

CITY COUNCIL VIRTUAL MEETING

Regular Meeting

March 24, 2020

The ninety-third meeting of the City Council of Charleston was held this date convening at 5:15 p.m. over video conference call.

A notice of this meeting and an agenda were made available on the City's website March 19, 2020 and appeared in the Post and Courier on March 23, 2020.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember Delcioppo	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings	District 8
Councilmember Sakran	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Griffin	District 10
Councilmember Brady	District 5	Councilmember Appel	District 11
Councilmember Gregorie	District 6	Councilmember Jackson	District 12

Mayor Tecklenburg called the meeting to order at 5:15 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Can I ask, Councilmember Waring, would you please open for us, if folks would like to join us for an invocation?"

Councilmember Waring opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Thank you very much. So, our first order of business is just to approve our minutes from February 25th."

The Clerk said, "Mayor, we have the minutes, but we are doing the final proof, and we didn't disseminate them. They will receive two sets whenever we get back."

On a motion of Councilmember Griffin, seconded by Councilmember Brady, Council voted unanimously to defer the minutes of the February 25, 2020 City Council meeting.

Mayor Tecklenburg said, "Alright. So, next, Jennifer are you online?"

The Assistant Clerk said, "I am."

Mayor Tecklenburg said, "Would you like to share with us any of the comments you've received for Citizen's Participation, please?"

The Assistant Clerk said, "Sure, and I think actually, Vanessa, do you have them?"

The Clerk said, "I do."

Mayor Tecklenburg said, "Okay, Madam Clerk."

The Clerk said, "Okay. So, we received two, and they came from individuals who are interested in the shelter in place restrictions. If you want me to read them, they're pretty brief. One says 'I urge you to vote in favor of the stay at home ordinance. It is a well-reasoned and necessary measure to promote health and safety.' The second one speaks to the same thing, but to taking care of an 89 year old parent. It says, 'My 89 year old mother in Mt. Pleasant relies on caregivers 24/7 and is a hospice patient receiving at-home services. She's unable to care for herself. Her life depends on this. I'm sure that there are many others that are in the same situation.' This one says, 'Please make sure that police would allow passage of persons to their homes to serve their parents or patients.' Then, we had six others, and they are very similar. I will read the first one. This is from the Executive Director and Founder of Lowcountry Local First. 'I personally have heard of stories and seen tears of small businesses who have had to lay off employees and shut their doors due to the impact of COVID-19. I strongly urge City Council to approve the Small Business Assistance Plan to include micro-loans deployed through the LDC, LDC Resource Center, Business License renewal extension and deferred tax collections starting immediately. This is imperative to put in place while we are waiting for Congress to come up with an agreement on the relief bill.' You all have these documents as a part of your packet. This came from Jamie Haley, and there are five other attachments that are very similar asking for support."

The Assistant Clerk said, "Mayor, we also received a number of e-mails this afternoon. Our deadline is 4:00, the Monday before Council. However, we did receive some comments in regards to the emergency ordinances that were posted today. I can just run through a few. Randy Sarons asked that Council vote 'no' to allowing development proposals to be approved virtually. Mary B. objects to voting on the ordinance to advance development in Charleston during the Coronavirus pandemic. Barbara Rose is against approving the emergency ordinance regarding the development proposals on a virtual basis."

The Clerk said, "There are about 25 that are similar to that."

The Assistant Clerk said, "Yes. Georgia Nettles. I'm just going to read out their names. Ben Whitner is opposed to the stay at home order. Sharon Kaufmel does not believe we should be reviewing development projects without citizen input. Susan D. is a 'no' to the emergency ordinance. Christina Stanton is a 'no' to the ordinance."

Mayor Tecklenburg said, "This is the ordinance regarding?"

The Assistant Clerk said, "We're getting e-mails about both. She is against developers receiving virtual approvals. Noah Everett, the same. Joy Miller is asking that developments should wait until Council can meet in physical session. I'll just stop there, because these did come in late today, but we'll forward the remainder of the e-mails that we received to Council, and we'll include those as part of the record with the minutes from the meeting."

Mayor Tecklenburg said, "Great. So, let me just repeat the way that the public can get comments to us during this time that we'll be meeting online. So, the email address is publiccomments@charleston-sc.gov. There's actually a phone number that folks can call and leave a voice-mail message to us and we can then distribute amongst ourselves. That phone number is 843-579-6313 and, if all else fails with technology, we can use the U.S. Postal Service, and you can mail us a comment or drop it by at 80 Broad Street to the Clerk of Council's office. So, I just wanted to share that with the public, even though we have this new paradigm, there are multiple ways to reach us and share your concerns and comments with us. Any other public participation comments?"

The Clerk said, "That's it, Mayor."

Mayor Tecklenburg said, "Okay. Terrific. So, we had no Petitions and Communications from staff or Council. So, next we'll proceed with our Council Committee reports. We're going to defer on Councilmember Mitchell until he gets to my office. I understand he's on the way down here now, so he'll be able to participate in the rest of the meeting. Committee on Public Safety, Councilmember Shahid."

Councilmember Shahid said, "Thank you, Mr. Mayor, and members of Council, Madam Clerk. The Public Safety Committee met on March 18th to have a general discussion regarding the implementation of the emergency ordinances that we discussed on Monday prior. We had a discussion, including Chief Reynolds, regarding the enforcement ordinances and how they were taking place with some establishments including bars and restaurants. The Chief mentioned that the main goal was to, at that time, educate and get voluntary cooperation and compliance with these ordinances. We had a motion to amend the gathering ordinance to be in compliance with, at that point, the Governor's order on reducing the number of size. I think we were at 50 and at that point was reduced down to ten. We also had a general discussion regarding grocery stores and retail establishments at the point that those things did not apply to the limitations on grocery stores and retail establishments when the ordinance was passed on Monday. Councilmember Shealy brought up an issue regarding first responders to make sure they were at the front of the line regarding getting testing for the virus. Chief Reynolds also mentioned that SRO's were involved with the schools and helping out with meal distribution. There was no action taken on any of the items except to amend the gathering ordinance to include something consistent with the Governor's order back at that time on Wednesday."

Mayor Tecklenburg said, "That was approved at one of our Emergency City Council meetings last week, correct?"

Councilmember Shahid said, "That's correct."

Mayor Tecklenburg said, "So, no action is needed on your committee report here this evening. Thank you for that report. Councilmember Mitchell, do I understand you're with us now? Not yet. Okay. So, next will be our Committee on Public Works and Utilities. Councilmember Waring."

Councilmember Waring said, "Thank you, Mr. Mayor. The acceptances and dedications, I'll do A-I first, passed unanimously. I so move for approval."

Councilmember Shahid said, "Second."

On a motion of Councilmember Waring, seconded by Councilmember Shahid, City Council voted unanimously to adopt item a(i) of the Public Works and Utilities Report:

(i) Dedication and Acceptance of Avenue of Oaks- Avenue of Oaks (30' R/W 2046 LF). All infrastructure has been completed, inspected and accepted.

- Title to Real Estate
- Affidavit for taxable or Exempt Transfers
- Exclusive Stormwater Drainage Easement Agreement
- Plat

Councilmember Waring said, "Alright. On A-2, it passed unanimously, but what you see on your agenda as Petunia Alley was removed. I think we will get a brief explanation of that from our legal counsel. Mr. McQueeney."

Mr. McQueeney said, "Yes. This is for Whitney Lake, Phase 2D. The surveyed area did not include Petunia Alley which is shown as a private right-of-way. That's a boundary alley to the rest of the survey and, for whatever reason, it was accidentally included by the developer and the deed, and it was advertised. But, we will not be accepting Petunia Alley, and the deed has been changed. I think I emailed that to everyone yesterday, pretty minor thing with this."

