

COUNCIL CHAMBER

Regular Meeting

March 14, 2019

The seventy-first meeting of the City Council of Charleston was held this date convening at 6:09 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media March 6, 2019 and appeared in The Post and Courier March 10, 2019 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 6:09 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Now, if you would like to join us, Councilmember Waring will lead us in an invocation and Pledge of Allegiance."

Councilmember Waring opened the meeting with an invocation.

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

Mayor Tecklenburg said, "I'm very proud to welcome up to the podium our Youth Volunteer Corps members, along with the Program Manager, Jennifer Gorham. Young men and women volunteers, would you all please come forward? There may be a few extras or maybe one missing, but these are the name I have. Keory Ancrum, Faith Brown, Peter Claiborne, Kailyn Brown, LaNiece Heyward. You all come up behind me, please. Vansh Nagpal, and Masi Sundara. So, these are all Youth Volunteer Corps members of a program that was started just three years ago, and they've already won a National Award for engagement in their community. Their volunteerism and our overall program has expanded in three short years to 145 youth service volunteers working on 83 different projects this year and have completed 1,102 hours, to be exact, hours of service to the Charleston community. So, we have serving also not only on our local Youth Advisory Board, but Keory Ancrum, and excuse me, which one is Keory? You're right here. Thank you. He is also on the International Board for Youth Volunteer Corps and is serving as an influencer and Brand Ambassador. All of these young men and women are

remarkable examples of what it means to give back to their community, and they're true leaders. So, since they received National Goal Status Recognition, we wanted to invite them here tonight. Thank you for what you do for our community, and everyone please recognize them."

There was a standing ovation in the Chamber.

Mayor Tecklenburg said, "So, Keory, if I may ask you, since you're designated on the International Board and serving as Brand Ambassador, would you like to make a few remarks for the group? I'm putting him on the spot you all. Come on, you can do it."

There was laughter in the Chamber.

Keory Ancrum said, "Well, this is my team kind of. We've been together for a while since summer camp, and it's like 6th and 7th grade. We basically have grown as a family in the Youth Volunteer Corps (YVC), and I like it."

Mayor Tecklenburg said, "Terrific. Thank you so much."

There was applause in the Chamber.

Mayor Tecklenburg said, "Does anybody else want to throw something in?"

No one else asked to speak.

Mayor Tecklenburg said, "Hearing none, God bless you, and thank you for being here. We really appreciate what you do."

There was applause in the Chamber.

Councilmember Griffin said, "Mr. Mayor, do you mind if I speak for just a minute or two about the visit I had today?"

Mayor Tecklenburg said, "Absolutely. Yes, sir. I'm going to recognize Councilmember Griffin. Speaking of youth, we have a few different youth items to share with Council."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "So, I have been working with the Charleston County School District Academic Magnet High School, on the Achieving Charleston Excellence Grant, which is a \$100,000 diversity grant that the school received to diversify those enrolling in the school. Through that, I was connected with the St. Andrews Elementary Gifted and Talented Program and their wonderful, wonderful teacher Ms. Bowie. She asked me to come in and speak about local government this morning to their class. It's a very, very large class and probably some of the smartest kids I've ever met in my entire life. These kids are 9 and 10 years old, and they've gone ten times past where I am in my intelligence, and I know all of these guys can attest to that. That's not a stretch."

There was laughter in the Chamber.

Councilmember Griffin said, "But, what I did is, I kind of explained to them what we do. They had a lot of questions about policy and that sort of stuff, but you would be amazed that the two issues that they talked about for the whole time pretty much were transportation and littering. They have so many great ideas for transportation. They were literally drawing, like little architects, light rail systems and how they could work. How a train doesn't actually have to be on the track, it could be a magnet. Then, they were talking about how one of the kids actually already did a community trash pickup day on Johns Island, 500 pounds of trash. He said it really, really hurt

him when he went back a couple weeks later, and it was all back again. These kids are our future, and I stressed that to them. I said to them, 'I tell my comrades on Council all of the time that I'm going to have to be the one that defends our decisions 50 years from now, but you guys in this room are our future and our present, and we want to hear from you'. So, Mr. Mayor, I have a stack of letters that they have addressed to you. They're amazing, and I made myself a copy, as well. I'm happy to make a copy for everybody because they're spread out all over the Lowcountry, but I think what we can do is start reading some of these. When our students, the future of Charleston, have these kind of ideas, it really, really motivates me. I know it motivates all of us, but I've also asked their class to come up with a transportation plan that we could bring to Director Keith Benjamin, to give these kids a sense that local government is working for them, and that their issues and ideas are discussed in City Council. So, I thank you all for your time, and I'm just so amazed. Our future of Charleston is really, really bright, and I'm sure we've got some future Councilmembers. We've got some future directors of departments. I'm just very, very proud. Thank you."

Mayor Tecklenburg said, "Thank you, Councilmember Griffin, and just two other related announcements. One is that just to let you all know, there was also a Youth Summit meeting at The Citadel today that the Mayor's Youth Council puts on every year. There were hundreds of high school students from all around the County, and they were engaged in a number of workshops, including topics like Your Voice in Government, Government and You 101, How to Find my Voice in Government? Also, a full listening session with youth of our Illumination Project, as well. So, it was really a terrific event and again, Jennifer might have walked out of the room, but she also coordinated that summit as well, and that was terrific. Lastly, I want to thank the Chamber of Commerce. Is Ian Scott still here? Maybe he left. He was here earlier. They are partnering with us on the Mayor's Challenge for 1,000 youth employment jobs this summer, and we had a few businesses that have already committed to hiring youth this summer. I'm asking businesses to hire at least two youth and pay a reasonable wage and provide a bare minimum of 12 hours a week of employment. The City of Charleston, to let you know, along with the benevolence of the Bill Ackerman Foundation, is able to provide summer youth jobs to 48 individuals. So, I was really surprised. One of the other businesses willing to hire youth this summer was Charleston Southern University. They committed to hiring 50 youth this summer, so they outdid us by two. So, I told them we might try to step up a little further, but there was even a donut shop, a law firm, other businesses present. The Chamber of Commerce is going to be challenging all of their membership this summer to hire at least two youth from high school, and I think it's a great effort for our workforce development and to give some youth some experience in the workplace. So, moving on, we have next approval of City Council minutes from February 26th."

Councilmember Moody said, "Move for approval."

Councilmember Mitchell, "Second."

Mayor Tecklenburg said, "We got a motion to approve and a second. Are there any changes or deletions?"

No one asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Mitchell, City Council voted unanimously to approve the minutes of the February 26, 2019 City Council meeting.

Mayor Tecklenburg said, "Next, already, is our Citizens Participation Period."

The Clerk said, "We have six people."

Mayor Tecklenburg said, "I'm still going to ask you, since we're running a little late, to keep your remarks to two minutes, please, and so, Madam Clerk, if you would call out the names."

Councilmember Waring said, "Are we going to go into Executive Session?"

The Clerk said, "No."

Mayor Tecklenburg said, "Frances indicated she is fine with two scenarios here. One, she'll stay and do it later or two, to tell you the truth, we could give you the update on the annexation at the next meeting. It's nothing that we will be taking action on in the next two weeks. It's just something that we want to advise Council that occurred at a court proceeding recently. So, I'll leave it up to the--"

Councilmember Waring said, "Yes, but she is already here."

Councilmember Shahid said, "Mr. Mayor, I would like to speak with her for another reason, as well."

Councilmember Griffin said, "Yes, I need to ask her about that, as well."

Mayor Tecklenburg said, "At the end of the City Council meeting we had planned to go into Executive Session, as well. So, I would favor us just doing it one time, so to speak, or either deciding now that she can go home and we'll do her update at the next meeting. What's the pleasure of Council?"

Councilmember Waring said, "But I thought that was what we said."

Mayor Tecklenburg said, "Yes, but we're running so late. I'm fine either way."

Councilmember Griffin said, "Let's just keep going."

Councilmember Shahid said, "Let's keep going, Mayor, and we'll go into Executive Session for both items."

Mayor Tecklenburg said, "Is there any objection?"

No one asked to speak.

Mayor Tecklenburg said, "Alright. So, let's go to Citizens Participation Period, Madam Clerk."

The Clerk said, "We have Mohammed Idris, Marc Knapp, Neita Wiese, Jason Crowley, Anthony Bryant, and Susan Lyons in that order, two minutes each."

1. Mohammed Idris said regarding Roberts Rules of Order and Bylaws it was hard to be on Council, and it was hard to be ignorant with the technology available in this day and time. He said Council wasted people's time, as decisions had already been made before people got there. People waited all night long, and then decisions were made in a minute. He said that Mayor Tecklenburg had said he was going to act like Mayor Summey, and Mayor Summey said he was a devil. He didn't want the Mayor to act like that because he voted for the Mayor. He said the foolishness needed to be stopped.
2. Marc Knapp said he heard the drainage project was now up to \$50 million. He asked what was going on. There was an ordinance that stated any change order over \$40,000 had to be approved by Council which begged the question if there had been 1,500 change orders that had been signed. He questioned if Council

had been kept in the dark. He said the lease at 160 St. Phillips Street, LLC for the laydown area for shaft on the property was \$54,000 a month, and it was a parking lot. He questioned who signed the lease agreement, as it was ridiculous. Contractors all over the City did not have space to lay down their stuff close to the job site, but they made it work. He guaranteed it didn't cost \$54,000 a month. He said he was going to submit a FOIA request on it, and he expected it to be answered in a timely manner. If not, he would be getting lawyers involved because it was out of control. He knew certain Councilmembers had asked for certain things, and they couldn't get them. He thought they were looking at somebody trying not to go to jail.

3. Jason Crowley, Director of Communities and Transportation, commended the Mayor and Council on their hard work on the Freeboard requirements. He thought it was a good opportunity to be able to bring the City into the same compliance as Charleston County. There was one minor tweak they encouraged Council to consider, and that was for new construction not to allow the use of fill material to raise the overall site in order to create the Freeboard requirements. With regard to the proposed amendments to the stormwater ordinance in Church Creek that would be discussed during Executive Session, it was something they thought Council should not do as had been widely discussed over the years. The Church Creek Basin was one of the most heavily studied basins in the region, and the science that had come to date had given information they didn't know when the construction of the project began. If the project could not change its design to be in compliance with the new standards, then this was not a project that was worthy of the very sensitive area. It was blocks from where millions of dollars of taxpayer money was spent to buyout 40 homes. The community did not deserve to have more people put in harm's way, and they encouraged Council to maintain the standards as written.
4. Susan Lyons said last Tuesday nearly 200 Charleston residents listened for 90 minutes as representatives of the City, the Medical District, and the Army Corps of Engineers laid out an impressive tableau of work that was coming to grips with the complexities of flooding and sea rise in greater Charleston. The scope and depth of the projects were staggering. Some work was underway all over the City, but much of it lied ahead. The panel was organized by Groundswell. The Mayor and every Councilmember were invited, but it was noted that the only one to attend was Councilmember Seekings, and two other people had responded. She said they would have heard the questions and fears of the people Council represented about when and whether their property and security were going to be protected from flooding. Calhoun West had been designed to protect nearly half the Peninsula. This effort was decades late, and many lives and millions of dollars of property values were at stake. She was aware that it had become unpopular in the Chamber to point to the Peninsula as the economic and cultural engine of the City, but the reality was that if Downtown Charleston was not saved, Charleston at large would suffer greatly, and all of the burgeoning development would be for not. In the year 79 A.D. she was told the people of Pompeii were warned they had time to escape disaster, but they did nothing.
5. Anthony G. Bryant said he just got a response back from the Fourth Circuit Court of Appeals regarding matters of fees and an interlocutory and collateral order was given. He appealed it to the Supreme Court. He said sovereign immunity had been provided for the Army Corps of Engineers, and the Tort Reforming Act

provided for sovereign immunity for DHEC and other agencies. Sovereign immunity basically meant there was no liability for their decisions, and he disagreed with that. The Fourth Amendment provided for the person to be secure in their persons, houses, and personal effects, as well as the Sunshine Act of 1976. He said all of these things were vitally important. People could not afford an attorney in the State, and they knew it, so they designed rules and regulations knowing that people could not file suit on their own. People had to join class action lawsuits because the management of the court system was horrible, and it wasn't up to date in his opinion. This was why he did this on his own and had asset seizures of African American property under the Justice Department for years. He stated case law that dealt with asset seizures of property as states were allowed to take people's property through the Slave Act when African Americans were seized as property and were given back to their masters. He said what happened in the City with two people laughing at the African American man being humiliated said a whole lot about the intentions and activity in law enforcement.

6. Neita Wiese said they looked forward to having an opportunity soon to present to Council a brief PowerPoint presentation on Charleston Sister Cities and the benefits that it provided the community, and they also looked to expand it out to cover North Charleston, Summerville, Mt. Pleasant, and Moncks Corner.

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "There is one group. They're my constituents, and they didn't sign up. Can they please be heard for a minute?"

Mayor Tecklenburg said, "Yes, absolutely. Please come forward."

Councilmember Seekings said, "Thank you."

7. David Dick said that he and Neil Stevenson were working on a project regarding a property he owned at 725 King Street, and they were trying to build a small office there. They had the support of Florence Peters from the Housing Department and did have the support of Lee Batchelder with Zoning, who recently withdrew that support under the understanding that some Councilmembers may not be in support of the project. Ms. Peters suggested that they come to Council to address those concerns. They had a project that needed a special exception for parking. It was a small 3,500 square foot office building, they had a five-year lease for more than the required parking, and they needed a ten-year lease to meet the zoning requirements. They also had a petition from all of the surrounding neighbors of the property in support of the project. So, they were seeking to clarify any issues that Council may have in objection to the project and seek their support.

Mayor Tecklenburg said, "This is just a public participation. It's not a back and forth."

