

DOCK STREET THEATRE

Regular Meeting

February 26, 2018

The forty-ninth meeting of the City Council of Charleston was held this date convening at 5:05 p.m. at The Dock Street Theatre, 135 Church Street, Charleston, South Carolina.

A notice of this meeting and an agenda were mailed to the news media February 21, 2018 and appeared in The Post and Courier February 25, 2018 and are made available on the City’s website.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Griffin	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Jackson	District 12

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

The Clerk called the roll.

Mayor Tecklenburg said, “If you would like to join us, Councilmember Seekings is going to lead us in a prayer and the Pledge of Allegiance to the flag.”

Councilmember Seekings opened the meeting with an invocation.

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

Mayor Tecklenburg said, “Thanks, everybody, for joining us in the Historic Dock Street Theatre. We anticipated we would have a pretty good crowd that wanted to come out and express their views this evening, so we moved down here just so we would have room for everyone. So, thanks for coming, and first, let me just mention, I know you all just came in this door over here to my left. In the unlikely event that we had to exit the facility, there are also two exit doors to the rear, in addition to the two doors that you came in from the lobby. So, those are the ways out of here in case we needed to exit promptly. It’s very unlikely, but just in case.

First up we have a Resolution for Council consideration supporting the elimination of all forms of discrimination and violence against women and girls. I’m going to ask Councilmember Jackson, who is newly appointed to our Commission on Women, and the Chairman of that Commission, Jennet Robinson (Alterman), to please come forward and join me on the stage,

and any other members of the Commission if you're present, please come forward. There is a stairway over here to my left where you can sneak up here on the stage."

Councilwoman Jackson said, "Mayor, may I invite Ms. Melinda Hamilton up, as well? She was the initiator of the League of Women Voters."

Mayor Tecklenburg said, "Absolutely."

Councilwoman Jackson said, "Thank you."

Mayor Tecklenburg said, "Ms. Hamilton, please come forward. Councilmember Jackson, would you like to read the Resolution into the record?"

Councilwoman Jackson said, "Yes, I would be privileged to. Thanks."

Mayor Tecklenburg said, "Ladies, if you all would just come over this way behind the podium or around the podium."

Councilwoman Jackson said, "Thank you very much. I appreciate the extra time that this Resolution deserves as the Commission on Women has agreed. I'm privileged to bring it forward on behalf of the Commission on Women, who have recommended that the Council pass this Resolution. I wanted to thank Melinda Hamilton, who is the President of the Charleston Chapter of the League of Women Voters, for bringing it to the Women's Commission's attention. This Resolution, as it says in one of the 'whereas' clauses, which I will not read in full, has literally been adopted and available for member nations of the United Nations since 1979. The United States of America is one of six countries in the number of the U.N. that has not adopted this Resolution nationally. So, in 2014, the cities of our Country, I think under the League of Cities, or one of the organizations that organizes cities' activities, have decided that they're entertaining a grassroots movement among all of the municipalities around the Country to adopt either a Resolution or an actual ordinance that would respect the opportunity to pledge that we do not discriminate against women, domestic violence and any other forms of discrimination that we've seen over the centuries. So, I would like to read a couple of the clauses the Mayor read, that this is 'a Resolution supporting the elimination of all forms of discrimination and violence against women and girls, promoting the health and safety of women and girls, and supporting their being afforded equal academic, economic, social, cultural, and business opportunities in the City of Charleston; expressing support for individual cities passing Resolutions and Ordinances to implement the principles of the elimination of all forms of discrimination against women at the local level; providing an effective date of February 26, 2018.

There are several 'whereas' paragraphs that we will be publishing on the website, and I do hope that the community, at large, will take advantage of understanding why this is a very important action that I'm making a motion for the Council to approve tonight. So, the two 'whereas' clauses that apply to our City in particular:

'Whereas Cities for CEDAW,' which is the acronym for the Convention to Eliminate Discrimination Against Women, 'was launched at the United Nations Commission on the Status of Women in March 2014. The Cities for CEDAW campaign is a grassroots effort that provides tools and leadership to empower local women's organizations and municipalities and effectively initiate CEDAW within their respective localities, and

'Whereas, City government has an appropriate and legitimate role in affirming the important of eliminating all forms of discrimination in communities as universal norms and to serve as a guide for public policy,'

Now, therefore, I move for adoption by City Council the following Resolution to be effective immediately, 'that the City Council of the City of Charleston supports the elimination of all forms of discrimination and violence against women and girls, promoting the health and safety of women and girls, and supporting their being afforded equal academic, economic, social, cultural, and business opportunities in the City of Charleston; and that the City Council of the City of Charleston hereby expresses support for the Cities for CEDAW initiative and their support for any individual cities and counties passing Resolutions and Ordinances to implement the principles of CEDAW at a local level.'

Councilwoman Jackson continued, "I just wanted to, again, thank Melinda Hamilton as the President of our League of Women Voters and also Jennet Robinson Alterman, who is the Chair of the Commission on Women, for their leadership. Ms. Alterman has a list of women's organizations that have now chosen to endorse this Resolution, and we would like to read their names for the record. Thank you."

Jennet Robinson Alterman said, "Thank you very much. Your City of Charleston Commission on Women unanimously endorsed this Resolution. I would like to recognize my fellow Commission member, Anne Siegfried. Thank you for being here. We're not doing this in a vacuum, we have a lot of partners: the League of Women Voters of the Charleston area, the Circulo Hispanoamericano de Charleston, the Women's and Gender Studies Program at the College of Charleston, People Against Rape, the Center for Women, The Sophia Institute, the Tri-County Women's Project, the YWCA, the Statewide organization of Women's Rights and Empowerment Network, or WREN, the Florence Crittenton Programs of South Carolina, the Junior League, and the South Carolina Association of College Women, as well as the Charleston branch. So, we hope you will approve this, and you will be hearing more from us about it."

Mayor Tecklenburg said, "Alright. I have a motion on the floor."

Councilmember Seekings said, "Second."

Mayor Tecklenburg said, "I hear a second. Is there any discussion?"

On a motion of Councilwoman Jackson, seconded by Councilmember Seekings, City Council voted unanimously to adopt the following Resolution:

A Resolution supporting the elimination of all forms of discrimination and violence against women and girls, promoting the health and safety of women and girls, and supporting their being afforded equal academic, economic, social, cultural and business opportunities in the City of Charleston; expressing support for individual cities passing resolutions and ordinances to implement the principles of the elimination of all forms of discrimination against women at the local level; providing an effective date of February, 26, 2018.

---INSERT RESOLUTION---

Mayor Tecklenburg said, "The motion passes unanimously. Congratulations!"

There was applause in the theatre.

Mayor Tecklenburg said, "You might think they're all members of the Commission and Jennet noted to me that she believed that we're the first city in South Carolina to adopt this

Resolution, so we appreciate that. So, in a kind of similar fashion, is Kimberly Bowman here this evening?"

Kimberly Bowman said, "Yes."

Mayor Tecklenburg said, "Please come forward, Kimberly. She is the founder of Exquisite Enterprises, a local media group, and has worked to coordinate Women's Week in the City of Charleston and a way to recognize, support, and celebrate the women in our community and beyond. This is simply a Proclamation. Thank you for joining us, Kimberly."

Ms. Bowman said, "No problem. Thank you."

Mayor Tecklenburg said, "So, Kimberly and Exquisite Enterprises organized Women's Week, and it was created to recognize women for all they are and all that they do. Designed for women, Women's Week acknowledges the impact that women have across sectors, business, education, engineering, government, healthcare, arts, entrepreneurship, advocacy, and more. Women's Week intends to honor all of the characteristics that make women unique, bringing women together to support each other. So, each day during Women's Week, we will have a theme, topic, or focus of the day with an activity. Organizations and professionals are encouraged to gauge their audiences with creative ideas to honor women. I encourage all citizens to honor and pay tribute to the amazing women who have helped to shape our families and our community during the week of March 5th - 15th, 2018. It will be proclaimed Women's Week in the City of Charleston, and I want to just thank Kimberly for her work on this effort. Thank you, Kimberly."

There was applause in the theatre.

Ms. Bowman said, "Thank you, everyone."

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

The Clerk said, "I think Chloe wants to get a picture."

Mayor Tecklenburg said, "Alright. Finally, for our recognitions this evening, a very important recognition of the incredible service-oriented employees of the City of Charleston. I'm going to invite Robert Majernik to the microphone, or to the stage, to join us and to share a few words about the amazing employees all year long. We have quarterly customer service initiative awards with the City of Charleston. We get numerous recommendations and nominations from our citizens and from other employees, and so the hardest thing is picking the winner each quarter. Then, we have the annual winner of this effort. So, Robert is going to come forward and share the names with us."

Robert Majernik said, "If we could call up all of the CSI members for the last year that are present, if you guys can come on up to either side of the stage, so you can be recognized. While they're coming up, I'll go ahead and start the presentation. So, over the last year we have had 167 nominations for employees who have done great service, both for citizens here, as well as for some of our internal customers and our co-workers. While it was very difficult to choose 12 winners, one for each month, we've done the best we could and tried to bring forward some of the ones that we thought deserved special recognition. So, the first winner that we have, and these are in no particular order, just month by month, we have Angela Jones-Green with Livability and Tourism."

There was applause in the theatre.

Mr. Majernik said, "Angela created the Yard of the Month Program in two neighborhoods as an incentive to motivate residents who had overgrown and littered yards, to help kind of improve the appearance of the neighborhood. Thank you, Angela. Next up, we have Jennifer Goodwin, who I don't see. Jennifer works in our Payroll Department in Finance, and she is one of the most important people at the City who makes sure everybody gets paid every two weeks. So, Jennifer, unbeknownst to a lot of people, works many different or late nights and weekends every time we have a holiday to make sure we're all still paid on time, which we all certainly appreciate. There are many times where she's here on a Sunday or late at night to help make sure that we're all paid on time."

Mr. Majernik continued, "Next up, we have an officer, Jeremy Bailey, with the Charleston Police Department. Officer Bailey owned the moment by working with the family of an alleged assailant and victim throughout a difficult case, and there were some details within this case that we're not going to mention publicly, but he really worked with this family and the victim to make sure that they had some good resolution to what had happened."

Mr. Majernik continued, "Next up, we have Officer Jillian Capone, I think I'm pronouncing that right, who is not here as well. She is with the Charleston Police Department. She has gone above and beyond on her beat in a low income neighborhood. She has worked to put together goody baskets at Halloween and small gifts to the neighborhood kids at Christmas time to make sure they can see her presence in the neighborhood and also to outreach to some of the kids in that neighborhood directly, and let them know that she shouldn't be feared and that she is there to help them out."

Mr. Majernik continued, "Next up is Joshua Richards, with Revenue Collections. He went out of his way to help an elderly guest who had gone to the wrong building to pay his business license. So, Joshua was called up and went back and forth from his office to wherever this resident was, so he didn't have to move and go around, since he wasn't able to make it to the other building. Josh went back and assisted to get his business license up to date, the payment made, and gave him a receipt back, without making him move from where he was."

Mr. Majernik continued, "Next up is Captain Ryan Delk with the Fire Department. So, Captain Ryan Delk responded to a kitchen fire and took it upon himself at the end of the fire, once they had finished extinguishing the fire, they helped clean up the stove, clean up the kitchen. Then, he stuck behind to make sure the family had a dinner and actually cooked dinner for them that night, going well above and beyond the duties of a firefighter."

Mr. Majernik continued, "Next up, we have four people that were nominated on the same nomination. We have Captain Herbert Scott, Engineer Matthew Fogliano, Firefighter/Medic Robert Tackett, and Firefighter Tyler Kurkiewicz from the Fire Department. They all responded to a 911 call, and the firefighters found that the resident was in a wheelchair and helped him move a shipment of medical supplies into his home, then brought him dinner, including a drink and dessert. It was enough for several meals, since his family wasn't there and unable to cook for him that night."

There was applause in the theatre.

Mr. Majernik continued, "Next up is Officer Zachary Allen with the Charleston Police Department. I don't see him here either. He helped a resident who was at One80 Place, who was being transported to the hospital, by taking this victim's only companion, his dog, to a local vet to be cared for, and to make sure the animal wouldn't have anything wrong with him. Once

the man got out of the hospital, he was reunited with his dog, and the vet took good care of him, but Officer Allen made sure that the dog made it to the vet for safekeeping.”

There was applause in the theatre.

Mr. Majernik continued, “Next up is Von Esther Brown Milford in our Parks Department. Ms. Milford works alongside our staff every day. She doesn’t ask anything of her employees that she wouldn’t do herself. She sets a great example as a supervisor, and what we should all strive to be when we’re managing people.”

There was applause in the theatre.

Mr. Majernik continued, “Next up, we have Firefighter Crew Captain Danny Gaskins, Assistant Engineer Craig Willen, Firefighter William Troy, and Firefighter Tanner Costello. During Hurricane Irma, this crew was returning from another call and observed a disabled veteran trying to get to the VA Hospital on the Crosstown. His condition was deteriorating, and he was anxious about not getting to the hospital. The crew carried this gentleman from the Crosstown all the way down to the VA Hospital, since a truck wasn’t able to go down with the flooding.”

There was applause in the theatre.

Mr. Majernik continued, “Next up is Officer James Reeves of the Charleston Police Department. While on patrol, Officer Reeves located a disabled vehicle driven by an elderly couple trying to get to their doctors’ appointment. They did not have a spare tire and were not able to afford a tow. Officer Reeves learned this as he was talking to them, waiting and helping them out. He went out and bought them a tire, put the tire on their car, and then made sure they were able to get to their doctors’ appointments.”

There was applause in the theatre.

Mr. Majernik continued, “As difficult as it is from all of these to choose a winner for the year, the CSI Committee has chosen Duty Officer Rose Barron, with the Charleston Police Department, for our Employee of the Year Award this year.”

There was applause in the theatre.

Mr. Majernik said, “We have a summary of what happened. We’re going to read her actual nomination. ‘A young pregnant woman, who was due any day and estranged from her family with no place to stay, came in to the front desk of the Police Department asking for help. Duty Officer Barron tried to find her a place to stay, but to no avail. It was late and businesses were closed, and Officer Barron told the young woman she was off shortly and to wait for her. Duty Officer Barron took her to a motel, paid for her to stay multiple nights with her own finances, and helped convince her to make appointments with Social Services. Duty Officer Barron went back to the hotel the next day, but did not see the young woman, which meant either she was in labor or had applied for assistance. Two weeks later, the young woman contacted Officer Barron and told her that she had delivered a healthy baby boy, and things were working out positively for her, largely because of the help that she had provided.’”

There was a standing ovation in the theatre.

Duty Officer Rose Barron said, “I want to thank you all, my family, my department, my Chief, for coming here and supporting me tonight. Again, I thank you all.”

Mayor Tecklenburg said, "Thank you to all of our Customer Service Improvement winners."

There was applause in the theatre.

Mayor Tecklenburg said, "So, folks, I do want to share just a quick personal reflection. I know none of us are perfect, but our employees at the City of Charleston really do have a heart for service, and they really all have this customer service mentality. We try to instill it, but they have it. It's from their hearts, to help our citizens. That's why they do the work that they do. Oftentimes, some of our employees could make more money working in the private sector, and they really have, as I say, a heart for service. Like I said, we have these awards every quarter, and it's sometimes hard to even decide. When you have someone from the Fire Department finish cooking the pork chops for somebody's supper, it's really, really great. I've got to also share from the week before last, the amazing response of our first responders to one little girl, Heidi Todd, a young citizen of our City of Charleston."

There was applause in the theatre.

Mayor Tecklenburg continued, "They were there in lickety-split and just gave of themselves for the next 36 hours until she happened, by the grace of God, to be found in Riverside, Alabama. So, I give God the glory, as I said that night, but part of that glory is the incredible dedication and service of our first responders in partnership with the other providers and citizens who all just came forward. The neighbors came just out of the neighborhood to help the Fire Department do the search of the woods, and where they could, of the area. They brought food or whatever they could to help, to support our first responders while we were there. Every local organization from Mt. Pleasant to North Charleston to Charleston County, the State, SLED, and the South Carolina Department of Natural Resources, and I can't say enough good things about the FBI. They are so professional and really helped at the end with the technology and the resources that they have. They were just terrific. So, once again, if you would join me, let's give a round to all of those people."

There was applause in the theatre.