Councilmember Waring said, "Any questions on that? With that, I would ask that Items A2, 3, 4, 5, 6, 7 and 8 be approved. They passed unanimously on the Committee."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Any discussion?"

No one asked to speak.

On the motion of Councilmember Waring, seconded by Councilmember Shahid, City Council voted unanimously to approve item a(ii), a(iii), a(iv), a(v), a(vi), a(vii), and a(viii) of the Public Works and Utilities report:

(ii) Dedication and Acceptance of Whitney Lakes, Phase 2D- A PORTION OF Brittlebush Lane (40' R/W, 738 LF), a portion of August Road (40' R/W, 826 LF). All infrastructure has been completed with the exception of sidewalks. The sidewalks have been bonded.

- Title to Real Estate
- Affidavit for taxable or Exempt Transfers
- Exclusive Stormwater Drainage Easement Agreement
- Plat

(iii) Dedication and Acceptance of Oakfield, Phase 3 - a portion of Vincent Astor Drive (50' R/W, LF) , Cooper Farm Road (50' R/W, LF), a portion of Leopold Street (50' R/W, LF). All infrastructure for this phase has been bonded.

- Title to Real Estate
- Affidavit for Taxable or Exempt Transfers
- Exclusive Stormwater Drainage Agreement

- Plat

- (iv) Approval to notify SCDOT that the City intends to accept maintenance of 150 LF of 10' wide concrete sidewalks and 35 LF of 8' wide concrete sidewalk to be constructed in conjunction with the project at 1285 Folly Road.
- (v) Approval to notify SCDOT that the City intends to accept maintenance of 410 LF of concrete sidewalks, crosswalks & street trees wells on Meeting Street (S-107) to be constructed in conjunction with the project at 44 Line Street.
- (vi) Approval to notify SCDOT that the City intends to accept maintenance of 450 LF of concrete sidewalks and 50 LF of granite curbs on Meeting Street (S-107) to be constructed in conjunction with the project at 547 Meeting Street.
- (vii) Approval to notify SCDOT that the City intends to accept maintenance of 867 LF of sidewalks on Cane Slash (S-1334) to be constructed in conjunction with the project at Oak Field (Phase 5C & 5D).
- (viii) Approval to notify SCDOT that the City intends to accept maintenance of 1283 LF of sidewalks on Savannah Hwy (US-17) to be constructed in conjunction with the project at Hwy 17 and Main Road.

Councilmember Waring said, "On Item B, b(i) passed unanimously, as well as b(ii), b(iii), and b(iv). I move to approve those."

Mayor Tecklenburg said, "Any discussion?"

No one asked to speak.

On the motion of Councilmember Waring, seconded by Councilmember Seekings, City Council voted unanimously to adopt Items b(i), b(ii), b(iii), and b(iv) of the Public Works and Utilities report:

- (i) Dunoon Drive Drainage Improvements - Approval to award a construction contract to the low bidder B&C Land Development for \$64,840.00 for improvement of the drainage system on Dunoon Drive in Shadowmoss. This funding is currently allocated to the project in the Drainage Fund.
- (ii) Spring Fishburne Drainage Improvement Project Phase 3 – Approval of Fee Amendment #20 to the Professional Services Contract with Davis & Floyd for \$428,757.00 for Extended Duration of Construction Engineering & Inspection Services on the Project Phase. These funds are available within the approved project budget.
- (iii) Spring Fishburne Drainage Improvement Project Phase 3 – Approval of Change Order #12 to the Construction Contract with Jay Dee Contractors for \$0.00
- (iv) Low Battery Seawall Repairs – Approval of Change Order #1 to the Construction Contract with Gulf Stream Construction Company for \$328,191.00

for modifications to pile installation. This funding is available within the Project Contingency Budget and is funded from Hospitality Funds.

Councilmember Waring said, "Mr. Mayor, before we go on, I would like an explanation or I should say a sharing of information that Mr. Fountain shared with us about some grants that were applied for and certainly some outstanding work on his behalf and staff in collaboration. Mr. Fountain, would you step up and explain some grant funding that we got to the tune of, I believe, a couple of million dollars for drainage projects?"

Mr. Fountain said, "Yes, Councilmember, I'd be happy to. The National Fish and Wildlife Foundation announced their recent Emergency Coastal Resilience Fund awards. This was a fund of approximately \$43 million they had set up for grants for communities that were impacted by Hurricanes Michael, Florence, Typhoon, and the coastal wildfires of 2018. The City was successful in two of the 27 grants that were handed out. The first was the Johns Island Restoration Plan to improve flood resiliency. That's an award of \$117,500 with a City match of another \$117,500 to develop a plan for Johns Island to evaluate stream naturalization, flood plain protection, wetland restoration to be used to mitigate current and future flood risk on the Island. This is something we did as a progression of the Dutch Dialogues looking at different zones on the Island and where we could look at that natural method for managing flood water providing resiliency. That grant was in collaboration, we partnered with the Water Institute of the Gulf, South Carolina Sea Grant and Clemson University's Cooperative Extension Service. Hopefully, we'll be able to start work on that once we have the final award documents from NFWF. At this point, we just have the notification of award, and we'll bring those documents back to Council for the official acceptance of the funding when the grant is finished.

The second grant is the larger of the two. That was the Church Creek Habitat Restoration and Flood Protection project. That was an award of \$1,345,000 with a City match of another \$1,354,825. That's in the Church Creek watershed to implement nature-based solutions and green infrastructure projects to increase flood resiliency. So, that basically consists of adding flood plain and wetland in the center part of that basin to hold more water in areas where it won't cause damage, but instead kind of move it away from the residential areas where it's currently flooding. That work was also a partnership. We worked with Nature Conservancy, South Carolina Sea Grant, The Water Institute of the Gulf, Crosstowne Church, and Clemson University's Cooperative Extension Service again on that project. This was a pretty hard effort from kind of a large grant team led by our grant writer at the City. Sarah did a great job getting all the technical people together and writing an application that met the intent of what the National Fish and Wildlife Foundation is trying to do with their grants, which is look at these natural resiliency projects and applying those in a way that helps build that interest and support for communities continuing down that path, which I think the City started with the Dutch Dialogues pretty proactively."

Councilmember Waring said, "Thank you, Mr. Fountain. I thought it was important for all of Council to hear that, not just the Committee. You may remember when Councilmember Shealy went to the National League of Cities, he came back talking about all the grants that, potentially, we could apply for, and I just thought it was important to know that our staff is engaged on that and collaborating in a large way. Ms. Fishera certainly needs a big thank you from all of us. Anyway, thank you for that, Mr. Fountain, and that's the extent of my report."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I just want to make a couple of points. Number one, I want to thank you for all the hard work. This collaborative effort has been going on for quite awhile. I remember when Mr. Fountain first started with us and had the opportunity for us to apply for this grant. I think as soon as he read the description of what they were looking for, Church Creek popped into his mind, and we made sure at Public Works to put that grant application for Church Creek. It coincides really well with all of the hydrology that we've done in the area. We are actually going to be ready for implementation a lot sooner than just going out and studying this area. This area, we now know, has some potential storage and, obviously, our Budget Ad-Hoc Committee can come together and hopefully raise that money for our City match. Once again, I just want to thank our staff. That's a great, great, great find, and I think there are a lot of grants out there that we can be going for. It's a really positive thing that we're looking outside the box because we all know that we have a limited amount of funds, and we have to think outside the box if we're going to raise money.

The second point I just wanted to make, I meant to bring this up yesterday, we've got some areas of fence along Bees Ferry Road, especially over in Shadowmoss, that was torn down during the storm. Maybe, Matt, if you could help me put in a note to Public Service for us to go look at that, find out whose responsibility those fences are. I believe they were put up after the County widened Bees Ferry Road. But, I would love to see us, or maybe the County, get in there and fix that fence line if we can. Thank you."

