

## COUNCIL CHAMBER

Regular Meeting

February 25, 2020

The ninety-first meeting of the City Council of Charleston was held this date convening at 5:00 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media February 19, 2020 and appeared in The Post and Courier February 23, 2020 and are made available on the City's website.

### PRESENT (12)

The Honorable John J. Tecklenburg, Mayor

Councilmember Delcioppo	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings	District 8
Councilmember Sakran	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Griffin	District 10
Councilmember Brady	District 5	Councilmember Appel	District 11
Councilmember Gregorie ( <i>Absent</i> )	District 6	Councilmember Jackson	District 12

Mayor Tecklenburg called the meeting to order at 5:00 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Now, if you would like to join us, Councilmember Brady will lead us in a prayer and the Pledge of the Allegiance."

Councilmember Brady said, "I'm an Eagle Scout and had the privilege of going to Philmont in New Mexico twice. The Philmont prayer always stuck with me, so if you would bow your heads, I'd be happy to do that."

Councilmember Brady opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Thank you very much. Now, we have our recognition this evening. I'd like to ask President Sandy Morckel and Digit Matheny to join us. They're from the Charleston Rotary Club, and they are celebrating their 100<sup>th</sup> anniversary this year. It looks like Jack Mitchell is joining them as a member of the club, as well. So, we have this special recognition because the Rotary Club of Charleston has announced that our very own Charleston Police Department is a recipient of a \$50,000 grant for the launch of our department's Leadership Development Institute. After months of searching for the best grant, they have chosen us, and we're so grateful. As many of you will recall, through the recommendations made in the Racial

Bias Audit of the Police Department, leadership development emerged as a top priority making the establishment of the Leadership Development Institute one of the most impactful and tangible outcomes of the whole process. Moving forward, the Rotary Club of Charleston will collaborate with Charleston Police to build this curriculum which is focused on developing, fielding, and evaluating the efficiency of leadership development and mentor coaching programs, and will work with us to incorporate community feedback in order to preserve the safety of our community and build strong local partnerships. A Board of Directors will be formed, particularly for this Leadership Institute, to provide support, feedback, and guidance, a continuing relationship with the Rotary Club of Charleston. The goals of the Racial Bias Audit were to ensure greater accountability and transparency of public safety operations, improve our police relationship with members of the community, and this partnership is a really meaningful step in that direction. So, we want to thank the Rotary Club of Charleston for investing in this important work, and we look forward to working with you all. Thank you very much.”

There was applause in the Chamber.

Mayor Tecklenburg said, “I invite President Sandy Morckel, who many of you all know, to just share a few words with us.”

President Morckel said, “Yes, and there’s the Chief. We are delighted to be able to have this partnership announced in honor of our 100<sup>th</sup> anniversary and in light of the day and time that we live in. Rotary has always been a part of helping to solve problems within the community. We have done a lot of public private partnerships. We’ve partnered with the City for years, probably from the very start of our existence and through the years. So, we are excited about this. We think it’s a great thing for our community, and we look forward to working with the Chief and his staff to be able to incorporate this into our City and engaging the City and its residents and leaders in this process. Thank you so much and, Chief, it is our pleasure to present this check to you.”

There was applause in the Chamber.

Mayor Tecklenburg said, “We can’t thank you enough.”

Ms. Morckel said, “Thank you.”

Councilmember Shahid said, “Mr. Mayor, you need to mention that the reason that Councilmember Brady and I are up here with you is because all three of us are members of the Rotary Club of Charleston.”

Mayor Tecklenburg said, “That’s right. We were not on the Committee.”

There was laughter in the Chamber.

Mayor Tecklenburg continued, “But, we are all members in good standing of the Rotary Club of Charleston, which was founded in 1920. We don’t have time to go through all the history but truly, many initiatives, including the forming of the Francis Marion Hotel, numerous times of helping to renovate Marion Square, and they are going to add the fountain there at the corner on King and Calhoun, was actually provided by the Rotary Club of Charleston. So, it’s been a long standing partnership between this civic organization and our City. So, thank you very much for keeping it going for another 100 years.”

Ms. Morckel said, “Yes, exactly. That’s right. Thank you.”

Mayor Tecklenburg said, "Alright. Thank you all very much."

There was applause in the Chamber.

Mayor Tecklenburg said, "So, next we're going to have some Public Hearings. Mr. Morgan will be announcing those. I would ask folks, when you all come forward, please state your name and address if you want to address the Council regarding any of these matters. I ask you to please keep your remarks relevant to the issue that is being presented, and I am going to ask for a limit of one minute per response or per comment, if I may, as we're keeping our schedule a little tight tonight so we can get out for some other engagements this evening, Mr. Morgan."

Mr. Morgan said, "Thank you, Mr. Mayor and members of Council. The first item on your list is E-1. This one was deferred by the applicant. It's 276 Coming Street. I'm not going to go into further detail on this since it was deferred by the applicant."

Mayor Tecklenburg said, "It was deferred by the applicant, but it has been advertised as a public hearing, so if anyone would like to be heard on the matter of 276 Coming Street, please come forward."

No one asked to speak.

Mayor Tecklenburg said, "Seeing none, we will go to the next one."

Mr. Morgan said, "There is a recent change on this one, as of a few minutes ago. It was actually withdrawn by the applicant. This is 23 Felix Street. It has been withdrawn by the applicant, so it's no longer a valid application."

Mayor Tecklenburg said, "Ok, so we will not be hearing from the public on this one if it has been withdrawn. Thank you. Number three, boy we're making progress here. Let's take number three and four together since they both relate to 1320 King Street Extension."

Mr. Morgan said, "Okay. These are only separated because of the way the height districts are handled versus how the zoning districts are handled. So, this relates to the old property that was the Norfolk Southern Rail Line which was acquired for the LowLine project that has since gone to the Berkley Charleston Dorchester Council of Governments for the future transit hub for the Lowcountry rapid transit. It was un-zoned property, and it was also an area that was previously in the Old City Height District, the eight and two and a half story of the Old City Height District, and with these changes we would bring it in into the 4-12 Old City Height District. As the next item shows, it would also go into the Upper Peninsula zoning. This would keep it in line with the other properties on either side of the street front end. I will very quickly go through a few slides here to show that again. This is an area of the City. It's in the urban core designation. The star designates where the property is. So, it's the most intense uses within the City. It's on the future Low Country Rapid Transit line. It has the 14 story Joseph Floyd Manor directly across the street from it, and it has a future eight story building where the Charleston Marine Services Facilities was across the street, as well. So, it's a very intense zone of existing and future developments. Here is an aerial of the property between King Street and Meeting Street of course and some street views. The next item you said you would like to take it with, which is the actual zoning district for it, which is the Upper Peninsula, UP district, where you automatically have four stories, but you earned extra height up to the potential of 12 stories as part of the UP District. That's why it has the 4-12 in the heights, and the UP allows for a range of uses such as residential, commercial, office, things like

that that are going on in the area. The purple on this map indicates all the other Upper Peninsula zonings. You can see how compatible it is with those surrounding zonings and, again, the same issues apply from the previous item. So, staff and Planning Commission recommend approval of these changes for these properties.”

Mayor Tecklenburg said, “Would anyone like to be heard? Yes sir, Please come forward.”

1. Anthony Bryant said the BCDCOG was a lobbyist group and said there were City Councils, County Councils, and School Districts that may need to be looked into regarding influences on their bodies of government. He said if anyone in the government had a relationship with any such group or organization, they needed to put that on the record before the third reading and it needed to get done immediately. Nothing had happened in the area where he grew up in almost forty years.

Mayor Tecklenburg said, “Thank you, sir. Would anyone else like to be heard on this matter?”

No one else asked to speak.

Mayor Tecklenburg said, “Hearing none, it comes to Council.”

Mayor Tecklenburg recognized Councilmember Mitchell followed by Councilmember Seekings.

Councilmember Mitchell said, “The only thing I want to say is when this came up before, I was asking that they make sure they go into that community, it is an old community, to make sure the people there understood what is going to be happening there prior to us going through this. So, I’m still waiting to see if they have done that, or have met with the neighborhood there which is on Courtland Avenue/Market Street, in that particular area. That’s what I was asking before, and I’m still asking for that now, that they let them know what’s happening and what will be happening in the area which is in close proximity to that old neighborhood there. That’s the thing I was asking for, and I still want that to happen, so they will know what exactly is going on in their area, so they can be informed of what’s going to be coming up soon. It’s secluded a little, but it’s an old community. So, I would still like to see that happen.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Thank you Mr. Mayor. I think I would be able to answer some of that if you don’t mind, Councilmember Mitchell. This piece of property, as you know, was the Northern end of the Lowline that was then sold off by the City back to the Council of Governments. This is, in the short term, what is going to happen here, is its going to be the northern spot for the HOP lot, and it has some environmental issues. What’s going to come to the community is this property will actually be a part of the rooting of the Lowcountry Rapid Transit, Phase 2 of which is starting this week. There will be a number of community meetings and engagements, but there will be nothing vertical put on this site, I think it’s safe to say, for at least another 6 or 7 years, if, by then. So, in the interim, it’s going to be remediated, and there will be parking, and we will certainly make sure the community knows what’s going on. In conjunction with the Lowcountry Rapid Transit, when the rooting is decided, it is going to effect that community and be part of that community, so they will be a big part of the planning for that, so we will make sure that they are very much involved in that.”

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Thank you Mr. Mayor. Just to be clear, there was a notice put out that there would be a public hearing on this though, was there, or was there not?"

Mr. Morgan said, "Yes, sir. It was advertised in the paper. It was on all of the published agendas, and it was also posted, the property was posted, which each street front gets a posting sign, as well."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Just to clarify, and I kind of figured what Councilmember Seekings just told us is what we're using as property for or used for. So, if we leave it alone, are we unable to do what we think is going to happen with the Lowline area. Just sort of clarify that for me a little bit."

Councilmember Seekings said, "Well, in conjunction with the study that is being done by the BCDCOG on the Lowline transit side of things, also is a question of what's going to happen in the future, in terms of transit oriented development. This is going to be a key piece of this because the vision is, sometime in the future, that this will be a transit hub that will allow for live, work, and play. So, this zoning puts it in position to succeed in that regard, and what happens in the future, we don't know. But, it is consistent with the zoning that is in there, and the thought was, as we go through the transition, look at Lowcountry Rapid Transit, go through the remediation process, try to acquire the lower southeast portion and integrate it just to make sure the zoning is in place, so as the process goes, everyone is on the same page in terms of zoning."

Councilmember Shahid said, "My question was, along the same lines, whether or not we were allowing for a height differential that is going to give these neighbors a concern? That's what my other question was."

