reaffirmation. I hear what you're saying. I think if you want to not have the bike/pedestrian lane, then you're going to vote 'Yes'."

Councilmember Wagner said, "You are right, sir. Excuse me. Thank you. Oh my, God. It's only been five hours. We're just warming up."

Mayor Tecklenburg said, "The night is young. I just want to make clear how the stated motion is on the floor."

Councilmember Wagner said, "Yes, sir."

Mayor Tecklenburg said, "Okay, Councilmember Waring. We're going over to this side for awhile."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I want to stand for two reasons to make eye contact with everybody and, quite frankly, to get some circulation. Our motion for denial is not because I'm against building a bike path across the Ashley. I'm a bike rider. Both sides are right, and let me explain 'right.' The County came up with the funding, and God bless Mayor Riley. He has done a lot of great things in this City. After serving 40 years, he was running out of time. Look at the great things that he did that last for generations, Riley Park, The Gaillard that we're now in, Septima Clark, \$188 million. This was \$142 million. Obviously, he fought for the City to have the bike/pedestrian lane on the Ravenel Bridge. The list goes on and on. We know the list, but if there was such a thing as running out of time, it was on this issue. Then, in his last year, all of us did, but he had the most unfortunate incident of a tragedy of national proportions at Mother Emanuel. We all know it. Could he get everything done? No. The County did not give us the answer to this problem. The solution is at least two-fold. We need a temporary way across the Ashley (River), something quick that would be safe, and this lady and her daughter had a loss and the lady on the film. In my opinion, and I'm part of the leadership, our collective leadership has failed in leading the right solutions, one that includes a short-term solution, as well as a long-term solution, and I'll explain it.

The World War I Bridge, as we were in this meeting, I'm sure people came across it, back and forth. They've been going across the World War I Bridge for decades. It has a four and half foot sidewalk basically on each side. The lanes on the World War I Bridge are a little bit bigger, 11' 1" wide. The lanes on the Legare Bridge are 10' wide. If we simply realign the stripes on the World War I Bridge, we will pick up almost an 8' bike/pedestrian lane. That is the short-term solution, and the next solution isn't even that long. This Council, prior to this Mayor, voted for a study on the James Island Connector, and the lady on the film was right. It was unsafe. What do we do when we have an unsafe intersection for cars? What do we do? We make it safer. Years ago on the Legare Bridge, we had a gentleman that went across, and it was wet, his car flipped, and went over, and he died right under the Legare Bridge. What did we do for the cars? We put a rubber surface, we put grooves, we put a traction-friendly surface on that part of the bridge. Savage Road and Orleans Road, we used to have a four-way stop sign, a four-way stop. A person died, wrecks, another fatality, we got signals. It called for it. Bikers, in some cases, have to die. I am one. I cycle myself. All of you are right trying to get the right attention. Your leadership is not working on that long-term solution, and why? Because when we got the study back putting it on the James Island Connector, it was \$3.9 million, and that was to adjust it both ways, \$3.9 million. What happened to it? It went on the shelf. That's what happened. It went on a shelf, and we all deserve better. We deserve better. You deserve a short-term solution. No one's really studied realigning the stripes on the World War I Bridge. Can that be done for less than \$2,000,000? Certainly. Can that be quick? We have bike lanes on St. Andrews Boulevard in both directions. We've got connectivity with the sidewalks once you get across both sides of the bridges. So, we are fighting over a short-term solution. We need both. This City spent \$4,000,000 to do Colonial Lake, with other help, of course, donors also. This City spent \$4,600,000 to do Gadsdenboro Park. All of that was done in less than four years, but we have not come up with the \$3,900,000 to put the bike lanes on both sides of the James Island Connector. Now, if we were to put a bike/pedestrian lane on the James Island Connector on one side, if we closed the emergency lane, we could create an 8' bike/pedestrian lane on the James Island Connector. We haven't even studied that and it wouldn't cost \$3,900,000 to do it if we did it on one side. There is no effort in this room right now to fight for the longer-term solution. That's why I denied the motion to have the opportunity to discuss a solution that's solves the short-term problem and a longer-term problem, and we've been doing this for a year and a half, and these Councilmembers are right. It's unfair for the County to kick this ball in our court. You know why? Because nobody at the County is working

on the long-term solution, because the goal of being able to go from the Isle of Palms all the way to Folly is going to be satisfied with getting to James Island. So, then we close a lane on the Legare Bridge? Are we going to close a lane on the Wappoo Cut next? Who, I saw affirmative today, but who among us, when you come across the Wappoo, has seen a person come across the Wappoo and say to ourselves, 'My, God, I hope they make it'. Now, that's really how to say it, but getting to James Island, these people are right. They deserve to have access. That serves the two-fold problem. So, that structure is going to be there for 40 years, at least.

The reason I'm against closing the Legare Bridge lane is because I represent a lot of the people that have high blood pressure, diabetes and heart situations. I can tell you the neighborhoods where they are. We're in the stroke belt. Seconds matter. When you have a stroke, a heart attack or an aneurysm, you need to get to the trauma hospitals. If you close a lane on the Ashley River Bridge, don't have your stroke, don't have your heart attack, and don't have your aneurysm during the rush hour, and I'll tell you why. Medevac can't come and get you off of St. Andrews Boulevard, off of Savannah Highway because of the overhead lines, and if you're in an area where the trees are, we have to depend on EMS to transport us in those traumatic situations. You say, 'Well, it's just a minute, or it's just two minutes or three minutes'. If your family member is in the back of EMS like I've had in years past, going to Roper, trying to get that assistance, please believe me, you want them to get there as fast as they can. So, we don't have to divide the communities to say 'us against them.' Can this Council work towards getting \$2,000,000 more, or \$3,000,000 more over a two to three year period? Certainly we can. We haven't even been asked. We haven't even been challenged by you all who have worked so hard on this issue. There are multiple ways of doing this, and this has been couched as an 'us against them', 'this or bust', and that's not the only solution. Now, why couldn't we have had this conversation sooner, because this thing has been couched as 'us against them'. So, my suggestion is that we go send it to the County, asking them to put it on the World War I Bridge, a bridge that we've been using for decades to go back and forth on, unsafe as it is. It is unfair not to make safe passage for bikes on the World War I Bridge because, even if we put it on the Legare Bridge, people will still use the World War I Bridge. Why? It's not an easy passage from St. Andrews Boulevard. So, for the health reasons, my constituents that have high blood pressure, diabetes, and heart situations in those communities, I don't want them waiting another minute on EMS before they get help for a stroke. I don't want them waiting another two to three minutes, if they're further down the street, to get to the trauma hospitals. We can do better. Thank you."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, Mayor Tecklenburg. I want to thank my good friend and colleague again, Councilmember Waring, for his concern with my health. I'm 68 years, and I have all of the above. So, thank you, Keith. Let me make this clear and crystal clear, I'm a big advocate of mobility, livability, greenspace, the bike lanes, pedestrian walk paths. They're part of what makes up Charleston and part of our allure, and it should be paramount that in any community planning and residential planning that the bike lanes, walking paths, and greenspace are part of those plans. The challenge I'm having is, there's a better solution out there. I agree I want a bike path to cross the Ashley River. I would like to have it tonight, but I don't think the answer is closing one of the busiest lanes, on one of our busiest bridges in this great City. The cost has been reported, and I've heard numbers, Councilman Waring, that are all over the place, 'From \$2,000,000 to \$6,000,000 to bring the Legare Bridge up to safety and DOT standards.' It involves bringing a level of the pavement higher, higher railings, so a biker or pedestrian doesn't fall over, buffers between the road and the bike lane,