Mr. Dick said, "Okay. Well, I guess we'll try to reach out to the Councilmembers that are involved, but I just wanted to--"

Councilmember Seekings said, "Go start with the Councilmember whose district that it sits in. That's what you need to do."

Mr. Dick said, "Okay. Yes. We've attempted to get in contact with the Councilmembers and just have not been able to yet."

Mr. Dick said, "Okay. Thank you."

Councilmember Seekings said, "Thank you."

Mayor Tecklenburg said, "Do you know that's Councilmember Lewis's District?"

Councilmember Lewis said, "The Neighborhood Association has voted against this, Mr. Mayor, and I'm going to support the Neighborhood Association. That's all I can tell you. Thank you."

Mr. Dick said, "Yes, the neighborhood voted, and it was actually a tie vote, and unfortunately, a couple of members of the community that were going to support it were out of the room at the time. It was a tie vote, then they re-took the vote, and we lost by one vote. So, Councilmember Lewis, hopefully we can talk to you afterwards regarding the project."

Mayor Tecklenburg said, "Thank you very much. So, David, thank you for being with us and just for clarification, he is probably a constituent of Councilmember Moody because he lives four doors down the street from me, my neighbor."

Councilmember Seekings said, "Mr. Stevenson is my constituent."

Mayor Tecklenburg said, "I see. Okay. Is there anyone else that wants to be heard? This would be your time."

No one else asked to speak.

Mayor Tecklenburg said, "Hearing none, we will now proceed with our report from the Resiliency and Sustainability Advisory Committee, and Katie McKain is going to give us a quick report on that meeting."

Katie McKain said, "Hello, everyone. The Resiliency and Sustainability Advisory Committee met on Thursday, February 28th at 11:00 a.m. We had 12 of the 13 members present, so many people were there. There wasn't so much voting that happened. It was more informational and to gather feedback from the Committee.

The first item on the agenda was Atlantic Seismic Testing, and Janie Borden spoke about this. She mentioned the City is working with the South Carolina Environmental Law Project to oppose offshore seismic testing and drilling and that the Mayor signed an Affidavit stating the reasons why the City is opposed.

The second item was the State ban on bans, the Plastic Preemption bill, and Janie mentioned that the City opposes this bill that looks to take away our Home Rule rights. The State Senate held a hearing on February 27th, and no firm action was taken at that meeting. The Senate will hold more meetings to discuss the bill, and the next one is scheduled for March 20th.

The third item was the 2019 Green Business Challenge and Workshop Series. Clay Middleton announced the kick off of the Sixth Green Business Challenge. It will start in August with a new partnership with the EPA. Clay also mentioned his division created a workshop series for businesses that will continue through August. It actually started today to help prepare businesses for the challenge.

The fourth item was our Vulnerability Assessment Update from Mark Wilbert. He announced that the contract was approved in February, as you all know, and the project will commence in March, on Monday actually. The Vulnerability Assessment will define the risks for the City of Charleston and it will analyze multiple hazards, not just flooding. So, it will include things like earthquakes, tornadoes, and extreme heat. Mark also explained the components of a

Vulnerability Assessment and exactly how risk is measured in that process. The final step of the Vulnerability Assessment is to determine adaptive actions, which are solutions to reduce risk.

The fifth item was the U.S. Army Corps of Engineers Peninsula Flood Mitigation Study Update. Mark also gave this update, and he explained how this project fits into the Vulnerability Assessment, saying this project addresses only one threat. It's only one geographic location, and it will only be one action. So, it's a perfect example of one of those solutions that could be listed in the adaptive action section of that Vulnerability Assessment. He also mentioned the Dutch Dialogues as another example, looking at adaptive actions and solutions, but through a completely different lens. So, the Dutch Dialogues will start with design, land use, and building techniques instead of starting with engineering, so just a whole different way of looking at items. Of course, the City will be looking at four very different project areas where we know we have vulnerabilities and risks and the deliverables will be four very unique project concepts that can then be replicated in other similar areas of the City.

The final item, or the sixth item, was just the Flooding and Sea Level Rise Strategy website update, and that is where I sort of performed a live demonstration for folks showing them the new flooding and Sea Level Rise Strategy online. You can get to it pretty easy at the City's homepage /SLR for Sea Level Rise, and that will take you through the whole strategy. We also went through how you can reach the initiatives and track all of our progress on the initiatives online, and we showed a story map that we recently created of all of the major infrastructure projects, which include drainage and flood protection projects like the seawall, and the new resilience website is just the City's homepage/resilience. So, at the time I encouraged folks to visit those webpages and provide us feedback, and I encourage you all to do the same. We did have a public comment period lined on the agenda, but there wasn't anyone who was interested in speaking, even though there were people in the audience. So, that is the update."

Mayor Tecklenburg said, "Are there any questions for Ms. McKain?"

No one asked to speak.

Mayor Tecklenburg said, "Thank you for that update. As you know, that Committee is an Advisory Committee, so I just want to keep Council informed as to the matters they're discussing. It did jog my memory, if I may, to make one other brief announcement, and that is when she mentioned the website. We did send out a press release on this, but you can now go to your Apple or your Google website, or your App Store, and download the City of Charleston App. I urge all of our Councilmembers to do that. There is a lot of good information. You can pay your parking fees or your court fines on the City App. You can see all kinds of events that are going on. You can pull down the agendas for our City Council meetings and other meetings, but importantly, you can contact us. So, this contact directly goes to our Customer Service Desk, which you know we have been advertising the phone number 724-7311, but you can now reach it by the City App, as well as through Facebook, Twitter, or by sending an e-mail all from your App."

Councilmember Griffin said, "Can we adopt a drain on there?"

Mayor Tecklenburg said, "Adopting a drain is on here. You can adopt a drain on the City App, as well. So, everybody check that out. Thank you.

So, next, we have a number of Boards and Commission Appointments and Reappointments. There were five items I.2.(a) through (f), actually six items. I would like to, as I sent out a note today, make changes to my original recommendation on number I.2.(f), the Municipal Judges."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Mr. Mayor, I would like to defer I.2.(a) through (e) because I've asked repeatedly, time and time again, to get attendance records on these people, and I have not seen them yet. I don't feel comfortable voting for all of these reappointments if we don't know whether or not these people are showing up to the meetings every time. These are important Committees, and eventually we're going to have to vote on a Committee, a Commission, the Planning Commission, that in some cases is more important than us because we can't overturn them, and we don't know whether they go to the meetings or not."

Councilmember Seekings said, "The BAR is on there."

Councilmember Griffin said, "The BAR is on there, as well. I want to see the attendance records, please. I've asked several times. I'd like to see them. Thank you."

Mayor Tecklenburg said, "Well, is that a motion to defer all of those?"

Councilmember Griffin said, "Yes, sir."

Mayor Tecklenburg said, "Is there a second?"

Councilmember Waring said, "I'll second. He's asked for that in the past."

Mayor Tecklenburg said, "Alright. Is there any discussion on the motion to defer?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Well, I don't have anything to say about the motion to defer. I was going to speak to the other items. Well, maybe it does because I might change my vote or change my mind. Were all of these positions advertised in our normal way? They were put up on our website and people applied? I know we've never gotten all of those lists that we've gotten in the past of the different people that had applied and what their terms would be. We got this list that you sent us, but in the past we had a list of everybody that applied."

Mayor Tecklenburg said, "Yes, I guess since Robin left and Tito has taken that over, we fell out of sync with sending you the whole list of anybody else that applied. I'll admit that."

Councilmember Moody said, "It didn't look like anybody else had applied."

Mayor Tecklenburg said, "I understand."

Councilmember Moody said, "If you look at that, so maybe--"

Mayor Tecklenburg said, "There may have been others that applied."

Councilmember Moody said, "Maybe I will support the motion to defer then and put that in there with the attendance records."

Mayor Tecklenburg said, "Well, I would like to just address the attendance matter. These are all volunteer boards, you know that, and they're not paid. Some of them, like the Resiliency and Sustainability Advisory Committee that we just got the report from that I Chair right now, we changed the bylaws of that Advisory Committee, to be honest with you, to allow for proxies to attend because there were some members who weren't attending on a regular basis. Now, the companies are at least are represented, and represented well, ever since we made that change

because they'll send someone. But, for example, the Accommodations Tax Advisory Committee that I think Councilmember Gregorie chairs, it only meets, how many times do you all meet? Just once a year. So, and some of these Committees, but for like the Planning Commission and the Zoning Commission--"

Councilmember Griffin said, "And the BAR."

Mayor Tecklenburg continued, "And the BAR, those are pretty special. Don't get me wrong. Well, they're all special, and these are great volunteer opportunities for our citizens but the--"

Councilmember Griffin said, "Mr. Mayor, the only point I'm trying to make here is there are a lot of people throughout this City that would love to serve on these Boards, and we shouldn't keep reappointing people that don't have regular attendance. If that meeting only meets once a year, and they don't show up, somebody else should be on that Board, but we don't know for sure because I don't know who is going to all of these meetings. I don't think it would be very hard. We have a City official that's taken the minutes of every one of these meetings and can tell us whether people are showing up or not. I don't think it's a very hard request."

Mayor Tecklenburg said, "Again, it's a point well taken. Let me share with you that there is a staff member that marshals each Committee, and I do ask them, particularly on those Commissions where their votes come to us and matter, so to speak, as a direct course of business, whether there are any attendance problems. So, without getting a full scorecard, I do ask that question of the staff member, 'is there somebody who is significantly absent', but I guess with a lot of research, we could look through the minutes of each and every meeting, and that might take a little time, but we could certainly endeavor to do that. I would qualify it, and maybe ask for forbearance to do that, just on Committees like the Planning Commission, the BAR, the Design Review Board, and those Boards and Commissions that really do direct decisions that come to the Council. Would that be alright? Like the Commission on Women, do you really need to know the attendance on that, just as an example? I ask the question."

Councilmember Griffin said, "I guess not, but my point is not necessarily what comes before Council. It's the fact that these Boards are hard to get on, and we just reappoint people very often, and we have people that sit on these Boards for years and years and years. If they're not coming, then they should be replaced by somebody who is ready and willing to attend and is going to show up. So, it doesn't necessarily impact whether it comes to Council or not. I meet people every day that want to be on these Boards and Commissions, and they're very hard to get on. If you're on it, you're usually always reappointed, and that's just how it works, and I don't think it's right."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just briefly, I think the point that you were trying to make is those Boards that combine the City, whether there is review by City Council or not, I do think attendance is important. The other thing that I would ask, and I know Mr. Tito is busy, but for instance tonight, we have two new members of BAR – Large that are up for appointment. I do think it would be interesting, for me anyway, and I think my fellow Councilmembers, to see who else has applied to be on that Board. The BAR – Large, that's as big a Board, as important a job, as we have in this Chamber. That is a huge job, and they combine the City without Council review, so I think knowing their attendance, which I think the BAR – Large is good, but we should see it. Then I know Mr. Meadors and I know Ms. Sobchuck, but I don't know if anybody else here does, and see who else has applied, so we can just get a sense and

a flavor of the applicants for those, what are very important positions that affect people's property every week. So, I would ask if we can get those. Thank you."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I would appreciate and to be honest, Councilmember Griffin, I think I've only remembered hearing you ask for the attendance records of the Planning Commission, so maybe you were extending it to--"

Councilmember Griffin said, "I'm sorry. I've asked several times."

Councilwoman Jackson said, "So, I would agree with the conversation that's going forward now about making that distinction between Boards that combine the City. I do think that that's a very important responsibility where we need all hands on deck to make those decisions, but I'm thinking in sort of the converse. I know of two Commissions, the Commission on Women and Commission on Disability Issues, who are appointing new members tonight, and I really hate to put them off for another month because we're not making that distinction between the Boards and Commissions that have the business of the City on their regular agenda, compared to the volunteer recommending Advisory Committees. So, I would ask to whomever made the motion to defer to make that distinction. So, for tonight, keep the Resiliency and the Commission on Disability Issues and the Commission on Women and the Accommodations Tax because they only meet once a year. So, really I would ask that we just defer the decision on the Board of Architectural Review in the vein that you're just discussing a clear division of responsibilities between the volunteers of our City. I would love to be in your district, Councilmember Griffin, because I have tried to find people to apply for the Planning Commission, in particular, and some of the other groups that have that kind of hefty responsibility. I don't find that there are a lot of volunteers, so it would be interesting to see who else has applied. We were overjoyed to think that we have two vacancies that can be readily filled on the Commission on Women, and I thank Councilmember Gregorie for encouraging one of his friends and constituents to do so. So, I think maybe it's an interesting sociological statement of our time when people are very engaged, but they just really don't want to make the commitment of the time and the effort that it truly takes to serve with all diligence on our Committees."

Councilmember Griffin said, "I respect your opinion, but I'm not going to take my motion off the floor because we have not seen everybody who has applied, just on that logic alone. I agree with you that Resiliency, Commission on Disabilities, Commission on Women. They don't directly report to us. Now, they do bring stuff to us all of the time, but I would like to see who is applying to these positions. Last year, we got this huge spreadsheet of everybody that applied for every Commission, and then we knew who was applying. This year we get nothing, we still don't know the attendance, and I promise you, we may disagree, but I promise you I've asked at least three times. Even back to last year, I wanted to know what attendance records were because these appointments are very important, and they bring stuff to us. Even if the Commission on Women doesn't report to us every meeting, they just brought a very important Resolution to us recently. So, there are important things that come to us from every one of these, and we need to know who is on them. We need to know their attendance, and we need to know who is applying for these positions."

Mayor Tecklenburg said, "Alright. We have a motion to defer I.2.(a) through (e). Is there any further discussion?"

No one else asked to speak.

On a motion of Councilmember Griffin, seconded by Councilmember Waring, City Council voted to defer Items I.2.(a) through (e).

The vote was not unanimous. Councilmember Mitchell, Councilwoman Jackson, and Mayor Tecklenburg voted nay.

The Clerk said, "One opposition, Councilwoman?"