Mr. Morgan said, "There had been previous concern from the neighbors about some rezoning's on these properties here, and those ultimately did not move forward. But, this is out between King and Meeting. Those were on the other side of King, but this is neighborhood I believe Councilmember Mitchell is referring to. This is a good bit further out again, but tall buildings here already exist and the Upper Peninsula zonings on both sides."

Councilmember Seekings said, "If you look at the northern end of that property, I mean, there's nothing going to be too substantial and dense put up there because there's just no room up there. It's the southern end of the property."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I am on the COG board, so I'm not opposed to what's happening. I'm just saying that it's better to make sure that the people understand what's happening out there. Before we went to Upper Peninsula, we were talking about it. I asked that a letter be sent to the people in the community there at that time because the only tall building in that area is Joseph Floyd Manor which is in the district I represent. So, I like people to be informed, and that's an old community. It was there ever since I grew up. I just want people to be able to understand what's happening because it's going to be changing in that area. There are going to be a lot of changes taking place in that area. I represent that whole area, so I like them to be informed in that little community because even when the traffic starts in that particular area, it's

going to change. I just want them to be informed and let them know what is happening. I asked last year, or year before last, to send letters out because there are homeowners there, not renters, homeowners, but it's an old community, that's what I'm saying. So, I don't want to throw away there and just do things and bypass them. Just make sure they know what's going on and what's happening because they're not coming down here to City Hall. We are going into that area and changing it. We went to the Upper Peninsula of Zoning."

Mayor Tecklenburg said, "Any other comments or questions? Just for the record, I plan to recuse myself. No personal interest, but I do serve on the BCDCOG board."

On a motion of Councilmember Shealy, two (2) bills (Items E-3 & E-4) received second reading. They passed second reading on motion by Councilwoman Jackson and third reading on motion of Councilmember Seekings. On further motion of Councilmember Shahid, the rules were suspended, and the bills were immediately ratified as:

**2020-025** 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 1320 KING STREET EXTENSION (PENINSULA) (APPROXIMATELY 0.94 ACRE) (A PORTION OF TMS# 464-14-00-191) (COUNCIL DISTRICT 4), BE REZONED FROM 8 AND 2.5 OLD CITY HEIGHT DISTRICTS CLASSIFICATION TO 4-12 OLD CITY HEIGHT DISTRICT CLASSIFICATION. THE PROPERTY IS OWNED BY THE BCDCOG.

**2020-026** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PREVIOUSLY UNZONED RAIL RIGHT-OF-WAY LOCATED AT 1320 KING STREET EXTENSION (PENINSULA) (APPROXIMATELY 1.50 ACRES) (TMS #464-14-00-191) (COUNCIL DISTRICT 4), BE ZONED UPPER PENINSULA DISTRICT (UP) CLASSIFICATION. THE PROPERTY IS OWNED BY THE BCDCOG.

The vote was not unanimous. Mayor Tecklenburg abstained from voting on the items and completed a Conflict of Interest Form which is on file in the Office of The Clerk of Council.

Mr. Morgan Said, "This is a fairly simple amendment to the Folly Road Overlay, which runs across James Island, of course. This had been before you all, after coming from Planning Commission a few months ago. At the time it went to Planning Commission, there was some discussion from Planning Commission about the potential of reduction of the widths on one of the sides, but it was deferred from Council action, and it went to the Rethink Folly Group. The Rethink Folly Steering Committee, which is made up of all of the jurisdictions that govern the lands along Folly Road, as well as entities that have an interest in Folly Road such as Charleston Moves and Lowcountry Local First. The consensus of that committee was that the 12 foot path on both sides of Folly Road made sense and should move forward, and all of the jurisdictions in that area would work to adopt a similar standard. The one difference with what the City Code would have, because we have a Design Review Board, if there needed to be variations from that 12 foot path and variations to the buffer in the area, that the Design Review Board could handle those variations because they review new developments in that area. It would be more of a one stop shop rather than also having to go to the BZA. Other jurisdictions would still have to go to their BZA. So, we think it makes it easier to have this legislated and implemented on a daily basis and support this as moving forward, and it comes to you now for your approval."

Mayor Tecklenburg said, "I think we've had first reading on it already. Would anyone like to be heard on this matter?"

1. Anthony Bryant said that as the Mayor stated he didn't have a conflict of interest, but he served on the BCDCOG board. He said MUSC recently got a loan of \$600,000, and if there was an ordinance put in place because the Governor stated there was an issue with City Council, County Council, and School Boards with possible undue influences over the bodies and criteria/methods. They couldn't have criteria or methods under the Title VI Civil Rights Act. He was concerned about them getting an ordinance established and telling people they had some conflicts.
2. Savannah Brennan was there to represent Charleston Moves. She said they were very much in support of the amended ordinance, as well as the Rethink Folly Steering Committee. They felt like it would be a great compliment to the towns existing multi-use path requirement, as well as the bike parking ordinance that went through their first reading last week and was approved unanimously. They felt this was a great first step in continuing to make this corridor safer and equitable for everybody to travel, and they appreciated Council's time and consideration.
3. Jason Crowley, Director of Communities and Transportation, said he was also in favor of the bill for all of the reasons Ms. Brennan stated and thanked Council.
4. Mohammed Idris said when they had an authority like the Mayor and they sat on a board, they were influencing society because people looked at them as the power. It was personal, whether they knew it or not.

Mayor Tecklenburg said, "Thank you very much. Anyone else? We need a motion to approve."

Councilwoman Jackson said, "Move for approval."

Councilmember Seekings said, "Second."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Mr. Morgan, when did this come to the Planning Commission?"

Mr. Morgan said, "I believe it was October or November."

Councilmember Griffin said, "Okay. So it's been a while ago. Thank you."

Mayor Tecklenburg said, "Any other comments, discussion?"

No one else asked to speak.

On a motion of Councilwoman Jackson, one (1) bill (Items E-5) received second reading. It passed second reading on motion by Councilmember Seekings, and third reading on motion of Councilmember Seekings. On further motion of Councilmember Mitchell, the rules were suspended, and the bill was immediately ratified as:

**2020-027** AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO ADD TO SEC. 54-299.4.B OF THE ZONING ORDINANCE A REQUIREMENT FOR THE INSTALLATION OF A TWELVE FOOT (12') WIDE MULTI-USE PATH ALONG THE FRONTAGE OF PARCELS WITHIN THE FOLLY ROAD (FR) OVERLAY ZONE; TO AUTHORIZE THE DESIGN REVIEW BOARD TO REDUCE THE MINIMUM REQUIRED BUFFER PLANTINGS ADJACENT TO A RIGHT-OF-WAY AND/OR REDUCE THE MINIMUM REQUIRED WIDTH OF THE MULTI-USE PATH IN CERTAIN CIRCUMSTANCES; AND TO AMEND SEC. 54-120 OF THE ZONING ORDINANCE TO ADD DEFINITIONS FOR THE TERMS "BIKEWAY" AND "MULTI-USE PATH." (AS AMENDED)

Mr. Morgan said, "This is a recent annexation, 114 Tall Oak Avenue. It was recently annexed into the City. It was R4 in Charleston County. The recommendation in the City is SR-2. The surrounding zonings in this neighborhood are SR-2, so that would be most compatible with the surrounding neighborhood. Planning Commission and staff recommend that zoning."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter? Seeing none, it comes to Council."

Councilmember Shahid said, "So moved."

Councilmember Shealy said, "I second."

On a motion of Councilmember Shahid, seconded by Councilmember Shealy, 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 part thereof, so that 114 Tall Oak Avenue (West Ashley) (0.24 acre) (TMS#418-13-00-092) (Council District 9), annexed into the city of Charleston January 14, 2020 (#2020-010), be zoned Single Family Residential (SR-2) classification. The property is owned by the City of Charleston.*

Mr. Morgan said, "The final item is E-7. This is a portion of Bender Street. This is a property the City recently purchased for the Bender Street Park. It had not been zoned previously, and we need it to be zoned for the park, so we're going to zone it the way the surrounding property is zoned which is SR-2. Planning Commission and staff recommend approval of that request."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter? Seeing none, it comes to Council."

Councilmember Mitchell said, "Move for approval."

Councilwoman Jackson said, "I second."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Ok, so Bender Street Park is also zoned the same exact way, is that correct?"

Mr. Morgan said, "Yes sir, that's correct."

On a motion of Councilmember Mitchell, 1 (one) bill (Item E-7) received second reading. It passed second reading on motion by Councilwoman Jackson, and third reading on motion on Councilmember Mitchell. On further motion of Councilwoman Jackson, the rules were suspended, and the bill was immediately ratified as:

**2020-028** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PREVIOUSLY UNZONED RIGHT-OF-WAY LOCATED AT THE NORTH END OF BENDER STREET (WEST ASHLEY) (APPROXIMATELY 0.13 ACRE) (TMS # TO BE ASSIGNED) (COUNCIL DISTRICT 3), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION. THE PROPERTY IS OWNED BY THE CITY OF CHARLESTON.

Mayor Tecklenburg said, "Next is approval of our City Council minutes."

Councilmember Mitchell said, "So moved."

Councilwoman Jackson said, "Second."

Mayor Tecklenburg said, "Any additions, deletions, improvements?"

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilwoman Jackson, City Council voted unanimously to approve the minutes of the January 28, 2020 City Council meeting.

Mayor Tecklenburg said, "Next is our Citizens Participation Period. We have a number of folks who have signed up. I ask you to please come forward and state your name and address. I ask you to limit your remarks, if you don't mind this evening, to one minute. We will start with Anthony Bryant, Bob Milani, Chris Patton, and Karen Beard. If you all would queue up, that would be great."

1. Anthony Bryant stated that the minutes from the last Council meeting were not on the record. He understood that the Attorney General had to find him, under Rule 64 of the Federal Court. He said forty million people in the United States could not even plead poverty in America.
2. Karen Beard, 537 White Chapel Circle, stated that she was the '5G lady'. She was there to speak on behalf of the 5G Awareness Group. She thanked Council for hearing their concerns and acting on them. With the two resolutions they were considering, they were saying they had heard the resident's voices and their concerns. They were taking their voices to the State and elected officials, as it should be. She said it was imperative that the residents had a voice in decisions that involved their health, security, children, and property. She appreciated Council and supported the stand they were taking. City Councils all across the nation were doing similar things, and they were not alone in opposing the State and Federal Government in this.

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

3. Will Greene, 3 Percy Street, said he was there to discuss an item that was withdrawn, which was the up-zoning on 23 Felix Street. They were in a similar situation on Percy Street, and this house did not need to be up-zoned. He thought the lines needed to be drawn firm when it came to zoning, and if it was approved, then every house on Percy Street would become an STR, which they wanted to avoid.