signage, and a myriad that I could go into. Like my good friends, Councilman Lewis and Councilman Mitchell, I'm angered by the fact that our friends on the Charleston County Council have kicked the can down the road. I'm not going to get them mad at me, but they kicked the can down the road on the I-526 extension, and Mayor Riley and this Council had an answer, but no, they didn't want to hear that. So, I'm disappointed, while they're all good friends of mine in their leadership and vision on this. For the reasons I just mentioned, I am in favor of rescinding the Memorandum Agreement, and I think there's a better answer out there. Councilman Waring's named a few, but there is a better answer out there. We've proven that on this great body again and again. So, I will vote against the bike lane. Thank you, Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Wilson.

Councilmember Wilson said, "Thank you. Thank you, Mr. Mayor, and I feel as though I have to speak on this because I feel a little bit like the anomaly on this Council. Obviously, we've heard from the cycling community, and I, like everyone single one of my colleagues, very firmly believe in safe access over the Ashley River Bridge. I live health and wellness. I understand the ability to commute. I would ask if there is one person in this room who wants to refer to me as a sloth, I don't think so. Thank you. Again, this has been couched as health wellness versus heart attack and access versus 'You don't want to give us access'. It's become so punitive. I'm surprised that this community has, after the things that have happened within the community and at a national level, why would we have let this meanness trickle down to this municipal level, and that's exactly what has gone on between this and the Jasper. I looked at those e-mails, and I am appalled at the things that I have been called and the statements in all caps with 20 exclamation points after them. The treatment, it has been a really abusive week, but that's why we're paid the big bucks. Just keep in mind from a very practical standpoint that with the lane on the Legare Bridge, we don't have a safe alternative in getting there from Highway 61 to get over to get on that lane. There is no bike lane on Savannah Highway, and getting off on the Lockwood side, once you reach Lockwood, there is no bike lane going past the hotels there, diverging onto Calhoun, or proceeding down Lockwood. Concerning my residents in District 12, this is one of those cases where a lot of times I don't get feedback, but in this case, the feedback was very strong and very clear, and they were telling me that, in spite of the traffic study, there were some serious delays in their lifestyle. These are, in large part, families who are thrown into turmoil if there is a 10 or 15 minute change in their morning routine, and to blatantly tell me, 'Well, they just need to get used to leaving their house earlier', that's, as I mentioned to someone in the biking community, I don't believe that it's someone else's right to tell me or any one of my constituents how to use their time. So, I do have to factor that in when I'm being told over and over again that mornings were considerably disruptive. We didn't see anyone from the outer reaches of West Ashley from Grand Oaks come in and say, 'We've got to have this bike lane. I commute from Grand Oaks every morning'."

A couple of people in the audience said, "Here we are."

Councilmember Wilson continued, "Well, that's two. What about the other 24,000?"

A woman in the audience said, "We've been here five hours."

Mayor Tecklenburg said, "I've got to ask you all to please hold your remarks. The Public Participation Period is over."

Councilmember Wilson continued, "James Island really suffered from this, and it's going to get worse because we have not accounted for the apartment complexes that are coming

online nor the vast number of homes on Johns Island, and that's where my great trepidation in all of this comes into play is, 'What is going to happen?' A certain percentage would use a bike lane, a very small percentage, but what about that balance of new traffic that is going to use automobiles because they simply live too far out to make commuting a reality. I think that's what we have to take into account, and it has not been taken into account, the incredible growth. I-526 does play into this a little bit because those coming from Johns Island are forced now to take Maybank, and there is no possibility of taking I-526 to go West Ashley or using the James Island Connector. This is very deeply personal. I look at the people who spoke tonight, and I see friends. I see a lot of friends who came up to the microphone tonight and said, 'Please, allow this bike lane,' and I'm in a terrible, terrible personal position because I have so many friends who want to see this happen, and I'm facing a constituency that is very unified in its position saying, 'Please, don't do this to us'. Someone sent an e-mail to me. I think everybody received it. This person works at The Citadel and said, 'Wouldn't it be great to be able to work at The Citadel and have the children bike to school?' I'm thinking, 'Wow, reaching the City side, and then turning children loose to negotiate Lockwood to get down to Mason Prep or Ashley Hall or wherever they may go to school?' I just don't think I could do that. We heard about Emergency Preparedness or, not emergency, EMS Services, also Police and Fire. Again, it's all anecdotal but I did hear from constituents saying, 'Yeah, there's a firetruck that absolutely couldn't get up Folly Road. They were trying to get up the center lane, but people who were turning had that blocked, as well.' So, it is with a sense of real regret that I have to vote not to allow, however the motion is put forth, this bike lane and work towards a better situation. I'm all for World War I (the Bridge) and continuing this discussion and finding a solution, but, again, I felt that I had to say something just because, out of respect for the people out here whom I know."

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I'm not going to repeat what's been said here altogether. I just really want to weigh in a little bit on a couple of things. This plan is flawed and it's flawed in any number of ways, but I actually had a conversation with somebody that called me yesterday that was talking about the bike lane. They wanted me to vote in favor of having the bike lane, and I explained to them why I wasn't going to do it. They live right there in Moreland, and at the end of thing, I kind of made a comment. I said, 'Well, assume that I agree with everything you said, that we need this bike lane, and I would love to have a bike lane'. I said, 'How are you going to get to the bike head from where you live in the Moreland area,' and she said, 'Honestly, that's a problem.' So, we're going to spend this money to make a bike lane that you can't get to from Highway 61 or Highway 17. You don't have that many people coming from Folly Beach on a bike that they can't get across the Wappoo Cut, and it comes back to what's right for West Ashley, and I said this in our Charlestowne meeting back in February. The statement was made about a gas station at Northbridge, and that doesn't impact my district, so I could very easily dismiss it, and say 'Yeah that doesn't impact my district, so, what do I care?' My real problem, here, is that we've been handed West Ashley a real sorry excuse of a solution. We've been told 'Take it. You don't deserve a new bridge. You don't deserve fixing the James Island Connector. You don't deserve anything,' and if we're going to sit here and take that, then you know, this is what we deserve, if that's our attitude. This money keeps going up, from what I understand. I don't even know that the numbers we've been given, this \$1,200,000, \$1,400,000, nobody's done anything about that. It started off, the whole thing was going to be \$1,800,000, and a good bit of that \$200,000 or \$300,000 was going to be to fix Lockwood Drive. I didn't object to it at first that much because I wanted that. We've been asking for that for eight