Councilmember Waring said, "Mr. Mayor, I know Councilman Gregorie is next, but there was an issue with the library out in South Windermere, and after you recognize Councilman Gregorie, I would hope you would allow, some great comments were made by Mr. Fountain as to the flooding at that library, and hopefully the new library that would be built there, be shared with Council. But, I'd let Councilmember Appel address the library aspect after Councilman Gregorie is recognized. Thank you."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I just wanted to piggyback on something that Councilman Griffin said that we are identifying the match funds. Is there any particular area where we will get those funds from, and what is the match amount again? \$1 million?"

Mr. Fountain said, "The match is \$1,354,825. That's all existing allocated funding that we had approved at a Council meeting prior to applying for the grant. It's a combination of some project money that was already spent. As long as the money was spent following the disasters, it was eligible to be used for grant funding. Then, it's also some future project work which we had set aside in the drainage fund already for Church Creek Water Shed projects."

Councilmember Gregorie said, "Good work, Matt. Thanks."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Alright. Thank you, Mr. Mayor, and Chairman Waring. I really miss the days when flooding was the existential crisis around here. First off, tremendous work by our City staff with regards to the South Windermere library. Charleston County had this library on the chopping block. The community rallied. The voices were heard loud and clear, and we helped put the County folks in touch with our Stormwater team, led by Mr. Fountain, who communicated the considerable amount of work that had been done so far in the South Windermere area,

including outfall maintenance, check valves and berming to prevent tidal flooding, as well as the future projects we have in the works, including the Windermere Basin study, the RFQ for which was recently released. I'm very excited about that. We communicated to the County what's going on, and that resulted in the immediate plans to move the library being halted which was a tremendous short-term win. What I've been encouraging our friends at the County to do is start thinking about resiliency. I don't think it's realistic to suggest that flooding is ever going to be solved completely. So, we need to be starting to think long-term about what we can do to that location to make sure that when it does flood, the impacts are mitigated, just like we're having to look at similar measures around the entire City. So, excellent work on that front. The other thing we talked about yesterday at the Committee was this million dollars in small project funding. Right before the issue that we're all dealing with right now became front and center, we had begun a pretty important dialogue with regards to how that money is going to be spent. I just want to make sure that still stays on the radar as we continue to work through these issues because that's going to be very important in the coming months. Thank you again to everybody, and I look forward to continuing work with all this positive momentum we've created."

Councilmember Waring said, "Thank you, Councilmember Appel. As a matter of fact, the small project list, two weeks ago we asked for all Councilmembers to come up with their ideas in their respective districts. So, please come forth with that so we can finalize the list. Mr. Mayor, that really is the extent of my report."

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

Councilmember Mitchell said, "Councilman Mitchell is finally here."

Mayor Tecklenburg said, "Oh, Councilmember Mitchell, you're with us."

Councilmember Mitchell said, "I finally got it squared away."

Mayor Tecklenburg said, "Just at the time that he got his phone working, he has walked into my office. Do you want to sit here, Councilmember Mitchell? We had skipped over the Council Committee report on Community Development. So, I'm going to call on Councilmember Mitchell to give us that report."

Councilmember Mitchell said, "Thank you, Mr. Mayor. We had three items on our agenda for Community Development. The three that we had, first, were under new business identification of the priority goals for 2020-2025. That's a consolidated plan. Number two, we had review/approval for the 2020-2021 Budget for Community Development Block Grant, Home Investment Partnerships. Number three, accessory dwelling units draft ordinance, those three were approved, and I'm asking Council to approve for those three."

Councilmember Griffin said, "So moved."

Councilmember Shealy said, "Second."

The Assistant Clerk said, "Mr. Mayor, those are listed as information only."

Councilmember Mitchell said, "Mr. Mayor, I think they made a mistake. The only one that will be for information only will be number four, which is a conservation subdivision draft ordinance. The other three, we voted on, and those were approved. So, I'm asking for the approval of those, one, two, and three."

The Clerk said, "Okay, we'll do that."

Councilwoman Jackson said, "Mr. Mayor, I agree with that change. We did vote on the first three."

Councilwoman Delcioppo said, "That's correct."

Mayor Tecklenburg said, "Okay, terrific. Could I ask though, for the benefit of Council and for the benefit of the public listening, for Jacob Lindsey to give us a little report on the accessory dwelling unit ordinance? That's kind of new territory for us."

Mr. Lindsey said, "Thank you, Mr. Mayor and members of Council. We did present a draft ordinance for accessory dwelling to the committee, and what it would do is allow an accessory dwelling unit to be built on an existing single-family lot. It would not allow that unit to be subdivided into a separate property. It would have to be a rental, and the owner of the dwelling would have to reside full-time on that same property, just as we do with our current short-term rental regulations. So, this would add new small dwellings to the housing stock, and it would also help existing homeowners pay their mortgage, do existing repairs, making their homes more affordable in the process. This is right in line with best practices nationally, as well as what Charleston County and the Town of Mount Pleasant already have on the books. The last item I would add is that we did hear from the committee a couple of amendments that they requested, including some requirements for affordability to be placed upon those dwelling units. We're working on amendments to the ordinance, as we heard from the committee."

Mayor Tecklenburg said, "So, we'll have those amendments back before this would receive second and third reading, correct?"

Mr. Lindsey said, "That is correct, Mr. Mayor."

Mayor Tecklenburg said, "Okay. So, any other discussion on items a, b, and c?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, thank you. I guess I didn't realize that we were actually giving this ordinance first reading today by taking this vote. I don't think it's in our packet this time is it, to be seen by the public?"

Councilmember Gregorie said, "I agree, Carol."

The Clerk said, "Councilmember, I believe that's what we were trying to explain. I mean, we can accept it as a fact that you approved this, but it wasn't an approval for City Council as a whole. Just that the Committee itself approved where you are with this development."

Councilwoman Jackson said, "I think the way to clarify that is we took a vote to recommend the ordinance to Council when it comes for first reading, in the same way that Planning Commission would deal with an ordinance prior to Council seeing it for first reading."

The Clerk said, "We can say 'when it comes to Council.'"

Mayor Tecklenburg said, "Alright. Any further discussion?"

Councilmember Gregorie said, "Mayor, I'm a little confused. So, we're voting on the accessory unit ordinance for first reading?"

The Clerk said, "No. It's not ready for first reading. It was supposed to be, more or less, information. So, we're really accepting it as information until it comes before City Council for an official vote."

Councilmember Gregorie said, "Okay, because I agree with Councilmember Jackson on this one."

Councilmember Waring said, "Mr. Mayor, do we have an amendment? Mr. Lindsey can answer this. Where are we on the smaller lot ordinance for affordable housing?"

Mr. Lindsey said, "Councilmember that item had been on our Planning Commission agenda, although we are currently delayed due to the present emergency. So, we will revisit that, and we will advise you appropriately as we are up and running the meetings."

Councilmember Waring said, "Okay, great. I just hoped we could have that parallel to the accessory unit thing. That's okay. Thank you."

Mr. Lindsey said, "Councilmember, I will just say that hopefully April 29th is when we will have that up at Planning Commission. That's our goal."

Mayor Tecklenburg said, "Okay. Can we accept this report for information?"

The Assistant Clerk said, "Mr. Mayor, Councilmember Appel has his hand up."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Sorry about that. I didn't realize my hand was up, but I'll just take this opportunity to say that I think the ADU ordinance is an excellent measure for our affordable housing crisis. So, it's got my full support."

Mayor Tecklenburg said, "Great. Any comments, questions?"

No one else asked to speak.