Mayor Tecklenburg said, "Alright. So, next on our agenda is a bunch of public hearings, and we've got two microphones down here. So, as I call them out, and as staff presents each matter, we'll allow the public to come forth and speak on each item. The first one up is an ordinance that we gave first reading to at our last meeting to authorize the issuance of \$7,500,000 in Accommodations Tax Revenue Bonds. That means the bond will be paid back over time with proceeds from our Accommodations Tax, and this is to support the International African American Museum. Would anyone like to be heard on this matter? Please come forward."

-- INSERT PUBLIC HEARING NOTICES --

-- INSERT PLANNING COMMISSION REPORT --

No one asked to speak.

Councilmember Waring said, "Move for approval."

Councilmember Moody said, "Second."

Mayor Tecklenburg said, "Hearing none, for second reading we have a motion and a second. Is there any discussion?"

No one asked to speak.

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

2018-015 AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$7,500,000 ACCOMMODATIONS TAX REVENUE BONDS OF THE CITY OF CHARLESTON, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO.

Mayor Tecklenburg said, "E-2 has been withdrawn."

The Clerk said, "We need a motion to withdraw."

Councilmember Seekings said, "So moved."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We need a motion to withdraw E-2. We have a motion and a second, is there any discussion?"

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted unanimously to withdraw the following bill from the agenda:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 116 Queen Street (Peninsula) (0.045 acre) (a portion of TMS# 457-08-04-074) (Council District 8), be rezoned so as include the rear portion of the property in the School Overlay Zone (S) classification. The property is owned by L. Sloan Wright et al. (WITHDRAWN)

Mayor Tecklenburg said, "Next will be a zoning matter of three properties up on King Street. Mr. Morgan or someone, do you all have a presentation?"

Christopher Morgan said, "Yes, sir. Behind you on the screen is a map of the property for 363, 367 and 369 King Street, between Calhoun to the north and George to the south of King Street. They are properties that are currently developed. We've got aerial views that show the properties on the site."

Mayor Tecklenburg said, "Mr. Morgan, could I get you to speak right into the microphone and, whoever has the board or whatever, could you give them a little more volume?"

Mr. Morgan said, "Is this better?"

The Clerk said, "Yes."

Mr. Morgan continued, "These are 363, 367 and 369 King Street, King between Calhoun and George on the western side. These are developed properties, historic structures, in some

instances, that are zoned presently in our Urban Commercial District. The request is to rezone to our Mixed-Use/Workforce Housing (MU-2/WH) District. This is an image of our Century V City Plan that shows these properties in the bright red color on the site, and that means that they are part of the Urban Core, the areas that we recommend for the greatest amount of density in the City. So, given that, both staff and the Planning Commission recommend approval of this request.”

Mayor Tecklenburg said, “Alright. Thank you, Mr. Morgan. Would anyone like to be heard on this matter?”

1. Trenholm Walker said he was there on behalf of the applicant to answer any questions. He said this was a property that desperately needed redevelopment, and they’ve worked with the Planning Department for 18 months. They’ve worked with Councilmember Seekings, and they thought this was essential to allow the redevelopment.

Mayor Tecklenburg said, “Yes, sir. Could you help us out and describe what kind of redevelopment is planned for the property?”

Mr. Walker said, “It is currently three storefronts, and those are going to be rehabilitated; three historic storefronts that are in okay condition. One has the façade easement on it to be greatly improved. The rear is significantly deteriorated, and it’s student housing that backs up to a large dormitory. It’s not a dormitory, it’s housing in the middle of the block, and the idea is to re-do that housing. So, the streetfront, as you’re looking at it, would remain the same and hopefully be touched up. The historical façade is the red building that’s just, at this moment, suspended and propped up. It’s not even incorporated very well into the back building, so that would be incorporated into the structure itself, and the idea is to make it housing. We think it will be student housing. It’s right there, it’s an ideal location that wouldn’t require any transit, and it would be a great, we think, contribution by the private sector. The property needs to be rehabilitated, and Councilmember Seekings, who has been an ardent supporter of this can speak to that probably as well as I can.”

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

Councilmember Seekings said, “So moved.”

Councilmember Mitchell said, “Second.”

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

Councilmember Seekings said, “If I might, Mr. Mayor.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Thank you, Mr. Mayor. Just very briefly, I want to thank Mr. Lindsey, Mr. Walker, and the applicant. This process has gone on now for, Mr. Walker said 18 months. It’s probably longer than that. We always say things are kind of unique or mostly unique, but this is really a unique piece of property in the City of Charleston. It’s a façade with a long building behind it. It is in absolute disrepair. It is in need of rehabilitation on a block that is really in need of rehabilitation and some attention. This is a developer that is here to work with the City and has gone above and beyond. We’ve tried to draft our own Zoning Code here,

we've tried to work into it. The MU came up, and it's worked on that very well, so this is a project that developers waited for, for a long time. What's behind that façade right now is, I think, it's fair to say barely livable. Without this zoning change, it will be in complete disrepair and will be basically an abandoned building, so I highly recommend this to my fellow Councilmembers. This is going to be a very good example of what we can do in the Urban Core with our new zoning and our new zoning ordinances to rehabilitate properties that, otherwise, would sit there and go into further disrepair. I commend everybody, including the owner of this building, who has sat there for a long time waiting for something to happen. There are still some challenges to go, for sure, but this will get them a long way down the road. I would encourage my fellow Councilmembers to vote in favor of this. Thank you."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "So, is this rezoning going to cause us to lose these shops right here, because I love Subway."

There was laughter in the theatre.

Mr. Lindsey said, "It's going to enhance your Subway."

There was laughter in the theatre.

Mayor Tecklenburg said, "So, just a personal note. My Dad almost came into ownership of this property about 25 years ago, and I went to go see it for him, and it was so bad. It was so bad, I said, 'Dad, you don't want to have anything to do with this property'. So, if it hadn't been fixed up since then, it must really be bad."

Councilmember Seekings said, "Mayor, you gave your father very good advice because it has not gotten any better in 25 years, and I don't think it will."

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

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 363, 367 and 369 King Street (peninsula) (0.44 acre) (TMS #457-04-02-027, 028 and 029) (Council District 8), be rezoned from Urban Commercial (UC) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by 23 Bond Owner 363-369 King LLC.

Mayor Tecklenburg said, "E-4, Mr. Morgan."

Mr. Morgan said, "This is on 1625 Jessamine Road in West Ashley. It's in a neighborhood that is a mix of Residential uses, just north of Ashley River Road, and is southeast of Sam Rittenberg Boulevard. The request is to go from Single-Family Residential (SR-2) to Single and Two-Family Residential (STR), which would add more diverse use types that can be built on the property. The neighborhood has a mix. This shows the different range of uses that are going on in the neighborhood. There are apartments, duplexes, and things like that, so it's a very diverse, residentially, neighborhood. Here is an image of the property itself which is on a larger than normal lot, that is a double-sized lot for the neighborhood. Here is a closer image of it. Staff is supportive of this request. It's in line with the Comprehensive Plan

that calls for four to eight units an acre in this neighborhood and, I think, it's an appropriate use in a neighborhood that has a good bit of diversity of housing units."

Mayor Tecklenburg said, "Alright. Would anyone like to be heard on this matter?"

No one asked to speak.

Mayor Tecklenburg said, "Alright. Hearing none, it comes before Council."

Councilmember Waring said, "Move for approval."

Councilmember Lewis said, "Second."

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

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "If I may, Mr. Morgan, this is in my district, and my son just bought a house two doors down from this property, so I'm very familiar with this area, and it seems to be an area in transition. There are some Multi-Family residences, apartments around this area. What will the applicant be allowed to do with this property, if this is approved?"

Mr. Morgan said, "Well, they would be able to have a duplex on the property or, in the instance of this particular owner, I think that they discussed the residential use on the property, so you could have two units on this one lot."

Councilmember Shahid said, "You're familiar with this area, I know you are, and have been out there. How will this mesh with the transition that this neighborhood is taking?"

Mr. Morgan said, "Well, we think that that's a good transition to have, a variety of housing units like that, in a neighborhood like this, that is in a location that's close to shopping, close to schools, and things like that. So, in particular, for a lot like this that's bigger than some of the other lots in the neighborhood, we felt another residential unit would be appropriate there."

Councilmember Shahid said, "Thank you."

Mayor Tecklenburg said, "Councilmember Mitchell, did you want to be heard?"

Councilmember Mitchell said, "No, not on that."

Mayor Tecklenburg said, "Okay. Are there any other questions or comments?"

No one asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1625 Jessamine Road (West Ashley) (0.36 acre) (TMS #351-12-00-078) (Council District 9), be rezoned from Single-Family Residential (SR-2) classification to Single and Two-Family Residential (STR) classification. The property is owned by BS LLC.

Mayor Tecklenburg said, "Next is E-5. Mr. Morgan."

Mr. Morgan said, "On this one, the applicant has requested deferral of this item, this afternoon. We'll go ahead and put slides up for it announce it, since it was obviously advertised for a public hearing. It's Bees Ferry Road and West Ashley Circle. It's a request to go from Gathering Place zoning, which a lot of those properties around the Circle are zoned. It's in the dark brown color here. This is Bees Ferry Road, this is Glenn McConnell Parkway, and it would go to General Business or Commercial Development, but they have requested deferral, which is requested at present."

Mayor Tecklenburg said, "Okay. Have they submitted a development plan of any kind?"

Mr. Morgan said, "There have been some development plans discussed but, again, that's not a requirement of the zoning, so we've not had a submittal on it yet."

Mayor Tecklenburg said, "Alright. Would anyone like to be heard on this matter? Even though it's deferred, it was advertised for a public hearing and, hence, if anyone would like to be heard, now is your time. Yes, sir."

1. Trenholm Walker said, on behalf of the applicant, that they were deferring and they had a meeting set up with Councilmember Wagner next week. They wanted to go over this and other matters that were a concern, and then they would come back to Council, depending on whether Councilmember Wagner felt it would be appropriate.

Mayor Tecklenburg said, "Councilmember Wagner, would you like to be heard?"

Councilmember Wagner said, "Yes, just for a second. If you all live out in Grand Oaks, in that general area, you may want to watch out here. I've not had a chance to sit down and talk with them yet. This is directly across from Grand Oaks Boulevard. It's fronting Bees Ferry. So, this is a real integral part of your future, if you live in Grand Oaks or anywhere near Grand Oaks on Bees Ferry. I look forward to talking to you. We've got the time set up. So, you guys out there, let me know, I'll tell you everything I know."

There was laughter in the theatre.

Mayor Tecklenburg said, "Well, they need to come forward, if they want to be heard right now."

No one asked to speak.

The following bill was deferred at the request of the applicant:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located at Bees Ferry Road and West Ashley Circle (West Ashley) (approximately 7.0 acres) (a portion of TMS# 301-00-00-027) (Council District 5), be rezoned from Gathering Place (GP) classification to General Business (GB) classification. The property is owned by Whitfield Construction Company. (DEFERRED)

Mayor Tecklenburg said, "Alright. So, next we go to E-6. Mr. Morgan."

Mr. Morgan said, "This is a recently annexed property in the City of Charleston on James Island. The address is South Gevert Drive, and it's a quarter of an acre. The request is to bring it in as Single-Family Residential (SR-1) or Single-Family Residence. It backs up or crosses the roadway from some commercially zoned properties you see in this image here. It's just south of Maybank Highway, which is up here, and this is the Pour House bar and restaurant here in that location there. Both staff and Planning Commission recommend approval for SR-1."

Mayor Tecklenburg said, "Alright. Would anyone like to be heard on this matter?"

No one asked to speak.

Mayor Tecklenburg said, "Seeing none, it comes before Council."

Councilmember Lewis said, "Move for approval."

Councilmember Shahid said, "Second."

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

No one asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on South Gevert Drive (James Island) (0.24 acre) (TMS #343-03-00-270) (Council District 11), annexed into the City of Charleston January 23, 2018 (#2018-006), be zoned Single-Family Residential (SR-1) classification. The property is owned by Union Investments LLC.

Mayor Tecklenburg said, "So, next that brings us to E-7, which is an ordinance to amend our same ordinance to implement new regulations for Short Term Rental Uses and Bed and Breakfast uses in the City of Charleston. Mr. Jacob Lindsey is going to make a presentation. Before he does, I did want to just take a minute and thank the incredible time and effort put into studying this matter by our Short Term Rental Task Force, which was set up almost a year ago. Bear with me, or could I just ask if any of the Task Force members are present tonight? I see a couple. Please stand and be recognized."

There was applause in the theatre.

Mayor Tecklenburg said, "Many hours and meetings were put into this, and I'm going to read their names just so they can be recognized: Richard Buchanan, Christopher Cody, Angela Drake, Erika Harrison, Jack Wallace, Ittriss Jenkins, Gabe Joseph, Allison King, Kristopher King, Margaret Malaspina, Daniel Ravenel, Bob Seidler, Renee Singletary, Wayne Smith, Elena Tuerk, and Ann Hester Willis were all members of that Task Force, and we thank them for putting such time and effort into it. So, without further ado, Mr. Lindsey, from our Planning Department, is going to make a presentation."

Mr. Lindsey said, "Thank you, Mr. Mayor and members of Council. I'm going to speak just very briefly on this issue. You all know that successful cities around the world are grappling with how to regulate short term rentals, and we're no different in that regard. Recognizing that back in May of 2016, the Mayor and City Council appointed this Task Force to look at this issue.

Some of you may have seen this, we have all of this data, it's all available on our website. You may have seen this very exhaustive chart. I'm not going to go through every one of these, but we began in May of 2016, and we've worked on it with the Task Force members. Since that time, a tremendous number of people have contributed to this work, staff from many, many departments, all members of the Task Force, and tremendous input from the public on this. It has all of the makings of a compromise, so not everybody is completely happy with this thing. In the time that we did this, we've had 13 meetings with the Task Force, four public listening sessions, where we actually went out to the community, two Planning Commission and Task Force Workshops, and four meetings of the Planning Commission to get to this point. So, a lot of time went into it. We think it's a balanced approach. It's one that allows some limited short term renting throughout the City, but in a way that is compatible with neighborhoods and the best quality of life.

So, just to orient everyone, and you all know this, and just to get oriented in this area, there's a colorful map that you see on the screen. The area in purple, and you can see my laser here, the area in purple is the Old Historic District which is designated as a Class 1, which we will talk about as we go through. The area in this sort of aqua blue color is designated as Class 2, which is the Old City District. The area in this lighter green and all points further afield is what we are calling Class 3. These numbers don't mean anything other than giving a designation, and to go back to the Peninsula, the area in the red is what we are now calling the Short Term Rental Overlay Zone, which is the previously existing STR District in Cannonborough-Elliottborough. So, you have Class 1, Class 2, Class 3, and STR zone.

It's very important to us to bring you an enforceable ordinance. We've been having discussions for over a year now, and we wouldn't bring this before you unless it was enforceable. You all approved, in the 2018 Budget, three additional staff members just to focus on this one issue, in addition to software for enforcement, and included in this ordinance before you tonight are a number of tools for enforcement that include a registration provision for those who seek to short term rent and a provision that makes it a violation of the Zoning Ordinance to improperly advertise a short term rental. These are very important for us to be able to properly enforce. We do not currently have these on the books. Now, to just briefly summarize the proposal that is before you, the first and most important component of all of this is the Task Force."

Councilmember Seekings said, "I was just going to ask you a question real quick before you get too deeply into this. Is what you're putting up here the proposal that came from the Planning Commission or the Task Force?"

Mr. Lindsey said, "Thank you for pointing that out. As we go forward in these future slides, I'm going to show you the difference between the two. What is before you tonight is the recommendation from the Planning Commission. That is the ordinance that is included in your packet, that is what is before you tonight, and we will talk about specifically the differences between the Task Force and the Planning Commission version. I'm going to try to make that as simple as I possibly can and make sure that you all understand this.

So, the first thing is that the Task Force and Planning Commission said, in order to short term rent in the City of Charleston, it should be the owner's four percent property. What that means, of course, is the owner has to reside on the property for at least 72 days out of the year as to their primary residence. What that does is, it effectively outlaws the acquisition of the properties for investments and the use of investment properties for short term. Six percent properties are not allowed. Now, this is very important, there are no changes proposed to the STR Overlay in Cannonborough-Elliottborough. They created a very special thing in 2012. It's

unique and crafted for that place and neighborhood. That is the case, no changes to Cannonborough-Elliottborough. So, we're really not going to bear down on this because they are not affected by these changes.