Councilwoman Jackson said, "Yes."

The Clerk said, "Thank you."

Mayor Tecklenburg said, "Count me as nay, as well, if you don't mind. I'll vote nay on that."

The Clerk said, "Okay. Two."

Councilmember Mitchell said, "Yes."

The Clerk said, "And Councilmember Mitchell."

Mayor Tecklenburg said, "So, next we have I.2.(f) which is a matter of reappointment of two of our Associate Municipal Judges."

Councilmember Seekings said, "So moved."

Councilmember Mitchell said, "Second."

Councilmember Moody said, "Move to appoint Judge Morrison and Judge Maloney to the terms as stated on your memo."

The Clerk said, "So, don't we have two things going at once?"

Councilmember Mitchell said, "I did a second."

Mayor Tecklenburg said, "Do we have a motion as I had offered to you by communication this afternoon?"

Councilmember Seekings said, "I moved."

Councilmember Mitchell said, "I seconded."

Mayor Tecklenburg continued, "That we reappoint both Judge Tom Morrison and Judge Michael Molony who are both here with us tonight if you all would like to be recognized."

There was a standing ovation in the Chamber.

Mayor Tecklenburg said, "There stands before you over 60 years of combined experience on the City of Charleston Municipal Court, over 60 years among those two individuals right there and, Councilmember Griffin, this is one of those cases where reappointing again and again and again is actually a good thing."

Councilmember Griffin said, "Trust me, I supported them."

Judge Morrison said, "Thank you very much."

Mayor Tecklenburg said, "So, would you all like to address the Council? Yes, please come forward to the microphone."

Judge Morrison said, "Thank you. I would like to take this moment to thank Mayor Tecklenburg for reappointing me and City Council for confirming that. I have, since I was appointed, endeavored to keep the City of Charleston always at the forefront in my mind, so that I would not do anything to discredit the City or to make you regret your decision in appointing me, so thank you very much. This means a lot to me, and I have enjoyed serving the City of Charleston. It's been a great honor and a privilege, and I thank you for it. Thank you, sir."

Mayor Tecklenburg said, "Yes, sir. God bless you."

There was applause in the Chamber.

Judge Molony said, "Thank you, Mayor and members of Council. I will echo Tom's remarks. He's been on the bench for 59 years. I've only been there for a year."

There was laughter in the Chamber.

Judge Molony said, "No, thank you very much. It really is an honor to serve as a Municipal Judge here in the City. I particularly like the Livability Court, which is my primary function, but Tom and I swap back and forth. We have great collegiality amongst all of the Judges, and thank you, Mayor, for making the recommendation. Thank you so much for the vote of confidence in me, and I assure you that I will do my dead level best to continue as I have for many, many years looking out for the best interest of all of the citizens here in the City of Charleston and doing it with the utmost integrity and honesty and fairness to all of our citizens. Thank you so much."

There was applause in the Chamber.

Councilmember Shahid said, "Judge Molony, before you leave, Judge Morrison said that you trained him."

There was laughter in the Chamber.

Mayor Tecklenburg said, "So, if I may expound for just a minute, and Judge Morrison particularly, if you don't mind staying for a minute. I know some of my colleagues on Council feel that I often make mistakes or missteps. I will share with you that occasionally I do, and I recognize that, and I have ears and I listen because this was contrary to the initial recommendation I made a couple weeks ago. I heard comments that maybe I had acted too quickly, and so, I called Judge Morrison earlier this week on Tuesday and then had what I should have had weeks ago, a more extended conversation about his service, about his devotion to the City, and to the court. Sir, I apologize, and I respect you wholeheartedly, and I just wanted to publicly say that, and I'm so glad that we had that conversation.

Now, I do want to take that just one step further and share with Council that, per our discussion, and I hope you won't mind me saying, Judge Morrison and Judge Molony, because I called him after that conversation, both made it very clear that this is their last term. So, we do, as I shared with you, have over 60 years of experience here, and when these two gentlemen really retire together, there will be a void. By the way, I did want to share with Council another, I guess, mistake that was made a couple of years ago when we thought we were staggering the terms, so all four Judges wouldn't come up at the same time. In fact, that was unnecessary because when Susan went back and reviewed the ordinance that set all of these positions up, in fact, the Chief Judge and the Chief Administrative Judge those, two, have four-year terms, but

the two Associate Judges truly only have two-year terms anyway. So, when we said a couple of years ago that we were going to change it so we would stagger it, it was already staggered because their term only was for two years. I don't know if the City had kind of collectively forgotten that, but that's what's in the ordinance. Isn't that right, Susan?"

Susan Herdina said, "That's correct."

Mayor Tecklenburg said, "So, all of that being said, I would like to propose to Council that we have an additional Associate Judge. It really doesn't require Council approval, but I want to share this thought and concept with you and ask for your approval for an additional Associate Judge because when the two of them retire, we want somebody to be there and be ready and have some training and have some direct experience, and even though you may learn a lot of things in law school and know the law, there are certain things that are a little peculiar to Municipal Court. Isn't that right, Judge Molony? Like short term rentals, livability, the homeless court, so there are many aspects to our Municipal Court that are somewhat unique, and from what I understand, you don't take a course in law school to learn those things. We do have funds available in our Municipal Court budget to do that this year, and I would propose to keep the appointment that I had recommended a couple of weeks ago, and that being Kelsey Willey, and bring her on as an Associate Judge. I talked to both Judge Morrison and Molony about serving as a mentor to her, and they both agreed, so that over the next two years she would be able to gain the experience that would be terrific for her to have when the time comes for you all to retire. So, I bring that suggestion and ask for Council's approval to do so."

Councilmember Shahid said, "So moved."

Councilwoman Jackson said, "Second."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Mr. Mayor, can we just ask Ms. Wharton to come up and confirm that those funds are available in our 2019 Budget because I know we didn't appropriate them for that."

Amy Wharton said, "They aren't available in the Municipal Court budget, but there is a non-departmental and contingency fund that we could use funds from there, but we would have to bring that to you all as a budget transfer and budget them in."

Councilmember Griffin said, "So, even if the Mayor just said it doesn't take Council's approval, it really will because we're going to have to move funds around to make it work."

Ms. Wharton said, "Right."

Ms. Herdina said, "Councilmember, just for clarification, the ordinance does not specify how many Associate Judges you can have. That's the distinction."

Councilmember Griffin said, "Right, but if we move funds from one source to another, we have to approve that."

Ms. Herdina said, "Correct."

Councilmember Griffin said, "So, Mr. Mayor, I would just ask and I completely, you called a lot of us, and we had a good candid conversation. I completely understand what you're saying, that our court system is a little bit different with Livability Court, but what I would ask is what makes

Mrs. Willey qualified to be in this courtroom? Does she have any credible experience, and would it be a better decision to have somebody who has actually tried a case in this court before with actual Municipal Court experience rather than somebody who, based on her resume, I didn't see much of that?"

Mayor Tecklenburg said, "Well, I don't know that we'll have an opportunity to hire an existing Municipal Judge from another City. Of course, Councilmember Shahid has served as a Municipal Judge before, but he can't take the job."

There was laughter in the Chamber.

Councilmember Seekings said, "But he could."

Councilmember Griffin said, "Mr. Mayor, what I asked was--"

Mayor Tecklenburg said, "I hear you. So, I don't know that I can say it better than the letter of recommendation that I sent to you today from Debra Gammons, who is a Professor at the Charleston School of Law, and was just a week or two ago elected as the President of the Charleston County BAR because, as she says here, 'A Judge needs to be fair and civil. A Judge must know the law. Charleston Municipal Court has a strong reputation, Judges who are knowledgeable, caring, respectful, respected, and fair. Ms. Willey has those characteristics to continue and uphold the strong reputation of our court and is highly qualified to serve as a Charleston Municipal Court Judge'. So, it's your knowledge of the law, but it's also I think your temperament, your positive attitude, your being able to remain calm, but also the knowledge of Constitutional Rights. All of that is mentioned here in Ms. Gammons's recommendation, which again, I don't know that I could express any better than her, who was a teacher of Ms. Willey at one time at the School of Law. So, I believe that's why, with a couple of years under the mentorship of these two fine gentlemen, we would set ourselves up to make a good transition when the time occurs, and that's what I'm trying to recommend to you."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Yes, I think I just got confused myself here, but I thought that Councilmember Griffin, seconded by him, had proposed to make the vote on these two gentlemen right here."

Mayor Tecklenburg said, "That's correct."

The Clerk said, "That's what I'm trying to say."

Councilmember Wagner said, "We have not done that yet."

Mayor Tecklenburg said, "Okay. We'll call the question on that. I'll be glad to call the question on the reappointment of Judge Molony and Morrison."

On a motion of Councilmember Seekings, seconded by Councilmember Mitchell, City Council voted unanimously to approve the reappointment of Judge Michael Molony and Judge Tom Morrison to the Charleston Municipal Court.

The Clerk said, "Okay, and Susan--"

Councilmember Wagner said, "Now, we can go to two."

Councilmember Mitchell said, "Now, Mayor, before we do that."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I would like, with Council, we can go ahead and swear them in now."

The Clerk said, "That's what I'm trying to ask. Susan, are you ready?"

Councilmember Mitchell said, "She'll find something."

Councilmember Seekings said, "We need the oath."

The Clerk said, "Yes."

Councilmember Mitchell said, "So, we can do that, and that will be all."

The Clerk said, "Right."

Mayor Tecklenburg said, "I knew there was a reason I didn't want you all to go yet. Well, you all come forward. I didn't bring my Bible over even though I do have one in my office. Are we adequate if you just raise your right hand and repeat after me?"

Councilmember Waring said, "I'll go get the Bible. Where is it?"

Mayor Tecklenburg said, "It's right on the settee to the right of my desk."

Councilmember Moody said, "I can bring up my Bible on my iPad here."

There was laughter in the Chamber.

Mayor Tecklenburg said, "Can you both put your right hands on there at the same time?"

The Clerk said, "I'll hold it."

Councilmember Shahid said, "I think we should stand."

Judge Morrison and Judge Molony took their oaths of office.

Mayor Tecklenburg said, "Congratulations!"

There was a standing ovation in the Chamber.

Mayor Tecklenburg said, "Alright. We settled that matter. Now, where were we?"

The Clerk said, "You're discussing the second."

Mayor Tecklenburg said, "We had a motion on the floor and a second to appoint--"

Councilmember White said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes."

Councilmember White said, "I just had a couple of questions."

Mayor Tecklenburg said, "Yes, sir."

Councilmember White said, "One, how much is this actually going to cost for this role in 2019 and then, subsequently, in 2020 and beyond?"

Mayor Tecklenburg said, "For 2019, it would be half a year and \$15,000. So, then it would be \$30,000 in 2020. That's assuming that they continued and serve out their full term."

Councilmember White said, "So, one of the things I have to say, I'm a little confused on the process. Normally, as a manager, you would identify a problem and, in this case, the need for creating, I'm full of puns, 'bench talent' for the future for Judges. Then, at that point, you would go out and identify candidates to interview and identify to fill that role. In this case, it really appears that we're creating a role for one person because no one else, unless I misunderstood, has been considered for this role at all. So, I guess my question is, if it's really not about identifying bench talent because it's clear that it's just being created for Ms. Willey, why? I'm not sure I get that."

Mayor Tecklenburg said, "What I've come to understand is that this is a pretty unique position. It was in our regular queue, if you will, of appointments but, in fact, it's more like a City employee because there are issues such as retirement and health insurance. The Judges are actually on our payroll. So, it's a little hybrid of an animal, I must admit, and I didn't fully have my head around that, as I mentioned before. So, there were positions available online just like there were for these other Boards and Commissions that we've just deferred. There were a couple of other individuals who in fact applied for the position, in addition to Ms. Willey, so that did occur."

Councilmember White said, "But, in reality, it's not \$15,000 because if they're on our insurance, it's salary plus benefits."

Mayor Tecklenburg said, "Well, that's correct."

Councilmember White said, "That could be fairly substantial, so what's the actual number?"

Mayor Tecklenburg said, "I don't know the insurance costs for this position. I'd have to find out and let you know back unless Ms. Wharton knows. She might have an estimate."

Ms. Wharton said, "For this year, it would be \$15,000. I'm not sure exactly what we would do for next year."

Councilmember White said, "That would include benefits?"

Ms. Wharton said, "Yes, that's the number for 2019."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "So, I just want to follow up a little bit to Councilmember White. As several matters of procedure, I think what we're doing here is, in order to do it, we have to follow, and I'm hoping Legal Counsel is along with me, but we would have to amend our agenda to bring this up because we're creating a new position. We also then have to amend our budget because if you go and look at the qualifications for any Judge, whether it's a Chief Judge, an Administrative Judge, or an Associate Judge, what the ordinance says is, 'The Municipal Court shall be presided over by the Chief Judge of the Municipal Court, and such Associate Judges as are provided for in the annual budget'. In this year, we provided for four. We haven't provided for a fifth Associate Judge, so we'd have to go back and amend that. We're then going to have to create a new position tonight and fill it. All of that without any notice to anybody at all and I think, procedurally, that's problematic for me considering in advance or in addition to that, that

this is a job for City Council, that we are the entity that is to fill these positions. We haven't even created it yet, and we're going to do all of that at one time. With all due respect, Mr. Mayor, I get that we need to fill the bullpen, but we've got two years. We just appointed two very capable people for two years. Let's do it right procedurally. Let's get the application process done. Let's see who is interested. Let's get the BAR involved, and if there are people to be put forward, let's consider them. But to amend an agenda, amend a budget, to create a new position, and fill it all tonight without any notice, I think, is about one, two, three, four steps too far."