years, and the County wouldn't do anything about it. So, they kind of tied it in, I said 'okay.' Let's not say much about the bridge. Let's go ahead and get that Lockwood then we can protest the bridge, but really, the true answer to this thing is the James Island Connector. That's where the answer is. How we get there? I've got some ideas, and we've looked at this study. Even the bicyclists came to our public hearing at Transportation (Committee on Traffic and Transportation) and said this is the safest route in the County to get on the James Island Connector. Did anybody remember saying that to us? If you said that, put your hand up. Everybody's got amnesia, but they said it. They said 'This is the safest route to get across anything around, better than the Isle of Palms Connector, better than anything.' The only problem that the Highway Department had with it was that when you got to the loops, that was the problem, the ingress and egress to the James Island Connector. The Highway Department or the County, whoever did that study, said, I guess it was Stantec, said that the James Island Connector was fine, except we'd have to close it, and we couldn't let anybody on it because that was the problem. I still think that's the solution. This money that we're willing to spend, we don't even have sidewalks in Maryville and Ashleyville and a lot of the other things around there. We've just been handed a crap sandwich and told, 'Go eat it.' I agree with Councilmembers Mitchell and Lewis that the County passed this off to us, but it's our problem, and we're the ones, most of the residents West of the Ashley, James and Johns Islands are the ones that are going to have to deal with this, no matter what the County does. We're going to have to deal with it. So, I'm going to vote. If we're successful, I'm still going to work to see if we can't fix the James Island Connector or provide another solution. I'm not giving up on that, but I just think this is a harebrained idea. Thank you, Mr. Mayor."

Councilmember Shahid said, "The issue before this Council is simple. Do we or do we not want to provide a public access to a public bridge, to a public roadway? That's the bottom line. This is a very simple issue. We pay taxes to build and maintain these bridges and these roads, and what we have existing now denies the public the right and the ability to access the Ashley River. It is really just that simple. Maybe it's an access issue, maybe it's an equality issue, maybe it's a congestion issue, maybe it's a health issue, maybe all of those sorts of things, but the bottom line in all of this is that we've got a public bridge that not all of the public can access over that. I have ridden over the Ashley Bridge World War I Bridge. It is a death trap. I have run over the Ashley River World War I Bridge. It is a death trap. I have run over the James Island Connector. That's suicide. That is not a feasible alternative. It doesn't exist. The Highway Department has passed a regulation saying you cannot have access over that unless by car, for a particular reason, because it's a death trap. There's nothing you can do, I don't think, with the James Island Connector to make it safe because of the ingress and egress on that bridge. You cannot retrofit, and I've asked, and I've checked. That was my very first question, 'Can you retrofit the World War I Bridge?' The answer is 'No', because there's an engineering problem with that. So, whatever other reasons that we have in all of this, we are responsible to making sure that the citizens of this community have the ability safely to get across that bridge. I live in District 9. I live in Northbridge. There's not a day that goes by that I don't see somebody trying to maneuver over that bridge. There's not a month that goes by I don't see an EMS truck out there attending to someone who tried to walk or bike across that bridge. That's a problem. That's a crime for people trying to get across Northbridge because they don't have a car to put their lives in danger, and we allow that to happen. Now, are we going to get funding to rebuild Northbridge? Are we going to get the funding to rebuild the Ashley River Bridge? I believe I-526 should be completed. If we hold our breaths long enough, perhaps we get a new bridge over the Ashley River. I doubt it. I don't think it's going to happen, not anytime real soon. The public is very much entitled to get across the Ashley River, period. For that particular reason, we need to send this letter dated July 19, 2016 to the County to say we reaffirm. It's really just that simple. Thank you, Mr. Mayor."

There was applause in the ballroom.

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. I'll be brief."

Councilmember Waring said, "I hope so."

Councilmember Seekings continued, "Well, maybe not. So, today I started at the corner of Maybank Highway and Folly Road, and I ran Downtown. I didn't ride my bike, I ran. It's hot, hot, and I will tell you, it was also pretty scary when you come across the Wappoo Cut. Then you go past South Windermere, my old District by the way, and then you come across and pass Albemarle Road. Once you get past Albemarle Road, you are on your own. There is no sidewalk. There is no nothing, and what I also noticed as I was doing it, there weren't any cars, which is the only reason I made it. That stretch isn't that wildly, heavily traveled, and that's what the test had showed us. Then, I got to the middle of the bridge, and I got to do something actually most people don't get to do, particularly because you're on your bike. I stopped in the middle and looked. It's unbelievable up there. It's unbelievable, the view up and down that Ashley is incredible. That is public space. That's your space. That's your river. That's a place that everyone should have seen, what I got to see today, fantastic.

This isn't about the bike lane, this is about access to a City. This is about mobility, this is about Charleston joining, and I'm not making a mistake when I say this, the 20th Century, not the 21st, because we're not there. The long-term solution, and I agree with everybody here, is we need a new bridge, but in government-speak, long-term solution is beyond most of our lifetimes. I am 56. I do not think I will see a new bridge over that river. I'm in pretty good shape, but I mean I get it. I read mortality tables every day, probably not. If we don't do this, we're saying we're not ready to join the 20th Century, let alone the 21st Century. Our partner today, MUSC, came and spoke in favor of this. We are partnered in an MOU with MUSC that says we're going to support them and put money towards building a Medical District. This ultimately will be a \$1,000,000,000 investment once we build it up, build it out, build under it, do all the drainage, and our partner said, 'We want this, we need this. It's important for our community.' A huge investor, biggest employer here, they want it. Byrnes Down, seven years ago I ran for City Council, the first place I knocked on a door was in Moreland. I had a card that said, 'I want to be your City Councilmember, and there's one issue I'm going to run on, and that's the West Ashley Bridge'. The first door I knocked on, Mayor, was somebody with the last name Tecklenburg who told me two things. He said, 'I'm not voting for you, and I'm for the bridge,' and I pounded my way all around that little district, including the Wappoo Heights area, I see you here, Moreland, Byrnes Down, South Windermere, The Crescent, and that was the message. We need to do something to join the 20th Century. Seven years ago, people wanted it. It's seven years later and this is short-term government-speak. This is something we voted on twice. People want it. It's going to change the game, as we think about how we move around this area, this region, and how we think about transportation and mobility. So, as a walker, a runner, someone that thinks that we own the public realm like everybody else, and it's a good investment in our future, businesses here are hiring young people. Young people want a couple things. Well, I know what they want, cars and houses. They want apartments and bikes. Well, we've got to give them access to everywhere in them and on them. The Greenway, there was a comment we don't have bike lanes on Highway 17. Just a block and a half south of Highway 17, we've got a Greenway that's fantastic. Go on it. It's fantastic, and we're about to invest a bunch of more money. Where's Harry Lesesne? The Charleston Parks Conservancy is about to

throw more money at the Greenway. That Greenway goes nowhere without this bridge. Our Planning Director has told us in West Ashley, this is good for the revitalization. Everybody here wants revitalization in West Ashley, everybody. Our Planning Director, who we rely on, says, 'This is a good idea'. It's a good idea for many reasons.