Now, in terms of eligibility, we're going to go through just a few slides that point out the difference between the Short Term Task Force and the Planning Commission. The Task Force said if you're in Class 1, the Old Historic District, the property must be listed as individually contributing on the National Register of Historic Places, which is a very high bar to ask. In the Class 2 areas, the Old City District, the buildings should be at least 50 years of age or older. The reason for that is to prevent the construction of new dwellings or accessory dwellings, specifically for the purpose of short term renting. In Class 3, the rest of the City, the building would also be at least 50 years of age or older, and short term rental overlays in Cannonborough-Elliottborough have no changes. But, what the Planning Commission said to us was, 'Let's remove the age requirements in Class 2 for a building.' So, in Class 2, when a new building is being constructed, it can be used for short term rentals, assuming that all of the other requirements are met. In Class 3, they said the buildings should be at least five years of age, again outleasing new construction. So, that's the Task Force versus the Planning Commission, in terms of the eligibility of properties.

In terms of the occupancy components, the Task Force said there should be a limit of four unrelated adults in any short term rental property. We're not talking about how they're related, just four adults, and the Planning Commission said, 'We prefer two people per bedroom', so a slight difference in that regard. In regards to whole house rentals, this isn't a substantive difference. The Short Term Rental Task Force said, 'An owner must be present and generally available during the rental period.' The owner must, in effect, reside on the property during the period of the rental, and the owner could rent their cottage. Conversely, the owner could live in the cottage and rent the main house. That would be fine. You could rent a bedroom in your house. If you've got a house with two separate entrances, subdivided internally, that would be fine, too, but the owner should be present under the Task Force set-up. The reason for that is, if we have a problem there, we know who to call, and they're responsible. The Planning Commission said that it would be fine for the owner to leave the property, appoint a property manager known to the City, and short term rent the whole house. So, they said, 'You can leave for up to 72 days', so the owner could take a trip to wherever they want to go, get out of town, for up to 72 days, and rent the whole property while they are absent from the property. That's okay, but we need to know who the manager is. This is the Planning Commission recommendation. You can do a whole house rental for 72 days. The Task Force said the owner must be here and generally available. Now, those are the primary differences between the two and, again, this is important. Our role is to make sure this is enforceable. I want to go just briefly to Mr. Dan Riccio, head of our Livability Department, to just speak to you briefly about the enforcement of this."

Dan Riccio said, "Yes, I would like to reiterate what Jacob was saying to you guys. The importance of any ordinance is the tools in that ordinance to have a successful prosecution. With the adding of the advertisement portion of the ordinance, it is extremely important, coupled with the three officers that would be assigned to enforcement. They will be 100 percent of the time focused on short term rentals enforcement and the use of the software that we plan on purchasing. The short term rental software is instrumental in developing, locating and documenting the locations for us, making it much easier and effective to enforce those rules. I'll read these off, just so I won't forget anything. Basically, the software that we would use to monitor all sites, all national sites, or vacation rentals, would include even less known sites. It will also monitor local property management sites for these types of advertisements. They

provide a report of the exact location of the short term rental that includes the County tax information, the GIS I.D. information, photos and mapping, and things of that nature. It directs attention to those that are put up and taken down just for short events, for example, those times during Spoleto or when Kiawah Island has a major event just for a weekend or a few days. It will attach to those locations, let us know where they are, document them, start the case, and then do legwork and start the enforcement process. They automatically generate letters of non-compliance, which will help us, and automatically reconcile discovered listings with the registration data. That basically means, if the property is registered through the City with a license from the City on that website, it will let us know and compare those sites and say 'these are good', and 'these are not, these are the ones that need to be enforced for non-compliance'. Also, it designates STRs. You can designate them by district or layers, which will be helpful. I think you will have all the data, with emergency contact information on the owner to be contacted. If not, the owner is on the site 24/7, 365 days. It's a compliant portal that citizens will be able to use, and be able to call in any complaints, whether it be noise, anything of that nature, or just simply saying, 'Hey, I think there is a short term rental here'. They send it to the hotline, they process it, and determine whether it would be legal and in compliance, and that does a lot of the work for us. Again, instrumentally, the teeth of the ordinance and the tools necessary would be the advertisement, the need for people to advertise in the ordinance help to prosecute successfully."

Mr. Lindsey said, "Just to conclude, in that regard, the staff recommendation, in this case, is the same as the Task Force's recommendation. We recommend a more tightly-written version of this differing from the Planning Commission, which you know. We recommend the version of this that does not allow for a managed rental. We think that we need to gain enforcement, test our enforcement ability, make sure that we can do this right, and then we open it up later on. We need to have already gotten some good solid enforcement under our belt, so we recommend the Task Force version of this ordinance. We need something that protects neighborhoods, that allows limited short term rentals throughout the City. The last thing I'm going to say is that we think it's very important to revisit this ordinance because short term renting, like everything, is always changing, and we think that it's important to come back to you all in six months, a year, 18 months, to report back as to how effective our enforcement is actually working on the ground and how effective the ordinances are. With that said, a lot of people have worked really hard on this. There has been a tremendous amount of work, as you all know. We do think the compromises will fundamentally make our City a better place. So, with that, Mr. Riccio and myself will be glad to answer questions."

Mayor Tecklenburg said, "Alright. So, first, we're going to have a little public hearing on this matter. Unlike the Public Participation Period, for a public hearing you didn't have to sign up. So, the floor is going to be open but, may I ask, a show of hands of how many people would like to be heard on this matter? Well, that's not as many as I thought."

There was laughter in the theatre.

Mayor Tecklenburg said, "Again, thank you for being with us. Now, when you come forward, please give us your name and address for the record. We do want to limit this, so that it doesn't go on all night, but I want everybody to be heard and so, I'm going to ask for a two-minute limit on your remarks. Now, if someone has the same idea or same point, I might ask you to just try not to be real repetitive and make another aspect or another point, if you would. I'm also going to ask everyone in Council Chambers, as it were tonight, no outbursts or 'yay' or applause. If a speaker would like to ask the audience to give a show hands or to stand up if they agree or disagree with your point, that's fine, but please, no outbursts while we're

conducting City Council. Alright. Who would like to go first? If you all would just kind of queue a little bit, both microphones will kind of go back and forth. Yes, ma'am. We'll start with you."

1. Amelia Spade stated that, by definition of the proposed changes, their neighborhood and many other strong neighborhood communities would become prime targets, as their homes were more than 50 years old for anyone interested in purchasing a home for rental income purposes. There were some already illegally operating in their neighborhood, so they knew the desire was there. New houses on the market would be easily eyed by those who wanted to obtain rental properties and would drive up purchase prices to where families would not be able to beat out cash offers. Only a few weeks of rental fees would easily pay off any annual mortgage amount when it's a short term rental. They relied on and appreciated tourism, but asked Council to protect their neighborhoods from the dismantling of community. She asked Council to vote against adding short term rentals for Class 3 houses.
2. Denise Holtz, S.C. Vacation Rental Managers Association, said this had been talked about for many years now and asked Council not to vote, as they didn't have enough information. There was no one from their industry on the STR Task Force and no one had approached them about their opinion. Less than two percent of the housing market was short term rentals and she asked that Council gather more information before they made a decision.
3. Betsy Cahill, Chairman of the Preservation Society Board, said it's not every day that preservation and tourism officials agree, but they were in lock step with CBD on this. She was proud to be there with Perrin (Lawson) and Dan (Blumenstock) to seek against the proliferation of short term rentals. They needed to retain the balance between needs of the tourists and the needs of residents, as they saw the corrosive effect of unchecked proliferating short term rentals, and they could not allow neighborhoods to become hotel districts.
4. Christopher Cody, Historic Charleston Foundation, thanked Mayor Tecklenburg for nominating him to the STR Task Force. The Task Force not only studied every aspect of the STR policy, but they also got to know each other and engaged in meaningful debates, as short term rentals were a complex issue. The purpose of the Task Force was to take on this complex issue in depth and give it consideration. The Historic Charleston Foundation continued to support the recommendations of the STR Task Force, as they protected their neighborhoods from being overrun by tourists at the expense of long-term residents. He asked Council to trust the people that they selected to tackle the problem and to pass the STR Task Force recommendations.
5. Perrin Lawson, Charleston Area Convention and Visitor's Bureau, reiterated the comments of Ms. Cahill, in that they were hand in hand with the Preservation Society and the Historic Charleston Foundation in their concerns of the neighborhood, livability, viability, and cohesiveness were not just for downtown, but for the entire City. When it led into areas where it shouldn't be, that was where problems started to arise. He was delighted that the Planning Department was recommended the STR Task Force recommendations, as they had put so much effort into it and they were reasonable. Most importantly, the four percent requirement, if enacted, would take them back to what short term rentals were supposed to be initially, allowing the property owner to rent his or her spare

bedroom out in their house to supplement their income. He hoped Council would vote to accept the recommendations of the Task Force.

6. Ann Hester Willis said she was part of the STR Task Force and she confirmed and agreed with everything that Christopher Cody said. She said they worked hard, discussed and researched things thoroughly. She advocated that Council accept the STR Task Force version of the ordinance. She stated the STR Task Force not only required a four percent exemption, but also that a resident actually resided on the property for 183 days. She stated they chose the age requirement of 50 years because they tried to find a number that was legally enforceable. She said allowing owners to be absent for 72 days, which wasn't 72 continuous days but 72 days throughout the year, meant the homeowners could be absent many weekends. She said the two people per bedroom was not sufficient in trying to prevent party houses, which was a big problem.
7. Dan Blumenstock thanked the Task Force and expressed his thoughts as a resident and a business owner in the City of Charleston. He was a proud hotelier so, when he saw that there was a thousand rooms that were eligible to be rented in downtown Charleston, and that 84 percent were whole house rentals, it was concerning. He complimented Mr. Lindsey on his presentation and he noted that the enforcement was an important thing, as they needed to make sure that short term rentals were not operating illegally. He said he wholeheartedly support the Task Force recommendations.
8. Phyllis Newman, President of the Charlestowne Neighborhood Association, said they supported the ordinance proposed by the STR Task Force and agreed with the previous speakers that changing it where the host did not have to be there 72 days out of the year was the whole thing that made it possible to have whole house rentals 24 to 36 weekends a year, which made it hard to enforce. She stated they believed this allowed commercial intrusion into residential neighborhoods.
9. Elizabeth Hagood said she was a member of the Preservation Society Board, as well as a long term resident downtown. She stated it was a highlight of her life to be able to raise her family in a neighborhood that was very livable and a community they loved. She spoke to one particular issue which was the linkage of the short term rental to the long term rental market for future generations and the economic diversity in neighborhoods. She said this was an unintended consequence of a failure to manage short term rentals properly and she was concerned about a depleted stock of workforce livable units, which already had started to happen. She encouraged Council to vote for the Task Force recommendations.
10. Robert Rosen said he got involved in this as he was walking his dog one night and found out there was a party house around the corner from his house. He said a Chicago businessman bought a house and rented it out for \$6,000 and \$8,000 a weekend, so there were bachelorette parties, graduation parties etcetera. He gathered affidavits and took the case to the City attorney and got the case brought. The City attorney went to court and the Circuit Court issued an injunction to permanently enjoin that unit and that could be done now. He stated everybody said the ordinance couldn't be enforced, it could be. Mr. Rosen said there were 1,500 illegal Airbnb's right now that could be closed down tomorrow

with an arrest warrant. He told Council they had a big decision to make as to whether they wanted to have residential zoning in Charleston or not. He stated if they wanted to live in residential neighborhoods he would vote both of the ordinances down and then get a lawyer to enforce the existing law.

11. Anna Catherine Carroll, Preservation Society of Charleston, said the Preservation Society supported the STR Task Force's proposed ordinance for many reasons one of them being affordability. She stated that if affordable housing was to remain a priority in Charleston, the proliferation of non-owner occupied whole house short term rentals must be addressed. This continued to subtract from the residential housing stock and the elimination of housing stock was one of the greatest threats to affordability. The Preservation Society supported that this ordinance prohibited whole house rentals by requiring properties eligible for short term rental to at least be owner occupied, primary residences assessed at 4 percent and the owner be on site during the entire rental period. She stated they also advocated for the extension of the Class 2 designation to the entire Peninsula beyond the Old Historic District.
12. Virginia Bush reiterated many of the comments already heard about the dangerous allowance of whole house rentals even for 72 days a year and that was a standard that could hardly be enforced in a practical and reasonable way. This came down to the distinction between residential uses and commercial uses. If one had a property right to rent a house that was great, but one also had a property right to have bought and lived in a residential neighborhood with no commercial activity next door. The idea presented by the Planning Commission, to allow the engagement of hiring of a property manager, who would in name only be available in case of a problem, proved the point that it was a commercial use. She stated whole house rentals were commercial and that renting a spare room or some was not. She said the Task Force version of the ordinance was far superior on many levels, particularly regarding more civility, but it was also a truer reflection of concept zoning.
13. Robert Gurley, Preservation Society of Charleston, said the Preservation Society strongly supported the recommendations proposed by the Task Force and if there were any modifications the Council felt needed to be done, they asked to retain the National Register requirement. He said the most pressure, in terms of housing, was on the Peninsula in the Historic District in Class 1. They believed that the National Register requirement listed the most logical criteria and would protect the housing on the Peninsula and also spread the availability and use those short term rentals throughout the City and not just focus on what had already been overdeveloped in over impacted areas of the City. They must have a legally defensible building requirement which would discourage the construction of a purpose built STR unit. They thought the 50-year requirement was effective, as it was a Federally recognized standard for historical properties. Clearly written legally enforceable regulations were necessary and fees should be levied on violations and should be included in all rental listings.
14. Patrick Arnold, Executive Director of the Charleston Homebuilders Association, conveyed their support for the Planning Commission's recommendations and asked Council to allow 6 percent taxpayers the same rights to rent as 4 percent. They thought this was a fundamental property right and, if 6 percent was not

permitted illegal STRs would continue to proliferate and they would have to start the process all over again. In the spirit of all property rights in practicality, they asked Council to accept the Planning Commission's recommendations and also include 6 percent taxpayers. He made one clarification that he had heard many people speak on about how this would affect affordability. He said according to all of their market statistics for the home values going on in and around the Lowcountry, STRs weren't happening at a rate that would actually inflate those prices.

15. Sarita Kennedy said the Planning Commission did not address the subject of subjective condition of homes in the Old Village Historic District, the individuality to be on the National Register for Historic Places, in order to be considered for STRs. She found this preposterous, as this had no bearing on a home's suitability or economy on short or long term rentals. She could do a whole house rental downtown that was long term, but was not commercial, and it was still a whole house rental. She stated that only 2 percent of the housing stock was being used as short term rentals and hoped that Council could distinguish between making laws based on fear and passion, and could make them on fact. She asked Council to defer the vote so that they could really get to know what was going on. She stated there was no representation from people wanting to do STRs on the Task Force and it was very one-sided.
16. Alston Middleton, President of the Wagener Terrace Neighborhood Association, asked that Council defer the vote. He said he just learned that he was a third class citizen in Wagener Terrace. He was in the Marine Corp for 25 years, so he was used to being a third class citizen. He stated that the second and third reading affected whatever Council decided and he encouraged Council to think through it and defer the vote.
17. Matt Doszkocs said there was a lot of fear and craziness being talked about in terms of 4 percent, which the Planning Commission and the Task Force recommended. He stated that it took care of party houses and it took care of all of the concerns for the building. He didn't understand why Council kept bringing it up. The reality was that bed and breakfasts had been operating, without incident, for decades and the owner could be off site for 183 days a year without hiring a property manager and under that, there weren't any complaints. He was told by an administrator that he had zero off-street parking and his driveway was six inches too narrow to comply with regulations. At least, in the Class 3 that he was in, they included one free room. The interesting thing was that every Single-Family home in Charleston long term rented to up to four separate individuals, so he had three rooms that he could rent out if he lived there without additional parking yet a short term rental everyone was freaking out. He said he should be able to rent up to three rooms without any additional parking on short term rentals, especially because short term rentals came with cars half the time statistically. There was not a single person, like himself, who was included on the Task Force who wanted STRs, but there were many people from the hotel industry and preservationists.
18. Donna Jacobs said she lived in West Ashley and that the City had a very complex zoning ordinance and if you shopped around, you could essentially commercialize the entire area of the City. She believed the Short Term Task

Force had put together an initial attempt that they could really live with and grow it slowly, like Jacob (Lindsey) mentioned, and she asked Council to support it.