On a motion of Councilmember Griffin, seconded by Councilmember Shealy, City Council voted unanimously to accept items c and d of the Community Development report, as presented:

c. Accessory Dwelling Units – draft ordinance (*information only*)

d. Conservation Subdivision – draft ordinance (*information only*)

Mayor Tecklenburg said, "Thank you very much. So, next is our Committee on Ways and Means. Councilmember Gregorie."

Councilmember Gregorie said, "I'm back. I did have a question though. Didn't we approve the consolidated plan at Community Development? It wasn't just for information. I thought we approved it. Councilmember Mitchell? We approved the consolidated plan and accepted everything else as information, I thought."

Ms. Shaw Johnson said, "Councilmembers, that's correct. You had to approve the priority goals in order for us to finalize that plan, so yes. Specific to this item, we needed the full Council approval, such as when that plan is submitted to the Department of Housing and Urban Development, we have the approval of not only CD Committee, but we have the full approval of Council. Then, we come back to you with the full report. But, we have to have those priority goals approved not only by CD, but also by Council."

Mayor Tecklenburg said, "So, Ms. Johnson, would that also apply to the budget?"

Ms. Shaw Johnson said, "Yes, sir. That's also included in the consolidated plan. Then, we submit a full plan to you because you all have given us the authority to move forward with the approval of those two specific items."

Councilmember Gregorie said, "I move for approval."

Councilmember Shahid said, "Second."

On a motion of Councilmember Gregorie, seconded by Councilmember Shahid, City Council voted unanimously to approve items a and b of the Community Development report, as presented:

a. Identification of the priority goals for the 2020-2025 Consolidated Plan Grant, Home

Investment Partnerships Program and Housing Opportunities for Persons with AIDS Grants

- b. Review/approval of the 2020-2021 Budget for the Community Development Block Grant, Home Investment Partnerships

Mayor Tecklenburg said, "Thank you, Councilmember Gregorie, for getting us back on track on that matter. Now, for our Committee on Ways and Means report."

Councilmember Gregorie said, "Move for approval, as amended."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Any discussion?"

No one asked to speak.

On a motion of Councilmember Gregorie, seconded by Councilmember Mitchell, City Council voted unanimously to adopt the Ways and Means report, as amended:

(Bids and Purchases **AS AMENDED**)

(Budget Finance and Revenue Collections: Approval of Worker's Comp renewal with Safety National in the amount of \$417,015. The 2020/2021 policy renewal rate is flat but the premium is increasing due to the increased payroll. This policy runs April 1, 2020 to April 1, 2021.

(Office of Cultural Affairs: Approval to apply for \$6,000 from South Carolina PRT's Tourism Advertising Grant Program, to support the 2020 MOJA Arts Festival. A 3:1 City match is required. Matching funds will come from corporate sponsorship and private donation.

(Office of Cultural Affairs: Approval to apply for \$1,000 from the Jerry and Anita Zucker Family Endowment Fund of the Coastal Community Foundation. Funds will be used to support outreach programming in association with the 2020 Piccolo Spoleto Festival. No City match is required.

(Police Department: Approval to submit the 2020 State Homeland Security Grant. If awarded, the grant will fund a tactical rescue and response vehicle for use in active shooter situations and other critical incidents. The anticipated project cost is \$307,175. A cash match of 25% (\$76,794) is being offered for this grant. The match will be budgeted for FY2021. Due to time constraints, this is an after-the-fact approval request.

(Police Department: Approval to submit the FY2021 Victims of Crime Act Grant (VOCA). If awarded, the grant will continue funding for the salary and fringe benefits of one (1) Elder Abuse Advocate and one (1) Resource Specialist assigned to the Family Violence Unit. The anticipated project cost is \$94,674. A cash match of 20% (\$18,935) is required for this grant. The grant is due on April 1st.

(Resiliency: Approval to submit the 2021 SC DHEC Solid Waste Reduction & Recycling grant application (\$25,000) to support a pilot program to recycle mattresses and support outreach and education efforts around new garbage routes and schedules. The grant application is due on April 3, 2020. No City match is required.

(Stormwater Management: Approval of Dunoon Drive Drainage Improvement Construction Contract with B&C Land Development in the amount of \$64,840 for the installation of a storm drain system (450 linear feet of 6" pipe) to reduce ongoing flooding concerns for properties along Dunoon Drive. With the approval

of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent project contingency funds exist in the Council approved budget. Approval of this Construction Contract will institute a project budget of \$71,324 of which \$64,840 will be obligated for the contract. The funding source for this project is the Drainage Fund.

- (Stormwater Management: Approval of Spring Fishburne US17 Phase 3 Fee Amendment #20 with Davis & Floyd in the amount of \$428,757 for additional CEI services based upon the continuation of services beyond the revised construction contract end date of 11 October 2019 to the proposed contract end date of 19 May 2020 and covers anticipated additional effort between the latest project date of completion (31 July 2020). The current CEI services contract will expire 31 March 2020. Approval of Fee Amendment #20 will increase the Phase 3 portion of the overall Professional Services Contract by \$428,757 (from \$6,496,769 to \$6,925,526). The funding sources for this project are: State Infrastructure Bank (\$49,000,000), Capital Contribution (\$59,532), and Drainage Fund (\$42,000).
- (Stormwater Management: Approval of Spring/Fishburne Drainage Improvements Phase 3 Change Order #12 to the Construction Contract with Jay Dee Contractors, Inc., in the amount of \$457,875 with the funds coming from the Owner's Contingency Cash Allowance (OCCA) resulting in a \$0.00 change order and no impact on the project budget as a whole. Change Order #12 is for additional costs associated with video inspection of 6 drop shafts (\$7,875) and a Negotiated Global Settlement for all outstanding claims/change proposals (\$450,000) including claims associated with grouting multiple shafts, tunnel tour date of 10/4/19, and removal of sediment from the Line St. drop shaft. This Change Order also adds 225 days to the calendar for substantial completion setting a new substantial completion date of 5/19/2020. Approval of Change Order #12 will obligate \$0.00 of the project budget. Costs for the Change Order (\$457,875) will come out of the approved OCCA of \$2,000,000 (balance of OCCA for the project is \$315,098.89).
- (Parks-Capital Projects: Approval of Low Battery Seawall Repairs-Phase 1 Change Order #1 in the amount of \$328,191 for a new pile redesign and implementation based on existing pile conflicts that were discovered during exploratory excavation and coring to verify existing pile design. Approval of this change order also adds 25 days to the date of substantial completion setting a new date of 1/8/2021. Approval of Change Order #1 will increase the construction contract by \$328,191 (from \$10,930,451 to \$11,258,642). The funding sources for this project are: Hospitality Funds (\$13,08,957.53), Municipal Accommodations Tax Funds (\$12,382,816), and Charleston County Accommodations Tax Fees (\$400,000).
- (Parks-Capital Projects: Approval of St. Julian Devine Landscape Renovations Construction Contract with AOS Specialty Contractors, Inc. in the amount of \$399,557 for site and landscape improvements at the St. Julian Devine Community Center. Approval of this Construction Contract will obligate \$399,557 of the project budget \$3,110,000. Funding sources for this project are: 2015 General Fund Reserves (\$250,000), 2018 General Fund Reserves (\$400,000), Cooper River Bridge TIF (\$2,250,000), and Charleston Parks Conservancy Contribution (\$210,000).
- (Parks-Capital Projects: Approval of St. Julian Devine Improvement Change Order #2 with Satchel Construction, LLC, in the amount of \$55,619.98 to provide and

install new pendant lights on floors 1 & 3, paint exposed brick, remove and replace tile base, repairs to roof decking, replace breakroom cabinets, locker, and entrance door glass, painting changes on all floors, and replace aluminum storefront double doors at north entrance. Approval of this change order also adds 7 days to the date of substantial completing setting a new date of 7/30/2020. Approval of Change Order #2 will increase the Construction Contract by \$55,619.98 (from \$599,066.03 to \$654,686.01). Funding sources for this project are 2015 General Fund Reserves (\$250,000), 2018 General Fund Reserves (\$400,000), Cooper River Bridge TIF (\$2,250,000), and Capital Contribution (\$210,000).