The investments coming in this City are going to be huge. We need to make an investment in it to do infrastructure and a statement that we're ready to move forward, 20th Century, long-term solution, absolutely, a new bridge. Short-term, this is the only answer we've got. It's the only one. If there was a better one, I would be here pounding the table saying, 'Give it to us'. With all due respect, the James Island Connector is not it. If anybody's been over there and tried to go on it, regardless of the traffic, it's hilly. That's not all access and public access. That's limited access for people who are probably better than average on a bike or walking, and it's longer. This is a straight shot flat with a beautiful view that gives access to Downtown in a way that is fair and equitable and right. So, Mayor, I'm going to vote for you to sign that letter, get it up, get it out, and let's see how this goes and, if it doesn't work, I'll put this on record and look at all of you right now, especially, you, Kurt. If it doesn't work, I'll be the first person screaming to cut it out if it doesn't work, but I believe in this test. I believe in it. It worked. Let's go get it done. Let's see what happens."

Mayor Tecklenburg said, "Is there anybody but me that hasn't been heard that wants to speak?"

Councilmember Lewis asked to speak.

Mayor Tecklenburg said, "So, I'll come back to you since I haven't spoken yet, if you don't mind."

Councilmember Lewis said, "Thank you."

Mayor Tecklenburg said, "As I said earlier this evening, this matter is somewhat of a complex issue. I certainly wish that you all had taken care of this before I came in office."

There was laughter in the ballroom.

Mayor Tecklenburg continued, "In a way, you have, because it's been voted on twice already, so I do get that. I think everybody knows that we're going to have a close vote on this this evening, and I want to share a sentiment with everyone that we're going to be alright. We're going to be alright. Regardless of the outcome of this vote and our recommendation on to County Council, we're going to do our best as a City to make it as mobile, and increase mobility for cars, for bikes, and for people walking, and we've got other things to work on like the lane expansion that we approved tonight on Maybank Highway, like the retiming of all of our traffic signals West Ashley and James Island that we're currently involved in, in future bike and pedestrian facilities that are planned and are being worked on, such as the Lowline through the spine of the Peninsula, which is going to create an amazing bike and pedestrian facility. So, regardless of the outcome, folks, we're going to work to do what's best for mobility for Charleston.

Long-term, Councilmember Waring says we're not really thinking about the long-term, and there really are just a couple of options. In my view, long-term, one of them is to build a brand new bridge to replace those two bridges, which they are really honestly reaching the end of their useful lifetime, particularly the World War I Bridge, and Ginny Deerin is here tonight.

She was a candidate and proposed that as a solution to this conundrum, and it's a good solution, but who knows when that's going to happen, as Councilmember Shahid pointed out. We've been waiting all these years to try to get I-526 completed, which is a priority of mine still, and I hope it ends up on the referendum. Sorry, about that, Katie. You know, one thing while I'm talking about I-526, the current plan for I-526 extension includes a bicycle/pedestrian facility. It's going to create amazing connectivity, not just for cars, but for this interconnection for folks that like to walk and ride their bike as well. So, that's one long-term solution, but when is that ever going to happen? The other long-term solution was proposed by another candidate, former Councilmember Paul Tinkler, who said that we should consider a stand-alone bicycle/pedestrian bridge, and really long-term, that's an excellent solution. He proposed that it be at the end of the bikeway. I, frankly, think the center of gravity is near where those bridges are, and you could put a stand-alone bridge just south of the two bridges, and the estimated cost on something like is something like that is \$25,000,000 to \$30,000,000. Who knows how long it will take us to get that much money together for such a facility, but either one of those, in my view, are the long-term solution.

So, to answer Councilmember Waring's inquiry or statement that this is just a short-term solution, in a sense, I really agree with you, but how long is short-term? It could easily be 20 or more years, and how long are we willing to wait? It's 2016 now, before we have a safe passage between two major parts of our City, and I mentioned some of those other facilities that we're going to be working on in the next couple of years. I admit, crossing Folly Road isn't that great, and getting back over to Highway 61 is not that great either. You've got to use the Greenway. I know there's not a bike facility on Savannah Highway but you've got the Greenway parallel, exactly parallel, to Savannah Highway down the entire length of it, so you just go over a block and a half and get on the bikeway. My point is this, over the next few years, as we add these additional facilities and capability for bike and pedestrian mobility in our City, the missing link will end up still being this passage over the Ashley River. So, I'm going to be in favor of the bike lane, so I'll be voting against the motion to deny the reaffirmation, and if I may just carry on for one more minute about the James Island Expressway, I looked at the study that the City presented last December, I think it was before I became Mayor. The total cost was about \$3,600,000 to make it at least minimally acceptable to the DOT to where you could reopen it for bicycle traffic, but the thing was, it really wasn't that safe because you still have unsignalized crossings for each off-ramp and on-ramp. In other words, the cars aren't stopping. They required the railing to be added on either side that would make it harder for somebody to fall off the edge, but, in a way, it really didn't make it that much safer, in my view, because of the crossings that you had. There are not dedicated crossings. So, here would be my suggestion to Council and to the County and to our citizens: that we put this bike lane facility into place on the Legare Bridge, and then, since that connects with the Greenway by way of this new park that's being built at Folly Road and then down Albemarle, you can take a left right in front of the old Piggly Wiggly office building. You could get be on the Herbert Fielding Connector, on the lane going to James Island, just that one section, and do what the study recommended. You would only have one crossing that would be unsignalized, and that would be at the exit at Harbor View Road. You would be able to get all the way from West Ashley to Folly Road by that route, only crossing one unsignalized off ramp.

So, with the combination of those two things, and I agree you may call this a short-term solution, but I would make the argument to you, or the contention, that short-term, in this case, is probably going to be at least 20 years. If you combine that with the use of that one section of the James Island Connector, then you would have a reasonable, good and safe pedestrian and bicycle facility from Downtown to West Ashley to James Island, and it will all readily connect with the Greenway. So, there you have it.

I also have many friends here tonight who are supporters and who are not supporters of this, and I know that there is some inconvenience that would be caused by putting in the bike lane, if it passes, but, again, I want to make this commitment to our citizens that even if we do this, we will do everything possible to make even the automobile traffic and truck traffic move as freely as possible, as well. Alright. Thank you. Are there any other comments?"