19. Dr. Wilmot Fraser said he was a resident of Charleston and a property owner. He said he understood that the rights of property owners were quite extensive and that one could rent one's property and that was considered an issue that was malicious and was reaffirmed by South Carolina courts. He said that several years ago he had a property and wanted to use it to help teach people about African-American culture. He was able to do that a little while before the City of Charleston took him to Livability Court and penalized him for the regular use of his own property, so he retained a lawyer and the Circuit Court overturned the ruling of the Livability Court. He said the Livability Court was arbitrary and capricious, just as the complicated ordinance that was being proposed by the group that had been put together. People had a right to rent their property and if the City wanted to encroach upon that right then the City had to be able to compensate for that encroachment. He said Council should think about how much they should encroach on the real property rights of property owners in the City of Charleston.
20. Ginger Scofield said she was a resident of Charleston and, although she appreciated the time the Short Term Rental Task Force and the Planning Commission spent on this, there were a lot of people that had spent most of their lives on this topic. She encouraged Council to make an amendment to the proposed short term rental regulations that allowed short term rentals in 6 percent secondary homes. In the past, she rented out her home and left the property while tenants were present. She bought a secondary property and these properties would serve as her source of income while she would stay at home with her children, and would also serve as their retirement plan, so it was a vital issue to her, as this was her life. She didn't like doing the short term rentals because she didn't want to deal with evictions. If a homeowner felt more comfortable allowing a tenant to stay for less time, then they should be able to do so. She said they could concurrently legally rent for 30 days and asked what was the difference to have 29 days or two weeks. She said one day was the difference between illegal and legal and it was an arbitrary number and a banned community would get wise and would take their rentals underground. This didn't make any sense and laws were already in place addressing these matters that legislation took care of, such as problems like noise and parking.
21. Adam Faulkner stated no offense to anyone who worked on this ordinance, but he felt it was extremely biased. He said there wasn't any representation for the people who favored the short term rentals. He thought they had crossed over the fact that there is a huge difference between the downtown Peninsula and the suburbs of James Island, Johns Island etc. The demand was there for this and there were thousands of rentals on the books. These were some of the strictest regulations that they would pass in the country.
22. Mara Brockbank stated that she was in favor of everyone who spoke for Short Term Rentals, and what they had said was good. She knew that they were around and she had never seen anything bad. They rented their house, but every time they left it to young people they kicked the doors down. It gave people the opportunity to experience Charleston without staying in a hotel. She thanked

them for the work they had done. She was confused by a lot of what had been said.

23. Craig Coit stated that his question was the linkage of the proposal to the National Registry. He was speaking with someone who was part of the process, but couldn't articulate why that was added and it seemed like that severely restricted homes that could be short term rentals. If they had the numbers on the national historic register houses there were and what was their rationale for doing that? He thought it was arbitrary and it restricted the property for people who wanted to rent their house.
24. Erika Harrison stated that if they passed this Ordinance, she was the first person to get the benefit because she had a long term rental. At the same time, she resided on the property, so if she wanted to, she could turn it into a short term rental. Beyond that, this was something she reviewed on a regular basis. It meant that she didn't have to get a long term resident off the market. They had created an ordinance that created limits and also recognized that they needed to be open to opportunity. They needed to recognize that they needed to take a step back. The first question, James Island was multi-family housing. She didn't see any type of affordable housing. Rental rates across the board were high downtown.
25. Corey Cash stated that he had a small property. He worked two jobs, and he long term rented his home. He had put his heart into the house, always kept it up. Any money he made on the home went directly back into it. He had this house and now it was immaculate and it rented three times a week. It was listed with no parties and it had been a way for him subsidize and take care of his family.
26. Lance Park stated that he didn't think the residents were suffering from STR's, but he did think that the hotels were. The policy changes had been going on for years. There were already laws in place where rights were infringed upon. They needed to think about what was happening. They would make criminals out of people that wanted to visit their City and those that brought them here.
27. Yvonne Fortenberry stated that she wanted to express the Harleston Village Neighborhood Association's concerns about short term rentals and their impact on their neighborhood and to support the Short Term Rental Task Force and City Staff's recommendations. The Task Force and City Staff had carefully considered this issue for over a year, with extensive public input, and had appropriate recommendations that allowed limited STR use. Without the important safeguards, STR's shouldn't be allowed. Their neighborhood was particularly impacted by illegal business, being close to King Street and tourist attractions. Within one block where she lived, there were 5 illegal operations currently and it was becoming typical. They were losing stability and a sense of community because they had no long term neighbors. She hoped they would consider the concerns of the neighbors and adopt the original ordinance.

28. Karen Keys stated that she was the General Manager and Sales Director for Turnkey Vacation Rentals, which was a national property management company. They had dealt with this same situation in many cities across the country. Currently, they were planning state legislation which also was overturning local jurisdictions and the cities were talking about having to refund property owners because of losses they incurred. She would ask them to defer on this vote. There was a lot more to this that they needed to look at. They needed regulations, but they also needed responsible rules. There needed to be a balance.
29. Josh Dix stated that he wanted to thank them for bringing this issue up. No one from the Charleston Trident Association of REALTORS was allowed input on the Task Force. Over 60% of the population of the City resided outside of the Peninsula. Most of the City didn't fall into the categories that they had talked about. They supported the Short Term Rental ordinance and encouraged the allowance of that measure going forward, but they would like to see a little more inclusion and more detail on the enforcement aspect. Not everyone who operated a short term rental was a bad apple.
30. Kathleen Keys stated that she wanted to commend them on the resolution that was passed. They included women on the commission, but not people who represented the short term rental market. She requested that they defer the vote until they had more information and better information from all parties involved. They were excluding those who didn't reside on the Peninsula. There were a lot of things that needed to be considered still.
31. Rashaunda Grant stated that there were a number of things that she had seen and experienced, with regards to Short Term Rentals. She managed STR's on James Island and did not buy a house. Her Great-Great Grandfather bought a house and the property had been in their family for 4 generations. She had heard a lot of people speak about preservation and that was what they were trying to do and that was what short term renting had allowed her family to do. There were a number of reasons that people needed housing, not always for fun. It was a tourist destination, and it was also the medical center of SC. They had major hospitals. People needed medical attention and a place to stay to be near those doctors. They didn't know how long that would be for, so she couldn't hold them to a long term lease. She asked them to defer the vote and give those issues consideration.
32. Anna Bradley stated that she had lived in this area for about 13 years. The Task Force and Planning Commission had worked extensively for almost two years, so she was sorry they were being told to slow down the conversation. They, as homeowners, had the right to live in a residential neighborhood. That was where they wanted to be. She was a stay at home mom and she lived next door to an illegal short term rental. The neighbor wanted to turn his backyard into a parking lot. They had 8.5 feet between the two homes and he was trying to make it wide

enough to get a car turned around. She wanted them to consider that they had their rights too.

33. Bob Seidler stated that he had served on the Short Term Rental Task Force. While he had heard the hospitality industry, he wanted to make it clear that he didn't think there was a gratuity crawl on the hospitality industry. The Task Force had robust discussions and a wide cross section of people. He said an important aspect of these regulations was that the hotel industry made a huge commitment to safety in terms of fire, evacuation, and all that comes around with safety. He wanted to make sure that the Council understood that one of the aspects of the licensing of short term rentals was that it also came with building inspection, parking meter, fire instruction, and things like that. He thought they were one crisis away from a really unfortunate incident, if they didn't get a greater degree of licensing on safety.
34. Sis Marshall stated that when she moved back to Charleston, she lived in Ansonborough and they enjoyed it. She had moved to Wagener Terrace and that was because it was a single family residential neighborhood. They had long term rentals and that was fine. The neighborhoods were not properly informed about this in enough time to get information to the citizens that were paying taxes and what she was getting from people now was that the citizens who were living in the Leave it to Beaver neighborhoods felt like City Council wasn't listening to their voices.
35. Harold Hutzler said that he owned property in the City and he was in favor of short term rentals. He was a realtor and a manager of property and also has some short term rentals. He said he would trade short term rentals over long term rentals any day.
36. Craig Inabinett stated that he thought there was more work to be done on the ordinance and they needed to look at the different types of properties in the neighborhoods. The majority of neighborhoods were going to have to take care of themselves, as far as the terms on rentals, but there were properties that should be an exception. Charleston was the number one friendly city in the U.S. He felt like short term rental homes had been made out to be victims. He encouraged Council to learn more about it. They needed to be sure it wasn't just getting pushed through, as very few asked for it to happen. It needed to be right for all property owners.
37. Katie Thomas stated that some of the homeowners had P.O. Boxes instead of addresses and she thought they needed to get home addresses on the tax records.
38. Kara Griffin stated that she lived on Daniel Island and was a licensed property manager. She commended everyone for their work on this, because it was a complicated area. She was there to ask for balanced legislation, as this was

extremely complicated. She owned a corporate franchise called I Take Vacations that was nationally known and they marketed and managed over 3,000 short term rental properties throughout the U.S. and Canada. She said this could be done with good regulations and she urged Council to put in good regulations. The City has admitted the Short Term Overlay in Cannonborough-Elliotborough and it was very successful.

39. Jack Moore stated that he lived in West Ashley, in a diverse neighborhood. They had single family housing, apartments, and different priced houses. It was hard to see where they came up with the 50 year rule. He had only lived in his house for 41 years so he wouldn't be allowed to rent. The 50 year rule sounded arbitrary.

Mayor Tecklenburg said, "Thank you, sir. Appreciate it. Would anyone else like to be heard on this matter?"

No one else asked to speak.

Mayor Tecklenburg said, "Seeing none, the matter now comes before Council."

Councilmember Seekings said, "Thank you, Mayor."

Councilmember Lewis said, "Move to defer."

The Clerk said, "Okay."

Mayor Tecklenburg said, "I was going to recognize Councilmember Seekings first."

Councilmember Lewis said, "Well, I didn't see his hand."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "I'll allow a few minutes."

Councilmember Seekings said, "Mayor, I would like to make a motion for adoption and passage for first reading of the recommendations of the Short Term Rental Task Force, with the addition of a one-year look back on the effectiveness of enforcement provisions through Mr. Riccio's office. That's my motion."

Councilmember Shahid said, "I second that motion, Mr. Mayor."

Mayor Tecklenburg said, "Could you repeat the motion one more time?"

Councilmember Seekings said, "I move for adoption and passage for first reading of the recommendations in total of the Short Term Rental Task Force, with the addition of a one-year look back on the effectiveness of enforcement provisions through Mr. Riccio's office."

Councilmember Shahid said, "I second that motion, Mr. Mayor."

Mayor Tecklenburg said, "We have a motion and a second. It is for adoption of the Task Force recommendations, not the Planning Commission."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Well, I move to defer and have City staff and Legal look at this ordinance again and make sure we are not violating any person's rights, number one. The other thing is to look at how this is going to be enforced. We have laws on the books now saying that in certain parts of the City, it's illegal to do short term rentals, and we can't enforce it. I've got people that have been calling me for a year, or two years, and that's why I brought this issue up, and we still haven't solved it. So, I think we just need to defer this, take another hard look at it, and see how we would enforce the ordinance. This is a new ordinance we're going to vote on, and we can't enforce the one we have on the books now."

Mayor Tecklenburg said, "Sir?"

Councilmember Lewis said, "How are we going to enforce new ordinances when we can't even enforce the ones we have on the books now? There are so many short term rentals out there right now that are illegal, and the City can't enforce them. Then, you're going to add more to it? I know you said you're getting some software, but let's work in the software with what we have and look at the regulations on the books to make sure that we can enforce those. Then, have Legal take a look at it and make sure we're not infringing on any property rights of citizens, if we pass the Short Term Rental Task Force recommendations. Thank you."

Mayor Tecklenburg said, "Alright. So, we have a motion to defer. Did that garner a second?"

Councilmember Mitchell said, "Well, I'll second it."

Mayor Tecklenburg said, "We have a second on a motion to defer."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I want to continue to address how we're going to enforce this. I really appreciate Councilmember Seekings' saying to look back after a year, but I also appreciate the fact that we've had short term rentals, and they haven't been enforced. You can go on Airbnb or Craig's List right now, and you will find lots of illegal short term rentals. So, whatever we do, we need to look back, every month, at what's going on. If we've got three new positions, and people are going to be hired to enforce this, and we've got this new software, we need to get regular updates of how that's going because that is a crucial part. How are you going to have an ordinance if you can't enforce it? If we can enforce it, then I definitely agree that we should go with the Short Term Task Force recommendations."

Mayor Tecklenburg said, "Thank you, Mr. Griffin."

Mayor Tecklenburg recognized Councilmember Moody followed by Councilmember White.

Councilmember Moody said, "Thank you. Dan, you might want to come on up because I thought you were anticipating my questions. I'm really speaking to Mr. Lewis' motion to defer because I want to find out a little bit about this enforcement piece. Then, if necessary, I would vote for Mr. Seekings' motion, and then give us a chance to study this, because I really think it does boil down to enforcement. My understanding is that you have this piece of software, and we've authorized these three people, but it's one thing to fine somebody for advertising. That's the easy part. To me, the difficult part is how do you enforce that penalty? How do you collect that penalty from that person? When I look at this ordinance, all of the violations have to do with the owner. None of them have to do with the tenant, and I'm assuming that I haven't missed

something there. So, if I rented Airbnb in Charleston, you're not going to come and arrest me, you're going to be looking for the property manager, the owner, or something. Is that correct?"

Mr. Riccio said, "Well, not quite. It's the owner's responsibility, ultimately, because they're in charge of that property. Let me just sort of explain the reason why the current ordinance is not being enforced because it's too difficult to enforce. The words, or the criteria, in the current ordinance requires a City official, a Code Enforcement Officer, to actually book a room and be a witness to the offense taking place. There is a lot of confusion with the community. They know that a short term rental is there because they see a vehicle come in, out-of-state tags. They know the occupancy is slipping throughout the week, but the problem is these cases are going before the Livability Board, which is criminal in nature. You have to have probable cause, you have to have proof beyond a reasonable doubt, all of those criteria that take place in any criminal case, so that's the difficulty with the current ordinance.

Now, with the proposal of the new ordinance, it's getting the tools to actually have successful prosecution. Without the tools, you can't really successfully enforce an ordinance. The current ordinance came long before all of these short term rentals and the explosion of the short term rentals, so we learned our lesson with this particular court case. That component to prosecute originally failed because it wasn't specifically stated in the current ordinance. That's why it's been so difficult to enforce. Now, going forward, how would an enforcement with this software do? It's building a case, it's giving us the information, facts, in each case, to prosecute successfully. The location of the apartment of the particular house right now in question is very difficult. When we first started enforcing this several years ago, I was in the Planning Department under the Livability Division and was asked to implement enforcement, and we did. There were 78 cases, but by the end of those terms of those 78 cases, people became smart. It's like clandestine, it's like, no offense, but the drug dealer will change their method of operation once the information or prosecution comes out about how we prosecute a case. For example, one of the biggest tools we have is the advertising. They would display the address on the website. It was pretty easy, but then people got smart. They were like, 'Whoa, I need to be more clandestine and take my address off of there, just show pictures of the inside, not the outside,' so that was another problem with enforcement. Having the manpower to successfully go out and follow up on each case was nearly impossible, but with the tools that we'll be given, it won't be impossible. So, that, to me, having this proposal before you can only be successful. My reasoning is nothing's too difficult to make happen. Nothing's too difficult if we have the tools to do it. You just have to have the gumption and the wherewithal to do it."

Councilmember Moody said, "I was exactly where you are right now, assuming you have all of the evidence and all of the information you need to fine somebody. I think what you're trying to do is take it out of the criminal court and put it into civil court. Is that right?"

Mr. Riccio said, "No, sir."

Councilmember Moody said, "Which court are you trying to go into?"

Mr. Riccio said, "It will be Criminal Court."

Councilmember Moody said, "Okay, so you're going to leave it in criminal court. Alright, and assuming you have all of the evidence, you can find somebody guilty of operating an illegal short term rental, then what are we going to do? That's my question. Are we going to fine them? I think State law says you do, what, \$1,070, something like that?"

Mr. Riccio said, "\$1,000."

Councilmember Moody said, "Per time? So, if they do it in ten days that's \$10,000?"

Mr. Riccio said, "Yes, sir."

Councilmember Moody said, "Okay, now, who do you get that \$10,000 from? The guy, the family that just rented that house? Are you going to go put them in handcuffs, or are you going to try to find the guy that owns the house that rented it to them?"

Mr. Riccio said, "We will go after the person who owns the residence."

Councilmember Moody said, "Alright. Can that \$10,000 be attached or a lien placed on that property?"

Mr. Riccio said, "No, sir. Not a lien placed, not on a criminal."