Mayor Tecklenburg said, "Well, I appreciate the comments. You heard Ms. Herdina say a minute ago we don't have to create a new position. Yes, we do have to make a budgetary transfer in order for there to be enough money in the Municipal budget to cover it, but we don't technically have to approve the creation of a new position. As I mentioned, right or wrong, this had been treated like these other Boards and Commissions' appointments, and I had presented her name to you two weeks ago, so there was some notice. I certainly respect the fact that we need to vote as a Council to make a budgetary transfer to the budget, and we could do that this evening, but I respect Council's wishes."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I'm going to be a little bit more blunt. That was part of my question as the process of doing this. I have a problem with the politicization of this woman and her husband quite frankly--"

Councilmember Gregorie said, "Mr. Mayor."

Councilmember Moody continued, "and their relationship with--"

Councilmember Gregorie said, "Mr. Mayor, a point of order."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Gregorie said, "I think this should be in Executive Session. I think we're getting into some personnel issues. We're getting ready to discuss the background of someone publicly. I think we should do this in Executive Session and not on the floor."

Mayor Tecklenburg said, "It being a Legal matter, I'm going to look to our attorney."

Ms. Herdina said, "My concern would be to the extent we would be getting into personnel issues, personal qualifications of a candidate, then I would recommend that you consider going into Executive Session."

Mayor Tecklenburg said, "Is that a motion?"

Councilmember Gregorie said, "Yes."

Councilmember Shahid said, "Second."

Councilmember Griffin said, "Mr. Mayor, can we go ahead and do all of the Executive Session stuff at one time now?"

Councilwoman Jackson said, "At the end."

Councilmember Griffin said, "No, now."

Councilmember Lewis said, "We're just about finished with the agenda. I don't know why we can't just finish it. We've got to go into Executive Session one time. Do it all at one time at the end of the meeting."

Mayor Tecklenburg said, "We can do it now, or we can do it later."

Councilmember Seekings said, "Can we at least get on the record a vote as to whether we think this should go into Executive Session or not because I don't believe that it should."

Mayor Tecklenburg said, "Okay. Well, do you want to go into--"

Councilmember Seekings said, "I want to at least put a vote on to whether or not we can continue this debate or go into Executive Session. There was a motion made to take this debate into Executive Session. We need to vote on that, and then we can put the Executive Session off to the end, but let's vote on the Executive Session."

Councilmember Gregorie said, "I made the motion, and it's not the debate. It's discussing a personnel matter of an individual publicly."

Councilmember Seekings said, "I understand your motion. I'm ready to vote on whether we go into Executive Session or not."

On a motion of Councilmember Gregorie, seconded by Councilmember Shahid, City Council voted to go into Executive Session at 7:16 p.m.

The vote was not unanimous. Councilmembers Seekings and Griffin voted nay.

On a motion of Councilmember White, seconded by Councilmember Mitchell, City Council voted unanimously to come out of Executive Session at 7:41 p.m.

Mayor Tecklenburg said, "We're out of Executive Session. Let the record show that no action was taken during Executive Session. There was a motion on the floor."

Councilmember Shahid said, "Withdraw the motion, Mr. Mayor."

Mayor Tecklenburg said, "The motion has been withdrawn. Let the record show that no action will be taken on this matter tonight until we're able to approve the necessary funds in the budget to be able to fund the position. Alright. Moving on to Committee Reports, Community Development."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "The Community Development meeting was held on Thursday, March 7th at 4:30 p.m., and we had two items that we discussed on the agenda and both items were approved. However, under the Opportunity Zone Proposal, which is simply a zoning amendment to encourage the development of affordable housing, the Committee asked the Planning staff, in concert with the Housing and Community Development staff, to review and revise the current fee structure. The Committee believed that the fee structure was excessive, and it wanted the staff to determine what fee would be most appropriate for this zoning. Jacob Lindsey is the Department Director of Planning, and Dexter O'Connell prepared the amendments. Staff will follow up with the recommendation, specific to the fee, prior to the second and third reading of this proposal of this ordinance. So, I move for approval."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "Alright. So, do we have any staff here that are going to report on the changes that were contemplated for the Opportunity Zone?"

Councilmember Mitchell said, "That will be coming back to us at the next meeting once they get it. The attorneys are now getting all of the legal information together."

Mayor Tecklenburg said, "I thought we were going to bring it to this meeting here tonight?"

Councilmember Mitchell said, "No."

Mayor Tecklenburg said, "Okay. Alright."

Councilmember Mitchell said, "No."

Jacob Lindsey said, "Councilmember Mitchell is correct. Staff are taking actions as directed by the CD Committee, and a draft ordinance is with Legal at the moment. Assuming that everything checks out, we'll bring it back to you for a first reading at the next meeting."

Mayor Tecklenburg said, "Alright. Got it. Sorry I misunderstood that."

On a motion of Councilmember Mitchell, seconded by Councilmember Griffin, City Council voted unanimously to adopt the Committee on Community Development Report as presented:

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

a. **Old Business:**

Opportunity Zone Proposal for the City of Charleston

b. **New Business:**

Community Development Block Grant Timeliness Requirement and Reallocation of Funds

Mayor Tecklenburg said, "Next is the Committee on Public Works."

Councilmember Waring said, "The Acceptance and Dedication of the Rights-of-Way and Easements passed unanimously, so I'll comment on Miscellaneous."

Councilmember Shahid said, "Second."

The Clerk said, "So, you made the motion?"

Councilmember Waring said, "Yes, I made the motion for Items 2.a.(1) and 2.a.(2)."

The Clerk said, "Thank you."

Mayor Tecklenburg said, "2.a.(2). Okay."

On a motion of Councilmember Waring, seconded by Councilmember Shahid, City Council voted unanimously to approve Items 2.a.(1) and 2.a.(2) of the Committee on Public Works and Utilities as presented:

a. Acceptance and Dedication of Rights-of-Way and Easements:

- (i) Dedication and Acceptance of Bennett's Bluff, Phase 2- Elliott's Cut Drive (50'r/w, 1093 LF), Charming Nancy Road (50' r/w. 1682 LF), Rivers Cotton Drive (50' r/w, 1266 LF), Captain Rivers Drive (50' r/w, 1062 LF). All infrastructure with the exception of sidewalks has been completed, inspected and accepted. The sidewalks have been bonded. ***(To be sent out under separate cover by the Department of Public Service)***
- Title to Real Estate
 - Affidavit for Taxable or Exempt Transfers
 - Exclusive Stormwater Drainage Easement Agreement
 - Map
- (ii) Concrete sidewalk, brick pavers, lights and street trees. Approval to notify SCDOT that the City intends to accept maintenance responsibility for the above reference items to be constructed in conjunction with the Charleston Technology Center at 999 Morrison Drive on Morrison Dive (US 52), Conroy Street (S-219) and Romney Street(S-126) ***(To be sent out under separate cover by the Department of Public Service)***
- Letter
 - Map

Councilmember Waring said, "Then, on the updates from the Project Manager, I don't know if they're still here, but I thought it was worth the whole Council hearing some of the updates which were very good updates on some of the drainage projects that we have. Is Mr. Kirk still in the room?"

Councilmember Mitchell said, "He's already gone."

Mayor Tecklenburg said, "Yes, Mr. O'Brien is going to come forward."

Councilmember Waring said, "Well, we'll save that for the next time. Oh, Mr. O'Brien is still here. Thank you, Mr. O'Brien."

Tom O'Brien said, "Steve and Frank had other commitments, but I've got Steve's updates. Basically, the highlights Steve wanted to do on Spring/Fishburne are, the tunnel machine has been taken out of the President Street shaft, and that's a pretty big highlight for us. On Phase 4, the pre-con is scheduled for tomorrow with notice to proceed to be given to Conti on Monday for that. Once they get all of their materials, they'll be starting work on Phase 4. The Market Street Drainage Plan, the plans are 95 percent complete, and we anticipate bidding in the third quarter of this year. Let's see what else Steve had. On Church Creek, the Flood Reduction Study with Weston & Sampson, the Hickory Farms Diversion Channel Project is about 60 percent complete. We look for the construction to take place sometime this summer, and that is anticipated. Once that's all done, the cost estimate for that conclusion will be \$482,000 for that project. Also, we've got Amendment Two for further services which Weston & Sampson is reviewing. That is West Ashley Circle Lake, the CSX Whitfield Channel, Lake Dotterer Diversion, and the Tidal Gates on Church Creek. There is a current proposal from Weston & Sampson for \$1.6 million, which will be for the design services for that."

Councilmember Waring said, "Councilmember Griffin."

Councilmember Griffin said, "Mr. Chairman, I would like to bring to our Ways and Means meeting the next time around that we take that \$100,000 that we saved from the Dutch Dialogues and put that towards that \$1.6 million for the designs for Lake Dotterer CSX Rail and others, because we don't really have a funding source yet. I think that would be a good start that Dutch Dialogues was going to really touch on Church Creek. We're showing that this is a very important thing, and I think that that money we saved would be a good first start for that \$1.6 million that we've got to raise through our General Funds."

Mayor Tecklenburg said, "While I appreciate that comment, I don't know that the motion is in order, but this is a Committee Report of items that were on the agenda, but we can certainly consider that at a future time."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Mr. O'Brien, did I hear you correctly that Conti is preparing to get engaged for Phase 4?"

Mr. O'Brien said, "That is correct. Yes, sir. The pre-construction meeting will be held tomorrow, and the notice to proceed will be officially given to them on the 18th, which is Monday."

Councilmember White said, "Okay, and I know Steve had sent me an e-mail back about the value engineering work that we had asked to be done for Phase 4, so I just wanted to get an update if you've got one, when we can expect to get some hard data back from the value engineering."

Mr. O'Brien said, "They're looking at some of those items now. We anticipate in the next three to four weeks that we should have some information to bring back for you. They're looking at something with the piles. I'm not exactly sure. It's a lot of information that Steve talked about today, but they are looking at some of those items, and we will bring that back to you."

Councilmember White said, "I just want to make sure that we're process wise, if we've got a pre-con meeting, that we're not too far ahead."

Mr. O'Brien said, "They're not going to start turning direct. This would be mobilization. They've got to mobilize and start moving equipment in and things of that nature. There won't be any actual construction started yet."

Councilmember White said, "Okay, and then, lastly, if there were enhancements added in Phase 5, we would like to be able to get a copy of that and the subsequent costs with any enhancements in Phase 5 if we can. I think, maybe we should have a little short notice, we're meeting with the AdHoc meeting Tuesday of next week. If it's possible that we can get that, that would be great. I think it would be good for our discussion, holistically, about all of the things that we're working on, on this project then."

Mr. O'Brien said, "I'll speak to Steve tomorrow and see what we can get together for the Committee report."

Mayor Tecklenburg said, "I'm sorry. Did you mean enhancements for Phase 5?"

Councilmember White said, "Yes. What did I say, 4?"

Mayor Tecklenburg said, "You said 5, but we might be well over a year or more before we even get bid documents prepared for Phase 5."

Mr. O'Brien said, "That is correct. Yes, sir."

Mayor Tecklenburg said, "We haven't engaged anyone to make any enhancements or to study any enhancements. We just don't have anything like that ready."

Councilmember White said, "Yes. So, there are no enhancements that were added to Phase 5?"

Mayor Tecklenburg said, "We hadn't done Phase 5."

Mr. O'Brien said, "There has been no design for Phase 5 yet."

Councilmember Waring said, "Phase IV had about 16 of them, Councilmember."

Councilmember White said, "Okay, I understand. Thank you."

Councilmember Waring said, "Are there any questions from any other? Councilmember Lewis and then--."

Mayor Tecklenburg said, "A point of order."

Councilmember Waring said, "It's my Committee Report."

Mayor Tecklenburg said, "It is your Committee Report, but I do believe I continue to conduct the meeting here at City Council. I'm glad to recognize anybody who wants to be recognized during your report."

Councilmember Waring said, "Well, I'll send a point of order back to you. When the Committee Report has been given, it's been the custom that the Chairman conducts that report."

Councilmember Griffin said, "Always. You have to go back and watch the video."

Councilmember Waring said, "If we're trying something new now, Real Estate does that and Community Development just did that. This is the Public Works and Utilities Report. You called on me."

Mayor Tecklenburg said, "Correct."

Councilmember Waring said, "I'm giving that report."

Mayor Tecklenburg said, "I've been conducting the meetings here for three years, Councilmember Waring."

Councilmember Waring said, "That's the way you've been conducting it."

Mayor Tecklenburg said, "No, sir."

Councilmember Waring said, "Yes, you have."

Mayor Tecklenburg said, "I continue to recognize during City Council meetings although sometimes I get a little slack, I guess. I believe it's still my meeting to run, and I'm glad to recognize--"

Councilmember Waring said, "The Council meeting is your meeting to run. I grant you that. I'm not disputing that."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "But the reporting of this Committee Report is the Chairman's report to report out to Council."

Mayor Tecklenburg said, "After you give your report, then it's--"

Councilmember Waring said, "I'm not finished with the report."

Mayor Tecklenburg said, "Well, would you please finish your report, sir."

Councilmember Waring said, "Councilmember Lewis, I'm recognizing him."

Mayor Tecklenburg said, "That's not a part of your report, though."

Councilmember Waring said, "He had a question about the report."

Mayor Tecklenburg said, "I'll be glad to recognize him if he would like to ask a question."

Councilmember Waring said, "I defer to you. You're having a great day today."

Councilmember Gregorie said, "I've got a question."

Mayor Tecklenburg said, "Thank you. Councilmember Lewis, did you have a question?"

Councilmember Lewis said, "I just wanted to ask Mr. O'Brien if I could get an update on Huger and King at the next meeting. That's all."

Mr. O'Brien said, "Huger and King."

Councilmember Lewis said, "At the next meeting."