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "I'll be short this time. I heard just a couple of things I've really got to say something about. Councilmember Waring reminded me that this morning was a trip to my cardiologist and a fellow by the name of Troy Bunting. We were sitting there talking, and he picks at me, and I pick at him because that's kind of what we do. During the discussion, he asked me about the bicycle lane, and I told him pretty much what I told you all. My district is directly impacted. I have no choice, but to do the will of the people that elected me. That's what they elected me to do. That's what I will do until I die. He then reminded me that he was a bicyclist, an avid bicyclist, and so my response to him is, 'You didn't ride the thing to work this morning, did you' and he said, 'No.' Now, I'm just kind of thinking out loud, kind of talking as I'm thinking, and I don't know if that always works well for me, but bottom line, he has an opinion, just like I have an opinion, just like you have an opinion. We all want to go to the same place. It's just how and when we're getting there. The bridge is actually younger than me. When Councilmember Waring was talking, he talked about diabetes, he talked about heart disease, and he talked about people who have had a stroke. Fifteen years ago, I had a stroke. It was sugar-related. That's how I found out I was diabetic. I can't go out and get a bicycle and do what a lot of you all do, quite simply. He also reminded me that one day I might need to be in the hospital if I didn't change my bad ways and lose 40, 50 pounds just in the general ballpark. I also heard, if I were to get sick and do it West Ashley out in Carolina Bay, if it just happens to be during rush hour, and we close this bridge, and we have just closed off one of the output sides from West Ashley to the nearest hospital or MUSC, which is where I would in all probability end up, I'm just wondering how that result would happen. I'm going to die at the Coburg's Cow before I can get halfway there? I am befuddled by why this is the only possible result. We got a whole bunch of smart people who sent a whole bunch of e-mails on this thing. Apparently, there was a Planning Department document that was sent out Friday, and I think you all forgot to send it to me. I don't know if anybody else on Council saw that or not, but I didn't get to see that. The synergy is the problem guys. Wesley Drive to MUSC is not the problem. The problem is when you get back to the Coburg Cow to Highway 7, Carolina Bay to Main Road. That's how far we're backing up now and, when we had the bike test, it was further. I'm not against anybody on a bicycle. I'm definitely not. However, this isn't the answer, you got the note, but you knew that. Thanks."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I would just like to remind everyone for the bicycle lane, and Maybank Highway, you need to start talking to your County Council people, and your State Legislators and State Senators, whenever City Council votes on these different matters. They have to go to them to make these decisions, especially for people in opposition to what they want to do. You need to let them know that we all are elected by the citizens of the City. We are elected by you, and we elected the County (Council). I elect the County Council people, and you elect the County Council people. I elect State Legislators and Senators, and you do.

Start sending them some messages that they are putting problems on the City, when they need to solve some of these problems before they come to the City. Just let know that we're going to do what we've got to do, but they have a responsibility to see some of these problems are taken care of. I hear a lot of talk here tonight about bridge replacement, or we can't replace it, and that's between the State Senate and State Legislature to decide, so let them know. Thank you."

Mayor Tecklenburg said, "Alright. Are there any other comments? If not, let's call for the question. The Clerk has requested that we do a roll call vote. It's easier to see, and it will be close. So, the motion is to deny the reaffirmation and, hence, a 'yes' vote essentially means you don't want the bike lane, and a 'no' vote means you do want the bike lane. Clerk."

The Clerk said, "Councilmember White."

Councilmember White said, "Aye."

The Clerk said, "Councilmember Williams."

Councilmember Williams said, "No."

The Clerk said, "Councilmember Lewis."

Councilmember Lewis said, "No."

The Clerk said, "Councilmember Mitchell."

Councilmember Mitchell said, "No."

The Clerk said, "Councilmember Wagner."

Councilmember Wagner, "Yes."

The Clerk said, "Councilmember Gregorie."

Councilmember Gregorie said, "No."

The Clerk said, "Councilmember Waring."

Councilmember Waring said, "Yes."

The Clerk said, "Councilmember Seekings."

Councilmember Seekings said, "No."

The Clerk said, "Councilmember Shahid."

Councilmember Shahid said, "No."

The Clerk said, "Councilmember Riegel."

Councilmember Riegel said, "Yes."

The Clerk said, "Councilmember Moody."

Councilmember Moody said, "Yes."

The Clerk said, "Councilmember Wilson."

Councilmember Wilson said, "Yes."

The Clerk said, "Mayor Tecklenburg."

Mayor Tecklenburg said, "No."

Mayor Tecklenburg continued, "The motion fails by 7-6."

The Clerk said, "Yes."

On a motion of Councilmember Waring, seconded by Councilmember Moody, City Council voted on whether to deny the Reaffirmation of the Memorandum of Agreement between the South Carolina Department of Transportation, Charleston County, and City of Charleston regarding the Ashley River Bridge Retrofit Project. The motion failed.

The vote was not unanimous. Councilmembers White, Wagner, Waring, Moody, Riegel, and Wilson voted in favor the motion to deny.

Councilmembers Williams and Riegel were excused from the meeting at 10:09 p.m.

Mayor Tecklenburg said, "Alright, the next order of business will be a report from our Committee on Community Development."

There was applause in the ballroom.

Mayor Tecklenburg said, "Please, please, no. Thank you very much. Committee on Community Development."

Councilmember White said, "Move for the adoption of the report."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second."

On a motion of Councilmember White, seconded by Councilmember Gregorie, City Council voted unanimously to adopt the report of the Committee on Community Development as presented.

---INSERT COMMITTEE ON COMMUNITY DEVELOPMENT REPORT---

- i. Amended and Restated Transfer and Development Agreement between the City of Charleston and the Housing Authority of the City of Charleston

Mayor Tecklenburg said, "The report from our Committee on Ways and Means."

Councilmember White said, "Move for adoption of the report."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Please try to be quiet on your way out. Thank you very much. We have approval and a second on Ways and Means. Is there any discussion?"

On a motion of Councilmember White, seconded by Councilmember Mitchell, City Council voted unanimously to adopt the report of the Committee on Ways and Means as amended."

---INSERT COMMITTEE ON WAYS AND MEANS REPORT---

(Bids and Purchases

(Police Department: Approval to accept the 2016 Justice Assistance Grant (JAG) from the SC Department of Public Safety in the amount of \$68,709 to continue funding for the Domestic Violence Investigator, travel, training and supplies. A City match is required in the amount of \$7,635.

(Police Department: Approval to submit the COPS Hiring grant application in the amount of \$1,250,000 for the City of Charleston Police Department for the hiring of 10 Police Officers (4 – West Ashley, 4 – Johns Island, and 2 – Community Outreach). A City match is required for three-year grant period is 35.39%: Year 1 (25%), Year 2 (35%), and Year 3 (40%).