Councilmember Moody said, "That's what I thought. So, now, we've got a guy that's living in New York, you've got a \$10,000 fine on him, and he's renting that property every single day and you go \$10,000, \$20,000, and as long as he doesn't come back to South Carolina or Charleston you have no way of enforcing that rule. Is that correct?"

Mr. Riccio said, "I think, in my opinion, if it got to that degree of difficulty, we would go the civil route with it and place an injunction on the property. That would be the best way to go."

Mayor Tecklenburg said, "Councilmember Moody, can I point out that it's a 4 percent homeowner residence requirement, as well. So, you couldn't be living in New York and have 4 percent."

Councilmember Moody said, "What I'm saying is, if you're going to break the law, whether you break it a little bit or a lot, you're still breaking the law. If you can't enforce the law, then why have the law? That's what I'm trying to get at. I want to understand how we can put that. I'm in favor of this ordinance. I just want to know how we're going to enforce it. I'm somewhere between Mr. Seekings and Mr. Lewis to defer this thing, or at least give it first reading and have this discussion with our lawyers, Jacob, Dan, and everybody. So, I think that's where I am."

Mayor Tecklenburg said, "I know I'm supposed to go to Councilmember White next, but we do have a former prosecutor. Can you just address that one question?"

Councilmember Shahid said, "I'll defer to Mr. White, and then I'll come back, Mr. Mayor."

Mayor Tecklenburg recognized Councilmember White followed by Councilmember Wagner.

Councilmember White said, "Just a couple of quick comments. The comment was made by somebody who is a member of the Task Force, and this actually came up at a Neighborhood Association meeting on Daniel Island a couple of weeks ago. The comment was made that some information was provided to the Task Force that the covenants and restrictions that exist on Daniel Island make it illegal already for short term rentals. That is not accurate information. So, by making it a 50-year number for an age on that disqualifies every single property on Daniel Island and, subsequently, the majority of Cainhoy, or what will be Cainhoy Peninsula. That's no fault of the Task Force. They were given bad information. I do think that we need to, whether it's deferred and we go back and look at some items, or if we move forward, I would like

to see us make an amendment to that motion for moving forward that, at minimum, is a five-year number to be consistent with Class 2.

The second thing I want to point out is, that, overwhelmingly, the stories that I hear over and over and over and over and over again, in every communication I get from people in my district, are the problems that are created by units that are being rented for the sole purpose of short term rental. Those are the ones that get out of hand, those are the ones that are the party houses, and those are the ones that become the problem. The reality is, that homeowners, even if they rent their whole home for a weekend and somebody trashes it, they will not do that twice. But, somebody who buys a house for the sole purpose will come in, spackle the holes in the wall and everything else, move on, and call it the cost of doing business. So, I think there are a lot of great things in this. I do think that the one item I would like us to re-address is the age in Class 3, I think I'm getting that right, because I do think that again, no fault of the Task Force, but they were given incorrect information. I think we just need to make that adjustment to be fair. Thank you."

Mayor Tecklenburg said, "Thank you, sir."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilwoman Jackson said, "Can you clarify the adjustment, Mr. White? What adjustment are you speaking of?"

Mayor Tecklenburg said, "Councilmember Wagner is next."

Councilmember Wagner said, "Hello, again. I don't know, maybe I've got a little different perspective here. I'm really worried because we haven't enforced what we had, and I would kind of be in favor of maybe deferring it if we used every available resource and enforced what we have now over the next couple of weeks. Have Council just right now say, 'You do it, we'll pay for it,' and give them a blank check to go enforce what we have today. He said it's a criminal thing. I assume regular police officers could help, and you say, 'Okay, we've got to rent it, we've got to sign the contract', go sign the contract. It would be worth it to basically, in my mind, smoke them out. There are 1,500 of them, I just heard, but my real inclination when I walked in here tonight was do as Councilmember Seekings has proposed. I'm not sure that going out and going for the enforcement whole hog, every guy, all hands-on-deck, as we used to say in the Navy, would really do a whole lot for us than put some folks on the run. That's about all I know that it could possibly do. We've got to do something because what we've got is a runaway industry with no regulation of any type. We've had people over the last year come to us in the Council Chamber one after the other saying, 'Hey, we need this, it helps us pay our rent, it's helps us pay the house payment'. I can live with that. Then, I've heard a couple of the same people say, 'We don't really like what you have done.' When we put this Task Force together, the Mayor came to each one of the members of Council, and he said, 'We need people on here. Please give us a person.' I know I gave him the best guy I knew. These guys worked hard for the better part of a year. They have brought us something, it's a start, not a finish. There is no way it can be finished, it's an evolving process, and by that, I'm thinking we probably don't need to defer, unless we can enforce what we have now. Otherwise, we need to go with first reading, I believe as Councilmember Moody possibly suggested. Then two weeks from now, we come back together if we don't like what we've got and, 'hey, we kill it.' It will stop right there. We can defer for another two weeks, three weeks, or four weeks until we get all of the answers. So, that's just my take on it. You may agree, you may not agree. If we can't enforce what we've got now during the deferral period, I would recommend we go with Councilmember Seekings' recommendation."

Mayor Tecklenburg said, "Alright. Thank you."

Mayor Tecklenburg recognized Councilmember Shahid followed by Councilwoman Jackson.

Councilmember Shahid said, "Dan, the program that you are talking about, is it similar to the program used by the Isle of Palms or Folly Beach?"

Mr. Riccio said, "No, not totally. They have a different type of rental registration, however, it's a license that the individual must have."

Councilmember Shahid said, "Alright. I own a home on the Isle of Palms, and we rent it out through Home Away, and it is highly regulated. I have a business license, I have to pay Accommodations Tax, and they regulate what we do to the point I had to hire a company to roll out my trash cans, because if you roll out the trash cans too early or too late they fine you. So, they are on you. They are on you as soon as they can be, and they will fine you if you don't do that. If you violate the rules on the Isle of Palms too much, they withdraw your license and your ability to rent the property out. It's doable, because I've had to go in front of Michael Molony on the Isle of Palms to address that specific issue. So, it is doable.

This proposed ordinance provides property owners the ability to rent out their rooms, and that was the very first question that came to us almost two years ago. This Task Force was organized to address the ability of property owners' rights to rent out their rooms. This ordinance, as it stands, as it's proposed, gives them that right. We have the ability under this ordinance, I read the whole thing from one end to the other, that violation of the ordinance, I think, will give us the tools to enforce it, and if it's anything like what the Isle of Palms does, or Folly Beach does, we will be able to enforce this thing regularly. In addition, as Mr. Rosen pointed out, and this is what we did on Atlantic Avenue, we went the civil route. The civil route provides an injunction, and it goes against the person, the owner of the property, and it prohibits them from doing anything further with that property, and it stops them cold in their tracks.

Furthermore, if the tenant, if the renter, is in violation of a noise ordinance, a drug ordinance, or an alcohol ordinance, nothing that we're doing here today, or proposing to do today, is going to stop the City Police Department from enforcing those existing ordinances. Now, that is something we need to remember. We're not insulating a renter from violating a current City or State ordinance. This is a great balance between property rights and preserving the character of our neighborhoods. Mr. Rosen said this earlier, and we need to remember this, this is going to be a Hampton Park and a West Ashley problem if we don't address it and tackle it right now because it's going to affect us. I know that there are houses in my subdivision that are illegally using this loophole to rent out homes. I can't prove it because I can't get it to Dan for the evidence out there, but I know it exists, and that's what one of the very first speakers came up and talked about. She's aware of it, as well. It's going on right now. If we defer this, those types of violations are going to continue, so we need to stop it. Let's give this ordinance an opportunity to get into effect, see where we are, and review within six months or a year. Regardless, we will have the opportunity to put a stop to the illegal renting of homes, so that we're not making those folks who want to do this criminals, and it gives them the opportunity to be in compliance with these rules and regulations. This is a great opportunity for us to do that. Thank you, Mr. Mayor."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, thank you. I actually just have a few more questions, and then I do have a sentiment to propose, I think, in agreement with Councilmember Lewis. First of all, I wanted Mr. White to please clarify the adjustment that you would want to make to the number of years."

Councilmember White said, "I think my recommendation would be to simply mirror that of Class 2, if I remember correctly, I think, that's five years. Am I correct about that?"

Councilwoman Jackson said, "What you're talking about then is the Planning Commission version, right?"

Mayor Tecklenburg said, "There was no age requirement on Residential Class 2, only by the Planning Commission."

Councilmember White said, "I see."

Mr. Lindsey said, "That's correct, Mayor. Class 3 has the five-year provision by the Planning Commission's recommendation."

Councilmember White said, "Class?"

Mr. Lindsey said, "Three."

Councilmember White said, "Has a five-year."

Mr. Lindsey said, "Five-year. The structure has to be at least five years old."

Councilmember White said, "Then Class 2 had nothing."

Mr. Lindsey said, "No restrictions on the age."

Councilmember White said, "What was the premise behind that? I don't mean to take your time, Councilwoman Jackson."

Councilwoman Jackson said, "No, this is important, because I think we're mixing apples with oranges."

Mr. Lindsey said, "By my recollection, I don't recall the Planning Commission specifically addressing the issue of Class 2. They spoke specifically to Class 3, and it was coming off of the general motion to eliminate the age requirements. In a previous meeting, they said they don't want to have the age requirements, it doesn't make sense to us, and then, in a subsequent meeting, they moved to amend that to put a five-year limit in the Class 3 area, and they didn't address Class 2. So, I can't speak to their exact intentions in that regard, but that's my recollection of the Planning Commission's discussion. So, it was omitted in that regard."

Councilmember White said, "Well, I think that you have, so I misunderstood that item, and I didn't realize that was the case, but Daniel Island is a planned community. So many of those houses that currently exist don't even qualify five years. The reality is I don't know what the right answer is immediately, but I would say between that, it needs to be amended to reflect the community, and it may be that simply no age outside of Class 1 is the right way to address it. Somebody did mention, as well, in West Ashley and other parts of the City, there are parts of the suburbs that do have new communities. Again, they're going to fall into the same exact situation. So, anyway, I don't know if that answered the question or not."

Councilwoman Jackson said, "Yes, it answers why. I did think that you were complicating the Planning Commission version with the Task Force proposal. I do think we're, as a body, going to be confusing ourselves. I guess I would really agree with Councilmember Lewis that I was prepared to vote tonight, but not a straight ticket, should I say, in terms of only accepting the Task Force proposal or only accepting the Planning Commission proposal. I think we have some wisdom within each of those recommended ordinances. I do think just listening to you all the last few minutes that we've definitely got some understandings to gain for ourselves. I would also like to ask a process question. If Councilmember Moody is saying that we could pass the ordinance as Councilmember Seekings' motions states so, essentially, that's the Task Force recommended proposal of an ordinance, and then study it for a while. So, if we're able to say first reading tonight, passing it in that identical format, then we can come back at a future date and make changes to the ordinance."

Mayor Tecklenburg said, "Absolutely."

Councilwoman Jackson said, "When does the first reading version go into effect?"

Councilmember Moody said, "It has to have second and third."

Councilmember Griffin said, "It has to be ratified."

Councilwoman Jackson said, "So, no one would begin to enforce an ordinance. People wouldn't have to start applying. The 90-day clock would not be started after tonight, that we're just giving first reading to an ordinance, as Mr. Seekings has made a motion. Am I understanding that correctly?"

The Clerk said, "That is correct."

Councilwoman Jackson said, "So, basically, it just sits on ice for however long it takes."

Councilmember Moody said, "Well, we've got to have a separation between first, second, and third readings, so if we delay it, then we haven't had first reading. Then, we would have to have first reading, another delay, and then have second and third. If we pass first reading, then we could come back at some time and vote for second and ratification in one meeting, but we still have to separate. It really is the same thing, except we're moving the ball, in my opinion, a little further down the road."

Councilwoman Jackson said, "Well, I would commit to keeping the ball moving. I do think that that's in good faith to all of the public who have done all of their homework, the Task Force, the Planning Commission, and the residents that currently own and benefit from short term rentals whether it's legal or illegal. I started asking for the Council to have a dedicated work session to this topic as soon as the ordinance came to us a few weeks ago, or as soon as the Planning Commission passed it. I do think that is the right thing to do, if we're going to have the first reading vote tonight that takes one of these version's 100 percent, but we've heard many compelling sides of the story from people in the public that we should take the dedicated time to work this through ourselves, because I don't think we're in agreement right now, even though we might like to just get this over with. So, that would be my recommendation."

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

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, Mr. Mayor, I also read the draft and there are a number of things in the draft that I still think need to be defined before we could even vote."

The Clerk said, "Pass him the microphone, someone."

Councilmember Gregorie continued, "There are terms in here that I still think need to be defined. Secondly, as I read through it, there are provisions in here that most of us haven't even spoken about, like the 40 feet frontage of public right-of-way, number 11, page 10. There are a number of things that are in here that are neither Task Force or Planning Commission. So, my question is, when will we get a draft that's just the Task Force, if that's what we're going to pass? There, apparently, is some staff input into these provisions, as well, that goes beyond the Task Force or the Planning Commission. As for the second thing, I would like to ask our Legal folks is it possible to pass the enforcement portions of this draft, test it, and by that I mean, if there are 1,500 illegals, is that correct? If there are 1,500 illegals out there, pass the enforcement part of this, go at the illegals, or at least test it to see whether or not the enforcement provisions will work, instead of, perhaps, deferring it and not having stronger enforcement provisions. I do agree that the draft that I've read has much stronger enforcement provisions. So, I am inclined to agree with deferral, however, if our Legal staff is here, I would like to see whether or not Council can pass the enforcement provisions of this draft and defer the rest of it. I know that's not popular, but I think it's very, very important that when we start putting enforcement provisions out there to be able to enforce them. We've already been in a place where we've said we couldn't enforce the existing. Let's test the waters to see whether or not these enforcement provisions are, in fact, enforceable and whether or not we will have to go to court to defend them."

Ms. Cantwell said, "There are two new things that are happening in the enforcement that help us tremendously, particularly on the criminal aspect, because that is the swiftest way to get to justice, but it's a much higher standard of proof for a court. The provisions in the ordinance now which clearly define and, if you will, tighten up inaccurate advertising, for lack of a better word, would help tremendously. That's not going to do us a lot of good until we get the other piece, which is the software, which I think is in the works. So, I think, that what you have before you is you could pass some of it, all of it, none of it, come up with your own recommendation. So, to answer your question, yes, you can, for lack of a better wording, I don't mean this the wrong way, cherry-pick. I think that it would certainly help, at least from Dan's perspective. The other perspective where we have the continuous person out-of-town, we're just going to hire Mr. Rosen to go after all of them, but the truth is that that's a civil matter, and it takes longer. The burden of proof is less, but it takes longer and, frankly, short of our doing standings ourselves, which is what Dan eluded to earlier, we would definitely need, we would probably need, not in all cases, but probably need the cooperation of the person who rented it, which we were successful in doing. Mr. Rosen got the person who rented it, and he didn't even know that there was an issue, and he stepped up to the plate. Are we going to be that successful on the other ones? I don't know. The problem or the issue with the civil enforcement is you've got to take it case by case by case. It's takes a longer time. Livability Court is faster, and I'm thinking that's what people want. They want to get the person who lives here who is just thumbing their nose at us. So, I think staff would definitely need the enforcement provision, no matter what you pass, and you need the second piece, which is the software."

Councilmember Gregorie said, "Follow up, do you have the staffing? If we go after 1,500 illegals with three people, do you have the staffing capacity to handle that kind of work?"

Ms. Cantwell said, "No. We would probably farm some of it out. We can do some, but they're hiring three people, but none of them are lawyers."

Councilmember Gregorie said, "That is where I'm going."

Ms. Cantwell continued, "So, the three people can certainly ramp up and, I think, sufficiently staff what we would be doing in the Livability Court, but if we're going beyond that, no."

Councilmember Gregorie said, "I think the time that we went to court and we lost was because we had a non-lawyer against a lawyer."

Ms. Cantwell said, "No, no. Without getting into details, that was a case, quite frankly, the City should have lost. It had nothing to do with the enforceability of the ordinance. It had nothing to do with anything other than we had a bad record, and I think a mistake was made in what the charge in the document said. So, I don't feel bad about that. I don't like to lose a case, but I understood why we did, and that would not happen again."