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

The Clerk said, "Luke Daniels, followed by Joe Cannon, and then Hamlin."

Councilmember Seekings said, "Hamlin left."

4. Luke Daniels, 17 Harleston Place, stated he was the former president of Harleston Place and current president of Harleston Village. He was there to discuss the noise ordinance. As it was currently written, it was supposed to be effective in three months. He asked if they would make it effective now. He said they were losing sleep. He also said the concrete pouring woke them up at 3 am. He thanked Council for their consideration.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Joe Cannon. Okay, he's gone. Rachel Hyde, and Jason Coy."

5. Rachel Hyde, 36 Bogard Street, was there to express her opposition to up-zoning 23 Felix Street. She said their neighborhood had a balance of commercial and residential properties reflecting historic patterns of use. She said if homes on residential streets were permitted to up-zone, it would upset the balance in their neighborhood and create a dangerous precedent for everyone. There was a very real financial incentive to convert residential homes into short term rentals in Charleston. Their neighborhood would cease to exist as they knew it if long-term residents were incentivized to sell to investors for unprecedented prices. This would also perpetuate the affordable housing crisis on the Peninsula. They loved their neighborhood and appreciated Council's careful consideration of any future up-zone requests by the owner of 23 Felix Street.

Mayor Tecklenburg said, "Thank you very much."

6. Jason Coy, 31 Bogard Street, urged Council to deny the request for the rezoning at 23 Felix for the same reasons as Ms. Hyde mentioned, in addition to what the livability cost would be for a proliferation of STR's in the neighborhood.

Mayor Tecklenburg said, "The item was withdrawn, so we will not be taking any action whatsoever. It's not under our consideration at this point, but thank you very much."

7. Andrew Wunderley, Charleston Water Keeper, thanked Councilwoman Jackson, Councilmember Appel, Councilmember Gregorie, and Mayor Tecklenburg for their support on the James Island Creek issue. They had been sampling for seven years, and their data showed that the creek was not safe for recreational use. In those seven years, he felt they were at a point with the James Island Creek Task Force where they had the momentum, framework, and ability to move forward to make sure the creek was safe for recreational use, and they could come together as a community and take ownership of it to ensure that it was clean for future generations. He thanked Council for their leadership.
8. Mohammed Idris, 1059 King Street, said he was there to salute the ten Councilmembers that voted on the 19<sup>th</sup> for the burying of racism. He said that racism was dead, and it was

buried on the 19<sup>th</sup>. They were talking about zoning and now the power was back in the hands of the people. They kept racism going so that the crooks could get money. The vote on the 19<sup>th</sup> should have been in all newspapers, but it wasn't.

9. Sally Eisenberg, 12 Catfiddle Street, was there to speak about 23 Felix Street. Her issue was that the applicant had bypassed the Neighborhood Association in the application, which was problematic because it was against normal protocol and procedures.

The Clerk said, "Okay. Jay Hicks, Phil Dustan, Marion Hawkins, and Jason Crowley."

10. Phil Dustan, 2659 Burden Court Road, congratulated the Mayor for using the Dutch Dialogues photo-op for his re-election. He said destruction and fill and build continued in the City, rolling through Johns and James Island. Tonight, City Council had two more opportunities bringing them closer to destroying the lives of more residents and the housing market in Charleston. Adding a foot to base flood elevation would have serious consequences for current homeowners that were unfortunate to get flooded out in the future. Adoption of the new Stormwater Manual would continue to allow the wrong kind of development in the wrong places which would continue to flood out neighboring longtime residents, as well as decrease Charleston's resilience to the vicious weather of global climate change. Charleston needed to stop sloppy building in the flood plain. He mentioned David Wagner who said, 'The best way to solve a problem was not to create it in the first place.' He wished that City Council and the Mayor would take David's advice to heart.

Mayor Tecklenburg said, "Thank you, sir."

11. Marion Hawkins, 86 Cannon Street, was the president of Cannonborough/Elliotborough Neighborhood. He was there to discuss 23 Felix Street. Although it was withdrawn, he wanted to convey their concern to Council. They were seeing a series of requests for up-zoning of residential properties. Contrary to popular belief, most of Cannonborough/Elliotborough was residential, with the exception of the commercial corridors at Spring, Cannon, and St. Philip. They had been vigorous and consistent about opposing up-zones at BZA and Planning Commission. He asked for Council's help in trying to preserve the unique balance they had in the neighborhood. He thanked Council for their consideration.

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

12. Jason Crowley, Conservation League, was there to speak about the Stormwater Manual that was being considered for third reading. They were very pleased with the effort that staff had been doing to get the information out into the community. Both members of the committee had been taking it upon themselves to meet with folks, as well as staff. He hoped they continued to do that after they passed third reading, to continue to educate the public about what would be coming into effect in July. With regard to the freeboard ordinance, he encouraged them to go back to the original language. It should be a uniform amendment back to raising the freeboard across all forms of the City to two feet and also to add in language that said you couldn't use fill material to meet the freeboard requirements.

Mayor Tecklenburg said, "Alright, well thank you all for participating tonight and sharing your comments with us. Next, we are going to move on to Petitions and Communications. We have a Resolution. Maybe take 1 and 2 together. They're related."

Councilmember Griffin said, "So moved."

Councilwoman Jackson said, "I'll second."

On a motion of Councilmember Griffin, seconded by Councilwoman Jackson, City Council voted unanimously to approve the Resolution opposing further 5G restrictions and legislation on local governments, and the Resolution urging South Carolina's U.S. Senators and members of the House of Representatives to request the Federal Communications Commission to work in cooperation with other relevant Federal agencies to revisit and update studies on potential health effects arising from RF Wireless Emissions associated with 5G technology.

Mayor Tecklenburg said, "Next is number 3. We really got this update last week at our workshop meeting, so we are just going to pass right over number 3 because Katie, I don't even know if she's here tonight, gave us a report on that last week. So, right on to our Council Committee Reports. First, Committee on Community Development."

Mayor Tecklenburg recognized Councilmember Mitchell.

Mayor Tecklenburg said, "We're just receiving this as information, and I will say briefly, we talked about this at a prior meeting, and we felt like we needed to oppose this legislation in Columbia regarding business licenses, but our interests were protected by the Municipal Association, and a good compromise was reached. So, we are now in favor."

Councilmember Griffin said, "This is Community Development."

Mayor Tecklenburg said, "Oh, I'm so sorry. I was thinking about License Committee. We have an abandoned building, but we won't have to talk about License. We've got the same committee chairman, so I was confused."

Councilmember Griffin said, "Move for approval."

Councilmember Mitchell said, "Second."

On a motion of Councilmember Griffin, seconded by Councilmember Mitchell, City Council voted unanimously to approve the Resolution to certify pursuant to South Carolina Abandoned Buildings Revitalization Act three (3) building sites located at 286-288 King Street, Charleston County, TMS #457-04-04-042.

Mayor Tecklenburg said, "Committee on Public Safety."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor, members of Council, Madam Clerk. The Law Firm of S's, Shahid, Seekings, Shealy, Sakran, and Susan – Mayor Tecklenburg, you were not invited I'm sorry, because you have a 'T'. No 'T's', all 'S's', we met, and we've passed onto the Mayor two names for consideration for the new DUI dedicated judge. We extended the advertising for the replacement for Judge Mendelsohn until the end of March, and that advertisement has gone out including in the Charleston County Bar Association newsletter in the hopes that we, not that any of the candidates we interviewed did not qualify, we want to make

that very clear, we were concerned about being inclusive with a potential pool of candidates. So, we will reconvene sometime after March to consider a recommendation to the Mayor for Judge Mendelson's replacement."

Mayor Tecklenburg said, "So, I will come to you all with a recommendation for that one position once I have now had my interview. So thank you, that's just for information. Committee on Traffic and Transportation."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just very briefly, because I think it's going to be of some interest to the members around this table. Today, at the Traffic and Transportation Committee, which we met today at 2:30, we had representatives of the SCDOT and our committee, and actually not just any representatives, we had Tim Henderson, who is the head of District 6, and we had Josh Johnson and Kevin Turner who's head of bridges and other large scale projects. It was an opportunity for us in the committee to take a look across the table at members of the DOT and tell them about some of our concerns, about things that need to be done here. We also learned some things. District 6, which is where we sit, in the middle of District 6, which Mr. Henderson runs, encompasses six counties. It's somewhere, they weren't quite sure, between 4,000 and 6,000 miles of roads. One of the things they do is maintain and repave those roads. Just for your cocktail talk later on or wherever you might be, guess how many miles of the 4,000 to 6,000 miles of roads that are under the jurisdiction of District 6 were repaved in 2019? Those of you on the committee are disqualified. Just a quick guess. 35. So, if it's 4,000, it's less than 1%. So, we are going at a slow pace. Now, we heard last week from TST and other people, the County through other things going on, but it is slow. So, people in your district, Councilmembers, are asking about repaving and the like. They will give you a list. There is a criteria which is not that manipulable by human input because they have a point scoring system mandated by the legislature, but it's just a slow go and a slow process. That being said, the fact that they were in there today, all 3 of them, and listening, which was, I think, precipitated by a number of things, and I want to thank Mr. Benjamin for getting them there, but one of which was the Maybank Highway conversation we had last week. We have an open line of communication now. So, if you have issues in your district regarding DOT SC projects, maintenance or questions, root them through our committee. We will get you answers. I think they were there to listen today. We had some specifics for them and, I think, we will see how that goes. Thank you, Mr. Mayor, for being there and thank you, Mr. Benjamin, if you're here, and thank you to the DOT. There is a lot of work here left to do. It was productive, enlightening, and now we have to get to work. Thank you members of the committee. That is my report. I am now concluded."

Mayor Tecklenburg said, "Alright, that's just for information, as well. So, now for our Committee on Public Works."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. Under item A, we have seven items I believe, Acceptance and Dedication of Right of Ways, as listed on your agenda. It came before the Committee and passed unanimously. I so move."

Councilmember Griffin said, "Second."