Mr. O'Brien said, "Yes, sir. I'll have it for you at the next meeting. We had a little report, but I can't remember. Frank had to leave for another commitment."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, I would just like to go back to Councilmember White's question about enhancements for Phase 5 because I thought it was a legitimate question. Because of what happened during the last phases which is costing us, what, \$30, \$40 million? I'd hate for us to wait one, two, three, four, five years to start on bids for Phase 5 and end up five years from now needing another \$30 million. I just thought that was a legitimate question to raise, and I think it deserves some kind of answer because we ended up with an exorbitant amount for Phase 4, and I just don't want that to happen in Phase 5. So, if there is some type of oversight or some way we would know what that cost may be at least, I thought that was a fair question."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I'll just speak to that. It was my recollection from Ways and Means that it was discussed about the enhancements that had been added to all of the phases of the projects. I assumed that meant additional things that had been discussed and included. We had obviously priced out Phase 5 because we know what we're short, so I presumed that there were enhancements that were included in that. So, that's kind of where my thought process was coming from. We're going to have to start figuring out a way to pay for Phase 5 because we've got a \$100

million worth of tunnels that are only half valuable to us. What a waste of \$100 million if we don't get it finished. So, it's now time to start having the conversations. How do we shave this project down? If there are any enhancements that have been contemplated and priced in for Phase 5, let's take them out now. We need to know where we're at, where we're going, and most importantly, how in the world we are going to pay for it. That was my point. Thank you."

Mayor Tecklenburg said, "Alright. Well, I guess we can ask if there were any "enhancements" already for Phase 5. My understanding is that we haven't contracted with our engineering firm to do the design documents for Phase 5 yet, even though they have all of these conceptual design and estimates. So, until they do that, we wouldn't have those enhancements specified yet, but I could be wrong, so let's ask them."

Mr. O'Brien said, "You are correct, sir. We haven't started that design, and we would go through that. There is an estimate for that phase based on concept to finish the project as designed, but the actual nuts and bolts we have not started yet on Phase 5."

Mayor Tecklenburg said, "Right. We'll ask."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Chairman Waring, one of the things that I would like for you to include is what we discussed with the report to come back on those apartment complexes off of Ashley Hall Road. I think there was a study done back in the 80's concerning that, so we talked about that at our Committee meeting, as well."

Councilmember Waring said, "We did."

Councilmember Shahid said, "Thank you, sir."

Councilmember Waring said, "Mayor, I'm going to ask for a point of order, and the reason I said that is it's been the custom that the Chairman of the Committee gives the report until the conclusion of that report. I know we don't have that answer tonight. So, I'm going to ask Legal and the Clerk to come back with an answer to that, because from now on these Chairmen need to turn over the reporting of their Committees to you as the presiding officer."

Mayor Tecklenburg said, "No, sir. That's not what I said. I'm happy to receive your report."

Councilmember Waring said, "This report hasn't been completed."

Mayor Tecklenburg continued, "That should happen, but if there is additional conversation that occurs beyond your report, I believe it's the duty of the Chair to conduct the meeting."

Councilmember Waring said, "I'm asking to get a ruling on that between now and the next meeting, not from the presiding officer, but from our procedures and the Rules of Council, because that's not the way I've seen it, and that's not the way you've seen it. To say that you've conducted that where we've got too much film to show that's not the way these meetings have been conducted under your three years."

Mayor Tecklenburg said, "I've always felt like I conducted the meeting. Like I said, sometimes I let discussion flow, and I think that's a healthy thing for us, but--"

Councilmember Waring said, "I'm not asking for a ruling tonight. I'm asking for you all to research that, look at the Rules of Council, and if that's the case then the remainder of Council, the Chairman of Council, can conduct themselves accordingly."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Mr. Mayor, I think that you were right. I want to apologize. I spoke a little bit out of order about the \$100,000, but what I will ask is that it's brought up at our next Public Works Committee. If our Committee approves it, it should go to a meeting with our Stormwater Department, but if that money is approved, it should go to Ways and Means for the next agenda because I don't want to see that money get lost in translation. It should go to Lake Dotterer."

Mayor Tecklenburg said, "I assure you we won't let \$100,000 get lost, and I would respectfully--"

Councilmember Griffin said, "Well, it could be spent somewhere else."

Mayor Tecklenburg said, "Well, it's dedicated in my mind, if not in reality, to stormwater related expenses. So, I think that will be part of our discussion of budget priorities for stormwater, and it would come back before the Ways and Means Committee. It was budgeted in our annual--"

Councilmember Griffin said, "It was budgeted in 2018, though, so it wouldn't be coming up in your 2019 Ad Hoc Budget meeting. It's money that we have that we didn't appropriate from 2018, and I think we should appropriate it to Lake Dotterer."

Mayor Tecklenburg said, "Thank you very much. Mr. Chairman, do you have any additional things in your report?"

Councilmember Waring said, "Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir."

There was laughter in the Chamber.

Councilmember Waring said, "Thank you, Mr. O'Brien. Mr. Newham gave some very good reports on updates for cleaning out pipes, and as a matter of fact, one was on Lamboll that had, I think it was, 80 percent flow with pluff mud compacted in all of that. The system of hiring the Project Managers and teaming up with our drainage people and the private sector is engaged and is working and is working very efficiently. Maybe we can ask for Public Works and Utilities going forward to be a little bit sooner because it's beneficial for all Councilmembers to hear from our engineers on what's being done. It's good for the citizens to hear it. It's not going to be covered in Committees in a broad way. With drainage having the priority that it's going to have and should have and rightfully have, I think the public should have access to the accurate information that our engineers are bringing forth. He had a very good report on that, and I think you all need to hear it because it's going to trigger some servicing opportunities that you all know about in your districts where pipes are compacted and the like. So, it's great for Public Works and Utilities Committee members to hear, but that's five of us. The balance should hear it. We had an update from the Floodplain Manager. Thank you, Mr. O'Brien."

Mr. O'Brien said, "Yes, sir."

Councilmember Waring said, "I don't know if you want to come and share some information. On second thought, just a quick summary now."

Stephen Julka said, "Sure. The Freeboard is coming in a little bit, but I just want to give an update about our most recent and, hopefully, final submittal of requested information following the Community Assistance visit from FEMA and DNR that occurred last August. Now that that chapter is hopefully closed, we will just proceed into focusing a lot of attention on our Community Rating System upcoming cycle visit."

Councilmember Waring said, "Okay. Thank you, and the last thing was the update on easements and drainage, particularly in the older areas where we need to acquire easements to create the ditches, compliments to Legal staff. They've got two or three of them in motion now. So, in other words, over in Ardmore and I think a couple in Councilmember Shahid's District."

Councilmember Shahid said, "Correct."

Councilmember Waring said, "That's something that we're going to need going forward in a lot of the older areas, in particular, west of the Peninsula, James Island, West Ashley, and Johns Island. So with that process, I hope we're going to get better because we're going to need a lot of it going forward, so compliments to the Legal staff. We've asked for it, and now they're doing it. Thank you, and that's the balance of my report."

Mayor Tecklenburg said, "Thank you very much. I don't think any of that required any action. So, I would share with you, and Katie very briefly mentioned it when she gave her Resiliency Report, that our new website, and it's available through our City website, the information on drainage and flooding includes an update on all of those projects that you were referring to. It's always good to give an oral presentation, but the information is available online. So, next is our Committee on Ways and Means."

Councilmember Shahid said, "Move for approval."

Councilmember Mitchell said, "Second."

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

The Clerk said, "Is the second Councilmember Mitchell?"

Councilmember Mitchell said, "Second."

The Clerk said, "Thank you."

Mayor Tecklenburg said, "Mr. Chairman, Councilmember White, do you have any further report?"

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

Councilmember Seekings said, "Will you record the votes from Real Estate?"

The Clerk said, "We'll record the votes. Yes."

On a motion of Councilmember Shahid, seconded by Councilmember Mitchell, City Council voted to adopt the Committee on Ways and Means Report as presented:

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

(Budget Finance and Revenue Collections: Approval of the 2019 Master Lease Purchase Financing Agreement in the amount of \$7,923,270 with Banc of America Public Capital

- Corp., Richmond, VA; Solicitation #19-B002C [Ordinance]
- (Bids and Purchases)
- (Office of Cultural Affairs: Approval to apply for \$2,000 in funding from the Jerry and Anita Zucker Family Endowment Fund of the Coastal Community Foundation. Funds will be used to support outreach programming of the 2019 Piccolo Spoleto Festival. No City match is required.
- (Police Department: Approval to submit the FY19 SCDPS Edward Byrne Memorial Justice Assistance Grant application to fund the salary of one (1) Forensic Criminalist for the purpose of plant material analysis in the CPD Forensic Laboratory. The application for this grant is due 3/15/2019. This grant requires a City match of 10%. (\$66,357 - \$41,666 salary, \$20,248 fringe benefits, and \$4,443 equipment – City match of \$6,636)
- (Mayor's Office for Children Youth and Families: Approval to accept the AmeriCorps VISTA Grant award to place 26 VISTA members at agencies/organizations serving the Charleston community, and 2 VISTA Leader positions to serve with MOCYF. No City match is required. This is an after-the-fact approval.
- (Police Department: Approve contract between the City and Turning Leaf Project. Turning Leaf provides a post release reentry program for recently released inmates. The amount to be paid by the City is \$85,000.
- (Parks-Capital Projects: Approval of International African American Museum Construction Manager at Risk (CMAR) Fee Amendment #1 in the amount of \$95,000 for value engineering and extended pre-construction services and extends the contract completion date by 138 days. Approval of Fee Amendment #1 to the professional services contract will obligate \$95,000 of the \$12.5 million design and engineering phase of the project funded by the City Council's previously approved accommodations tax bonds.
- (Parks-Capital Projects: Approval of the Louis Waring, Jr. Senior Center Fee Amendment #5 to the Professional Services Contract with Liollio Architecture in the amount of \$45,000 for an additional 213 days of construction administration through April 1, 2019 due to delays in construction . The Construction Contractor has agreed to issue a change order credit for these services upon completion of the project. This is formatted as a not-to-exceed fee in the event the contractor limits the amount of construction administration work needed. This approval will result in a budget transfer of \$45,000 to the Professional Services Contract from the Project Contingency. Approval of Fee Amendment #5 will result in a \$45,000 increase to the Professional Services Contract (from \$709,044.20 to \$754,044.20). The funding sources for this project are: 2012 General Fund Reserves, 2014 GO Bond, 2013 General Fund Reserves, 2014 General Fund Reserves, and Capital Contribution from Roper St. Francis.
- (Public Service: Approval of High Battery Stone Revetment Repair Change Order #1 with S.J. Hamill Construction Company, LLC in the amount of \$35,000 for additional Class B rock to finish work along the high battery revetment. Additional extension of contract time of 21 days due to the tidal nature of the job and inclement weather days and an extension of the repair work by an additional 50ft. Approval of Change Order #1 will increase the construction contract by \$35,000 (from \$935,506 to \$970,506). Funding for this is from the Emergency Fund.
- (Public Service: Approval of Low Battery Seawall Repairs Change Order #1 with Palmetto Gunite Construction Co., Inc. in the amount of \$116,816 for the repair of continued concrete damage along 298 linear feet of the low battery wall including several damaged posts that were identified in a February 19, 2019 site visit. This extends the contract completion date by 45 days. Approval of Change Order #1 will

- increase the construction contract by \$116,816 (from \$359,976 to \$473,792) which will be paid with funds currently reserved for the Seawall Project.
- (Public Service: Approval of emergency repair work with B&C Land Development, LLC, in the amount of \$55,218 due to the failure of a brick arch on Lamboll St. causing a sinkhole to form adjacent to a residence with potential to cause further damage to the street and property. The funding source is the Drainage Fund.
- (Request approval of the Memorandum of Understanding whereby the term of the City's leased space located in the MUSC Children's Hospital for police forensics is extended to May 31, 2020 in the amount of \$1,905.50 per month. The property is owned by The Medical University Hospital Authority (MUHA). (TMS: 460-15-01-043; 171 Ashley Avenue)
- (Request approval of the Second Amendment to Lease Agreement whereby the term of the Lease for City Fire Station #20 is extended to December 31, 2021, with the option to renew for two additional terms of one year each. The property is owned by Hidden Cove Associates, Inc. The rent will be \$5,701.13 for the first year. (TMS: 271-00-01-084; 1006 Pinefield Drive)
- (Request approval of Bus Stop License Agreement with the Charleston Area Regional Transportation Authority for CARTA Stop ID No. 567-201 President Street (TMS: 460-07-03-001; 201 President Street)
- (Request approval of Bus Stop License Agreement with the Charleston Area Regional Transportation Authority for CARTA Stop ID No. 589 – Savannah Highway at Wappoo Road (TMS: 350-05-00-073; Savannah Highway at Wappoo Road)
- (Request approval of the First Amendment to Lease whereby the City is extending its Lease with 160 St. Phillips St., LLC to allow for the Leased Premises to be used as a construction laydown area for the installation of the shaft of the Calhoun West Drainage Project. The property is owned by 160 St. Phillips St., LLC. (TMS: 460-12-02-052, 460-12-02-054, 460-12-02-055, 460-12-02-056; 16 Morris Street, 158-160 St. Philip Street, 162 St. Philip Street and 164 St. Philip Street) **[DEFERRED] Mayor Tecklenburg voted nay on the deferral.**
- (Request authorization for Mayor to execute an Easement Agreement, together with appropriate easement drawing, under which the City will grant a permanent easement to Flyway, LLC, at property designated as Charleston County TMS Nos. 458-09-02-068, to install, maintain, replace and repair certain personal property servicing the grantee's property. The property is owned by the City of Charleston. (TMS: 458-09-02-068; adjacent to City Parking Structure and to 5 Cumberland Street) **[DEFERRED] Mayor Tecklenburg voted nay on the deferral.**
- (Request approval of a Parking Lot Agreement between the City of Charleston and The United States Golf Association in the amount of \$5,000 for the rental and exclusive use of the Municipal Golf Course as a parking lot during the 2019 U.S. Women's Open Championship. [Ordinance] **[Disapproved 7 to 6.]**

First reading was given to the following bills:

An ordinance to authorize the execution and delivery of Lease/Purchase Agreements with Banc of America Public Capital Corp. in order to provide for the acquisition of certain Police, Fire, Public Service, Fleet, Stormwater and various other vehicles and equipment; to provide the terms and conditions of such Lease/Purchase Agreements; to provide for the granting of a security interest to secure all obligations of Lessee under the Lease/Purchase Agreements; to authorize the execution and delivery of all documents necessary or appropriate to the consummation of such Lease/Purchase Agreements; and to provide for other matters related thereto.