(Housing and Community Development: Mayor and City Council approval is requested for an Arbor Day Foundation Grant in the amount of \$6,000 for the purchase of a minimum of thirty (30) trees to be planted in the Maryville/Ashleyville Community. The award is made possible through a collaboration between TD Bank and the Arbor Day Foundation. The project will be implemented in concert with the Maryville/Ashleyville neighborhood association, volunteers, the Urban Forestry Division and the Department of Housing and Community Development of the City of Charleston. The North Central Community was named as an alternate site in the grant application should we find that all 30 trees cannot be planted in the Maryville/Ashleyville community. The recognition ceremony for the commencement of tree planting is scheduled to occur October 12, 2016. No match is required for this grant award.

(Planning, Preservation and Sustainability: Approval to accept the 2016 SC DHEC Food Recovery Grant in the amount of \$7,500 to support a district wide composting program for restaurants located within the Upper Peninsula Initiative EcoDistrict to serve as a pilot composting program for the City of Charleston. No City match is required.

(Office of Cultural Affairs: Approval to accept The Joanna Foundation grant in the amount of \$2,000 for 2016 MOJA Arts Festival Educational Outreach Program. No City match is required.

(Parks-Capital Projects: Approval of Change Order #1 to the Construction Contract with Belfor Property Restoration in the amount of \$10,909 for infill of a flow hole with new framing in preparation for VCT (\$275), installation of sheetrock soffit for existing according door (\$1,985), running IT drop from overhead through CMU in lieu of surface mounted (\$750) and installing carpet tile throughout (\$7,899). This approval will result in a budget transfer of \$10,909 to the Belfor Property Restoration Construction Contract from the Project Contingency (\$8,119.11) and the Police Department (\$2,789.89). The contract time remains unchanged. The

total project budget will increase by \$2,789.89. The Change Order will increase the Construction Contract with Belfor Property Restoration in the amount of \$10,909 from \$143,750 to \$154,659. The funding sources for this project are: Federal Seized and Forfeited Funds (\$58,150) and savings in fuel and salaries achieved by the Police Department in 2014 and 2015 (\$167,089). With approval of this Change Order, Council is approving the transfer within the budget from 200000-52054 in the amount of \$2,789.89 in the General Fund to the project.

(Traffic and Transportation: Approval of a Resolution between the South Carolina Department of Transportation, Charleston County, and the City of Charleston for improvements to Maybank Highway from Paul Gelegotis Bridge to River Road.

(Traffic and Transportation: An ordinance authorizing the Mayor to execute on behalf of the City of Charleston Franchise Agreements with Mark Ryerson, Low Country Vendors, Chun Hong Chan, Kyle Phillips, Antelmo Vargas, Kevin Schell, Jack Byrne and Sassyass Coffee for certain designated spaces within the City of Charleston from which food or drink or reading material sold in conjunction with the sale of food or drink may be sold from stationary carts or other devices.

(An ordinance providing for the issuance and sale of Waterworks and Sewer System Refunding Revenue Bonds of the City of Charleston in one or more series in the aggregate principal amount of not exceeding \$50,000,000 and other matters relating thereto. (Series Ordinance)

(Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (the Citadel Real Estate Foundation project), pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$17,500,000. (*Refer to City Council Agenda Public Hearing Item E-1*))

(Budget Finance and Revenue Collections: Request approval of an additional \$150,000 contribution to Gaillard Management Corporation from the 2016 Hospitality Fee Fund. This will be included in a future 2016 Hospitality Fee Fund budget amendment.

(Authorize the Mayor to execute the Amended and Restated Transfer & Development Agreement, previously referred to as Transfer & Development Agreement I, including Exhibits B & D, the Affordable Rental Housing Restrictive Covenant Agreement and the Development Agreement between the City of Charleston, as Owner and the Housing Authority of the City of Charleston as Developer. The Agreements set forth the expectation of the parties regarding the conveyance and development of the parcels or tracts of land (or portion thereof) for development of 60 affordable homes; fifty-five (55) of which would serve as rental apartments for persons earning thirty (30%) percent to one hundred and fifty percent (150%) of the Area Median Income and five (5) homes would serve as for-sale housing for persons earning no more than one hundred and twenty percent (120%) of the Area Median Income. (TMS: 459-05-04-207 and 459-05-04-216; Parcel A and Parcel J within the Cooper River Bridge Development Area bound by Meeting, Lee, Hanover, & Cooper Streets in the City of Charleston) [Ordinance] The property is owned by the City of Charleston.

(--Request approval for the Mayor to execute the attached Lease Amendment between the City and Tour Management Services, Inc. whereby the terms of the leased premises in the Charleston Maritime Center will be modified in regards to days and hours of operation, rent and permitted equipment

--Request approval for the Mayor to execute the attached License Agreement between the City and Tour Management Services, Inc. whereby the City grants a

license to Tour Management Services to use an area of slip space at the Charleston Maritime Center for the sole use of the vessel, Carolina Belle. (TMS: 459-00-00-169; 10 Wharveside Street) [Ordinance] The property is owned by the City of Charleston.

(Request approval for the Mayor to execute the attached Memorandum of Understanding between First Baptist Church Foundation and the City whereby First Baptist will construct a road on a portion of the City's property at no cost to the City. (TMS: 428-00-00-013, 428-00-00-040; Fort Johnson Road.) The property is owned by the City of Charleston.

(Request authorization for the Mayor to sign the Fourth Amendment to Development Agreement (Daniel Island, Berkeley County) [Ordinance]. This property is owned by the City of Charleston and Daniel Island Associates, LLC and its affiliates.

(Police Department: Approval of emergency funding of crowd management equipment in the amount of \$50,000 and rifle grade ballistics up to \$250,000.

Give first reading to the following resolutions and bills coming from Ways and Means:

Resolution between the South Carolina Department of Transportation, Charleston County, and the City of Charleston for improvements to Maybank Highway from Paul Gelegotis Bridge to River Road.

An ordinance authorizing the Mayor to execute on behalf of the City of Charleston Franchise Agreements with Mark Ryerson, Low Country Vendors, Chun Hong Chan, Kyle Phillips, Antelmo Vargas, Kevin Schell, Jack Byrne and Sassyass Coffee for certain designated spaces within the City of Charleston from which food or drink or reading material sold in conjunction with the sale of food or drink may be sold from stationary carts or other devices.

An ordinance providing for the issuance and sale of Waterworks and Sewer System Refunding Revenue Bonds of the City of Charleston in one or more series in the aggregate principal amount of not exceeding \$50,000,000 and other matters relating thereto. (Series Ordinance)

Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (the Citadel Real Estate Foundation project), pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$17,500,000.

An ordinance authorizing the Mayor to execute on behalf of the City an Amended and Restated Transfer and Development Agreement between the City and the City of Charleston Housing Authority.

An ordinance authorizing the Mayor to execute the necessary documents to enter into that certain License Agreement and Lease Amendment between the City of Charleston and Tour Management Services, Inc. in order to allow Tour Management Services, Inc. to operate its vessel, the Carolina Belle, at a slip at the Charleston Maritime Center and to sell admissions tickets to the Carolina Belle and related merchandise out of a 375 square foot space in the Charleston Maritime Center upon the terms and conditions more fully set forth in the License Agreement marked as Exhibit A, attached hereto and incorporated by reference herein and the Lease

Amendment marked as Exhibit B, attached hereto and incorporated by reference herein.