(Parks-Capital Projects: Approval of Stoney Field Improvements increase to P162427 for LED Lighting Improvements with National Energy Solutions in the amount of \$9,692 for the relocation of the breaker panels from the top of 4 poles to a safer, more easily accessible location close to ground level. Approval to increase P162427 will increase the PO amount by \$9,692 (from \$294,391.12 to \$304,353.12). Funding for this project is 2005 GO Bond (\$399,048), 2018 GO Bond (\$2,600,000), Hospitality Funds (\$1,250,000), and a Capital Contribution (\$19,432.50).

(Fire Department: Approval to apply for a HMEP grant in the amount of \$10,500 for the Charleston FD Haz-Mat Team to attend specialized training. A 20% in-kind match is required for this grant. Salaries of personnel attending classes will be used as the match.

(Legal Department: Approval of a Mutual Termination Agreement with Charleston Parks Conservancy regarding donations for the Municipal Golf Course

(Approval to authorize the Mayor to execute the Agreement of Purchase and Sale between the City of Charleston and Shawn Elaine Anderson conveying the property located at 4 Nunan Street for the purchase price of \$201,834. This property is being sold subject to the City of Charleston Single Family Affordable Restrictive Covenants with an affordability period of 90 years. (4 Nunan Street: TMS: 460-07-02-221) (Ordinance)

(Request approval of an Agreement with Charleston Water System (CWS) for the City to Grant Permanent and Temporary Easements on TMS 343-02-00-139, a City Owned Property on Plymouth Ave on James Island for the Installation and Maintenance of a Water Main. This CWS Project is to replace a damaged water main to restore redundant water service to James Island.

First reading was given to the following ordinance:

An ordinance authorizing the Mayor to execute on behalf of the City of Charleston ("City") an Agreement of Purchase and Sale, in which the City agrees to sell to Shawn Elaine Anderson the property located at 4 Nunan Street (Charleston County TMS No. 460-07-02-221) (Peninsula) (District 3) (the "Property") for \$201,834.00, subject to the City of Charleston Single-Family Affordable Housing Restrictive Covenants, with an affordability period of ninety (90) years, and further subject to a permanent general utility easement for the benefit of and appurtenant to the adjacent property located at 4 Grants Court (Charleston County TMS No. 460-07-02-222).

Mayor Tecklenburg said, "Now, we have our bills up for second reading. There are three items there, a lease/purchase plan, our financing a bond for Charleston Water Service and one sale of an affordable home."

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

Councilmember Mitchell said, "Second."

Councilmember Waring said, "Mr. Mayor, I'd like to point out, obviously the refinancing for the \$220 million for CPW, refinancing their bonds, and I know we're going to be talking about this later on, but I was just curious. So, I called CPW last week. I wanted to know how many, the size of their bonds that they refinanced just since I had been on Council. I got sworn in January of 2012. Since that time, \$534,520,000 that they have refinanced at lower rates. So, out of the eight years I've been on Council, they've taken advantage of the lower interest rates in the market six times. So, they came in 2012, three times in 2016, another in October of 2017, and they're back in March for the 2020. I know we're going to be talking about that again but, again, we need to sharpen our pencils and apply that to ourselves with our own bonding. Thank you."

Mayor Tecklenburg said, "Thank you. Understood. So, items up for second reading, one, two and three. Any other discussion?"

Mr. McQueeney said, "Mr. Mayor, just on number three, the same thing I said at Ways and Means applies. It's for 4 Nunan. 4 Nunan and 4 Grants Court are right next to each other. We're trying to get access over Grants Court, and we're working that out. So, if this passes, we want to authorize the Mayor to execute it, assuming the issue at Grants Court gets worked out, or on the working out of the issue with Grants Court."

Mayor Tecklenburg said, "Alright. Any other comments or questions?"

No one else asked to speak.

On a motion of Councilmember Waring, three (3) bills (Items L-1 through L-3) received second reading. They passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Shahid. On further motion of Councilmember Mitchell, the rules were suspended, and the bills were immediately ratified as:

2020-043 AN ORDINANCE TO AUTHORIZE THE EXECUTION AND DELIVERY OF LEASE/PURCHASE AND SECURITY AGREEMENTS WITH TD EQUIPMENT FINANCE, INC. IN ORDER TO PROVIDE FOR THE ACQUISITION OF VARIOUS VEHICLES, INFORMATION TECHNOLOGY AND OTHER EQUIPMENT AND ACCESSORIES; TO PROVIDE THE TERMS AND CONDITIONS OF SUCH LEASE/PURCHASE AND SECURITY AGREEMENTS; TO PROVIDE FOR THE GRANTING OF A SECURITY INTEREST TO SECURE ALL OBLIGATIONS OF LESSEE UNDER THE LEASE/PURCHASE AND SECURITY AGREEMENTS; TO AUTHORIZE THE EXECUTION AND DELIVERY OF ALL DOCUMENTS NECESSARY OR APPROPRIATE TO THE CONSUMMATION OF SUCH LEASE/PURCHASE AND SECURITY AGREEMENTS; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

2020-044 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF WATERWORKS AND SEWER SYSTEM REFUNDING AND CAPITAL IMPROVEMENT REVENUE BONDS OF THE CITY OF CHARLESTON IN ONE OR MORE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$220,000,000 AND OTHER MATTERS RELATING THERETO.

2020-045 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON ("CITY") AN AGREEMENT OF PURCHASE AND SALE, IN WHICH THE CITY AGREES TO SELL TO CAROL JEANE LOTZ THE PROPERTY LOCATED AT 4 GRANTS COURT (CHARLESTON COUNTY TMS

NO. 460-07-02-222) (PENINSULA) (DISTRICT 3) (THE "PROPERTY") FOR \$222,642.00, SUBJECT TO THE CITY OF CHARLESTON SINGLE-FAMILY AFFORDABLE HOUSING RESTRICTIVE COVENANTS, WITH AN AFFORDABILITY PERIOD OF NINETY (90) YEARS, TOGETHER WITH A GENERAL UTILITY EASEMENT FOR THE BENEFIT OF THE PROPERTY, SAID GENERAL UTILITY EASEMENT ENCUMBERING THE CITY'S ADJACENT PROPERTY LOCATED AT 4 NUNAN STREET (CHARLESTON COUNTY TMS NO. 460-07-02-221) (PENINSULA) (DISTRICT 3).

Mayor Tecklenburg said, "So, Councilmember Waring, to that point of number two that you were making, you raised that issue at the last meeting that the City should review its bond position and the possibility of refinancing some of our bonds and saving money. I will share that Charleston Water Service says with this refinancing of \$220 million, that over the life of the bonds, not right now, but over the life of this refinance, they will save \$20 million. So, that's huge. Ms. Wharton reported to us after that meeting that, in fact, a financial advisor's group, First Tryon out of Charlotte, North Carolina, who has worked with the City for some years now, had taken a look, kind of a high up, 30,000 foot look at our bond position in January of this year. So, we would like to engage First Tryon to be an advisor to us in this matter and also any other matters that have recently arisen with changes in income, revenue streams that may be occurring with the Coronavirus incident situation. There's no action needed this evening by Council, but I just wanted to bring everybody up to date that we are going to request a proposal from First Tryon to serve that role for us as the financial advisor quite shortly in the near future."