On a motion of Councilmember Waring, seconded by Councilmember Griffin City Council voted unanimously to adopt Item A of the Public Works report as presented:

- (i) Acceptance and Dedication of Swygert's Landing Phase 4, a portion of Sarnoff Street (60' & 50', 2150LF).
  - Title of Real Estate
  - Affidavit for Taxable or Exempt Transfers
  - Exclusive Stormwater Drainage Easement Agreement
  - Plat
  
- (ii) Acceptance and Dedication of Bennett's Bluff Phase 1, a portion of Elliott's Cut Drive (50'RW, 1254.77LF).
  - Title of Real Estate
  - Affidavit for Taxable or Exempt Transfers
  - Exclusive Stormwater Drainage Easement Agreement
  - Plat
  
- (iii) Acceptance and Dedication of Marshes at Cooper River Phase 2 at Maddux Alley (20', 152LF).
  - Title of Real Estate
  - Affidavit for Taxable or Exempt Transfers
  - Exclusive Stormwater Drainage Easement Agreement
  - Plat
  
- (iv) Acceptance and Dedication of Marshes at Cooper River Phase 2 at Mountaineer Landing Drive (35', 265LF).
  - Title of Real Estate
  - Affidavit for Taxable or Exempt Transfers
  - Exclusive Stormwater Drainage Easement Agreement
  - Plat
  
- (v) Acceptance and Dedication of Marshes at Cooper River Phase 2 at Ocean Drive (35', 216LF).
  - Title of Real Estate
  - Affidavit for Taxable or Exempt Transfers
  - Exclusive Stormwater Drainage Easement Agreement
  - Plat
  
- (vi) Acceptance and Dedication of Farr Street in Daniel Island at Lime Lane (589').
  - Title of Real Estate
  - Affidavit for Taxable or Exempt Transfers
  - Exclusive Stormwater Drainage Easement Agreement
  - Plat
  
- (vii) Dedication and Acceptance of a portion of Henry Tecklenburg Drive, as shown on Plat L19 at Page 0470, recorded on November 4, 2019, in the Register of Deeds Office for Charleston County, South Carolina. Title to Real Estate and Plat attached. **(DEFERRED)**

Councilmember Waring said, "Under Item B-I, Stormwater Management Update, which came before Ways and Means B-I, Stormwater Plan Services not to exceed \$125,000, that passed Ways and Means, and I move for its approval."

Councilmember Griffin said, "Second."

On a motion of Councilmember Waring, seconded by Councilmember Griffin, City Council voted unanimously to approve item B-I of the Public Works report.

(i) Stormwater Plan Review Services – Increase in Not to Exceed Fee from \$75,000 to \$125,000 with Johnson, Lachober & Associates.

Councilmember Waring said, "And B-2, Stormwater Manual. We had good discussion, actually pretty civilized discussion, at the Public Works Meeting. It passed unanimously, and I also move for its approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Now, we will be taking this up for consideration under bills for second reading. But, it did get the recommendation of the Committee."

The Clerk said, "Councilmember, Corporation Counsel said on the first part of the report, on the dedication and acceptance of a portion of Henry Tecklenburg Drive, that needs to be approved."

Ms. Herdina said, "We deferred that, because we recommended that that matter be deferred because the supporting documentation was not included in the packet of information either for Council or for the Committee."

Councilmember Waring said, "Thank you, Counsel. I need to amend the motion. I asked for all seven items to be approved, so I need to amend for the first six items."

The Clerk said, "So, it will be six items with number seven being deferred."

Councilmember Waring said, "Item C, commonly known as the Noise Ordinance. It did pass. I think it passed the committee, I believe unanimously. I move for its approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "This will also be under bills for second reading."

Councilmember Waring said, "I think Ms. Delcioppo had some discussion on that one. I'm having a mind meld with her."

Mayor Tecklenburg recognized Councilwoman Delcioppo.

Councilwoman Delcioppo said, "So, my concern is still regarding the concrete pour. I think somewhere there was a miscommunication in my intention. I do appreciate very much the 48 hours' notice, and I think that's imperative to keep in there. But, I also wanted to see that you would still need to get that permit for special exemption if you're doing a concrete pour in the wee hours of the morning. So, it's a twostep process in regards to concrete."

Mayor Tecklenburg said, "If I may, can we have this discussion when we take it up for bills for second reading? We will come right back to that. We will just accept your approval of those matters as part of your report, and then we will take up the matter for action. Thank you very much. Now for the License Committee."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "We only had one item, and that item was just for information purposes, so we don't need a motion on that. The staff will come back when they have to do a particular legislation. Then it will come back to License Committee and then, we will bring it back to Council."

Mayor Tecklenburg said, "Absolutely. Alright, we will bring it in conformance with the new State Law. Thank you very much. Alright, Committee on Recreation. Councilmember Gregorie is not with us. He is not feeling well. Would anybody that was there, I got there late, like to make the report on yesterday's Committee on Recreation?"

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Items A and B, we went through very quickly. We are trying to come up with the funding, but we didn't have all of that information yet. Mr. Kronsberg went through discussing some of these updates. If he would like to come forward and do that, we would appreciate it."

Mr. Kronsberg said, "Good evening, everybody. I was trying to keep this brief. There are a number of items on here. We will be working on striking some of those old items off of that agenda for the next meeting. Councilmember Gregorie asked me to give an update on some of the projects recreation-related. I'm just going to go through these quickly. 1099 King Street, that project is underway as far as it's in the BAR review. So, once we get BAR review back, we anticipate in April, we go to CD's and permitting, that would be construction documents. Then, we jump right into bidding and construction in September. So all of those contracts will come to City Council before we get to that point.

Community Dock at Longborough, we are communicating with the neighborhood association. We reached out to them on February 3<sup>rd</sup> and we are waiting to hear back from them with some guidance on some of the requirements that OCRM has given us to make the private public dock a possibility. For those of you that have been to Daniel Island, the Daniel Island Rec Center is moving right along, it's on schedule. Framing its live work continues, vertical steel is going in, so that project continues, and it's on track for substantial completion in October. We're looking at some time in January opening. St. Julian Devine Community Center, the building interior and exterior renovation work is about 50% complete, and that contract date is in late June for completion. The site work and playground renovations are currently out to bid, so we hope to get good bids back and a 70-day construction period. We will complete that project, and it will be a well-deserved upgrade to that facility. Carr-Richardson Park, formerly known as Bender Street, is in TRC for permitting. So, we anticipate that that project will go out to bid in April. WPAL, the former WPAL radio site, we are in contract negotiations with the design team. As soon as we get that contract ironed out, it will come to you for approval. We anticipate a 10-12 month design process.

MLK Pool Cover, the project, if you haven't ridden by, please do. It's moving right along. The east side structure is complete, and we look for a May opening date on that project. It's pretty exciting. We have Moultrie Playground Renovation moving right along, working with the Charleston Parks Conservancy. We're looking at a May 7<sup>th</sup> ribbon cutting and working on schedules for that. Muni Golf course is moving along quite nicely, as well. The entire back 9 has been torn up, and the shapers are out their shaping greens and everything is moving along nicely. Lots of earthwork going on. Stoney Field Improvements, as a lot of you have seen the project is moving along nicely, as well. Lighting should be completed by the end of this week or next, and all of the stands have been resurfaced and recoated. You approved a contract tonight for all of the new seating and fencing and gates going in and out of the concourse areas. We are working

with the school district on the field component and the track component and, looking for them to get that project underway in the coming months after the surcharge is complete. We're getting there. Bikeway resurfacing, weather permitting, that current project should be completed in about 2 weeks. The Greenway Improvements, that project is now complete and will come off the list. Many more, but those are all of the Recreation Projects."

Mayor Tecklenburg said, "Thank you. Any questions for Mr. Kronsberg? Great progress, thank you. Again, that was all for information only."

Mayor Tecklenburg said, "Committee on Ways and Means, Councilmember Seekings."

Councilmember Seekings said, "So moved."

Councilwoman Jackson said, "Second."

Mayor Tecklenburg said, "We have a motion for approval. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilwoman Jackson, City Council voted unanimously to adopt the Committee on Ways and Means Report as presented:

(Parks: Approval to accept the Palmetto Pride – Keep South Carolina Beautiful Grant in the amount of \$9,000 for use by Keep Charleston Beautiful. No City match is required.

(Office of Cultural Affairs: Approval to apply for \$15,000 from Charleston County Local Accommodation Tax Funding, to support the 2020 MOJA Arts Festival. The project period is 9/24/20 – 10/4/20. No City match is required.

(Office of Cultural Affairs: Approval to apply for \$15,000 from Charleston County Local Accommodation Tax Funding, to support the 2021 Piccolo Spoleto Festival. The project period is 5/28/21 – 6/13/21. No City match is required.

(Office of Cultural Affairs: Approval to apply for \$25,000 from Charleston County Local Accommodation Tax Funding, to support the Charleston 350 Commemoration. The project period is 7/1/20 – 11/8/20. No City match is required.

(Office of Cultural Affairs: Approval to apply for \$10,000 from Charleston County Local Accommodation Tax Funding, to support 2020 Holiday Magic in Historic Charleston. The project period is 12/1/20 – 12/31/20. No City match is required.

(Office of Cultural Affairs: Approval to apply for \$10,000 from Charleston County Local Accommodation Tax Funding, to support the 2020 Free Verse Poetry Festival. The project period is 10/11/20-10/18/20. No City match is required.

(Parks-Capital Projects: Approval of Stoney Field Renovations-Benches, Rails, Fences, and Gates Construction Contract in the amount of \$479,182 with H2I Group to install new benches, railings, fencing, and gates at Stoney Field. Approval of a Construction Contract will obligate \$479,182 of the \$4,268,480.50 project budget. Funding sources for this project are: 2005 GO Bond (\$399,048), 2018 GO Bond (\$2,600,000), Hospitality Funds (\$1,250,000), and Capital Contribution (\$19,432.50).

(Parks-Capital Projects: Approval of St. Julian Devine Improvements Change Order #1 with Satchel Construction, LLC in the amount of \$78,266.03 for repair and replacement of damaged window and door lintels and brickwork that were not included in original documents, a credit for finished hardware allowance, and an elevator repair allowance overage. Approval of Change Order #1 will increase the Construction Contract by \$78,266.03 (from \$520,800 to \$599,066.03). Funding sources for this project are 2015

General Fund Reserves (\$250,000), 2018 General Fund Reserves (\$400,000), Cooper River Bridge TIF (\$2,250,000), and Capital Contribution (\$210,000).

(Parks-Capital Projects: Approval of a Construction Contract with Southern Energy Resources, LLC, in the amount of \$328,000 for the removal and replacement of generators at 4 fire stations (FS 2/3, FS 8, FS 12, FS 17). With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council Approved Budget. Approval of this will institute a project budget of \$460,583 of which the \$328,000 construction contract will be funded. Funding sources for this project are: FEMA Hazard Mitigation Grant (\$345,432), 2012 General Fund Reserves (\$62,864.74), 2013 General Fund Reserves (\$30,858.26), and 2015 General Fund Reserves (\$21,428).