The vote was not unanimous. Mayor Tecklenburg voted nay on deferring Items 15(e) and 15(f) of the Ways and Means Report. Mayor Tecklenburg, Councilmembers Lewis, Mitchell, Seekings, and Jackson voted against disapproving Item 15(g) of the Ways and Means Report.

Mayor Tecklenburg said, "Next is our bills up for second reading."

Councilmember Griffin said, "Move to take K-1 through K-6 together."

Mayor Tecklenburg said, "K-4 and K-5 were deferred by the applicant, so we would be taking K-1, K-2, K-3, and K-6, if that's acceptable."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a motion and a second for K-1, K-2, K-3, and K-6. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Griffin, four (4) bills (Items K-1, K-2, K-3, and K-6) received second reading. They passed second reading on motion by Councilmember Gregorie and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Shahid, the rules were suspended, and the bills were immediately ratified as:

2019-015 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1004 PHYSICIANS DRIVE (WEST ASHLEY) (0.84 ACRE) (TMS #309-00-00-075) (COUNCIL DISTRICT 7), BE REZONED FROM GENERAL OFFICE (GO) CLASSIFICATION TO COMMERCIAL TRANSITIONAL (CT) CLASSIFICATION. THE PROPERTY IS OWNED BY DR. MARCELO HOCHMAN.

2019-016 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 AND 41½ LINE STREET (PENINSULA) (0.077 ACRE) (TMS #459-05-03-113) (COUNCIL DISTRICT 4), BE REZONED FROM LIGHT INDUSTRIAL (LI) CLASSIFICATION TO MIXED-USE/WORK FORCE HOUSING (MU-2/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY SCOTT W. KAY.

2019-017 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON MAGNOLIA ROAD AND LIVE OAK AVENUE (WEST ASHLEY) (0.36 ACRE) (TMS #418-13-00-057, 418-13-00-292 AND 418-13-00-293) (COUNCIL DISTRICT 9), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-4) CLASSIFICATION. THE PROPERTY IS OWNED BY NATHAN AND MICHELLE HERTEL.

2019-018 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 214 RICE MILL PLACE (0.24 ACRE) (TMS# 269-01-05-023), CAINHOY, BERKELEY COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 1. THE PROPERTY IS OWNED BY MATTHEW HUNTER BAKER AND CHELSEA BAKER.

Mayor Tecklenburg said, "Give me just a minute folks. Next we have--"

The Clerk said, "I don't think we have a bill up for first reading."

Councilmember Mitchell said, "Everything is deferred."

Mayor Tecklenburg said, "K-7."

Councilmember Seekings said, "We have K-7."

Mayor Tecklenburg said, "Well, we've got to do K-7."

Councilmember Lewis said, "L-7 is deferred."

The Clerk said, "No, L-7 is deferred also."

Councilmember Mitchell said, "Everything is deferred."

Mayor Tecklenburg said, "That's under first readings. Under second readings, there is still K-7, the freeboard requirement."

The Clerk said, "Okay."

Councilmember Mitchell said, "Move for approval."

Mayor Tecklenburg said, "We've got a motion to approve."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "And we've got a second. Is there any discussion?"

Councilmember Waring said, "Mayor."

Mayor Tecklenburg recognized Councilmember Waring followed by Councilmember Seekings.

Councilmember Waring said, "Again, I'm going to speak out against this ordinance in that, and the example I'm going to use is Ansonborough Homes, Councilmember Mitchell. There was a community that was displaced because of flooding, and those people never had the opportunity to come back. That flooding incident affected one development. What we're doing now, I'm going to have to speak out for the areas I represent, Orleans Woods, Ardmore, a lot of the houses there are on slabs. East Oak Forest, well, you represent that, Councilmember Lewis, West Oak Forest. Virtually, this goes beyond the less fortunate. This piece about being able to raise slab houses at affordable costs, we can't do that. The numbers that we're being quoted aren't accurate. You ask engineers how much it costs to jack the house up a foot, two feet, whatever, our people can't give us an answer to that. We are focusing on the reduction in the cost of flood insurance because we get a couple of points. None of our people have given us answers on how much your homeowners insurance will go up, and that's if you have the broad form of coverage that can be picked up should you sustain a 50 percent or more loss, the right raising of your house.

The majority of the people in the City of Charleston do not have the money to hire a firm to put iron rails under their house, jack it up, put it on blocks, and, again, the brick mason and the like to come in and do that. Downtown, it costs hundreds of thousands of dollars to do it. Again, there are many perils that can cause a 50 percent or more loss to your home. We're focusing on one,

flooding. If a fire hits your house, your insurance company is going to give you the money to fix that house in place. The probability is you're not going to get the money because the City of Charleston says, 'You know what, you've got to raise it to 15½ feet'. That's got to come from personal savings and we've heard where, and this was in our report, I guess, the Federal Government is now looking at right now, I'm going to call it a grant for the lack of a better term, to raise your house, they'll give \$30,000. Well, I have a person in my district who happens to be a fireman, and he and his wife have experienced at least two flooding events that took them out of their home. I think it's been three. They've been trying to get the \$30,000 to raise their house, and it's been in excess of four years. They haven't gotten a penny. So, if the Federal Government carries that to \$60,000, we hope they do, how long does it take, or how long are you going to be displaced? What we're looking at is potentially, if we have a Hurricane Andrew that were to come through, or a Hurricane Michael that came through the Gulf, and creates a lot of wind damage, not flooding, a lot of wind damage, roofs blowing off, maybe a wall falling down, you're going to experience a 50 percent or more loss on your property. You're going to be displaced. You get the money to repair in place, and the City of Charleston says, 'No, no, we're not going to issue that building permit. You've got to raise your house up.' The Mayor and I have had this conversation. He said, 'We're already at FEMA +1', and I agree, 'They're already in that trap. Those homeowners are already in that trap', and I agree. It is a trap. These people don't even know that they are subject to have one of the largest expenses in their largest assets until a tragedy occurs. A tragedy has to occur, and then we're going to have to go down and have arguments over whether it's 50 percent loss, or more or less, and the areas that are going to be have a punitive effect will be the predominantly African American and brown areas. Why? From an appraisal standpoint, those are the lower valued properties. That means they're going to hit that 50 percent threshold or more sooner.

Last month, I brought the example of a lady in Councilmember Lewis's District whose house, from the County assessed value, is \$51,000. So, she gets \$25,501 worth of damage, technically, she's going to have to raise her house. I promise you, she doesn't have the broad form of coverage. There are tens of thousands of people in that position, and we are assigning this cost to them, 'Well, they could pay for it'. No, they can't. Is the money coming from the Federal Government? No. Is the money coming from the State Government? No. We certainly know we have a \$200 million City budget. If we dedicated every penny, got rid of the police, got rid of the firemen, no parks and recreation, we couldn't pay for it all, but we're going to assign that cost. Why? Because it makes good sense in a campaign. Flooding is number one, flooding is important, it is not number one when it comes to the homes our people live and raise their families in. If they knew what was happening to them, the line would be out the door. It's a confusing issue. Yes, we can get it off the table but, Mr. Mayor, I want you to look in that camera and tell the people who have slabs and low lying area that it is only going to cost, on a 2,000 square foot house, about \$2,100 more to raise, to jack, their house up off the ground, in particular, on a slab. The reason you're not going to do it is because you know it's not accurate. I know it's not accurate, and the majority of the financial minds around this table know it's not accurate, but we put that out in the newspaper. You call out Councilmembers as being wrong about raising this subject. The articles are being planted. Our people deserve better because we just had that conversation in Executive Session. Our people deserve better. So, I will vote against this and for the rest of this campaign. I'm up for re-election. I'm going to go to every community and every area that I can think of and speak about the extra costs that this City of Charleston is assigning to our residents should a tragedy hit us, a hurricane, a tornado, an earthquake, all of which we're overdue. Remember Hugo, many of us do. In 1989, Hugo was not a direct hit that hit in Awendaw and McClellanville, and Charleston looked like a bomb hit it after Hugo. So, we are willingly assigning the fact that we're going to raise houses and assign it to the blue collars, the working people, and the less fortunate on a subject that they really don't know about. We are the stewards on that. So, the motion is on the floor. I will put a substitute motion if I can get a second on the floor. The argument or the debate, I should say, has never been about new

construction. It has never been about substantial renovations of 50 percent or more. The difference has been on the existing homes. My amended motion would be new construction, substantial renovations. I would vote for that in a skinny minute, but for the existing houses, it would only apply if your house is damaged by flooding, not fire, not wind and hail, not an earthquake, not a tornado. That's my motion and if I can get a second to that."

Councilmember White said, "I'll second that."

Mayor Tecklenburg said, "There is a motion already on the floor."

Councilmember Waring said, "I have a substitute motion on the floor. We've done this before. A substitute motion takes precedence over the current question being considered. We went to Robert's Rules of Order on that about a year ago."

Mayor Tecklenburg said, "So, what's your substitute motion?"

Councilmember Waring said, "My substitute motion is, we'll approve freeboard for new construction and any substantial renovations of 50 percent or more. That is not where the debate is. I think we have a unanimous vote on that. The people with existing homes, that would only apply if their homes are damaged by 50 percent or more due to flooding, not to any other peril."

Mayor Tecklenburg said, "That was a long motion."

The Clerk said, "I believe, Councilmember Shealy, Councilmember Seekings, and then Councilwoman Jackson want to speak."

Councilmember Waring said, "But I did get a second to the motion."

Councilmember White said, "Yes, I'll second the motion."

The Clerk said, "Yes, I have the second from Councilmember White."

Councilmember Waring said, "Thank you."

Councilmember Griffin said, "I'll speak, too."

The Clerk said, "Okay, and fourth is Councilmember Griffin."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Thank you, Madam Clerk. I do want to say that most of what Councilmember Waring was saying is correct. He referred to a broad form of coverage. It used to be very simple. You had the broad form of coverage or you didn't. It's actually a little more complicated than that with homeowner's insurance to date. Since Hurricane Katrina, insurance companies have kind of changed things on homeowner's insurance. It's a little a` la carte, if you will. You can kind of pick and choose the coverages that you want. Most people, when they're quoting, particularly if they're buying a home, people are quoting, and they're looking for the cheapest possible quote out there. I blame it on the insurance industry more than anything because, 'in 15 minutes or less, we can save you 15 percent,' and that's all people think about, is how much money can I save. They're not really worried about how well they're covered. Now, there are some people that are concerned about how well they are covered. Those people may purchase a couple of different optional coverages on their homeowner's insurance. That would be building code coverage and building structure reimbursement extended limits.

If we're looking at saving money on flood insurance I, with my staff, since we talked about this in the last Council meeting, looked and compared the difference in the price for those two coverages on your homeowner's insurance compared to the amount that you save on your flood insurance. I can tell you, in most cases you're going to pay significantly more to be covered correctly and to have the additional coverage on your homeowner's insurance than you're going to save on your flood insurance. So, if we're just doing it for a matter of fact of saving some people a few dollars on their flood insurance, if they're going to be covered correctly, they're going to need to purchase this additional coverage, and it's actually going to end up costing them more for insurance than what they're going to save on their flood insurance. If they choose not to purchase the coverage, and let's say they are at one foot above base flood, now they're going to have to rebuild their home at two feet above, and they're not going to be properly covered at that point. Most homes built before 1974 can be below base flood elevation because 1974 is when FEMA came in and made these standards where you had to be +1. Most homes built before 1974 are not even at +1. A lot of them are below the base flood elevation, so they may be building their home much more than two feet. So, in doing this with existing homes, there will be a lot of underinsured people, and if we have losses of more than 50 percent, people are not going to be able to rebuild their homes. A lot of what Councilmember Waring is saying is absolutely correct in that regard, but I also want to make the point that if we're covering them properly, we may not actually be saving them money on their insurance overall."

Mayor Tecklenburg said, "Thank you, sir."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Stephen, I voted for this for first reading reluctantly for a couple reasons. One, we were talking about new construction and fill dirt. Have you given that anymore thought about whether or not, under this ordinance, we should require no fill dirt to meet these requirements and new construction?"

Mr. Julka said, "Sure. It is something that we discuss a lot in our office, and it is not something that I believe should be rolled into this particular ordinance amendment for consideration because this ordinance amendment is meant to apply Citywide, and the application of regulations regarding fill, I think, require a bit more research and understanding of different areas of the City before enacting a regulation of fill Citywide. So, I think that the two are certainly related and that we need to continue our investigation of fill regulations, but I'm not certain that this ordinance amendment is the right way to roll those together."

Councilmember Seekings said, "A fair point, but we are going to be looking at our stormwater regulations, that's coming. We've got a new Stormwater Director coming on Monday. Your office is going to be right down the hall from him, and I just don't understand how these two pieces of legislation, these ordinances, aren't going to have to work together. If we enact that rule and regulation, it's going to affect this ordinance as well, right?"

Mr. Julka said, "Well, I would say that any action taken on this ordinance would inform what gets written into our update of the Stormwater Manual."

Councilmember Seekings said, "So, which goes first? I don't know how we deal with that. Do we send a message tonight saying new construction, no building up fill? Because that's just moving water around. That's what we're doing. We're going to create issues for other people when we have people using fill to raise up to the new freeboard requirements. It's going to happen, right? You can't put enough fill over the earth to not move water to someone else if you go up two feet to meet these freeboard requirements."