Councilmember Waring said, "Mr. Mayor, I want to thank you for acting as fast as you have on that because with interest rates moving around the way they have, as a matter of fact, the ten year bond closed today at 0.81%. So, getting that information, in particular a financial advisor, engaged quickly hopefully to look at not only our stormwater bonds, but our GO bonds and our revenue bonds in a comprehensive approach. We're going to be in a low interest rate environment for a while, not just 2020. I think you're going to see 2021 and 2022, maybe beyond. Given the size of deficit this country has, it would be in the advantage of the country, as well as the Federal Reserve Board to have interest rates remain low. So, again, that's an opportunity, and I appreciate you seizing it for all of us in the City of Charleston. Thank you so much."

Mayor Tecklenburg said, "Well, thank you for the suggestion at our last meeting. That's what prompted us, so thank you."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, Mr. Mayor, in talking about financing, with regard to talking about the City, as the Chairman of the Ways and Means Committee, I really want to be connected a little more, so that I can carry out my duties accordingly. So, I think there needs to be a little bit more coordination between your office and at least myself as the Chairman because what I want to do is not just look at our bonding. I want to look at our financial posture in general. I know that you said the first of April we would have a Budget Committee, but even before the Budget Committee, I'd like to sit with you and Amy to discuss some of the financial posture of our City, given the revenue that may be affected as a result of the virus."

Mayor Tecklenburg said, "Done deal. We might have a Zoom meeting rather than—"

Councilmember Gregorie said, "Oh, that's right. That will be fine. Thank you."

Mayor Tecklenburg said, "Alright, so next is bills up for first reading. We have four items. They were all scheduled to have public hearings this evening. We are scheduling those public hearings for April 14th, but we are able to go ahead and take first reading action on those four

items and wait until the public hearing notice and the public hearings in order to take second and third reading. Do I hear a motion?"

Councilmember Griffin said, "I make a motion that we approve those four items."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "They're all pretty vanilla rezoning matters, if I may say. So, any discussion on those, one through four?"

The Assistant Clerk said, "Councilmember Shealy has his hand up."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Thank you, Mr. Mayor. On number two, I just want to mention, it makes sense to be rezoned Limited Business on here. It's a piece of property on Ashley River Road. However, I just want to mention to our Planning Staff that piece of property may be affected by the I-526 West widening. That property borders I-526, so it may be something to consider and look at, and when we have the public hearing, somebody may bring that up. But, I have a feeling when I-526 is widened, that property is going to be affected by that."

Mr. Lindsey said, "Councilmember, Jacob here, we hear that and will investigate any impact to the property as a result of the I-526 widening."

Councilmember Shealy said, "Thank you, Mr. Lindsey."

Mayor Tecklenburg said, "I would point out, number four was not a rezoning. It was amending a section related to the Design Review Board, but we will have the public hearing to come and have the opportunity to discuss it some. Any discussion?"

No one else asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 220 Nassau Street (peninsula) (0.89 acre) (TMS #459-05-01-067) (Council District 4), be rezoned from Diverse Residential (DR-2) classification to Mixed-Use/Workforce Housing (MU-1/WH) classification. The property is owned by Charleston County School District.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Ashley River Road (West Ashley) (1.53 acres) (TMS #354-12-00-004) (Council District 2), be rezoned from Single-Family Residential (SR-1) classification to Limited Business (LB) classification. The property is owned by Laura M. Smith.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1970 Delaney Drive (James Island) (0.303 acre) (TMS #340-00-00-099) (Council District 6), be rezoned from Single-Family Residential (SR-1) classification to Single-Family Residential (SR-4) classification. The property is owned by Jesse J. Richardson III.

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending applicable sections related to the Design Review Board in order to establish board member alternates, prioritize placement of

affordable/workforce housing projects on agendas, and limit the number of agenda items.

Mayor Tecklenburg said, "So, next up is under Miscellaneous Business. The first item is a proposed settlement agreement between the City of Charleston and the Citadel. I believe, Mr. McQueeney, are you going to make comments or a presentation on this?"

Mr. McQueeney said, "Yes sir, Mr. Mayor. This is a litigation. It's interesting, I had to look it up. The Citadel, I think the entire Citadel campus, is in Councilmember Gregorie's district, but it's completely enveloped by neighborhoods in Councilmember Sakran's district. I think there are some neighborhoods contiguous in Councilmember Gregorie's district. So, the Citadel came in and asked for a permit to demolish Capers Hall and an adjacent Public Safety building that's on its campus. The BAR-L denied the permit. The BAR's position was it was unique to the 1950's style of architecture during the time it was built. It's more than 50 years old, so it requires a permit for demolition in our ordinance because it's south of Mount Pleasant Street and located on the Peninsula. I think one of the interesting things about this and some other issues that involve the same section is there's demolition authority by the BAR, but they don't really review what goes there. So, as part of their demolition authority, I think they, there's concern about what's going to be there. I think that's covered by what they can consider, and how quickly it's going to be replaced, but after it's torn down, they don't really have any jurisdiction over it. Either way, the BAR denied the permit. The Citadel appealed. We mediated the case. They provided the drawings that are attached to the settlement agreement that show what the new building will look like. There's actually a lot of public features to it, including the auditorium area. It will be, unlike a lot of Citadel facilities, I think completely open to the public during certain hours. So, the settlement agreement is to grant the demolition permit. Any other permits or approvals required by the City boards would still be required. Then, there's a commitment by the Citadel to rebuild Capers Hall in a like manner to what is shown on the plan attached. Now, it's not a hard commitment because we expect a lot of those details to change, but ultimately it's going to be a military style barrack, looking like the other barracks within the Citadel. So, that was the recommendation of City staff, and I'm happy to answer any questions."

Councilmember Seekings said, "Move to approve the settlement."

Councilmember Shahid said, "Second."

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

Councilmember Griffin said, "Yes, sir. I rarely get an opportunity to talk about my alma mater, so I'm going to take the chance here to do that. I was a political science major in college, so I spent probably 75% of my time in Capers Hall. I walked through it as a knob for the first time, and I felt like I had jumped in a time ship and gone back to the 1950's or 40's. Everything in there is very old, antiquated. Yes, I can understand the historical significance. However, this is supposed to be an institution of higher learning. The bathrooms are so small and tiny, you can't even really get in there. The classrooms are much too small. The Citadel is a growing college. Their number of students rises every year. They have so many students now, they don't even know where to sleep them. They're having to sleep them in trailers, they've got so many cadets there now. So, I've got to give kudos to my alma mater for wanting to upgrade some of these buildings. As you know, Tommy Baker is helping them big time with the new business wing, and because of the number of social sciences, not only undergrad, but graduate school and doctorate learning as well, that building is probably used by every student at some point. They really, really badly need an update, so I just want to give them kudos. I appreciate the City's always making sure that we are keeping the historical context of our City, but in this case, this is a much needed upgrade for the campus. Thank you."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mr. Mayor. I just wanted to echo Councilman Griffin's point there. The Citadel has been a wonderful partner to our neighborhood, and I'm not going to speak for Councilman Gregorie, but I went over and took a peek at the project. It's going to be a modern project and, again, it does align with the Citadel's vision which is really being open to our community. Since living in this area, I have to say The Citadel has been a great partner, and I'm looking forward to seeing this building built."

Mayor Tecklenburg recognized Councilmember Shealy, followed by Councilmember Gregorie and Councilwoman Jackson.

Councilmember Shealy said, "I've seen the plans on this. The Citadel is going to do great work, just like everybody else is saying. This is going to be a great project. Thanks."