(Parks-Capital Projects: Approval of a Construction Contract with Bohicket Construction in the amount of \$98,202 to furnish and install a standby generator for CPD Team 4 office. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council Approved Budget. Approval of this will institute a project budget of \$120,001.09 of which the \$98,202 construction contract will be funded. Funding sources for this project are: FEMA Hazard Mitigation Grant (\$75,923), and the Police Operating Budget (\$44,078.09).

(Parks-Capital Projects: Approval of a James Island Recreation Center Generator Construction Contract with Bohicket Construction in the amount of \$91,733 to furnish and install a standby generator for the James Island Recreation Center. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council Approved Budget. Approval of this will institute a project budget of \$113,589.41 of which the \$91,733 construction contract will be funded. Funding sources for this project are: FEMA Hazard Mitigation Grant (\$74,795) and the Police Operating Budget (\$38,794.41).

(Stormwater Management: Approval of a \$50,000 increase to the existing NPDES Stormwater Plan Review Services Contract with Johnson, Laschober, and Associates. This will increase the contract amount from \$75,000 to \$125,000. The original contract was previously approved in the 2020 Stormwater Budget.

(Review of legislation regarding SC Business License Tax Reform Act H4431

(Consider the following annexations:

- 340 & 342 Woodland Shores Road (TMS# 343-11-00-112; 343-11-00-111) 0.7 acre, James Island (District 11). The property is owned by Jennifer Finger Krause.
- 513 Arlington Drive (TMS# 310-07-00-090) 0.51 acre, West Ashley (District 11). The property is owned by Vaughn Loeffler and Sylvia De Jong.
- 1384 Joy Avenue (TMS# 352-10-00-015) 0.45 acre, West Ashley (District 9). The property is owned by Gary H. Seel and Hope E. Seel.

First reading was given to the following bills:

*An ordinance to provide for the annexation of property known as 340 & 342 Woodland Shores Road (0.7 acre) (TMS# 343-11-00-112; 343-11-00-111), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Jennifer Finger Krause.*

*An ordinance to provide for the annexation of property known as 513 Arlington Drive (0.51 acre) (TMS# 310-07-00-090), West Ashley, Charleston County, to the City of Charleston,*

*shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Vaughn Loeffler and Sylvia De Jong.*

*An ordinance to provide for the annexation of property known as 1384 Joy Avenue (0.45 acre) (TMS# 352-10-00-015), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 9. The property is owned by Gary H Seel and Hope E Seel.*

Mayor Tecklenburg said, "Next is our bills up for third reading. This is our two-foot freeboard for new residential and non-residential construction."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I move to defer this item on our agenda for tonight."

Mayor Tecklenburg said, "Alright."

Councilwoman Jackson said, "I'd appreciate a second."

Councilmember Sakran said, "I'll second."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I've talked with each of our four new Councilmembers who weren't on the Council when this was discussed and presented to us, I think, over a couple of different pretty extensive work sessions. They really don't understand or have the full background for why we're doing this and what we're doing. So, I feel like we deserve to look at this again as a Council. The amendments that are presented to us tonight could have some consequences that we haven't had a chance to really think about, in terms of how it would impact our FEMA community rating service system points. That means that once we have our audit sometime this year, we wouldn't be able to make any changes that would have any impact to the good for our citizens for another five years. So, I feel like this has been deferred for a long time, but we really do owe it to ourselves to make a very good and fulsome decision about this for the five-year impact that we're creating. I've always appreciated Councilmember Waring's reasons for wanting to make it a better program for property owners that are vulnerable to flooding without having proper coverage, but I do think that there are better ways to do that. We've never really explored how we might be making that as an alternative offering to our citizens who are in that category. So, for all of those reasons, I just think we should defer it tonight and give ourselves the chance to really have a fulsome presentation by Mr. Julka. I know that the Public Works Committee went very late last night, and so he wasn't on the docket to, I mean he was there, he was ready, and it was on your agenda to get an update from the Floodplain Manager. I assumed that because of this amendment, he would be given the floor, but there wasn't time for that. So, the meeting was adjourned without even hearing his presentation. So, that's my reason."

Councilmember Griffin said, "He's here tonight, and he was there yesterday."

Mayor Tecklenburg said, "Alright. Would anyone else like to be heard on the motion to defer?"

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "I'm going to obviously second that, but I'm not going to speak for the new members. For me, it's just information that I'm not aware of, and I'd like to reach back out to my folks in my community. I haven't had a chance to speak with former Councilmember Lewis. So, I definitely want to do my due diligence to make sure that I make the right decision and represent my constituents. That, for me, would be the reason I defer it."

Mayor Tecklenburg said, "Well, thank you. If I may say, I attended a COG joint meeting of Stormwater Managers a couple of weeks ago. At my request, the Council of Governments is going to take a more regional approach and, as we were going around the room, every jurisdiction was kind of reporting where they were in regards to stormwater efforts and regulations. It really struck me when Mt. Pleasant, North Charleston, Summerville, Charleston County, all of the jurisdictions at two foot above freeboard and, frankly, I think we're a little behind the curve. This is all about just protecting folks' property when you build new construction in the City of Charleston. We've seen a sea level rise over a foot in the last hundred years, the last 20 years has been half of that increase. Our projections are for another two to three feet in the next 50 years. It's very reasonable that we come into compliance with the rest of the region. I did want to make clear that all of the discussions that we had about protecting those who have existing homes have been taken out of the equation, so to speak, with this amendment. It doesn't mean we can't come back and talk about that and them and those. I was a little uplifted that the South Carolina House of Representatives has put forth a Resilience Fund and, I think, it will pass into law. I was reading it the other day, and they will make funds available to folks that need its direct assistance if they needed to elevate their house. So, the other thing that seemed appropriate to me, to go ahead and consider this matter and kind of get it passed was with the Stormwater regulations. It kind of goes hand in hand when you build new construction, the Stormwater regulations that, I hope, will pass in just a few minutes, become effective July 1. So, I thought it was appropriate, at least for new construction, to go ahead and let builders know what the rules of the game are, that not only do you have the new Stormwater regulations, but you also have the two-foot above freeboard. So, that was the intent of bringing it forward. Let me just see if anybody else would like to be heard."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Yes, sir. I've got two questions on this as it's written. You mentioned, Mr. Mayor, the other jurisdictions have passed a similar ordinance dealing with the elevation to two feet above base flood elevation. Are their ordinances similar to this, in which it exempts current Residential communities? The second question is, we've talked about the impact that the ordinance has on, I've forgotten the metric system we're using, it's either a point system that has an impact on our flood insurance. So, if we pass this ordinance as written, and someone can respond to this from the Stormwater Department perhaps, what impact, if any, does this have on that point system that would lower residences or property owners' flood insurance?"

Mayor Tecklenburg said, "I'm going to ask Mr. Julka to respond to that. My impression is that this doesn't hurt us, it puts us in a better position, but we may not get any points for it. But, please, share what you know."

Stephen Julka, Floodplain Manager, said, "Sure. Good evening, everybody. So, the way that the majority of the different elements in the Community Rating System (CRS) are organized are in an all or nothing type format. There are certain levels within some of the elements that you can kind of progressively get more points the more that you regulate. Freeboard is one of those. So, there is a certain point threshold if you do freeboard of one foot, and then there are additional points if you do a two-foot freeboard. There are additional points if you do a three-foot freeboard.

By having a two-foot freeboard for, well let me back up to answer your first question. None of the other jurisdictions that neighbor us that have a freeboard of either one or two feet, none of them have exemptions to that. It is an across the board requirement, and that is the way that the CRS is structured on freeboard, is that the requirement is intended to be for all new construction and substantial improvement. That is how the points are allocated. So, in this case, the way that the ordinance is currently written, there would be no guaranteed CRS points for moving any of these different development categories to two feet because we're not doing it for everything. So, when we have our visit with the folks with CRS, we will have the opportunity to explain all of the different efforts that we've made since our last visit. So, that's an opportunity for us to ask if there would be partial points available for doing a two-foot freeboard for some, but not all types of development. There are opportunities for partial points in some of the CRS elements, so we could make a case for partial points in this case. So, we'll see how that goes at that visit, but the way that it's written right now, we would not be guaranteed any additional points from what we're currently getting."

Mayor Tecklenburg said, "A follow up from Councilmember Shahid."

Councilmember Shahid said, "Yes, thank you, Mr. Mayor. As a follow up, if we pass this ordinance as proposed right now, and we're uncertain about what benefit we may receive, will it have a negative impact on reducing points if we do it in this partial fashion?"

Mr. Julka said, "No."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "We've been talking about this thing for a very, very, very long time, a long time."

Councilmember Seekings said, "It started back when you were young."

There was laughter in the Chamber.

Councilmember Griffin said, "I think that, I've said this before, I'm going to say it one last time. I'm not worried about the points because a five percent increase on getting a break on your flood insurance is minimal compared to the adverse effects. I read the Post and Courier today, and they talked about this in there. It said that it's impacted 20 homes in the last five years since we moved from one foot to two feet, so we're talking about 20 homes out of thousands and thousands and thousands around our City. Also, to be honest, to be frank, I couldn't care less what other jurisdictions are at. Number one, we're the biggest city in the State of South Carolina. We are the biggest municipality. We're much larger than Charleston County, and they have very few homes compared to what we have. I get it, North Charleston and Mt. Pleasant are similar, but I'm not going to be beholden to what other people are doing. I think we have to set the example of what we're trying to do here. It's counterproductive to say that we're going to be tough on things like fill-and-build and then raise the freeboard requirement and have nothing in here that says that you don't have to limit the amount of fill that you do to get to that point. That is being hypocritical, and that's what we're doing. So, I don't support it. I'll support a deferral because I think that our four Councilmembers deserve to have a little bit of time to get to know this thing, but this thing has evolved into a, it went from a snowball, and now it's this big avalanche, and it is so far from where we started that it just doesn't make sense anymore to me. Thank you."

Mayor Tecklenburg said, "Would anyone else like to be heard before I go back to Councilwoman Jackson?"

Mayor Tecklenburg recognized Councilmember Brady.

Councilmember Brady said, "I appreciate everything everyone has said so far. I agree with Councilmember Sakran on the due diligence piece, but I think, philosophically, one of the roles that we exercise as municipal government is trying to ensure that we do the most good for the largest amount of people and ensuring that we can get the CRS points and help people get that reduction, I think, is incumbent on us. I also share Councilmember Griffin's frustration on seeing a lack of having, I should say not allowing, fill to be used. It should not be, and so those are some of the things that I would like to see. I think it needs a little further study, especially since we're a month in with the new Council or five weeks or so. So, I would also support a deferral."