Councilmember Gregorie said, "In closing, I just want to make sure that one, what we're voting on tonight, I think, goes beyond Task Force and Planning Commission, and there are some staff additions. I think, as a Council, we need to know the distinctions before we vote, but if we do, I would recommend that we just vote on the enforcement provisions right now."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "This is something I don't know how we're going to deal with, actually. The short term rentals, when this first came about, there was a gentleman who is right here tonight, and he was calling us, stopping by my house checking on it, asking 'why we can't do this' and 'why we can't do that'. So, that's when this was brought to Council. I brought it to Council and made the motion to get this Task Force going, so we can kind of deal with it. As we are dealing with it, the enforcement part was the biggest of all, trying to enforce it. We're talking about 'saving housing stock'. We're not saving any doggone housing stock. There is no one here that is going to be able to live in the City of Charleston insofar as me, my kids, or anybody else who grew up in the City of Charleston, which I did. I have a house on King Street, and if I hadn't bought it 33 years ago, I certainly wouldn't be able to purchase one now. We talk on this Council about saving housing stock, so people will be able to stay here, raise kids, and such. We are not doing a good job here at all, Councilmembers, and I'm telling you that, and I'm sitting here. I've been here for 14 years, and Councilmember Lewis has been here almost 22 years? We have seen it, but we are not doing a good job. We're talking about doing affordable housing and saving housing stock. I told the Council before, along King Street they have apartments over these buildings, restaurants, or hotels. I don't mind them doing short term rentals there because I wouldn't want to live up on the top of these buildings with a family. They could do it, but some people are turned down for that, and that's a commercial area. Bringing this into an area when the area is strictly residential, strictly residential, it wouldn't be that anymore. It would be changed because you're now going to have a business in that area, which is a short term rental, because you have to get a business license and everything. So, it's not going to be strictly residential like we had before. That's my dilemma on this all of the time. The housing stock will not be there anymore because everyone is going to be looking at "making money". So, I had a problem with this from the beginning when I first heard about it, and I'm still having a problem with it.

The closest that I have seen, that I would have voted for, was from the Task Force because I initiated that and tried to push that along the way, but I have some big problems with it because I don't believe it's going to work. I don't believe we're going to have the enforcement. I don't believe it. I'm sitting here, and I don't believe it. That's just my point of view on it, the

vision I'm looking at. I'm out in that street every day more so than most of my colleagues here. Councilmember Lewis and I, we're always out in the street. In North Central, East Central, Eastside, they don't want it at all. Most of them do not want it at all, and that's what they relayed to me as their Councilmember. They don't want it. They want to keep it the way it is, strictly residential, and I'm just afraid that they're going to wipe out this whole Peninsula, insofar as this City is going to be just for everyone who can make money and have money, but it's not going to be for anybody to raise families or live here. We're just throwing all of that away, as far as I'm concerned, and that's just my point of view on it. So, I don't know which way I'm going to vote. I'm still in the middle of the stream. Like I told everybody before, I have mixed emotions about this, and I just don't know where I'm going to go with it right now. If I do anything, I would have to go with the Task Force, the Short Term Committee, because I really put that in place and started that from the beginning and pushed it along the way. But, the enforcement part of it, I just don't believe that we're going to be able to do it. Even with the technology that's coming forth, I still think we're not going to be able to do it."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring followed by Councilmember Seekings.

Councilmember Waring said, "Thank you, Mr. Mayor. The first thing I want to do is thank the Task Force. I want to thank the Planning Commission. I want to thank everybody who had input on this because, notwithstanding our discussion, you all have helped to make our job a whole lot easier in an exponential way. With that said, I'm kind of caught between Councilmember Lewis' part and obviously approving the Task Force recommendations. I was on the Planning Commission almost 18 years, but I'm not going to support the Planning Commission piece. It is that enforcement piece that I am unclear on, that sounds like, from listening to Mr. Rosen and listening to Mr. Riccio, I think there is a little bit of tweaking that needs to be done on that part. If we do pass an ordinance, certainly we need to be able to enforce it, or we're just patting ourselves on the back and doing a whole lot of nothing, if we can't enforce it. Mr. Lindsey, can you come to the microphone? I do have that question I asked you about the commercial area, which wasn't touched on tonight. The short term rentals in the commercial zones were pretty much left alone. That parking issue, my understanding is if a person is in a commercial area, if a person has a unit in a commercial zone and is in close proximity to a City parking garage, we have a rule that says they have to lease a space for at least ten years. Our City doesn't rent parking spaces for a period of ten years, so we have a rule that we can't comply with. So, it makes that person come into non-compliance because it places a requirement on them that we can't deliver on. Is that close to being right?"

Mr. Lindsey said, "Councilmember, you're correct, and you're referring to something that applies throughout the City's ordinances, which says that if you can't meet your parking requirement on your parcel, you need to get parking offsite within 400 feet in most of the City, 1,500 feet in the Upper Peninsula, and you need to have a non-revocable, ten-year, non-transferrable lease in order for that to be counted for your parking. That applies to short term rentals, as well. In fact, it applies across the ordinances."

Councilmember Waring said, "Okay. So, if we put that in place, it would seem to me that we would want these people to go in a parking garage. If we have a rule that says you have to have a ten-year lease, and the City can't deliver on a ten-year lease, why would that be part of the ordinance?"

Mr. Lindsey said, "Well, again, it's something that is applied across the board, and if Council felt enlightened to look at the specific issue of parking decks meeting the requirement for short term rentals, then we could certainly take a look at it."

Councilmember Waring said, "I think that's a minor thing that we can get beyond, quite frankly, but I think that should be part of this tweaking. We need parameters. I don't see how you can be a supporter of affordable housing and also support short term rentals without parameters all over the City, because it does drive up the cost of Single-Family housing. That's my belief on that, and I think that's a fact, and I think the numbers will prove me out on that. We're going to lose the residential makeup of our communities. When we buy a house, when all of us buy a house, in particular, it has a zoning when you bought it. If it's a Single-Family, you bought it, and you want to turn it into something else, you have to get a zoning change. If you don't want to get that zoning change, then you're operating illegally. We're back to that enforcement issue. I am with the Task Force, I want to thank everybody again and everybody that came and spoke over the last year and a half giving input on this, but Councilmember Lewis is right in that, if we can't enforce this, and I don't want to put words in Councilmember Lewis' mouth because he certainly can speak for himself, but it resonated with me. If we can't enforce this thing, and if we need a little bit more time to tweak the enforcement piece then, I think we should do that. If we've got the enforcement piece put together, then pretty much what the Task Force passed, and we get this commercial parking piece straight, then I think we've got something we can enforce that puts parameters in place. That, hopefully, takes some pressure off the escalation of Single-Family housing from an affordability standpoint."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. For the very reason that Councilmember Lewis has asked us to defer is the same reason that I'm asking us to move forward with this, and that is enforcement. Enforcement is on everybody's mind. It's much in my mind. What we've been told through the Task Force and our staff is what's been presented to us and gives them the tools to put in place a framework of enforcement that doesn't include Mr. Rosen pounding on our door and screaming at us all of the time."

There was laughter in the theatre.

Councilmember Seekings continued, "I can tell you, as being one of the objects of his affections, that's effective here, but we need to give him and our staff more. So, what we've got here and speaking to Councilmembers, both Lewis and Gregorie, is we need to put these parts together, give these first readings, put the framework in place, give Mr. Riccio and Mr. Lindsey a chance to show us that they're ready to move forward with enforcement between first and second readings. So, we let the people know not that we're just putting an enforcement provision in place, but what we're going to enforce and, this is a bad phrase and I can't believe I'm about to say it, 'both short term and long term'."

There was laughter in the theatre.

Councilmember Seekings continued, "I didn't mean it as a joke, but I'm thinking we need to tell people when we pass laws what to expect tomorrow, the next day, and for a long time forward. Some of the people who have gotten up and spoke tonight talked about, 'we have a right to live in a residential zoning neighborhood, if that's where we live'. That person is right. People also say, 'if I'm zoned in a place that I am allowed to do other things with my property. I should get to do that'. That person is right. Zoning is forever, until it's not. This is a zoning issue, and we're going to change things if we change this framework. I would ask

Councilmember Lewis to withdraw his motion to defer and let's give this first reading. Let's give our staff a change to show this works.

I'm going to take a quick point here. We can't see much sitting up here, we can't really see you all out there, we thank you for coming, but I did see two people, Mr. Mayor, walk in tonight, that I want to mention. They were my next door neighbors for a long time. They grew up next to me, and it's Eva and Sims Whatley sitting back there. It's past their bedtime. They're the youngest people in here, but they grew up in the house next to me. It was a rental. Had that house been on a short term rental market, they could not have lived there. It's because it was a long term rental in a neighborhood that they got to grow up in Downtown Charleston and, when they finally got themselves, because they're smart, into Buist (Academy), they could walk there every day, made a community, and it changed the fabric of our street dramatically to have a young family there. Had that been in a short term rental pool, that never would have happened. They wouldn't have been my neighbors, and they're the best neighbors ever. Conversely, last July 4th, in a house across the street from me, and I live on Montagu Street in Harleston Village, and a house across the street from me, where we thought a family lived, they went away for a weekend and they short term rented their house through a local platform for the July 4th weekend. To make a long story short, at 4:00 in the morning, I was on my porch with Heath King, our Lieutenant in our Police Force, with 25 people on the porch across the street from me having had a long party, for a long night, in a short term rental, that we thought was in the housing pool owner-occupied. So, the juxtaposition was dramatic. Interestingly, one of the people who was in the house short term renting, after having a conversation with Lieutenant King, there was a lot more to this story, did come up to me and asked if I was going to be talking to the owner of the house in the near future."

There was laughter in the theatre.

Councilmember Seekings said, "I assured them I was, as you can imagine, and the message they wanted me to pass on was, 'the air conditioning wasn't working.'"

There was an outburst in the theatre.

Councilmember Seekings continued, "Anyway, anecdotally, that shows you the juxtaposition in neighborhoods about housing stock in a peninsula and a neighborhood that's growing, where we want to encourage the growth of residential neighborhoods on and off the Peninsula. Councilmember White, by the way, has brought up a good point, and we need to make sure we address that. On Daniel Island, there are some issues. There are places on Daniel Island where it is restricted. If you live in a condo, you probably can't short term rent, but in a Single-Family housing market, we've got to look at that. That's why we need to workshop this. I would ask that we move this forward, give the Task Force first reading collectively, both the enforcement part and the criteria, so we all know where we are heading. Councilmember Moody asked about the whole idea of doing a workshop, and that's great. I think we should, but let's keep this moving forward. It's been a long time. Come on, everyone that got up here tonight said that we have people who are knowingly, we had people up here tonight talking who are knowingly violating our ordinance. If it's unenforceable, get rid of it. If it is enforceable, move it forward, give it first reading, get the enforcement piece, and the livability piece moving so we have a policy. Councilmember White said this about a year ago now, when we first started talking about this, and it's resonated with me, and he's right. Many, many cities around this Country, actually around the World, have dealt with the issue of short term rentals. They've dealt with them because they're problematic, and the Councilmember said, 'No city has gotten it right.' Well, I put to that, 'yet'. This isn't going to be perfect, but we're heading in the right direction here in the City, and we're not rushing into anything. This has been going on a long

time. Everybody around this table, save those that just got recently elected, although they're going to get to catch up, has spent an enormous amount of time on this issue, not just collectively, but with our constituents. I see many of them, and I actually can see you now here. This is a very important issue for us. We've got to get it right, but we've got to move it forward. It's really a difficult place to be. As a sitting member of this body, Mayor, when people ask you why we're not enforcing our own laws, and when we have to tell them because of the difficulty factor, it's like the Olympics. It's like the '10'. We can't do it. Well, let's put in place something that we can enforce, that everyone knows they can conform their activity and behavior to. This is the time to do it. I would ask Councilmember Lewis to withdraw your motion to defer. If not, we'll vote on it, and let's give this thing first reading, let's get a workshop, but let's keep this moving forward. Thank you."

Mayor Tecklenburg said, "So, I'm going to try to get us to vote on a deferral, but since you've been asked, I'm going to call on Councilmember Lewis and then we have a follow-up question real quick over here. Then, let's vote on the deferral."

Councilmember Lewis said, "Thank you, Mr. Mayor. This thing just didn't start when you were Mayor. This stuff started when Mayor Riley was here. First, I want to thank the Task Force because they forced us into this, it worked out on this, but there are some people in this room right now that started this. I almost lost the election because I didn't support short term rentals. I went to Mayor Riley, he wrote that group a letter, and said he wasn't going to do it. It said short term rentals are illegal, and he stuck with it. But, that group was persistent and persistent until the Mayor got out of office. Then you took over, and they were persistent, and we're here tonight, and they're still here. They're persistent, so I thank them also, but whatever the decision Council makes tonight is fine with me. I almost lost the election for this, had a runoff, the first runoff in 22 years, but I won. I'm saying tonight, if Council wants to do a first reading, that's fine. If Council wants to defer, that's fine. Whatever they do, we need to make sure that whatever is on the books is enforced, and that's why I'm sitting here tonight. We're sitting here tonight because this group was told it was illegal, the City wasn't going to budge, and the City didn't budge before you got here, and now we're working on it. So, whatever City Council decides is fine with me, but I will not take my motion off the floor. Thank you."

Mayor Tecklenburg said, "Alright. Thank you. Do you have a question, Councilmember Waring?"

Councilmember Lewis said, "The motion to defer supersedes any other motion on the floor. So, we'll have to vote on mine first."

Mayor Tecklenburg said, "Yes, we're going to take your motion first. Absolutely. Yes, sir."

Councilmember Lewis said, "Thank you."

Councilmember Waring said, "Thank you, Mr. Mayor. I just wanted to know what are we going to do, if the deferral doesn't pass and we vote first reading, what are we going to be doing between the first reading and the second reading? Are we going to be addressing any of the concerns?"

Mayor Tecklenburg said, "Let's talk about that after we call the question for deferral, and then I will take that question."

Councilmember Gregorie said, "Yes, just a question, Mayor."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Gregorie said, "It's important for me to know what I'm voting on because what I have before me is the recommendations from the Planning Commission. Am I correct, as amended?"

Mayor Tecklenburg said, "That's correct, right."

Councilmember Gregorie continued, "With some staff input, in addition. Correct?"

Mayor Tecklenburg said, "But right now, we're voting --"

Councilmember Gregorie said, "I know we're getting ready to vote on the deferral but this is very important, Mayor, to me. When will we see the Task Force's version and recommendations? I know we have the side by side, but that's not it in total. What we have before us to vote on, we're getting ready to vote. Am I correct?"

Mayor Tecklenburg said, "But we're getting ready to vote on the deferral."

Councilmember Gregorie said, "I know, but if the deferral doesn't go through, then we're going to be voting on which document, the one we have before us? What are we voting on?"

Mayor Tecklenburg said, "Well, can we just vote on the deferral because that's an 'if' question? We're going to resolve 'if' or 'not' after we vote on this deferral."

Councilmember Gregorie said, "Okay."

On a motion by Councilmember Lewis, seconded by Councilmember Mitchell, City Council considered the motion to defer Item E-7 on the agenda.

The motion failed 9 to 4.

The vote was not unanimous. Councilmembers Lewis, Mitchell, Gregorie, and Jackson voted in favor of the motion.

Mayor Tecklenburg said, "So, now, if we don't defer, what are we voting on tonight?"

Councilmember Gregorie said, "Where is the document for Council?"

Mayor Tecklenburg said, "There was a motion made by Councilmember Seekings that we would approve the recommendations made by the Task Force. I would submit to you that the differences aren't that great, other than, for example, it has been noted that the Planning Commission called for 72 days where the owner could be absent, and the Task Force Commission would not. So, obviously, there are some places where numbers would be substituted. This is first reading. We would bring back to you the version that includes those changes between the two plans. I can give you a summary of them, but I see Ms. Cantwell ready to say something."

Ms. Cantwell said, "I think that the appropriate motion would be to amend the Planning Commission's recommendation and replace them with those that the Task Force recommended where they differ. I think that that was laid out earlier in the presentation by Jacob. My understanding is that the Planning Commission and the Task Force, the difference is what was said tonight and not anything else."

Mr. Lindsey said, "Frances, if I could just clarify that. The Task Force did not write an ordinance and neither did the Planning Commission. It was the staff's role to write the letters of the ordinance, and the Planning Commission reviewed the specifics of many ordinance drafts that culminated in what you have before you now. The Task Force wrote bullet-pointed recommendations. They did not develop it to the ordinance stage. The Planning Commission reviewed drafts of various ordinances, and the language that you referred to specifically before, Councilmember, about the 40-foot frontage, and there are there are some other small ones, those are language components that came from the City's existing B&B regulations. If Council has an issue with any of those specific elements, like the 40-foot frontage, you could recommend that we strike that, and we could make those edits in a subsequent review."