Councilmember Gregorie said, "Mr. Mayor, this is one that I support. It is in my district, and one of the great things about it is I've lived with The Citadel in my backyard all of my life. This would be the first time, when this building is complete and the business school extension is complete, that it does not appear as though The Citadel's back is to the community. I really feel like with this change, with the business school, as well as the renovation of this building, it would be the first time, at least for me, that it would appear as though The Citadel is becoming a part of our community and not something sectioned and gated off. So, I really think it's a great, great thing that The Citadel is doing, and I have not gotten any opposition from the community in that regard."

Councilwoman Jackson said, "Thank you, Mr. Mayor. I'm really happy to have heard your words, Councilmember Gregorie, because that does make it the personal reason, and also the function and the growth strategy for The Citadel that we've heard from our proud alumnae. I told the gentleman that called me about this asking for my support vote that this decision, by The Citadel first and then by the preservation community and by the municipality that needs to make this decision, is the epitome of what my former employer, The National Trust for Historic Preservation, was going around the nation in the 70's, 80's, and 90's helping communities be strategic about preserving the best for the right reasons, and maybe letting go some of the things that were not valued for their historicity as they were for their future function. So, I think we should be very proud that this has come forward to a place, and I'm really thrilled to hear it be the front door for the college, or at least an open door, as opposed to behind the walls. So, bravo."

Mayor Tecklenburg said, "Councilmember Appel, did you want to be recognized?"

Councilmember Appel said, "Thank you, Mr. Mayor. I'm fully supportive of this settlement, although I'm a little disappointed that The Citadel has had to go through this process, frankly. I think that the idea of The Citadel, of all institutions, was not interested in tradition and the historic aesthetics of their campus is baffling. I love the BAR. I'm a big proponent of historic preservation, but we really need to look at this demolition purview zone that's outside the Historic Corridor district, outside of the Old City district, outside of the Old and Historic district, and really try and put in some common sense reforms. I look forward to being a part of that discussion as we engage with our Comprehensive Plan. This is a wakeup call that this area needs to get tightened up in our ordinances, and the Citadel shouldn't have had to go through this."

Mayor Tecklenburg said, "Alright. Any further discussion?"

Councilmember Waring said, "Mr. Mayor, I just want Councilman Griffin to know that the Gamecocks fully support this, and even if our Clerk of Council could vote, she would vote approval on this."

Councilmember Griffin said, "Well, when you can beat us, then you can start talking, Keith."

There was laughter in the meeting.

On a motion of Councilmember Seekings, seconded by Councilmember Shahid, City Council voted unanimously to approve a proposed settlement agreement between the City of Charleston and The Citadel, the Military College of South Carolina, arising out of Case No. 2020-CP-10-0145, The Citadel v. City of Charleston, et al., in which The Citadel appeals the BAR-L's denial of a permit to demolish Capers Hall and a public safety building on The Citadel's campus, within the block bounded by Lee Avenue to the north, Elmwood Avenue to the east, Hagood Avenue to the west, and Huger Street to the south (a portion of Charleston County TMS No. 460-00-00-004) (Peninsula) (District 6).

Mayor Tecklenburg said, "Thank you very much. Next is a consideration of an amendment to an Agreement with the Local Development Corporation to create an emergency fund to assist small businesses that are impacted because of this Coronavirus incident that is occurring. I'm going to ask Councilmember Sakran, maybe, to make a presentation regarding this."

Councilmember Sakran said, "Thank you, Mayor. I'm going to have to recuse myself from this vote. I do have a current loan with them, so I'm going to recuse myself."

Mayor Tecklenburg said, "Oh, sorry about that."

Councilmember Sakran said, "It's alright. I just wanted to make sure that's clear. I will say that, one thing before I recuse myself, the small business community is hurting. We have several challenges ahead of us over the next couple of months, as a City, and I would just hope that Councilmembers make the right decision tonight."

Mayor Tecklenburg said, "Great, thank you. Could I start by asking if there's a motion--?"

Councilmember Gregorie said, "Mr. Mayor?"

Councilmember Griffin said, "Move for approval."

Councilmember Gregorie said, "Mr. Mayor, this is Gregorie, question, who introduced the plan? Was it Sakran?"

Councilmember Sakran said, "Yes, I can answer that. I'm the one that had reached out and made this aware to the Mayor and Rick, and we had a discussion."

Mayor Tecklenburg said, "Yes, there was a meeting amongst staff and a few City Councilmembers with the LDC that led to this proposal."

Councilmember Gregorie said, "Mayor, can we have a little discussion on it, because I'm not opposed to it at all, but I'd like to have a bit of discussion on it, because I'm not sure what we may be getting ourselves into. I do think, given where we are, that there will be millions of dollars out there for small businesses. But, as a City, this is my concern. Small businesses, yes they're suffering, but we also have a lot of people in the food business that have laid off hundreds of people. Hopefully, they'll be able to get unemployment, just as our minority business entrepreneur's staff would get, but still the question I think we're going to have to deal with at some point is, 'why them, and not us?' How do we answer that question? I think we're going to have to deal with the answer to that question. What are we doing with regard to the maids and custodians at all these hotels that are also being laid off? Is the City going to do anything specifically for them, as well? I think that's a question that we need to be able to ask, because I think it's an obvious question, if this passes, that we will be approached with, and I don't know whether or not I can answer it without just giving fluff and no substance."

Mayor Tecklenburg said, "Well, I appreciate that question. I don't know that Congress passed the matter today."

Councilmember Shahid said, "They have not. It's still pending."

Mayor Tecklenburg said, "It's still pending, but there's a tremendous direct assistance to citizens that the Congress is considering, as you know. We do help our local economy. Small businesses account for something like 85% of local employment and new jobs. So, offering them some assistance is definitely a wise thing under these circumstances. I think it would be to the benefit of all, and I guess, if I could, Susan Herdina, can I ask you to step forward and explain to us the details of what's being proposed here?"

Ms. Herdina said, "Yes, sir. Good afternoon. Can you hear me?"

Mayor Tecklenburg said, "We can."

Ms. Herdina said, "So, just to give a little bit of background, as everybody is aware, back at the end of May of this past year, the City entered into a Settlement Agreement with the LDC for \$22.8 million, and out of that \$22.8 million, \$10 million was retained by the City, \$9.2 million was retained or was transferred to the LDC with the idea that there would be a permanent revolving fund for affordable housing development within the City. Then, there was an additional \$3.6 million which was used to support the LDC's core mission of helping small businesses within the City, consistent with Title I. So, as I understand the proposal, we would basically be authorizing, it would be an amendment to the Settlement Agreement. If Council approves this tonight we would basically ask that, as part of the motion, the Legal Department be directed to develop the correct amendment, or to draft the correct amendment that would reflect Council's actions and that, basically, we would be diverting some portion of that \$9.2 million of the revolving fund to the small business package that has been presented to Council tonight. Obviously, the intent is that money would, ultimately, go back to the revolving fund and would continue to be used for affordable housing within the City."

Councilmember Mitchell said, "I've got a question, Mr. Mayor."

Mayor Tecklenburg said, "If I may, Councilmember Mitchell, I saw Councilmember Appel and Councilmember Griffin's hands up first."

Mayor Tecklenburg recognized Councilmember Appel, followed by Councilmembers Griffin and Mitchell.

Councilmember Appel said, "Thank you, Mr. Mayor. I think this is, it's unfortunate that we're in a position needing to bail out our small business community, but we are where we are, and we have a unique opportunity on our hands. I am in favor of this proposal, subject to some reasonable restrictions to make sure that the monies that are ultimately loaned out are going directly to payroll and rent, that we put some reasonable constraints on these things. In regards to affordable housing, I cannot express to my fellow Councilmembers how adamant and passionate I am about this issue, and that when it's time, we can change our zoning ordinance in a way that will blow the doors off of affordable housing. I look forward to doing that with everybody at the appropriate time."