Mayor Tecklenburg said, "Thank you. Is there anyone else?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you. I really appreciate the conversation. I am going to vote for deferral. I just wanted to make the record clear, Mayor. I'm not against the two-foot freeboard. I would like it to be all or none. I think that we can help people that might be vulnerable to a substantial rehabilitation needing to elevate their house in ways that would make sense for those individuals, but I don't think that we should change our responsibilities to be the stewards of safety, especially when we know as much as we now know about the flooding conditions that are going to continue to be here with us. I would also say that we could amend it. I think it was Mr. Crowley this evening that made the suggestion that, in addition to having it apply to new construction and substantial rehab, we would say that you can't get to the two feet by filling your individual property because that is where our Stormwater regulations are not going to be really as impactful as the rest of our manual, as making property development and redevelopment for properties that are a half acre and up and commercial and residential and subdivisions and all of that. So, I think we need to be as responsible, to be as protective, of the properties that are already in existence, as well as those that are in new construction. Thank you."

Mayor Tecklenburg said, "Well, thank you very much."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, Mr. Mayor, Councilmembers, colleagues. I understand what they are saying with the new Councilmembers coming aboard. I remember I was new at one time, and I had to go through a whole lot of things. I mean, it didn't make any difference if I came here one day or two days. Things went on. I understand we have to do some catching up, but we've been talking about this for a long time. I mean a very, very, very, very long time, and even with what's in place now, it took a while for us to get to that point. I say if we keep waiting, waiting, waiting, and waiting, we're talking about flooding and some of the people here don't even know what the flooding was about because they were not even here. So, we have to get this done, even if we give it first reading, and we have to come back and do some tweaking to it. We have to move along and get things going because we are standing still, and things are still going on. I want to call for the vote. We mentioned something about North Charleston yesterday. I spoke to the Mayor of Mt. Pleasant yesterday also. He said, 'We are lost with it, too.' They're having a Committee coming together to try to form a Committee to try to even deal with it because so much building is going on in their area also, but we need to start somewhere. We

have to look at the least of people who need. We are sitting in these seats here, and I said, 'Don't look at them because they might not be able to afford it,' but then you hear 'we threw them under the bus.' No, that's not what it's all about. We have to look at them. I might be privileged in doing things a lot of other people couldn't do. We have houses that are built on slabs. They're not going to be able to do that. So, we are talking about new construction now if we approve this now. We could always come back and re-tweak things and look at it differently, but this is what I'm saying. We have to move forward and stop deferring, deferring, deferring every time. We could defer it until next year sometime, and we'll still be in the same place again next year because someone is not going to like what's on that particular ordinance. 'Well, we need to change this, we need to change that.' We need to move on and make changes as we go along. That's what you do."

Councilwoman Jackson said, "It's third reading."

Mayor Tecklenburg said, "I'm going to call the question here. You've had two times."

Councilwoman Jackson said, "It's third reading though, Mayor."

Mayor Tecklenburg continued, "I would respectfully say, in agreement with Councilmember Mitchell, that we can come back to bring forth another amendment to cover and have a more detailed study and analysis of the existing homes. We can repeat a lot of that discussion. This would, respectfully, get the requirement for new construction consistent with our new Stormwater Manual. I would, respectfully, say that in regards to fill, those issues are, in fact, covered in the new Stormwater Manual itself. So, there are requirements regarding fill in the Stormwater Manual."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Mayor, to that point about fill and how that relates to this freeboard requirement, could I maybe get a paragraph from Mr. Fountain on that question because I think that's an important question?"

Mayor Tecklenburg said, "Sure. Yes, sir."

Councilmember Appel said, "Sorry to put you on the spot, Matt."

Matt Fountain said, "No, it's okay. We've certainly had a large amount of discussion historically on this, but the fill component is a slightly different approach. It's true that the Stormwater Manual does not ban fill. It puts limitations on the use of fill. So, if you were to fill to raise a home for base flood elevation and add in your two feet of freeboard, you would have to account for how that fill is impacting your stormwater on site, but it wouldn't prevent you from being able to use that fill to do your elevation."

Mayor Tecklenburg said, "They didn't have to account for it. Alright. I'm sorry. I've called on you twice, and unless someone new has comments, we're going to call the question to defer."

The Clerk said, "Okay. So, why don't we raise hands?"

Mayor Tecklenburg said, "That will be fine. All in favor, please raise your hand."

The Clerk said, "That's for deferral."

Councilmember Seekings said, "Of deferral?"

Mayor Tecklenburg said, "For the deferral."

The Clerk said, "I have five for deferral."

Mayor Tecklenburg said, "Opposed?"

The Clerk said, "Yes, we have 12 people, so that would be seven."

Mayor Tecklenburg said, "Alright. I'm just making sure. So, the motion fails."

On a motion of Councilwoman Jackson, seconded by Councilmember Sakran, City Council considered the motion to defer Item L-1 on the agenda.

The motion failed 7 to 5.

The vote was not unanimous. Councilmembers Sakran, Brady, Shahid, Griffin, and Councilwoman Jackson voted in favor of the motion.

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

Councilmember Shealy said, "Second."

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

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Shealy, City Council voted to consider giving third reading to Item L-1 on the agenda. The motion failed 6 to 6.

The vote was not unanimous. Councilmembers Delcioppo, Shealy, Mitchell, Waring, and Appel, and Mayor Tecklenburg voted in favor of the motion.

Mayor Tecklenburg said, "So, the motion fails."

Councilmember Waring said, "So, we don't defer it, and it doesn't move forward."

Mayor Tecklenburg said, "Sir?"

Councilmember Griffin said, "It comes off of the agenda."

Councilwoman Jackson said, "And that was third reading."

Mayor Tecklenburg said, "That was third reading."

Councilmember Griffin said, "It's got to come back through again."

Mayor Tecklenburg said, "Alright. Bills up for second reading, first we have this bond issuance. Do I have a motion?"

Councilmember Mitchell said, "Bills up for second reading. We can take, it's only one and two?"

The Clerk said, "It's one through three."

Councilmember Mitchell said, "Number three is deferred. Oh, I'm on first readings."

Mayor Tecklenburg said, "Did anyone abstain from that last vote? There were six ayes and six nays. Everybody voted?"

Councilmember Griffin said, "We can do a roll call vote, if you would like."

Mayor Tecklenburg said, "Yes, we'll do a roll call. That's fine. Just to make it clear."

The Clerk said, "This is for the initial vote that we made when it was 6 to 6."

Mayor Tecklenburg said, "This is for approval of the item."

The Clerk said, "Yes, and then the vote came to 6 to 6."

Mayor Tecklenburg said, "L-1."

Councilmember Sakran said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "If we voted to approve the deferral, we can come back next Council meeting after two weeks and have a discussion. I'm ready to move forward. If we vote now to approve, and the deferral fails--"

Councilmember Shahid said, "It's not a deferral."

Councilmember Sakran continued, "Or and then the vote fails, what happens at that point?"

Councilmember Griffin said, "It starts over."

Councilmember Sakran said, "It starts over."

Mayor Tecklenburg said, "It starts over. We would have to come back to Council with a new proposal for first reading if you wanted to bring the matter back."

Councilmember Sakran said, "I'm just going to go on record to say I am in favor of the ordinance as it's written, but I have other additional questions as a new member, and I have to do due diligence. It doesn't make sense to me to vote. So, I'm in favor. I just need some time to think things through, and I've got questions."

Mayor Tecklenburg said, "Right. Well, it only applies to new construction, but okay."

The Clerk said, "Okay. So, are we going to do it?"

Mayor Tecklenburg said, "Yes. Let's do a roll call, so we're clear."

The Clerk said, "This is the third reading."

Mayor Tecklenburg said, "Third reading."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Let me ask about the new Councilmembers and the information that they would like to get. Councilmember Sakran said some of the information, I mean, you need to talk to some of the constituents. I get that, in two weeks."

Councilmember Griffin said, "And Councilmember Lewis."

Councilmember Waring continued, "Yes, and Councilmember Lewis. Can we hear from Councilmember Brady, Councilwoman Delcioppo, or Councilmember Appel as far as, because I think you all, and I won't put words in your mouth, are in agreement on new construction?"

Councilmember Appel said, "Yes."

Councilmember Waring said, "So, the question then becomes existing homes."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Yes, I learned a long time ago that you can't get everything you want all of the time. I think that this ordinance, as it sits today and as it's presented to us today for third reading, we have an opportunity to move the ball forward down the field. It's not as far as I'd like to see it go, personally. I'm very sympathetic to Councilwoman Jackson's point of view, but here we have an opportunity to do something that will impact new construction. It will make new construction more resilient. We have an opportunity to make progress on that issue today, and I defer to the prior Council and the discussions that were happening at that point. This is a compromise position. I respect the work that went into that process prior to my time here. I read the ordinance over the weekend. I studied up on it. I had some questions about fill, and Matt addressed that concern. Let's not let perfect be the enemy of the good, and I think we ought to move the ball down the field."

Mayor Tecklenburg said, "Right. The discussion is open again."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "A point of order. I think we're getting off base here. We've already taken a vote. We've taken two votes. We can't go back and try to change people's opinions now. We have to follow the procedure. If we want to, Legal can help us figure it out, but we can't do all of this. We're getting off base here."

The Clerk said, "Councilmember, we actually need to have the names."

Councilmember Waring said, "A point of order. We're just talking about a roll call vote, that's all."

Mayor Tecklenburg said, "Right. We're having some interim discussion."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "I was just saying Mr. McQueeney's got something."

Chip McQueeney said, "You need to address the vote issue first because there has been a vote to determine what the result was. If somebody who is on the winning side of the vote would like to move to reconsider, then you can do so, but until that issue is resolved, there should not be further discussion."

Mayor Tecklenburg said, "Thank you."

Councilmember Seekings said, "No, there is no winning side."

The Clerk said, "It's a 6 to 6 vote."

Mayor Tecklenburg said, "Well, then the motion fails."

Mr. McQueeney said, "Then, the motion does not carry, so it would be the people who voted against the motion."

Mayor Tecklenburg said, "Against it. Yes. Please call the roll, Madam Clerk."

The Clerk said, "Alright. I'm calling the roll, and this is for number three. Councilwoman Delcioppo."

Councilwoman Delcioppo said, "This is to approve. Aye."

The Clerk said, "This is for third reading."

Councilwoman Delcioppo said, "The third reading."

The Clerk said, "Yes."

Councilwoman Delcioppo said, "Aye."

The Clerk said, "Councilmember Shealy."

Councilmember Shealy said, "Aye."

The Clerk said, "Councilmember Sakran."

Councilmember Sakran said, "Nay."