Councilmember Griffin said, "Is that an amendment?"

Councilmember Seekings said, "Well, I'm not there yet. I might want to start all over. The other thing is, we talked about Historic District requirements and exemptions and we had this conversation with Mr. Lindsey. There is no exemption, right? You have to apply for a variance. Can we build into this ordinance an automatic exemption upon application as opposed to a variance?"

Mr. Julka said, "It can't be an exemption from the ordinance, but I'll tell you that right now the variance process for a historic structure is very straightforward."

Councilmember Seekings said, "I get it, but it still requires someone to take up an application, listen, and have the power to grant or not grant it, right?"

Mr. Julka said, "Correct."

Councilmember Seekings said, "It's the possibility in the Historic District that you're variance could be denied. That worries me on this one because that just opens up a can of worms of epic proportions in the Old Historic District. I think we should build into this ordinance that in new construction, you can't use fill dirt to go up to the two feet freeboard requirement. There has to be a way to have some form of streamline process rather than a variance in the Historic District. Without those two, I'm not going to support it."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilwoman Jackson.

Councilmember Griffin said, "I've just got a couple of points to make here. How much leeway do we actually have in drafting this ordinance with FEMA when they come for this visit? Because when this first came up at Public Works way back when, we had to have a pretty specific ordinance in place in order to get the credit. So, as by us excluding development that's already in place, is that going to exclude us from getting the reduction or, excuse me, move from a Level 6 to a Level 5?"

Mr. Julka said, "Yes."

Councilmember Griffin said, "Okay. Here is my other point. We talked extensively about the new flood maps that are going to be coming out, and we talked about how there are some preliminary maps. There are fewer properties in the 100-year floodplain in these new maps than there are currently. Also, the elevation of people's homes is going to change. Let me see how I want to put this. Why are we making this decision when we haven't seen the new maps yet? They might come in August. That's when you expect them to come, but if the new maps haven't come in yet, how do we know that we're making the right decision? How do we know that we're in the right place at that time? You're not even sure they're going to come in August yet, are you?"

Mr. Julka said, "No."

Councilmember Griffin said, "You just expect them, it's about that time. Well, Charleston County has kind of dragged their feet a little bit on these new maps. We haven't had a new map since 2004. You're expecting by the end of the year that we should have new maps implemented. That is a big part of this process. People need to understand their elevation is going to change. It's going to change their insurance coverage, right, by changing what their elevation is? Also, I wanted to bring up, I wasn't on Council back in 2015 when you all went to FEMA +1, but I'm interested to know what sort of conversation took place then. Did it happen kind of quickly or did you all have this same argument back then? Because I'm concerned, Councilmember Waring, you say that we've already put people in a trap, and by doing this we could be extending that trap. I have a bad feeling that like Councilmember Shealy said, and he basically made my decision for me tonight. I was going

to vote 'yes' on this, but when we're talking about saving pennies and could cost people a lot of money, because if people go out and get the right coverage, it's going to cost a lot more than what we're going to save. We're going to save five percent of what we're saving now, not to mention it could drastically be fewer people that it impacts, but if we don't see the new maps and don't know where we are, I've got to vote 'no', just because I believe the new maps are going to show a lot less people in a 100-year floodplain. It's not fair for us to make an ordinance, and then try to go back and justify it later when we don't even have all of the information that we need to make the decision."

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmember Shahid.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I really appreciate your expertise, Councilmember Shealy, so thank you for being elected and being an insurance agent of good reputation and longstanding. I feel like I'm sort of missing something here with this whole homeowner's insurance deliberation because I don't think the trap, as you call it, has been created by the City. Basically, the trap is the disconnect between the elevation of an older home that is potentially built below the base elevation that FEMA requires, and if anything happens to that house, no matter from what disaster, the combination of the insurance company and the mortgage company that the majority of people still have in this region would require that the house be built back to whatever elevation FEMA requires. So, all the City has done to date is add one foot to that elevation. Is that not true, Councilmember Shealy? If you have a mortgage on your house and/or you've got an insurer that says, 'Okay, I'm going to pay you to replace your house, but you're not going to be able to build it back at the existing below flood base level.' You're going to have to meet the code that's required in order to become insured again."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "As long as you have that building code's coverage, yes, but it's an optional coverage. Now, it is true that every once in a while a mortgage company will require that you have that building code's coverage, but the majority of the time it's an optional coverage, and if you do not elect to pay a higher premium to purchase that endorsement, then you're not covered, but it's an option for everybody. A lot of people opt not to have that."

Councilwoman Jackson said, "Well, I don't even have a mortgage, but I've got a line of credit on my home, and they must be pretty smart because they are scrubbing our insurance policy every year. We have to send them the form, and they approve if we've got the right insurance. So, I do think that we're making things very black and white when I think there is a lot of shades of gray for people. If we have people who cannot afford to have homeowner's insurance, I think we should start talking seriously about having some sort of subsidy funds that would help people buy insurance every year. That would be the problem. If we have disasters that we could expect could happen here in Charleston that would wipe out whole neighborhoods, we have to help people come back. So, I really feel like we're, maybe people are choosing to have too little coverage. I don't know anyone, including my own children's generation, who are being that pennywise and pound foolish, but maybe there are people like that. If there are, I think maybe we should help them be educated about how to be a smart homeowner and protect your assets. For most people, it's your major asset. By taking away the opportunity for the rest of the citizens who are homeowners in the City and not have the opportunity to have their flood insurance discounted, flood insurance is going to continue to go up. That is a reality, and I think we would be missing that train for five years. I really do think that we need to have a more global understanding of what we would be sacrificing if we say 'no' to this opportunity now. We could defer this for another week or two or another meeting or two but, frankly, we've done that for the last month, and we still don't really have any other comparative information to look at. I think that we are doing the right thing by saying 'yes' to this ordinance and giving the

homeowners of the City the chance to have flood insurance that at least has the opportunity to be more affordable next year than it is this year. So, I am going to vote 'yes'. Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. So, let me see if I can summarize this as I think I understand it. If you've got a mortgage on your property on your home--"

Councilmember Seekings said, "Or a line of credit."

Councilmember Shahid said, "Or a line of credit, regardless if you've got the Cadillac of insurance or you've got the bare minimum of insurance that the mortgage company may require, and we do nothing with this ordinance tonight, or if we even accept Councilmember Waring's sub-amendment to it, I guess is the term, if we do nothing, and something happens to that property because of a fire, a hurricane, a tornado, a train runs through it, and it damages that property to greater than 50 percent of its value, if we do nothing, it is required of you to raise that house to the FEMA level."

Mayor Tecklenburg said, "+1."

Councilmember Shahid said, "+1. So, if we do nothing, you're going to have to do that anyhow. So, all we're doing at this point is making that +1 to +2, and regardless of what the maps show, because the maps, if they change anything with the areas that we're talking about in the City, are still going to be a +1, regardless of what the maps show. We may fluctuate, but still you may be in a new zone, you may be in an existing zone and nothing changed, but still it's a +1. So, if we do nothing tonight, the problems that we're talking about are still going to exist if your house is damaged more than 50 percent. So, what we're doing is giving people an opportunity to be consistent because what I understand, if my memory serves me right, other jurisdictions have gone to the +2. So, we're going to be on the same level with the County, North Charleston, Mt. Pleasant--"

Councilmember Griffin said, "Not Mt. Pleasant."

Councilmember Shahid continued, "Not Mt. Pleasant. North Charleston, and the County. They're at +3?"

Councilmember Griffin said, "Berkeley County, I don't know."

Councilmember Shahid said, "So, whatever insurance we have existing now, if it's a good insurance or bad insurance, they're going to still be in that, as Councilmember Waring called it, 'the trap', regardless of what we did. So, all we're doing by increasing it to another foot is providing, hopefully, some relief, and we're being consistent with other jurisdictions, and hopefully, giving some relief when it comes to the premium on their flood insurance, and that's basically what we're doing here."

Mayor Tecklenburg recognized Councilmember Moody.

Mayor Tecklenburg said, "But first, Stephen, I think wants to make a clarification."

Mr. Julka said, "Not a clarification. I just wanted to note that, in response to the question about what the new maps show versus the current map, I did put on your desks this afternoon the panels of the Flood Insurance Rate Map for each of your districts for both the currently effective map, as well as the preliminary map. So, I know that they're not necessarily super intuitive to read, but

you have that to look at. You can kind of compare side by side panels from the current map and the preliminary map to see how the flood zones in your district are changing.”

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “Yes, I just want to address this comment that I keep hearing that we want to be consistent with the County and North Charleston and all of that. Most of the property in the County that’s on the coast or marsh is within City or Municipal jurisdictions. The property that’s away from the coast and the marsh is Freeboard +2, but it’s already higher. So, it doesn’t have the same effect. So, to be like Charleston County, that’s not really saying a whole lot. To me, it’s kind of the opposite of what you ought to be doing. You ought to be looking at the elevations in the County and saying, ‘Well, we’re already at that level at +1.’ I don’t know. It just seems like a false argument to me, being consistent. There is a reason Mt. Pleasant is probably at +1 because they’re on the coast. What about Sullivan’s Island and Isle of Palms? Do we know what they are?”

Mr. Julka said, “They are also at +2 because their freeboard requirement is governed by the County.”

Councilmember Seekings said, “That’s Sullivan’s Island obviously.”

Councilmember Waring said, “What’s the income over there?”

Councilmember Moody said, “That’s another argument. I just always thought that consistency didn’t completely flow and that there was a reason for that, but anyway.”

Mayor Tecklenburg said, “So, if I may make a few comments. Would anybody who has not spoken like to be heard?”

No one asked to speak.

Mayor Tecklenburg said, “So, it’s been well noted that, call it a ‘trap’ or call it what you will, at this point, if a house reached 50 percent damage from whatever cause, the house would need to be elevated. I think it’s a good goal of our City to increase our Community Rating points and try to save money on flood insurance. I certainly respect Councilmember Shealy’s observation that if you have the proper insurance, you might not save any money. I think I remember our other meeting where we talked about this. You made the statement that most people don’t have proper insurance. They need an insurance agent like you, so that they would know the right kind of coverage to get, but they’re just shopping on price mostly, and most people don’t get those bells and whistles that would drive the cost up. Most of the homes, Councilmember Griffin, I believe that they are going to have a difference in their flood zone based upon these projected maps, in a way for the majority of them are going to be in a lesser flood zone. That’s hard to believe, but that’s what we’re told. So, more of those people will be pulled out of the trap, if you will, because they would have a lower base flood elevation and might not have to elevate their home after the new maps go into place.

So, the long term of this, of course, I’ve spoken about, and most respectfully, I just believe that we need to do as well as we can on our Community Rating System, and protect ourselves from water long term. It’s been a goal of the City, I think, before I ever came along. Haven’t we always wanted to do better in our Community Rating points? So, I don’t know if the sky is falling, but I do know the sea level is rising, and over 50 years we’re projecting an additional two to three feet rise. I just think it makes common sense to start building, and if we have to renovate a place to get it up higher to protect it. So, it was noted, and Stephen corrected the number after he looked into it deeply, because we’ve had to go back in great detail and study since January of 2015 all of the losses that

have occurred in the City. Since January 1, 2015 with that big rain, with Hurricane Matthew, and with Hurricane Irma, there have been four structures that reached 40 percent damage and needed to comply with what we're talking about. Admittedly, we haven't had an Andrew or a Hugo, and respectfully, I think the eye of the hurricane did go through Charleston Harbor, but it's that right hand side of the storm that really gives you the bad hit, so that's why north of here was so much worse, but the eye of the storm did in fact, I believe, go right over Charleston Harbor. But the point is of those four structures that have now qualified to be renovated, two were already in our mitigation buyout program, and one has just applied to be in our mitigation buyout program, so really in the last almost five years, only one property is affected. So, I believe it's a good goal for us to be consistent with most of the rest of the County. I think it's a good goal, despite the fact that most people don't have proper insurance on their homes to save the money on their flood insurance, and I would respectfully ask Council to approve this. Now, we have a substitute motion on the floor which states one more time for me, if you will, Councilmember Waring."

Councilmember Waring said, "This Freeboard +2 would apply to new construction and substantial renovations of 50 percent or more, but to existing homes it would only apply if it's reached through flooding. In other words, it would apply if they had a flood that created 50 + 1 percent or 1/10th of damage. If my house got flooded and was not hit by lightning, but in my motion if it flooded and created more than 50 percent of damage, then I'm going to have to come up to FEMA +2. But, if I sustained 50 percent damage by any other peril, then I should be able to repair my house in place."

Mayor Tecklenburg said, "So, can I just ask Stephen a question?"

Councilmember Waring said, "Sure."

Mayor Tecklenburg said, "Would that disqualify us from getting the points?"

Mr. Julka said, "Yes."

Mayor Tecklenburg said, "Yes. Okay."

Councilmember Waring said, "Well, let me continue."

Mayor Tecklenburg said, "We could do that, but we wouldn't get the points."

Councilmember Waring said, "Well, my point is we're focusing a few pennies saving on flood insurance, and Stephen hasn't focused on the increase of homeowner's insurance. That's going to increase more than the pennies we save on flooding, and with all due respect, Councilwoman Jackson, homeowner's insurance basically goes up every year, too, just like flood. Mr. Mayor, throughout your talk, you spoke to goals, and you're right. That should be the goal and the encouragement, but what we're doing here is an unfunded mandate, not by the Federal Government, not by the State Government, by the City of Charleston. This is an unfunded mandate, not a goal. I agree with you on the goal. Encourage people to get better homeowner's insurance, encourage people if they're going to do some major, lift it higher, but by the same token, we're not encouraging them to save for the money to have it in reserve in the event that their coverage doesn't pay requiring to raise it up, and we know that. That sounds nice, the goal. 'Let's get all of the City up to 15½,' foot an unfunded mandate, I say 'no'."