Mayor Tecklenburg said, "Alright. So, would you like to restate your motion, Councilmember Seekings?"

Councilmember Seekings said, "I just want to make sure I've got it right, and the answer is somewhere. Yes, I've got it. My motion was as follows: I move for adoption and passage for first reading of the recommendations in total of the Short Term Rental Task Force, with the addition of a one-year look back on the effectiveness of enforcement provisions, and that was my motion."

Mayor Tecklenburg said, "Do you want to let your motion stand?"

Councilmember Seekings said, "Well, I'm happy to add in, and I think Councilmember Moody had the idea, that between now and second reading, we all get together and workshop this with staff, and the staff will get with all of us to make sure if there are any adjustments that need to be made, but the motion is to adopt the first reading passage of the Task Force."

Mayor Tecklenburg said, "I see a lot of hands up."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Ms. Cantwell, I have a question for you. Are you there?"

Ms. Cantwell said, "I'm sorry. Yes, sir."

Councilmember Lewis said, "Does this rule apply to every rule coming from the Planning Commission, that it takes ten votes to override the Planning Commission?"

Ms. Cantwell said, "Well, this one, this is the Planning Commission's recommendation to you. This was not something that was sent to them or asked of them by an applicant for them to consider. This is a technical thing to Councilmember Seekings, but you should have before you an ordinance that is in a form, that's ready to be passed. That's why I was asking that the motion be, if you want to do that, to amend the ordinance before you to include the recommendations of the Task Force."

Councilmember Seekings said, "I will amend my motion to conform with Legal Counsel's recommendations."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Alright, and we have a second."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilmember White.

Councilmember Griffin said, "Councilmember Seekings, can we put somewhere in there that we get regular updates about how this is being enforced? I know we're going to look back on it after a year, but between now and then, if we can get regular updates on the enforcement process."

Councilmember Seekings said, "So, if I can just quickly, Mayor, I don't think we need to put that in the provisions we've got. You will learn very quickly that probably the most efficient person in the City is Mr. Riccio. He's right over there. If you don't have his cell number, I'll give it to you. He will give you regular updates, and it will allow him, over the course of a year, to see the effectiveness of enforcement, which is not going to happen overnight. It's going to take some time. So, I don't think it needs to be part of what I'd like to keep as clean as possible. I know it hasn't been that clean but, if you don't mind, just leave it where it is, and Dan is right over there."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Thank you, Mr. Mayor. I'm prepared to move forward with the Task Force recommendations, with the caveat that we're all under the understanding that we're going to make an appropriate adjustment to the age, so that in Class 3 it reflects an appropriate number of years. I don't know whether that answer is five years, three years, or whatever it is right now, but I just want to point that out for the record, that the reason I'm going to vote in favor of moving forward with the Task Force recommendations, at this point, is that we all understand we're going to make that change to reflect an appropriate age for Class 3 moving forward."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, thank you, Mr. Mayor, and I will join Councilmember White in his request that the Council take the vote with that understanding to change the age to something much less for structures. I am resonating with what Councilmember Shahid said very early on, that we have the privilege of the hard work, the study, and the research that was done by the Task Force, the staff, and everyone else that was involved in this, in order to give our residents the opportunity to rent out their properties for the purpose that we are going to be describing. So, I totally agree that it needs to be owner-occupied, and I agree with all of the tenants of the Task Force proposal, with the exception of what I see is creating a hardship against the sentiment that Councilmember Shahid expressed so well, about giving opportunity to our residents to use their properties for this purpose under the guidance of owner-occupation, primary ownership, and also the enforcement piece that, we all agree, is so important. I think I would really love to have this workshop and the counsel of the Legal staff, in terms of making sure we're designing something that's enforceable within the State law. Our friend, Dr. Fraser, tonight gave us some words of caution about making sure that we're not right back in court or in violation of property rights under the State Constitution. So, I have those concerns that really haven't occurred to me until tonight, but I also have concerns that we are using the Class 1 by putting a fairly arbitrary requirement on it that it has to be an individually listed property on the National Register. I think that is creating an arbitrary hardship for people who are in the Class 1 district, and I feel the same about the 50-year rental. I also would like us to look at the parking constraints that are on Class 3 properties. I think we have a very good model for parking in the

Short Term Rental Overlay District, Cannonborough-Elliottborough, and I do think that during the time of deliberation between the first reading and the second reading, we need to better understand that. I would like to associate myself with the goal of this. If we're going to have short term rentals, then we need to make them available to the property owners who would be conforming themselves to this ordinance."

Mayor Tecklenburg said, "Right. I forgot who was next."

Mayor Tecklenburg recognized Councilmember Moody followed by Councilmember Waring.

Councilmember Moody said, "Yes, I want to go back and pick up this 50-year thing, the five year. We're trying to do something there, and it's not clear in my mind exactly what we're trying to accomplish. I'm just saying we need to study that a little bit more. I'd like to hear about what we're trying to accomplish and that we're not pushing this from one subdivision to another or some problem because something is there that doesn't make complete sense to me."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you. In between, again, first and second reading, I would hope that we could get some sort of side by side as far as from a legal standpoint, from enforcement, what we have in this ordinance versus what we have now. I do want to go back to Councilmember Griffin's piece about some sort of update. We get a number of updates through e-mails, and I think he is right about that. If we have cases going before Livability Court, that could be communicated to Council through e-mails and things like that. So, I think what's coming up to be enforced and the results of the case, hopefully, if we've got these programs that will run them down, we should have a program to be able to communicate that to Council. Thank you."

Mayor Tecklenburg said, "So, thanks for everyone's patience on this matter, and thanks for our citizens coming out and sharing your opinions, and particular thanks to the Task Force for the work that you have done over the last year. It's a difficult issue, and I thank Councilmembers Lewis and Mitchell for really bringing this to Council's attention. It was shortly after I came into office myself and, as Councilmember Lewis remarked, it had been going on for a while, but it has exponentially increased in the last few years, not only in the City of Charleston, but around the World. So, it's a reality, and it was clear that our enforceability of what we have on the books was not good. The key thing is to be able to have something that's predictable and enforceable. I think that these recommendations, for the most part, give us the tools to be able to do that. Is it perfect? No, it's not, but it puts us on the right direction. So, I view this as being, once again, like on a balance beam between livability for our neighborhoods, which is so critical, and the reality of what's going on in this shared economy, as it has developed. So, anyway, I support our moving forward with the Task Force recommendations, or what we have before us, including those recommendations. Then, I would like to ask Council, let's vote on the matter, and then I'll ask you about whether you want to have a separate meeting or a stage two or not."

On a motion of Councilmember Seekings, seconded by Councilmember Shahid, City Council voted to give first reading to the following bill, as amended, to include the recommendations of the Short Term Rental Task Force only and to have a one-year look back.

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to implement new regulations for Short Term Rental Uses and Bed and Breakfast uses in the City of Charleston (AS AMENDED)

The vote was not unanimous. Councilmembers Lewis and Mitchell voted nay. Councilmember Gregorie abstained from voting.

Mayor Tecklenburg said, "So, as we've proven tonight, we can have a pretty long meeting at our regular meeting. Do you want to have a separate special meeting of Council to take up the second reading on this matter, that we would have during the day, or do you want to just come back for the next meeting, and if we need a little more time, we can plan to do it sometime after that. I do want to keep this thing rolling, and a workshop was mentioned. We don't have a next regularly scheduled workshop until March 29th, so that would delay this matter a little bit. Is there any input?"

Councilmember Seekings said, "I have input, and I was just looking at Councilmember Moody to see if I could get some sense from him because he wanted a workshop. Mayor, God knows I'm the last person who thinks we should have more, rather than less City Council meetings, but this may be the one issue we should have a separate Council meeting on. What I would recommend to this body is, we set a date for a City Council meeting to take up second reading on this, and in the two hours beforehand, we workshop it. We'll workshop it and then go into a City Council meeting and take it all up at the same time. That's my recommendation."

Councilmember Waring said, "That makes sense."

Mayor Tecklenburg said, "Does that sound like a plan to you all? I'm good with that, just a regular Committee meeting that we would have prior to 5:00 p.m. We would get together and workshop on this issue and then proceed. Does that sound like a plan, which means Real Estate and any other Committee meetings would need to happen on Monday, beforehand."

Councilmember Waring said, "Yes, that makes sense."

Mayor Tecklenburg said, "So, does that sound acceptable? Alright."

Councilmember Seekings said, "Motion for a five-minute break."

Mayor Tecklenburg said, "We'll have a five-minute break, and we'll be back. There's more to come."

City Council recessed at 8:25 p.m.

City Council reconvened at 8:36 p.m.

Mayor Tecklenburg said, "I'm going to call us back to order. We don't have the microphones up yet, so I'll ask everyone to please keep their voices down. If you want to hear, just come up closer to the front."

The next order of business is for us to approve our City Council meeting minutes. They've been deferred."

The Clerk said, "They've been deferred because we were out of town."

Mayor Tecklenburg said, "The next order of business is our Citizens Participation Period. Most everybody just left."

There was laughter in the theatre.

Mayor Tecklenburg continued, "We didn't mean to go quite that long. Most of the people that signed up on the sheet were here to speak on the STR's, so they already spoke and left, but there are about a dozen people who are still here. Mohammed Idris is here. You're first. Then, Maurice Williams and Gene Williams."

The Clerk said, "And Rich Thomas and Tim Squire."

Mayor Tecklenburg said, "So, you all just queue up, if you would, those folks that we called out."

Mayor Tecklenburg said, "We'll let you have a couple of minutes. Mr. Idris, please proceed."

1. Mohammed Idris said that on February 26, 1975, the late Imam Warith Deen Mohammed was elected as the leader of the Nation of Islam, and within three years, he saved America and the world from being destroyed, including Charleston. Mr. Idris said that many people questioned his attitude towards the City's leadership and asked what he would have done to make the City live up to the standard of being called the "Holy City." He said he had introduced the person that saved America and gave Mayor Riley, Esther Ferguson, and Ellen Dressler Moryl a formula to save Charleston. Imam Mohammed had spoken about the thread of diversity in 2008 and said that freedom was marginal and that space must be shared. Mr. Idris said that the poor should be allowed to share in the responsibility of operating the City in a responsible manner.
2. Philip Dustan said he learned tonight that it wasn't okay to rent a house to people that annoy the neighbors, but it was okay to build developments that destroy sensitive forests. The petition that he authored on Change.org about saving River Road had 2,946 signatures and was still growing. He spoke about the Planning Commission being a citizens advisory group and how the most important document they used was the Century V Plan. He had been to a couple of meetings and was told by the Chair that their sole job was to make sure that the applicants completed the applications correctly, and these seemed to be disconnected from the most important document that they used. He mentioned the Oakville Plantation development and said that there shouldn't be any development on Johns Island over 15 feet according to the Century V Plan.
3. Warwick Jones said everyone knew Randall Goldman, who had been in the paper and was accused of inappropriate behavior. Mr. Jones said that Mr. Goldman was a friend of the City and an executive of Patrick Properties, and was a mover and shaker in the hospitality industry. Mr. Jones said he did not know if the accusations were true or not, but Mr. Goldman had paid the price. He asked what had happened to due process in the country.
4. Rich Thomas said the main issue on Johns Island was the ongoing development, in particular, developments in appropriate places. Traffic was a significant issue, and Council could continue to work on traffic issues whether or not there was a

- moratorium. Council needed to reconsider the ordinances and processes that allowed the developments, particularly those that were occurring in marginal places. He stated that the ordinances needed to recognize new science, technologies, environmental conditions, and the effects on existing properties. Several citizen groups urged Council to consider these issues when crafting a new approach to Johns Island, similar to what had happened with West Ashley.
5. Jeanne Williams, a resident of Johns Island, said they pretty much did not have representation, and Councilmember Wagner was doing the best he could, but he was overseeing a lot of development happening on Bees Ferry Road. She said they were upset about not being heard or having calls returned. Developers were clear-cutting property, and in the last three weeks, two large pockets had been completely cleared. She said thinning the forests was a problem, acknowledged by the Mayor, which impeded the effectiveness of the trees to help with flooding. She said she had watched what had happened to West Ashley and James Island, and it was happening to Johns Island. They were being flooded out. She spoke with an engineer the City had hired and asked him how developers could legally clear-cut the trees, and she was told that it was being permitted and wetlands were being filled-in left and right. She asked why they kept repeating the same mistakes, implored them to slow down, and said the only reason she knew about this meeting was because of Councilmember Griffin. Johns Island was not being addressed, quality of life was being threatened, and Johns Island was being slaughtered.
 6. Tim Squire said he echoed his neighbors and urged Council to codify and forbid development on land less than 15 feet above sea level. The effects of flooding and poor drainage were huge. They were being flooded with development on Johns Island, and Council was the lever.
 7. Catherine Poag urged Council to consider the moratorium for Johns Island and supported everything that had been said previously. She said that each area in Charleston was unique and had its own individual needs. She said Mayor Tecklenburg came to Johns Island and listened to about 80 to 90 people, and she thought it would be helpful for everyone to look at some of the developments and see what was happening. West Ashley began flooding after development years ago. She said Councilmembers represented their own districts, but they should represent the entire City of Charleston. She would hate to think she had voted for something that caused families to be constantly flooded out and have their lives ruined when she had information in front of her that warned her this was what was going to happen.
 8. Tony Branch said he lived in Stono Pointe, and his late father-in-law bought the land and developed 65 acres. There were 23 lots in Stono Pointe, and the smallest lot was 1.5 acres. The proposal for Oakville Plantation was 500 acres, and 287 homes were being proposed. The only way to get to the development was by going through Stono Pointe. The land was five to ten feet above sea level, and he thought the developers would try to change those numbers by building the land up after it was clear-cut. He said if this and the traffic study didn't stop the development, Council should consider that it would be built next to the Johns Island airport. The noise coming from the airport would be ten times worse once the trees were clear-cut, and the safety factor should be enough to halt the development. If the developer only

built homes on the land that was high, they would have two dozen homes at the most.

Mayor Tecklenburg asked, "Would anyone else like to be heard?"

No one else asked to speak.

Mayor Tecklenburg continued, "Alright, so we're going to move on with our agenda. Next is Petitions and Communications. These were just various appointments of Councilmembers."

Councilmember Moody said, "Move for the appointments in Items 'a,' 'b,' 'c,' and 'd.'"

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Items 'a,' 'b,' 'c,' and 'd' have been moved and seconded. Is there any discussion?"

Councilmember Mitchell said, "Mr. Mayor, I will probably get back with you and let you know about the appointment you made for me on the History Commission, but I'll think about it and get back with you on that."

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

Municipal Golf Course Commission:

Councilmember Harry Joseph Griffin

History Commission:

Councilmember Robert Mitchell – one year term

Councilmember Harry Griffin – one year term

Commission on Women:

Jennet Alterman (Represents Non-professional working) – three year term

Kara Hicks (Represents Senior Citizens) – three-year term

Lydia Cotton (Represents Indigent Women) – three-year term

Megan S. Goettsches (Represents Educators) – three-year term

Lakilya Hill (Represents Young People) – three-year term

Anne Siegfried (Represents Non-professional working) two-year term

Ali Titus (Represents Homemakers) – two-year term

Maria Kiehling Brees (Represents Legal Expertise) – two-year term

Kimberly J. McCollum (Represents Social Services) – two-year term

Jennifer L. Brown (Represents Social Services) - two-year term

Nick Mercer (Represents Young People) - one-year term

Antoinette Barnes (Represents Civic Workers) - one-year term

Denise M. Fugo (Represents Educators) – one-year term

Janet Segal (Represents Civic Workers) – one-year term

Andrea Schenck (Represents Indigent Women) – one-year term

Carol Jackson (City Councilmember) – one-year term

Charleston Area Transportation Study Policy Committee

Marvin Wagner (City Councilmember)

-- INSERT APPOINTMENT MEMOS --

Mayor Tecklenburg said, “Next, we need to rescind an annexation that went forward at our last meeting without its accompanying zoning. The applicant did not want to finalize the annexation without having the zoning in place.”

Councilmember Waring said, “So moved.”

Councilmember Shealy said, “Second.”

Mayor Tecklenburg continued, “We have a motion and a second.”

Councilmember Moody said, “Mr. Mayor, Counsel is trying to get our attention.”