The Clerk said, "Councilmember Mitchell."

Councilmember Mitchell said, "Aye."

The Clerk said, "Councilmember Brady."

Councilmember Brady said, "Nay."

The Clerk said, "Councilmember Waring."

Councilmember Waring said, "Aye."

The Clerk said, "Councilmember Seekings."

Councilmember Seekings said, "Nay."

The Clerk said, "Councilmember Shahid."

Councilmember Shahid said, "Nay."

The Clerk said, "Councilmember Griffin."

Councilmember Griffin said, "Nay."

The Clerk said, "Councilmember Appel."

Councilmember Appel said, "Aye."

The Clerk said, "Councilwoman Jackson."

Councilwoman Jackson said, "Nay."

The Clerk said, "Mayor Tecklenburg."

Mayor Tecklenburg said, "Aye. So, the motion fails."

The Clerk said, "It's the same."

Mayor Tecklenburg said, "That's right. Alright. We could reconsider it later in the meeting, or we can bring a new matter back to Council at our future meeting. So, let's move on with bills up for second reading."

Councilmember Waring said, "Mayor, I do have a question."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "When Councilmember Gregorie comes, and I guess this is a question of our Counsel, could he bring it up since it was a tie?"

Mayor Tecklenburg said, "Not at this point. We would have to--"

Councilmember Seekings said, "But he could vote, but he's not here."

Councilmember Griffin said, "If somebody made a motion to reconsider, he can."

Mayor Tecklenburg said, "A motion to reconsider, he could."

Councilmember Waring said, "That's right."

Mr. McQueeney said, "You all can move to reconsider and then move to defer if the reconsideration motion is granted and wait for Councilmember Gregorie to come, if you would like."

Mayor Tecklenburg said, "Right."

Councilmember Waring said, "Thank you."

Mr. McQueeney said, "Yes, sir."

Councilmember Griffin said, "But, Mr. Mayor, procedurally, we don't have to make a motion to reconsider it tonight."

Mayor Tecklenburg said, "No, that is correct."

Councilmember Griffin said, "We can come back when he's here and then take the vote if we wanted to do that."

Mayor Tecklenburg said, "That's correct."

Councilmember Waring said, "In two weeks?"

Susan Herdina said, "I don't believe under the rules you can do a motion for reconsideration at a subsequent meeting."

Councilmember Griffin said, "We've done it before."

Mayor Tecklenburg said, "We've done it before."

Councilmember Griffin said, "We've done it before. We did it with the Chase property."

Councilmember Waring said, "Yes, but Councilmember Mitchell brought it up."

Councilmember Griffin said, "I know."

Ms. Herdina said, "But, he was here for the vote. So, I mean what we would probably need to do is just bring the ordinance back for first reading again, or somebody who voted against it tonight could bring it up for reconsideration this evening, if you wanted to re-vote it."

Councilmember Waring said, "So, then, hypothetically, Counsel, if Councilmember Sakran got in contact with his constituents and the people he needed to talk to to get the information, if he would like to bring it back two weeks from now he could, for reconsideration?"

Ms. Herdina said, "I don't believe, under the rules, you can bring it for a reconsideration in a subsequent meeting."

Councilmember Waring said, "He voted against it now. He voted against it."

The Clerk said, "But there is nobody on the prevailing side."

Mayor Tecklenburg said, "He is on the prevailing side."

Councilmember Waring said, "He is. It failed."

The Clerk said, "Well, it's 6 to 6."

Mayor Tecklenburg said, "Yes, but it failed, so the 'nays' prevail."

Ms. Herdina said, "We will check the rules on that and get back to you."

Councilmember Waring said, "Thank you."

Ms. Herdina said, "But the cleanest thing, if we would want to do it, is to reconsider it tonight."

Mayor Tecklenburg said, "Alright. Terrific. Can we move on now to second readings?"

Councilmember Shahid said, "I know we need to move on Mr. Mayor, but this is a very important part. My suggestion is--"

Mayor Tecklenburg said, "Number one."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. My suggestion is, and we've got a lot of questions particularly with, and I think we need to be respectful of these new Councilmembers' questions. I think we need to get some clarification as to the impact that this has on people's flood insurance premiums. Any more information we can gather on that, I think, is critical to our citizens to answer that question."

Mayor Tecklenburg said, "Well, you heard Mr. Julka, there will be no negative impact. There are some possible positive impacts, but we don't know that for sure."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. Since I was on the side to vote against the motion, my understanding is I would have the right to move for reconsideration of the ordinance. I would like to move for reconsideration of this ordinance by striking all of the amended sections that were put in front of us in our packet and go back to the third reading version that was on our deferred agenda as of the last meeting. So, anything in there that was added this meeting that was making this substantial rehab situations exempt, I would like to put them back into the ordinance in the way that we had given it first reading several months ago and pass that."

Mayor Tecklenburg said, "A motion has been made."

Ms. Herdina said, "Mayor, we need to first have a motion on the reconsideration. If Council wants to reconsider, that would be the first vote, and then the second vote would be what the

substance of the new amendments would be. So, there is a motion to reconsider, which needs to be seconded and then voted on.”

Mayor Tecklenburg said, “We have a motion to reconsider. I don’t mean to overly complicate this, but since this is third reading, would we be allowed to amend what has been presented to Council by way of the agenda packet?”

Councilmember Griffin said, “With a two-thirds vote.”

The Clerk said, “Well, it’s a third reading.”

Ms. Herdina said, “If it’s third reading, whatever the amendments would be, you would need a unanimous vote on that, unless it would be a purely technical, scrivener’s-type error.”

Mayor Tecklenburg said, “It would need to be unanimous.”

Councilmember Griffin said, “Sorry.”

Mayor Tecklenburg said, “Okay, first we have a motion to reconsider. Did we get a second?”

No one asked to speak.

Mayor Tecklenburg said, “Hearing none, we’ll come back to it at a future meeting.”

Mr. McQueeney said, “Anybody can second.”

The Clerk said, “Nobody did.”

Councilmember Mitchell said, “Bills up for second reading.”

Mr. McQueeney said, “Anybody could second the motion.”

Mayor Tecklenburg said, “Anybody can second the motion. Does anybody want to second the motion?”

There was no second to the motion.

Mayor Tecklenburg said, “Alright. So, second reading, number one, the bond issue.”

Councilmember Mitchell said, “Move for approval of one, two, and three.”

Councilmember Shahid said, “Second.”

Mayor Tecklenburg said, “We have a move for approval of one, two, and three.”

The Clerk said, “That was Councilmember Mitchell and Councilmember Shahid.”

Mayor Tecklenburg said, “And we’ve got a second on that?”

The Clerk said, “Yes, Councilmember Shahid.”

Mayor Tecklenburg said, "Is there any discussion on one, two, or three?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just very briefly, Mr. Mayor, because I know everybody's got things to do, but number two is the construction ordinance. I want to first, because I didn't get a chance to do it during Committee Reports, thank the Chairman for allowing non-members of his Committee to not just appear, but to be a part of the molding of this ordinance, and he was very gracious in doing it. He gave us a lot of time, and I know it took a lot of the Councilmembers' time. So, Mr. Chairman, thank you for allowing us to do that."

Councilmember Waring said, "You're welcome."

Councilmember Seekings continued, "As you may recall yesterday when I left, the ordinance looked like one thing, and then it changed. That's fine. It was done--"

Mayor Tecklenburg said, "It was very close."

Councilmember Seekings said, "I know it was close. I just would like to, I know we aren't going to give this third reading after public hearing, and I want to explain my vote in advance. I'm going to vote in favor of this tonight, but I still think it was better before I left than after I left."

There was laughter in the Chamber.

Councilmember Seekings said, "Please, just take those comments because I do think, by striking the language about the homeowner and putting the other limitations on, it was better than the way we've done it because now, the way it reads is if a homeowner is substantially doing the work, they're not subject to this. It makes it literally, in my humble opinion, impossible to enforce. I mean how do you walk in and go, 'Okay, homeowner, are you substantially doing all of this work?' I mean, I just don't see how we can do that. The way we did it before was we put a line item on it. If it was homeowner work, it was okay. So, I'm going to vote to give this second reading. I do think we should think about it between now and then and go back to that original language that was, just for the record, let me just make sure I got it, D.2. and 3. We struck D.1., and I think that was probably better, but being better is the enemy of good. I'm going to vote for this tonight. We'll have public hearings on it, and we'll see how it goes. So, thank you, Mr. Chairman, for letting us participate."

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmember Brady and Councilwoman Delcioppo.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I would agree with Councilmember Seekings. I stayed after you had to leave, Councilmember, and I do agree that your revision was more clear, more easily enforceable, and more to the liking of the intent of this ordinance. So, I would support what you're suggesting at a third reading."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Brady.

Councilmember Brady said, "I just wanted to publicly thank the Stormwater Department for coming out to Johns Island the other night, and despite some pushback from the public, handled it very professionally. That's a kudos to you, Mr. Mayor, and the City's Stormwater Department, and kind of like we've been talking about, the Stormwater Manual may not solve everything that everybody wants it to, but we have to move the football as far as we can down the field. I think it does a great job of doing that, so I appreciate it."

Mayor Tecklenburg said, "That's great."

Mayor Tecklenburg recognized Councilwoman Delcioppo.

Councilwoman Delcioppo said, "I'll speak to the noise ordinance and to the Stormwater Manual. First to the noise ordinance, as I mentioned earlier, my intent when I made comments during the Committee two weeks ago, however many weeks ago, was that if you were going to pour concrete in the wee hours, you needed to get that permit, plus you needed to provide notice to the affected residents. This doesn't read that way, and maybe it's not intended to. I would like that to be considered. I think, overall, it could be a lot simpler in that you have these hours that you can and cannot work, unless it's an emergency or it's on the public right-of-way. I can't imagine Clements Ferry Road only being widened between 9:00 a.m. and 5:00 p.m. Monday through Friday, and/or work underneath a certain dollar threshold, because I think that protects the homeowner trying to do work on their own throughout, and then, that takes care of concrete pouring needing a permit. You also need to provide 48-hours notice. I would even go so far as to provide 48-hours notice to affected residents if you're going to apply for one of these permits outside of those hours to do anything, whether it's roof work or concrete pouring, just so community members know what to expect, and they can download a white noise app on their phone in the meantime. So, I think it could just be a lot simpler and a lot cleaner and make things easier for everyone. On the Stormwater Design Manual, I'm very appreciative of Jacob Lindsey, Eric Schultz, and Kinsey. Bill McKenzie and I, we all met yesterday and discussed at length how certain aspects impact trees. I know you and I spoke briefly about this this morning, too, and so, I'd like to just go on record that I believe there is going to be continued dialogue in how we work this Stormwater Manual and our tree ordinance in a way that makes sense and protects nature and protects those trees that make this area so special. I also want a little bit more clarity, as far as an appeals process in the Stormwater Manual, like we have if you go before the BAR or BZA and you want to appeal it. I guess I would just like to understand better what that appeal process would be for someone."