Mayor Tecklenburg said, "Alright. I think our Counsel wants to weigh in on some point."

Ms. Herdina said, "What I would request is if this substitute motion is passed, we're at second and third reading, and so, I would ask if we could just give it second reading? Let us go back and make the changes and then bring it back for final reading if this motion is approved."

Councilmember Waring said, "I would agree with that, but I would like to ask that we should get the information on fill dirt, as well."

Mayor Tecklenburg said, "Yes, and I meant to address that point. I think Stephen made a good point that one decision kind of informs the other, and we're going to have a delay on this anyway, so I respectfully think the fill matter needs to be addressed in our Stormwater Manual, and if we knew what our freeboard needed to be that would inform the changes that they needed to make in the manual."

Councilmember Seekings said, "Well, if it's +1 or +2 for the new construction, it still shouldn't be filled."

Mayor Tecklenburg said, "That's right. I think we're all onboard with that."

Councilmember Seekings said, "Before we vote, can I just ask one really quick question?"

Mayor Tecklenburg said, "Yes, sir."

Councilmember Seekings said, "I think I heard Stephen say with the substitute motion, we get no points no matter what."

Mr. Julka said, "Correct."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Then, just as a point of clarification, Councilmember Waring, because I think I heard you correctly, but I want to make sure I got it right. So, your motion would have the effect that if it's a flood, and it's 50 percent or more, then this would cover it, or if I had an existing structure, and I voluntarily decided to renovate beyond 50 percent, it would cover it as well. So, the exemption that you are carving out would be the things that we had talked about before like a hurricane or a tornado or a fire?"

Councilmember Waring nodded his head in favor.

Mayor Tecklenburg said, "Alright. Let's call the question."

On a motion of Councilmember Mitchell, seconded by Councilmember Shahid, City Council voted to approve the substitute motion.

The vote was not unanimous. Councilmembers Seekings and Shahid, Councilwoman Jackson, and Mayor Tecklenburg voted nay.

The Clerk said, "Okay. The 'nays', please raise your hand. So, that's four."

Mayor Tecklenburg said, "The motion passes. So, for second reading, I'm not going to give it third reading. We're going to write this thing up and double-check a couple of things."

Councilmember Griffin said, "Move to go to Executive Session."

Councilmember Seekings said, "Mr. Mayor, before Stephen leaves can we just say before we get third reading, can we have him come back and give us another synopsis as to where we are with this new reading on points and all of that? By the way, between now and third reading, our new Stormwater Director will be here and perhaps he can come and speak with us a little bit about where he's thinking we should go with the new fill, too. Is that fair enough?"

Mr. Julka said, "It's very fair, and I think that's an excellent idea also because since our new Director is coming from the County, he may be able to speak to their experience moving to two feet, as well."

Councilmember Seekings said, "Again, thank you for all of your hard work on this. It's about to get harder, so thank you."

Mr. Julka said, "Thank you."

The Clerk said, "We have two Executive Sessions. We never finished the one on Ways and Means."

Mayor Tecklenburg said, "Correct."

Councilmember White said, "Can we just make the announcement that we vote on Executive Session?"

The Assistant Clerk said, "We have to vote for the second reading. We have to do the second reading."

The Clerk said, "That's right, and we also have to vote on the second reading. We're waiting for third reading."

The Assistant Clerk said, "We have to vote for second reading. That was just a vote to approve the substitute motion. They still need to vote to give it second reading."

The Clerk said, "The first vote approved the substitute motion."

Mayor Tecklenburg said, "Correct."

The Clerk said, "Now we need to take another vote just for second reading."

Mayor Tecklenburg said, "Of the substitute motion?"

The Clerk said, "Yes."

Mayor Tecklenburg said, "Second reading of the substitute motion."

Councilmember Waring said, "Move for approval."

Councilmember White said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember White, City Council voted to give second reading to the following bill as amended so that the new Freeboard

requirements would apply only to new construction, renovations of 50 percent or more, and existing homes experiencing 50 percent or more damage due to flooding.

*An ordinance amending Chapter 27 of the Code of the City of Charleston, by amending Flood Hazard Prevention and Control Requirements in Section 27-117 to increase the Freeboard Requirement from one foot to two feet, effective August 1, 2019. **(AS AMENDED)***

The vote was not unanimous. Councilmembers Seekings and Shahid, Councilwoman Jackson, and Mayor Tecklenburg voted nay.

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

Mayor Tecklenburg said, "Yes."

Councilwoman Jackson said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, I know that we have only deferred bills for first reading, but I would like to speak to L-2, if that's alright with you, because it's listed here as an ordinance that's been requested by Councilwoman Jackson. I would like to have that ordinance withdrawn from our first reading agenda items up for potential agenda hearing, and I do want to speak to my reasons for withdrawing it. I apologize for taking more time in the Council Chamber."

Councilmember White said, "Second."

Mayor Tecklenburg said, "We have a motion to withdraw L-2."

Councilmember Gregorie said, "I'm not sure which one it is."

The Clerk said, "That's what I'm trying to find out, too."

Councilwoman Jackson said, "Item L-2 under first reading ordinances, bills up for first reading. The one about the Stormwater Design Standards Manual."

Mayor Tecklenburg said, "We had interim requirements that were proposed, and she is making a motion to withdraw L-2, and I believe it got a second."

Councilwoman Jackson said, "Yes, sir."

Mayor Tecklenburg said, "Is there any discussion?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you. Yes, I really would just like to address the Councilmembers and the public. I feel like we have benefited from the opportunity to entertain this ordinance, so I thank each one of you for agreeing to let me bring it forward in its current format. I especially thank Councilmember Seekings who was the idea author of how we could have an ordinance like this whose intention was to create a set of interim standards that would guide our Stormwater Engineering Department, between the time that we would have passed it and the opportunity to adopt our more permanent set of Stormwater Management Regulations, that are going to go into the new manual that we expect to adopt this fall. I try to be a realist, and I know that because it hasn't been on the Public Works agenda in a few weeks, and there has

been the receipt of a couple of commenting reports as requested by the Public Works from the Homebuilder's Association first, and then from the developer community of the Chamber of Commerce. I know that based on the comments that came back from those two bodies that the Public Works Committee would be very likely not to recommend that this ordinance be passed, and since it was intended to be a timely set of circumstances, I'm withdrawing it on the fact that it would no longer be timely.

I do have to say because I know that this is going to be an ongoing discussion and a set of decisions that we're going to have to make. So, I feel very responsible to introduce the kind of educated discussion that we really are going to need to have as the Stormwater Manual Writing Committee does their work. I feel like the letter that came from the Chamber was, with all due respect, long on protests and pretty short on concrete suggestions for informing this set of interim standards or any other design details that we're going to fully expect and engage in in our manual as we review it for adoption this fall. So, I do hope that we're learning from that experience that we're going to be able to get better at that kind of give and take. I think the reason that I can be very peaceful about withdrawing this ordinance because I still feel as strongly as I did when I tried to put the moratorium in place and then moved on to this more positive way of dealing with the risky designs that some of our developer friends are putting in front of our stormwater engineers. The reason I can be peaceful about withdrawing this is two things.

First of all, I think that the stormwater, let's just call them the writing committee that is currently operating under the leadership of our engineer Kinsey Holton, and at the Mayor's invitation to Councilmembers and others, is a very robust and dedicated group, and they are drilling down. I recommend that you look at their suggested Table of Contents for the manual. It's as thorough and as specific as we could possibly want for our developer community to adhere to as they will have the opportunity to do that this fall. The other reason that I am very peaceful about withdrawing this ordinance right now is that, in the process of understanding what we really do need in terms of the kind of protection measures to assure our citizens that they're not living in the surrounding neighborhoods of a new development that's going to continue to pour water into their streets or into their own yards, we have looked thoroughly at the current set of Stormwater Manual Regulations that are currently being administered by the Stormwater Department, and those regulations actually have been a little under-enforced. Sorry if that's not a good phrase, but we have not been enforcing the fullness of our existing regulations, and I think that is starting to happen now with the Mayor's encouragement of the stormwater engineers who do all of the review during the Technical Review process and with our new Director who is about to take his role on Monday. So, we're starting to put the full extent of our regulations into effect over discussions that the engineer and his consultants have been engaging with some of the projects that are currently going through TRC Stormwater Design Review, and we're going to see results that will show us some re-designs and some use of more natural watershed focus drainage and green infrastructure solutions. So, I think that we're going to be seeing the fruit of our due diligence and our own sense of responsibility that we want to do protective development in our City from this time forward. We know that we've got lands right now that are being proposed for redevelopment or new development that are in more vulnerable areas of our City. Let's face it most of the buildable area was annexed and built out in terms of the borough locations in the 70s, 80s, and 90s and early 2000s. So, we're now looking at places that need to have a different set of treatments in the way that we protect the areas that are contiguous and in the watershed areas that we haven't really been looking at holistically. So, I just want to thank you for that opportunity. I've learned a lot, I know that many of you have really been thinking about these things and ways that we're all going to have to get serious to do in the coming weeks and months, and so, thank you for this opportunity. I'm sorry to go on so long, but I think it's very important. I would also encourage anyone who has another ordinance that's been dying on the vine under first reading

that maybe we all get serious about withdrawing some of the things that are clogging up our printers and our citizens' inboxes when they try to draw down an agenda that we only have two or three items where we actually have for action. So, I would encourage all of us to take that kind of responsibility, as well. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Is there any further discussion?"

No one else asked to speak.

On a motion of Councilwoman Jackson, seconded by Councilmember White, City Council voted unanimously to withdraw the following bill:

An ordinance to amend the Stormwater Design Standards Manual in accordance with Sec. 27-28 of the Code of the City of Charleston, by adding interim requirements for stormwater systems and facilities for new developments within all areas of the City other than the Church Creek Drainage Basin; to provide for exemptions; and to provide for an expiration date. (WITHDRAWN)

Mayor Tecklenburg said, "Now I believe we will entertain a motion to go into Executive Session."

Councilmember Griffin said, "Move to go into Executive Session."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg continued, "To discuss, may I ask you all to hold one second, to discuss both an annexation matter, a legal reference to annexation matter, and also an ordinance that's been proposed at M-1."

The Clerk said, "Mayor, we should say the annexation matter that was on the Ways and Means agenda."

Ms. Herdina said, "I do think we have to do this one in City Council. Then, we've got to come out and reconvene Ways and Means, and then go into Executive Session for that."

Mayor Tecklenburg said, "Yes. Alright."

The Clerk said, "Okay. Can we do them separately?"

Councilmember Moody said, "We can just stay in here. It looks like everybody is gone."

Ms. Herdina said, "Yes. I think we could just stay here."

The Clerk said, "So, which one do you want us to take first?"

Ms. Herdina said, "Do the City Council one first."

The Clerk said, "Okay."

Mayor Tecklenburg said, "Could I ask you all to just wait one second, and we've got some staff that stick around. Let's do the first one across the hall, and then we'll come back and finish the second one. Could I recognize Ms. Willey? Kelsey Willey is with us here tonight, and I know we're going to act on this matter later after we resolve the budget, but I just wanted to share with

you, I'm not a lawyer but I believe her to be a fine attorney. I know her to be a good person, a fine person, and I want to thank her for her willingness to serve."

On a motion of Councilmember Griffin, seconded by Councilmember Mitchell, City Council voted unanimously to go into Executive Session at 8:55 p.m.

On a motion of Councilmember White, seconded by Councilmember Mitchell, City Council voted unanimously to come out of Executive Session at 9:43 p.m.

Mayor Tecklenburg said, "Let the record show that there was no action taken."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "We had the item on the agenda to take up an ordinance concerning the Middleborough Project, and I'm just going to ask that that be deferred."

Mayor Tecklenburg said, "We have a motion to defer. Do I have a second?"

Councilmember Shahid said, "Second."

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

An ordinance to amend Section 3.1.2.d of the Stormwater Design Standards Manual, adopted in accordance with Section 27-28 and Section 27-102 of the Code of the City of Charleston, by identifying certain developments to which the Special Stormwater Standards in Ordinance No. 2018-115 do not apply because of prior approvals and because of the previous installation of necessary improvements. (DEFERRED)

Mayor Tecklenburg said, "Is there any further business?"

Councilmember Moody said, "Well, do we need to, we would like to have a third party review of the engineer out there, so I'll make a motion that we seek the services of Forsberg Engineering to do that."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "Well, we'll talk to him among others."

Councilmember Moody said, "We can just leave the name off."

Mayor Tecklenburg said, "Yes, a professional firm."

Councilmember Moody said, "We may not have their firm do it."

Mayor Tecklenburg said, "Yes, exactly."

Councilmember Moody said, "A third party review."

Mayor Tecklenburg said, "Professional review of the drainage plan for that project. Is that acceptable?"

Councilmember Lewis said, "Do we have to go through Ways and Means, and don't we have to bring that back?"

Mayor Tecklenburg said, "I think we're okay for Council to approve this. Then, we'll come back and approve the funds."

Councilmember Griffin said, "Mr. Mayor, advise that Legal Counsel will instruct what exactly they're looking for."

Mayor Tecklenburg said, "Correct. We'll procure a professional third party review of the drainage for Middleborough Condominiums and allow Legal Counsel to instruct the scope of work. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Griffin, City Council voted unanimously to procure a professional third party review of the drainage for Middleborough Condominiums and allow Legal Counsel to instruct the scope of work.

Mayor Tecklenburg said, "Now, I'd like to reconvene our Ways and Means Committee meeting, Chairman White."

The City Council meeting recessed at 9:46 p.m.

The City Council meeting reconvened at 9:56 p.m.

Mayor Tecklenburg said, "Now, we're back in session for City Council. Is there any further business to come before Council tonight?"

Councilmember Moody said, "Move to adjourn."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Hearing none, the meeting is adjourned."

There being no further business, the meeting was adjourned at 9:57 p.m.

Vanessa Turner Maybank
Clerk of Council