Ms. Cantwell said, “Mayor, I just wanted to put on the record that this is a very unusual matter, and the only reason that we brought it back in this way was because it was inadvertent that this happened. So, I don’t really want to establish a precedent of saying ‘well, we don’t like the ordinance that we passed last week, we’ll just rescind it.’ This one was passed by mistake, and that’s why I think it’s appropriate we take the action that you have.”

Mayor Tecklenburg asked, “It was passed by what?”

Ms. Cantwell said, “Mistake.”

Mayor Tecklenburg said, “Mistake. Correct. We’re human, we made a mistake. Thank you.”

On a motion of Councilmember Waring, seconded by Councilmember Shealy, City Council voted unanimously to rescind vote with respect to second and third reading given to the following bill:

An ordinance to provide for the annexation of property known as property on Bees Ferry Road (approximately 17.13 acres) (a portion of TMS# 286-00-00-040), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Julia E Bradham, Margaret Bradham Thornton and John M. Bradham.

Mayor Tecklenburg said, "We did not have our Committee on Community Development meeting, but we did have Traffic and Transportation."

Councilmember Gregorie said, "Move for approval."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings, Chair of the Committee on Traffic and Transportation, said, "Thank you, Mr. Mayor. The Committee on Traffic and Transportation met at 2:00 p.m. this afternoon on the third floor of this building. We had one application of Original Certificate of Public Convenience and Necessity, which was approved unanimously. We took up a report on two requests on speed humps, one at Fairway Drive in Country Club II Neighborhood, the other on Bermuda Stone Road. Those were approved, although they don't need approval by this Council. We took up an appeal from 61 Vanderhorst Street on parking permits. That appeal was heard and denied. I move for adoption of the report."

The Clerk said, "Councilmember Gregorie moved earlier."

Councilmember Seekings said, "I'm sorry. I didn't hear him."

Mayor Tecklenburg asked, "Do we have a second?"

The Clerk said, "He's the second."

On a motion of Councilmember Gregorie, seconded by Councilmember Seekings, City Council voted unanimously to adopt the report of the Committee on Traffic and Transportation as presented.

-- INSERT TRAFFIC AND TRANSPORTATION REPORT --

- a.) Application for Original Certificate of Public Convenience and Necessity:
-- Yuan Ping Li, DBA Nandu Cab & Limo (Limo)

- b.) Traffic Calming Speed Humps for Approval (INFORMATION ONLY)
Fairway Drive – Country Club II Neighborhood
Bermuda Stone Road – Carolina Bay

- c.) Residential Parking Permit Appeal – 61 Vanderhorst Street (INFORMATION ONLY)

Mayor Tecklenburg said, "Next is the Committee on Ways and Means."

Mayor Tecklenburg recognized Councilmember White, Chair of the Committee on Ways and Means.

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

Councilmember Shahid said, "Second."

Mayor Tecklenburg asked, "Is there any discussion?"

No one asked to speak.

On a motion of Councilmember White, seconded by Councilmember Shahid, City Council voted unanimously to approve the report of the Committee on Ways and Means as presented.

-- INSERT WAYS AND MEANS REPORT --

(Bids and Purchases

(Office of Cultural Affairs: Approval to apply for funding from Charleston County for accommodations tax funding to support the 2018 Free Verse Poetry Festival in the amount of \$10,000. No City match is required.

(Office of Cultural Affairs: Approval to apply for funding from Charleston County for accommodations tax funding to support the 2018 Holiday Magic in Historic Charleston in the amount of \$10,000. No City match is required.

(Office of Cultural Affairs: Approval to apply for funding from Charleston County for accommodations tax funding to support the 2019 Piccolo Spoleto Festival in the amount of \$15,000. No City match is required.

(Office of Cultural Affairs: Approval to apply for funding from Charleston County for accommodations tax funding for the 2018 MOJA Arts Festival in the amount of \$15,000. No City match is required.

(Parks-Capital Projects: Acceptance of Federal funding in the amount of \$225,232 for Phase 1 of the Huger Street Fire Station #08 Retrofit Project [*FEMA-DR-4241-SC HMGP Project 77 (S197)*]. This would be matched with \$85,077 in City funding, and is for the purpose of preparing design and permit documents for the mitigation of future hazards at the station (hurricane, earthquake, flood, etc.) This is a reimbursable grant, and the requirements must be satisfied no later than April 02, 2020. Successful completion of the tasks will allow competitive applications for future funding for implementation of the required improvements. The approval of the grant award will institute a \$340,309 project budget. The funding sources for the project are: FEMA Hazard Mitigation Grant Funds (\$255,232) and 2015 General Fund Reserves (\$85,077).

(Parks-Capital Projects: Approval of the Herbert Hassel Pool Resurfacing Construction Contract with Atkinson Pools and Spas in the amount of \$125,263 for removal and replacement of the existing pool plaster and replacement of the surge tank covers. With 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 action will institute a \$139,250 project budget of which the \$125,263 Construction Contract will be funded. The funding sources for this project are the Capital Projects, Structural Repairs (\$125,487) and Facilities Maintenance, General Maintenance (\$13,763) in the 2018 General Operating Budget.

(Public Service: Approval for B&C Land Development to install new laterals in the amount of \$51,412 on Ashley Avenue from the inlets to the recently renovated storm drain. The existing laterals were found to be broken beyond repair. The work was completed to prevent collapse of the laterals and complete the pipe repair project.

(Public Service: Approval of the professional service agreement for administration and management of the following grants: FEMA 4241-DR-SC-52-226 Acquisition and Demolition of 36 structures and FEMA 4241-DR-SC-54-280 Acquisition and Demolition of 12 structures. The amount needed for this item is \$753,070. The cost to administer and manage the grant project is a reimbursable expense. The

grant covers 75% of the expenses, and the City's 25% will come from the Drainage Fund.

(Approval to authorize the Mayor to execute the Agreement of Purchase and Sale between the City of Charleston and Niandrea Taylor for the sale of 56 Nunan Street for \$195,208. This property is being sold subject to the HOME Investment Partnerships Program Resale Restrictive Covenants with an affordability period of 30 years. The owner of the property is the City of Charleston. (56 Nunan Street; TMS: 460-07-01-025) [Ordinance]

(Consider a Purchase and Sale Agreement for 101 Broad Street

(Nassau Street Parcel Acquisition

(Magnolia Development:

- Consent to Assignment of the Public Infrastructure Improvements Agreement
- Approval of Temporary Access Easement (Braswell Street)
- Approval of Memorandum of Understanding regarding Temporary Access Easement

First reading was given to the following bill:

An ordinance authorizing the Mayor to execute on behalf of the City an Agreement of Purchase and Sale, in which the City agrees to sell to Niandrea Taylor the property located at 56 Nunan Street (TMS No. 460-07-01-025) for \$195,208, subject to the Home Investment Partnership Program Resale Restrictive Covenants, and further authorizing the City to accept a Promissory Note, secured by a Second Priority Mortgage on the property, for \$60,408.00 towards the purchase price.

Mayor Tecklenburg said, "Next are bills up for second reading, number 1 is the approval of the West Ashley Master Plan, as amended."

Councilmember Shahid said, "Move for approval."

Councilmember Griffin said, "Second."

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

Councilmember Moody said, "Mr. Mayor, I wanted to ask one question there. This 'as amended,' we did adopt only the 50-page report from the West Ashley Revitalization Commission. I wanted to be sure that that was clear."

Councilmember Shahid said, "For clarification, it may have been more than 50 pages. It was the version that dealt with the implementation and the supporting documents in the implementation section."

Councilmember Moody said, "I just wanted to be sure we were."

Mayor Tecklenburg said, "That's right. That's why I said 'as amended.'"

Councilmember Moody said, "Thank you."

On a motion of Councilmember Shahid, one (1) bill (Item L-1) received second reading. It passed second reading on motion of Councilmember Griffin and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Gregorie, the rules were suspended, and the bills were immediately ratified as:

2018-016 AN ORDINANCE TO AMEND THE CITY OF CHARLESTON CENTURY V 2010 COMPREHENSIVE PLAN UPDATE, ADOPTED BY CHARLESTON CITY COUNCIL ON FEBRUARY 22, 2011, TO INCORPORATE THE CHAPTER OVERVIEWS AND PLAN IMPLEMENTATION SECTIONS OF PLAN WEST ASHLEY, DATED DECEMBER 28, 2017, SAID OVERVIEWS AND IMPLEMENTATION SECTIONS BEING ATTACHED TO THIS ORDINANCE AS EXHIBIT A. **(AS AMENDED)**

Councilmember Mitchell said, "If we could take L-2 through L-7."

Mayor Tecklenburg said, "Next, we have a motion to take L-2 through L-7 altogether."

Councilmember White said, "Second."

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

No one asked to speak.

On a motion of Councilmember Mitchell, six (6) bills (Items L-2 through L-7) received second reading. They passed second reading on motion of Councilmember White and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Lewis, the rules were suspended, and the bills were immediately ratified as:

2018-017 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTIES LOCATED ON LEE STREET, COOPER STREET AND AIKEN STREET (PENINSULA) (APPROXIMATELY 2.07 ACRES) (TMS #459-05-04-116, 192, 193, 194, 195, 197, 198, 220, AND PORTIONS OF 208 AND 209) (COUNCIL DISTRICT 4), BE REZONED FROM DIVERSE RESIDENTIAL (DR-2F) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING (MU-1/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY THE CITY OF CHARLESTON.

2018-018 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 41 BOGARD STREET (PENINSULA) (0.05 ACRE) (TMS #460-08-03-144) (COUNCIL DISTRICT 3), BE REZONED FROM DIVERSE RESIDENTIAL (DR-2F) CLASSIFICATION TO COMMERCIAL TRANSITIONAL (CT) CLASSIFICATION. THE PROPERTY IS OWNED BY 9 BOGARD ST LLC.

2018-019 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 18 PERCY STREET (PENINSULA) (0.05 ACRE) (TMS #460-08-01-063) (COUNCIL DISTRICT 3), BE REZONED FROM DIVERSE RESIDENTIAL (DR-2F) CLASSIFICATION TO COMMERCIAL TRANSITIONAL (CT) CLASSIFICATION. THE PROPERTY IS OWNED BY 9 BOGARD ST LLC.

2018-020 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A QUIT-CLAIM DEED TO TIMOTHY D. WEBER AND TARA-LEHUA WEBER PERTAINING TO 56 SOUTH STREET SO AS TO RELEASE ANY REVERSIONARY INTEREST OF THE CITY IN 56 SOUTH STREET.

2018-021 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A QUIT-CLAIM DEED TO THE GATHERING AT MORRIS

SQUARE, INDIVIDUALLY AND AS ASSIGNEE OF SMITH-MORRIS COMPANY, LLC, OR ITS ASSIGNS (THE "GRANTEE"), PERTAINING TO CITY OWNED PROPERTIES ON CANNON STREET BEARING CHARLESTON COUNTY TAX MAP NOS. 460-11-04-150 AND 460-11-04-151 (THE "PROPERTY"), WITH THE DELIVERY OF THE DEED BEING CONDITIONED ON GRANTEE SIMULTANEOUSLY GRANTING THE CITY A TEMPORARY CONSTRUCTION EASEMENT AND AN EXCLUSIVE PERMANENT EASEMENT ON, OVER AND UNDER THE PROPERTY.

2018-022 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1430 AGATHA STREET (0.13 ACRE) (TMS# 351-07-00-071), 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 7. THE PROPERTY IS OWNED BY VICTORIA JOHNSON LIFE ESTATE.

Mayor Tecklenburg said, "Next, we have bills up for first reading, and the first item had been deferred by staff, but it didn't reflect that on this copy of the agenda that I have. It says 'as amended,' so maybe just to make sure it's done, I'll entertain a motion from Councilmember White."

Councilmember White said, "I'll move to defer."

Councilmember Mitchell said, "Second."

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

Councilmember Seekings said, "Just a quick question, Mr. Mayor. Maybe Councilmember White knows the answer to this. Is this going to come back up soon, or is it something that's being deferred just --"

Councilmember White said, "It shouldn't have been brought forward at this point. I think it's going to be until April before we are actually prepared to hear anything from Somera (Capital)."

Mayor Tecklenburg said, "That's what I've heard. April is kind of our target date."

Councilmember White said, "So, once we get prepared to actually get a final read from the Somera group, then I think it would be appropriate to bring this back collectively."

Councilmember Seekings said, "Just a quick follow-up, is that going to go through the Real Estate Committee and then to us, or does it come straight to Council?"

Councilmember White said, "I'm glad you brought that up. It seems to me that this item, as an abandonment, should go through Real Estate, I would think."

Mayor Tecklenburg said, "No, I was told it should come through Public Service."

Councilmember Seekings said, "Sorry, I didn't mean to open up a can of worms at 9:00 at night."

Mayor Tecklenburg said, "The Hayne Street matter will come before the Public Service Committee and not Real Estate is what Frances (Cantwell) told me."

Councilmember Lewis said, "Public Works and Utilities, yes."

Laura Cabiness, Director of Public Service, said, "That's right."

Councilmember White said, "So, this would not come to Council for first reading. It would go to Public Works, first, and then come to Council as part of the Public Works report?"

Ms. Cabiness said, "If I understand correctly. Tom and I were talking about this. We actually took it to Public Works, and we set a public hearing and held a public hearing. So, it just needs to come back to be finalized. I suppose there's also a License Agreement attached to it and some other things that you may want to go to the Real Estate Committee and Public Works and Utilities."

Councilmember Waring said, "It needs to go through Real Estate. We are dealing with land."

Councilmember White said, "I think it probably should go through Real Estate, as it's a piece of real estate owned by the City currently."

Councilmember Lewis said, "Yes."

Mayor Tecklenburg asked, "So, does that answer your question? Are we good?"

Councilmember White said, "Yes. Councilmember Seekings may have further questions."

Mayor Tecklenburg said, "So, M-2 has been deferred by myself and staff. That's regarding the moratorium on Johns Island, but I did want to report back to Council very briefly that I submitted a proposal to Chairman Rawl for Charleston County to co-chair with me the Johns Island Growth Management Committee that I mentioned at our last meeting. I hadn't heard back from him yet, but I just got it to him late last week. That's moving forward. I did meet with a concerned citizens group, as was mentioned. We've had two meetings scheduled already between staff of the County and City, regarding the northern and southern pitchforks, to try and work out any matters that need to be worked out on those. One of those meetings will include Chairman Rawl and myself. We've also asked our Planning Department to ask all City Department heads to come up with their wish list of Capital Projects and community infrastructure that we feel will be needed on Johns Island over the next ten years. In addition, I've scheduled a meeting with all of the developers of all of those neighborhoods that we've heard about, and that's scheduled in a week or two. I plan to talk with them about those infrastructure needs and how we might be able to respectfully ask them to help pay for some of those things. Finally, we'll also have a staff meeting with our Bond Counsel to discuss any other funding mechanisms to pay for all of these things. So, we are working on the Johns Island issues."

The Clerk said, "Mayor, we got caught up in the discussion with Laura, but we need to vote on the deferred item that was M-1."

Mayor Tecklenburg said, "I apologize. We need to vote on deferring the Hayne Street matter."

On a motion of Councilmember White, seconded by Councilmember Mitchell, City Council voted unanimously to defer the following bill:

An ordinance authorizing the Mayor to execute on behalf of the City Quit-Claim Deeds, approved as to form by the Office of Corporation Counsel, to the owners of those

properties abutting each side of Hayne Street, running from Church Street to Anson Street, conveying to such owners one-half of the width of Hayne Street as said street abuts the respective owner's property, subject to any and all easements or other matters of record (AS AMENDED). (DEFERRED)

Mayor Tecklenburg asked, "Is there any other business to come before this Council?"

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Mr. Mayor, just a matter of clarification, we had talked about moving our March 13th meeting. Does that still work?"

The Clerk said, "There are approximately four Councilmembers that will be attending NLC, and they said that they're going to come back, so that they will be here for the meeting on Tuesday. Is that correct, Councilmembers?"

Councilmember Lewis said, "I'll be there."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I just had a follow-up after your description of all of the work that you've been doing on the Johns Island Growth Management questions. Does that mean then, Mayor, that you are probably going to withdraw your moratorium request, or how is that going to be handled?"

Mayor Tecklenburg said, "I'm going to see how those meetings play out, to be honest with you. I'm going to see if we can get a consensus on a plan, the improvements, and how they are funded. The jury's still out on that.

Hearing no other business, we are hereby adjourned."

There being no further business, City Council adjourned at 9:03 p.m.

Vanessa Turner Maybank
Clerk of Council