Mayor Tecklenburg said, "Alright. Terrific."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I guess we're talking about either of the two ordinances, so I don't want to lose out."

Councilmember Griffin said, "Can we split these up, Mr. Mayor? This is getting kind of confusing."

Mayor Tecklenburg said, "Well, we took them all together, and we've had--"

The Clerk said, "Well, Mayor, if I could say something with one through three. Actually, we could do one and three because number two is only getting a second reading. The other two are going to be ratified, and that would make it a lot clearer."

Mayor Tecklenburg said, "Okay."

Councilmember Griffin said, "Mr. Mayor, we've had someone make an amendment to number two, so we really ought to take that advice."

Councilmember Seekings said, "I didn't make an amendment on that. I said I liked mine better. We can take it up at the public hearing."

Mayor Tecklenburg said, "That's right. It has to come back for a future meeting and a public hearing. Alright. If that's acceptable to Council, we'll take one and three together and two by itself. So, we're on one and three, the bond and the Stormwater Manual."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, I don't want to miss out on an opportunity to speak to the manual and the amazing culmination of methodical and creative work effort that it was led by first, Kinsey Holton, and then Matt Fountain as he came into his new position as Stormwater Department Director. I feel like several of us followed that from start to finish, and it just has been a very thorough and, I think, responsible and responsive program that we're establishing for the City. But, I also just want to speak to the sentiments and the pleas that we're hearing from citizens who know that the Stormwater Manual is not the answer to the kind of protective development responsibilities that we're taking on that were, specifically, sort of mapped out by the Dutch Dialogues. Then, the other documents that we know will be guiding us for low impact development and all of the opportunities that we have to be looking at our land in new ways as we come up with our Comp Plan for 2020, as well as immediate measures to make development more protective in response to the climate impacts that we know are here. I think, in a perfect world, if we could have had the zoning and the Planning Unit Developments that Councilmember Brady would like to introduce to us and just have that as the overarching use of our lands. Then it would have been much easier, I think, for the citizens to understand that the manual really is the 'how', and the land use and the zoning and the Comp Planning that we're going to do is the 'why' and the 'where'. So, I think that Matt, his staff, and the people who have gone out into the neighborhoods and the field to explain the manual and its efforts have really sort of been on the point of the sphere in taking topics from citizens that, in a perfect world, we would be taking on ourselves as the land use decision makers for the City. So, I look forward to that next phase and I do think that will bring it all together, but I'm totally ready to vote for this manual."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Yes, sir. Thank you. I'm going to vote against number three tonight, the manual, and it's pretty simple for me. Personally, I think it's good enough, but if you've come out to my district and met with the people that live out there, there are areas that should have never been built on. If you went out and polled my district and asked if they think one more house should ever be built in District #10, they would tell you no. If you went out there and asked them if it's a good practice to be able to use fill-and-build, they would say it's absolutely the wrong thing to do. I understand that we addressed this in a roundabout way, but we had a chance to attack it head-on, and we didn't do it. Maybe we'll have more opportunities to do it as this manual evolves more, and we tie in our Comprehensive Plan but, unfortunately, I can't act on my own tonight. I've seen the faces of people who have put their entire life savings into their homes and had to pull out two and three mortgages on their properties. I would be remiss if I didn't take the

opportunity to say that this isn't strong enough for District #10. So, that's why I'm voting against it. Thank you."

Mayor Tecklenburg said, "Are there any other comments?"

Councilmember Mitchell said, "Call for the question."

Councilmember Shealy said, "Wait a minute. Are we doing one and three here?"

Mayor Tecklenburg said, "One and three."

On a motion of Councilmember Mitchell, two (2) bills (Items M-1 and M-3) received second reading. They passed second reading on motion by Councilmember Shahid and third reading on motion of Councilmember Mitchell. On further motion of Councilwoman Jackson, the rules were suspended, and the bills were immediately ratified as:

**2020-029** AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING \$7,900,000 SPECIAL OBLIGATION REDEVELOPMENT BOND (CHARLESTON NECK REDEVELOPMENT PROJECT AREA), SERIES 2020, OF THE CITY OF CHARLESTON, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO.

**2020-030** AN ORDINANCE AMENDING THE STORMWATER DESIGN STANDARDS MANUAL AS SET FORTH IN "EXHIBIT I," ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, TO PROVIDE UPDATES REFLECTING ADVANCES IN TECHNOLOGY AND EXPERIENCE RELATED TO STORMWATER MANAGEMENT AND TO INCREASE THE FEES ASSOCIATED WITH STORMWATER PLAN REVIEW, STORMWATER INSPECTIONS, AND TRANSFERS. (AS AMENDED)

The vote was not unanimous. Councilmember Griffin voted nay on Item M-3.

Mayor Tecklenburg said, "Alright. Next we go to bill number one under first reading."

Councilmember Seekings said, "We need number two. We've got to vote on number two, Mr. Mayor, second reading on two."

Mayor Tecklenburg said, "Sorry, you're right. Second reading for number two, as amended. It will come back to this Council for public hearing and further action."

On a motion of Councilmember Griffin, seconded by Councilwoman Jackson, City Council voted to give second reading to the following bill as amended:

*An ordinance to amend Chapter 21, Article II of the Code of the City of Charleston by adding a new Section 21-17 that prohibits certain building construction operations during stated hours. (AS AMENDED)*

The vote was not unanimous. Councilmember Shealy voted nay.

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

Councilmember Mitchell said, "Move for approval of one and two."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We've got one and two taken together again. Is there any discussion on either one of those?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I guess we're talking about both of them. I don't really see the connection, but I wrote a 'why' next to number one. I would appreciate having some explanation of why we're needing to expand that Commission. I'm not opposed to it, but it's an interesting ---."

Mayor Tecklenburg said, "The reason why was because Councilmember Lewis, who had served on that Commission for many years, expressed an interest to continue to serve, and all of the slots were full. So, we're adding another membership, so he can continue to serve."

Councilwoman Jackson said, "Okay. Thank you."

Councilmember Seekings said, "And it puts an odd number on there."

Mayor Tecklenburg said, "It puts an odd number, so there won't be a tie vote. Yes, ma'am."

Councilwoman Jackson said, "For number two, I know that this is another ordinance that has had some facsimile of what it is tonight to make the majority of our subdivisions in the City a better opportunity for seeing affordable housing development. With my background and my interest in the City as a volunteer, I'm obviously in favor of that as a goal for the City. I do think that we need to be responsive as a Council, even though this is a brand new bill for first reading. This type of change to change, the lot size for properties, has been appealed to us by the Maryville-Ashleyville Neighborhood Association every time it's come before us and/or the Planning Commission. We have a very thorough and eloquent letter from Ms. Diane Hamilton, who is the President of that Neighborhood Association, tonight. I think without Ms. Hamilton here to answer, but it's my recollection having gone to the Planning Commission when this was brought up and heard she and her neighbors come to the Council, and our response to the last time it was on our agenda in a different format, that we said we would work hard with every intent to how we might be able to exempt Maryville-Ashleyville from this ordinance as an historic neighborhood in our City on its way to having a National Historic designation. So, I personally feel responsible to continue to honor that pledge. I don't know how to do that legally. I guess my asking for a deferral would be the easiest way, so we could come back with some language that could be legally identified and held up, but I do feel like we need to be responsive to what we have told that neighborhood in months past."

Mayor Tecklenburg said, "Is that a motion?"

Councilwoman Jackson said, "I guess if that's the best way, I'll move to defer."

Mayor Tecklenburg said, "Is there a second?"

No one asked to speak.

Mayor Tecklenburg said, "Alright. Then, we will call the question. Is there any discussion on the question for number one?"

No one asked to speak.

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

*An ordinance to amend Chapter 2, Administration, Article IX, Department of Housing and Community Development, of the Code of the City of Charleston, to amend Section 2-286 to increase membership on the Redevelopment and Preservation Commission from twelve (12) to thirteen (13) members.*

Mayor Tecklenburg said, "This is just first reading."

Councilwoman Jackson said, "But that was number one?"

Mayor Tecklenburg said, "That was number one."

Councilwoman Jackson said, "Okay."

Mayor Tecklenburg said, "Oh, for James Lewis. I thought we were taking them both together."

Councilmember Griffin said, "I thought we were taking them together. Move for approval of item number two."

Mayor Tecklenburg said, "We have a motion to approve number two."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "This is first reading, so I'm going to vote to approve that first reading, but I do have concerns given to Ashleyville-Maryville and Diane Hamilton not being here. Hopefully, we'll have time to massage this and hear from them, but I will vote to approve that first reading."

Mayor Tecklenburg said, "Right."

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

*An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to incorporate provisions to allow subdivision and development of Single Family Detached Affordable Housing as a conditional use within multiple base zoning districts.*

The vote was not unanimous. Councilwoman Jackson voted nay.

Mayor Tecklenburg said, "It will come back to us. Our next Regular Meeting will be Tuesday, March 10<sup>th</sup>."

Councilmember Griffin said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "One item of New Business."

Ms. Herdina said, "Mayor, can I clarify a procedural point? Earlier, we were talking about the motion to reconsider, and somebody brought up what we had done in the Chase property matter. So, in that case, and this may sound like a distinction without a difference, but there is something called the 'motion to renew' which can be brought up at the next session. So, if a Councilmember who voted on the prevailing side, which would be against the ordinance passing, wants to put it back on the agenda next time, it can be done with a motion to renew that's approved by the majority. So, if that is what some Councilmember wants to do, I think you need to notify the Clerk's Office, and that would be how it would be listed on the agenda."

Councilmember Griffin said, "Ms. Herdina, this is why we love you."

There was laughter in the Chamber.

Ms. Herdina said, "However, the simpler thing would probably be to start all over because if it comes back in as a motion to renew, and you can't make changes because you're back at third reading again, unless you have an unanimous approval of a change."

Councilmember Griffin said, "Mr. Mayor, we have one item of New Business that wasn't on the bottom of the agenda, but it's Councilwoman Delcioppo's birthday, and I think we need to sing to her. One, two, three."

Everyone sang 'Happy Birthday' to Councilwoman Delcioppo in the Chamber.

Mayor Tecklenburg said, "We stand adjourned."

There being no further business, the meeting was adjourned at 6:40 p.m.

Vanessa Turner Maybank  
Clerk of Council