An ordinance authorizing the Mayor to execute on behalf of the City of Charleston a Fourth Amendment to the Development Agreement between the City and the Daniel Island Company, Inc., Daniel Island Investments, LLC and Daniel Island Associates, LLC, as assignors of the Harry Frank Guggenheim Foundation and Daniel Island Development Company, Inc.

Mayor Tecklenburg said, "Next are the bills that are up for..."

The Clerk said, "Which would also include the ordinances."

Mayor Tecklenburg said, "Which also includes the accompanying ordinances that were a part of both the Ways and Means and Real Estate Committees. That's just for clarification purposes."

The Clerk said, "Yes."

Mayor Tecklenburg said, "Now, bills up for second reading."

Councilmember Mitchell said, "K-1 through K-8."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a motion to take all of bills (K-1 through K-8) that are up for this evening together. It has been properly moved and seconded. Is there any discussion on any of these items?"

Councilmember Moody asked, "This is the second reading?"

Mayor Tecklenburg said, "This is for second reading."

Councilmember Moody said, "I'm fine."

Mayor Tecklenburg said, "Councilmember Seekings, are you standing to be recognized?"

Councilmember Seekings said, "No, I'm sorry. My back is hurting."

Mayor Tecklenburg said, "No problem. No problem."

On a motion of Councilmember Mitchell, eight (8) bills (Items K-1 through K-8) received second reading. They passed second reading on motion by Councilmember Gregorie and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Gregorie, the rules were suspended, and the bills were immediately ratified as:

2016-080 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 28 F STREET (PENINSULA) (0.11 ACRE) (TMS# 463-16-03-048)

(COUNCIL DISTRICT 4), BE REZONED FROM DIVERSE RESIDENTIAL (DR-1) CLASSIFICATION TO DIVERSE RESIDENTIAL (DR-2F) CLASSIFICATION.

- 2016-081** 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 3201 MAYBANK HIGHWAY (JOHNS ISLAND) (APPROXIMATELY 1.50 ACRES) (TMS #313-00-00-248) (COUNCIL DISTRICT 5), BE REZONED FROM LIGHT INDUSTRIAL (LI) CLASSIFICATION TO GENERAL BUSINESS (GB) CLASSIFICATION.
- 2016-082** AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING ARTICLE 2, PART 3, TABLE OF PERMITTED USES TO ESTABLISH PERMITTED USES FOR MICROBREWERIES AND FRESH FRUITS AND VEGETABLES IN THE "GB, UC, MU-2, MU-2/WH", "LI", "HI", "GP" AND "UP" DISTRICTS, AND TO ESTABLISH CONDITIONAL USES FOR MICROBREWERIES AND FRESH FRUITS AND VEGETABLES IN THE "BP" DISTRICT, TO WIT:
- 2016-083** AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING SECTION 54-347 TO CHANGE THE LANDSCAPE BUFFER REQUIREMENTS FOR PROPERTIES ON THE PENINSULA OF CHARLESTON
- 2016-084** AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 17, ARTICLE 8, SECTION 135 TO EXTEND THE 90 DAY PILOT PROGRAM ALLOWING FOR CERTAIN ESTABLISHMENTS THAT ALLOW FOR THE ON-PREMISE CONSUMPTION OF ALCOHOL, BEER, OR WINE TO REMAIN OPEN UNTIL 3 A.M.
- 2016-085** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AN AMENDMENT OF RESTRICTIVE COVENANTS WITH THE AMERICAN COLLEGE OF THE BUILDING ARTS TO AMEND THE RESTRICTIVE COVENANTS PERTAINING TO PROPERTY LOCATED AT 649 MEETING STREET, COMMONLY KNOWN AS THE TROLLEY BARN, TO INCLUDE ALL DOCUMENTS AS CONTEMPLATED BY THE AMENDMENT TO EFFECTUATE ITS TERMS.
- 2016-086** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN TRANSFER AGREEMENT BETWEEN THE CITY OF CHARLESTON AND JJR DEVELOPMENT, LLC, FOR THE TRANSFER OF 13 BOYERS COURT BEARING TMS NO.: 463-12-02-070 AND 342 NORTH NASSAU STREET BEARING TMS NOS.: 459-01-01-046, 459-01-01-047, 459-01-01-048 FOR THE DEVELOPMENT OF AFFORDABLE HOUSING, SAID TRANSFER AGREEMENT BEING MARKED AS EXHIBIT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.
- 2016-087** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 5 TOVEY ROAD (0.17 ACRE) (TMS# 418-10-00-012), 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.

Mayor Tecklenburg said, "Now, I've got to sign those, but we're going to move ahead to bills up for first reading, and the first item changes an ordinance amending our Accommodations Overlay Zone. I'm going to call on Jacob Lindsey, again, to make a brief presentation."

Councilmember Seekings said, "Mayor Tecklenburg."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "It's 10:15 at night. This is a very big deal."

Councilmember Gregorie said, "Yes, it is."

Councilmember Seekings continued, "I've had a lot of calls on this one and we could debate it for a long time. I'm going to move to defer this. I know that Mr. Lindsey has been preparing..."

Councilmember Gregorie said, "Second."

Councilmember Seekings said, "But I would like this deferred one more time, so we can give it the due that is required. It's a big piece of legislation."

Councilmember Gregorie said, "Yes, it is."

Mayor Tecklenburg said, "Well, we have, it is a big matter, it's an important matter and we did bring this to you a month ago so you've had time to look it over."

Councilmember Seekings said, "There is no question, and I'm happy to debate it, but it's going to go on for some time. I think it really should get public input. It's 10:15 at night, and I've made the motion."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Is there any other discussion or comments other than my own?"

Councilmember Seekings said, "No, sir."

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted to defer Item #L-1. The vote was not unanimous. Mayor Tecklenburg and Councilmember Moody voted 'nay'.

The following bill was deferred:

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-220 Accommodations Overlay Zone, by inserting language to preserve Mixed-Use Districts; prohibit the displacement of housing by accommodations and consider the effects of housing units to be altered or replaced on the housing stock and whether requirements to protect the affordability of the

housing units should be attached to an accommodations special exception approval; prohibit the displacement or reduction of office space by accommodations to be located within areas on the Peninsula designated "A-1" on the Accommodations Overlay Zoning Map and on streets with office use as a predominant use; prohibit the displacement of more than 25 percent of ground floor, store front retail space by accommodations uses on streets with ground floor, store front retail as a dominant use; prohibit an overconcentration of accommodations units within areas on the Peninsula designated "A-1" on the Accommodations Overlay Zoning Map; amend revised Subsection B. 1. (g) by deleting wording regarding pedestrian activity and transit system usage and inserting language regarding the location and design of guest drop off and pick up areas; and amend revised Subsection B. 1. (h) 15 to require additional information on parking and public transit provisions for employees
(AS AMENDED) (DEFERRED)

Mayor Tecklenburg said, "Next, we have the ordinance to amend the Century V Comprehensive Plan."

Councilmember Waring said, "Move for approval, Mr. Mayor."

Councilmember Gregorie said, "Second."

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

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Mr. Mayor, can I just make one brief comment? I talked to some of staff before this, and really, I just want to make some clarity that the area that's been identified to be included as part of the Gateway Overlay, specifically to Cainhoy and Clements Ferry Road area, although, in theory, that's probably a very good place to have higher levels of density, it was already identified as a Gathering Place at some point, as well. Based on the current infrastructure, it is certainly not prepared to handle any higher density. So, just for the sake of staff, please hear me. If property owners see that we've added this, and believe that they should go ahead and start pursuing higher density at this time in that area, it would not be appropriate. We don't have the infrastructure to handle it, but at some point when Clements Ferry Road is widened, we will be able to handle it, and then it would make sense. That's all. Thank you."

Mayor Tecklenburg said, "Thank you very much. Are there any other comments or suggestions, questions?"

On a motion of Councilmember Waring, seconded by Councilmember Gregorie, City Council voted to give first reading to the following bill:

An ordinance to amend the Charleston Century V 2011 Comprehensive Plan update by identifying on the Land Use Peninsula Map and the Land Use Lower Cainhoy/Daniel Island Map locations of commercial gateways into the city that are appropriate for mixed-use dense residential development.

The vote was not unanimous. Councilmember Seekings voted nay.

Mayor Tecklenburg said, "Councilmember Williams, are you still there?"

There was no response.

Mayor Tecklenburg said, "Next is Item #L-3 with the changes to the Board of Architectural Review."

Councilmember Seekings said, "So moved."

Councilmember Lewis said, "Second."

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

Councilmember Waring said, "One discussion, Counsel lady, could you come to the microphone, please? I'm going to vote to give first reading, but I know the City in this would like to have, I guess, the flexibility for the BAR, and that's the portion that I, and hopefully Council, would like clarity on before we give it second and third reading. There is one thing that I'm really concerned about. I want to help the BAR to have flexibility, but I don't want them to have the ability to rezone property, and if we can accomplish that, I think we can move that one forward pretty good."

Ms. Cantwell said, "Yes, sir, and just briefly because I know everyone is tired. This is an interim step and hopefully, maybe not in August when it comes back to you, but hopefully by the second time it does come back to you, we will have undertaken some other actions ancillary to this ordinance relating to height districts in the City that would address the very concern you're talking about."

Councilmember Waring said, "Thank you very much."

Mayor Tecklenburg said, "Terrific. Are there any other questions or comments? We had a motion and second."

On a motion of Councilmember Waring, seconded by Councilmember Gregorie, City Council voted to give first reading to the following bill:

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

The vote was not unanimous. Councilmember Moody voted nay.

Mayor Tecklenburg said, "The rest of the items for first reading were deferred. Now, we have a matter, a legal briefing on 62 Poplar Street."

Ms. Cantwell said, "Mayor and Council, this matter deals with the settlement of litigation, and if Council would like a briefing in Executive Session, I'm happy to do that. I've sent you a

memo outside of the agenda packet that laid it all out. If you're minded to accept the settlement, I'm glad to put it on the record publicly, so that the public would obviously know what it is. If you're minded not to accept it, that would be a proper motion, as well."

Mayor Tecklenburg said, "What is the pleasure of Council? I want to thank Councilmember Lewis for his work on this matter."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I've got some people that really don't understand the specifics of it, but I understand it because I was part of the litigation, but I just didn't want to make the motion to accept it. I'll have to explain it to them, but they're really thinking it's going to be a rezoning. It's not going to be rezoned. We've just got to accept what the Judge says in Court, and we are going to agree with what the Judge said and settle this case. I think it just needs to be settled."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Lewis continued, "Hopefully, I'll have someone from the staff to come to the next neighborhood meeting with me and explain the type of property they're going to put on that property. I don't have a problem with it."

Mayor Tecklenburg said, "You don't have a problem with it. Do I have a motion to accept this mediation?"

Councilmember Seekings said, "So moved."

Councilmember Gregorie said, "Second."

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

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted unanimously to accept the settlement in regards to 62 Poplar Street.

Mayor Tecklenburg said, "The next regular meeting of City Council will be August 16, 2016 at 5:00 p.m. back home at City Hall at 80 Broad Street. Thank you, everyone, for your patience."

Ms. Cantwell said, "Can I very briefly put the settlement on the record, so that it's reflected in the minutes?"

Mayor Tecklenburg said, "Absolutely."

Ms. Cantwell said, "Very quickly, this matter arose from a denial by the Board of Zoning Appeals to grant some setback variances to construct a house on a substandard lot of record. They went before the Board twice. They were asking for side setbacks, the front setbacks. The lot's too small to build a house unless you get setbacks, and there was neighborhood opposition, as Councilmember Lewis mentioned. The Board denied it. The applicant took an appeal to the Circuit Court and asked that we mediate it, which we did, with the help of two members of the Board and Councilmember Lewis. At the end of the mediation, the consensus

was to have the architect, the owner, and the City Architect get together to see if they can come up with an acceptable design that would help assuage some of the concerns that were raised at the hearing. They've done that. They've reduced the number of variances from three to one as one side setback variance. They had to incorporate design features into the house that are reflective of the neighborhood, and, just to quote Dennis Dowd (City architect), so that I get it on the record, 'This block of Poplar is rather eclectic. So, what happens is the features of the design, which you all have in the packet that I've sent to you under a different cover, these features have square, tapered half-columns sitting on masonry piers, one-story symmetrical front porch access by front stairs with masonry cheekwalls, standing seam metal hipped roof forms, 3/1 window style, clapboard siding, and other features that are all within this eclectic neighborhood. They have combined it into a design that both architects signed off on, and which our Zoning Administrator reviewed, and he was pleased with it because he thought it went even farther than what he was expecting. The house is set back in line with its neighbors. Two grand trees are saved, and the HVAC has been screened.' What will happen here after tonight is, we will take this to the Judge for him to sign off, and that will be the end of it. Absent a settlement, we would have been faced with whether or not the Board abused its discretion, and the potentiality exists that we had to allow something to go on the property. It's zoned Single-Family, so we have to allow some sort of house to go there. We think this is a reasonable settlement. So, we recommend it."

Mayor Tecklenburg said, "Thank you very much for putting that into the record. I didn't need my pajamas after all. I want to thank Council and our citizens and staff for your patience and your hard work. This meeting is hereby adjourned."

There being no further business, the meeting was adjourned at 10:21 p.m.

Vanessa Turner Maybank
Clerk of Council