Councilmember Griffin said, "I just have a couple of questions. Number one, one thing about this proposed agreement that struck me was the fact that these were going to all be unsecured loans. So, I'm wondering what the vetting process of the businesses are going to be. I've expressed this to a couple of Councilmembers and to you, Mr. Mayor, that there may be some businesses that have far greater need than what we can help and that this money may not do them much good, but if somebody who was doing well, prospering, that this Coronavirus has definitely put them in a little bit of a bind, I can see where we can help them there. But, I'm

wondering, what happens if 25% of these loans default? What happens then? So, that's my first question. I'm just wondering how we're going to vet the businesses to be sure that the loan is going to help them in a particular way, and honestly, as a business, we want to be sure that we can recoup our money. The second part to that is, was there any discussions in your meeting with the LDC about them using any of their \$3.6 million that they've already dedicated to small businesses? Have they offered to help out at all? I'm sure that there are several businesses that could fall in that category already, and I don't understand why we would be taking all the skin on that, especially since we're trying to forge this new partnership with them with this money. So, if you can, if somebody who was in that meeting could maybe touch on that fact, whether or not they're willing to put any of that \$3.6 million towards it, and then obviously, what the vetting process would be for the small businesses. Thank you."

Mayor Tecklenburg said, "Great. So, I was not at the meeting, but I do have information that they have already made loans to utilize the \$3.6 million that was ascribed to them. So, that's already out of play, so to speak. Susan, or anyone else, want to step up and address the default question?"

Councilmember Seekings said, "So, Mayor, Councilmember Seekings here, I was in that meeting along with Steve Saltzman, Councilmember Sakran, and Councilmember Jackson. Councilmember Griffin, the idea was this would be one point of relief for small businesses. Built into the calculus is that there will be a certain percentage of defaults, and if Mr. Saltzman is on the phone and can get unmuted, he can jump in at any point. But, the loan rate I think we agreed on was going to be 3.25% with a 1.1% origination fee. So, there are risks involved with all this, but the whole idea was this would be a jumpstart for small businesses on the backside of, really in a place where they have no other relief. It is short-term, available money, as opposed to going through a long process with the SPA or other federal programs that will require large-scale and long-term application processes. A one page application, I understand the LDC has already put together along with Lowcountry Local First, a loan review committee. So, there will be a loan review process, but it is a small business, short-term, kickstart loan with funds available from a not for profit. I believe that we, probably, at this point have an obligation to make some monies available to businesses who are going to be hurting for sure. So, that's what we took away from that meeting. I think there was certainly some level of anticipation that there would be defaults, but through the process, through the screening, and through recovery with any luck at all, and with some good business actions, that money will be repaid, and we will help some small business. The idea by the way, I heard a question, Mr. Mayor, about how much money will be committed to this from the funds that are available to the LDC, and I believe we agreed at the meeting it would be \$4 million put at risk."

Mayor Tecklenburg recognized Councilmember Mitchell, followed by Councilmember Waring.

Councilmember Mitchell said, "Mr. Mayor and Councilmembers, I have a question and a comment. First, my comment is that we fought hard with the LDC to receive this money over a period of years, and when it comes to affordable housing, we fought hard to put this money into affordable housing. I agree a lot with the small businesses needing assistance, and I think the State just passed something, and I think yesterday the government was talking about giving out money for small businesses and loans and stuff like that. Now, when we give this money that we had approved for housing, that's going to take almost another 50 years to even recoup that money back because when we lend this money out, the small businesses will have six months before they start making payments. Over a period of time, you know how long it's going to take to recoup this money, and we are fighting for affordable housing. That's one of my issues with it.

My second issue with it is, when this came about I didn't hear anything about it until it came to Council. When my colleagues went there, why didn't they call some of the other Councilmembers who are dealing with this all the time and dealing with what's happening with the LDC, so we could be involved with that? That's my problem with that. We need to make sure we stop doing this, because people are looking a little differently, a little funny, when they see four individuals going there, meeting with the LDC, and no one else is there looking, not me or anyone else. We'll say, 'wait a minute, what's going on with this?' So, it's a perception. We need to stop doing it, and that's the problem I had when I heard about this. But, my thing is still that it's going to take money away from our housing that we planned for affordable housing. This money is not going to be returned any time soon. So, what's that going to do? It's going to push affordable housing way back again that we tried to push forward. So, that's what I have a problem with and I'm wrestling with when this came about."

Councilwoman Jackson said, "Mr. Mayor, I had my hand up, please?"

Mayor Tecklenburg said, "Yes, you did, and so did Councilmember Brady."

Mayor Tecklenburg recognized Councilmember Waring, followed by Councilwoman Jackson, Councilmember Brady, and Councilmember Shahid.

Councilmember Waring said, "Thank you, Mr. Mayor. I'm in favor of it. I just disagree with the funding mechanism. It shouldn't come from affordable housing. I was on the conference call with the LDC and, Councilmember Seekings, Mr. Saltzman estimates a 35% loss ratio on this."

Councilmember Seekings said, "That number, by the way, went up from the meeting that we had. I don't think it was that high, but I'll stand corrected if it was."

Councilmember Waring said, "Well, that was on the conference call yesterday. The loan loss ratios on microloans, the reasons you don't see the Bank of Americas, the Wells Fargos, the BB&T's of the world, or Chase's doing them is because the loan loss ratio is through the roof. It took thirty years to get this money from the LDC, I mean back from Charleston Place. It's going to take about two weeks, if you took 35% loan loss ratio on that, and that's if it's that low. It's an unsecured loan, and if you look at some of documents, they're talking about, even if you pay it back, it can be three to five years and possibly even be granted. I think that's mighty magnanimous to take \$4 million that took over thirty years to get back for affordable housing and now, in part, put up as a giveaway. There's a huge social net that's being developed in our country in a wonderful way. No one is going to get foreclosed on. Councilmember Appel, you made mention of that on the conference call, and you were right. No one's going to get foreclosed on. No utilities are going to get cut off. The Mayor spoke with Mr. Cassis with Dominion. The Mayor was on a conference call with me and CPW today. No one's water is going to get cut off. So, the urgency of doing this in two weeks, I don't agree with. What it does is creates a shortsightedness on something that could be comprehensive. This is a one-off pot of money. This is not renewable sources of money and, quite frankly, if you look at the UDAG grant, and I would certainly like to hear from Ms. Geona Shaw Johnson as to appropriate uses of the dollars on a couple of things. It's supposed to be for low to moderate users. As I understand it, this is going to go to the business owner and only if they retain one job. It's amazing that affordable housing, the way the City has done a great job crafting it, will last as long as thirty years and, in some cases, ninety years. In the case of some of the monies that came out of the settlement that went towards One80 Place, it's permanent, in perpetuity.

My understanding is we've had a number of deals that have gone to the LDC for this pot of money, and they priced the loan too high with experienced non-profit builders in this community, one being the Humanities Foundation. So, if you remember, one of the issues that exacerbated this with City Council, and the new Councilmembers won't know this, but the Councilmembers

who were on prior to January will know this, the LDC had an enormous origination fee for us, the City of Charleston, which created, frankly, a backlash. Well, if you structure your fee structure to a point where experienced builders, creators, of affordable housing can't afford your numbers, then I guess you would still have the \$9.2 million sitting there. That's what we have. We had a great agreement put together and my understanding, and Ms. Herdina, I would like your input on this, was after the City vetted a potential applicant and referred it to the LDC that it would almost be approved. But, my understanding is that there have been several people that have gone there with deals and left because the pricing origination fee, I would assume the interest rate, those are the two major components when it comes to pricing of a loan, was too high. Again, some of the most experienced people who create and have built affordable housing, great allies. Just look at some of the ways that the Humanities Foundation has worked with us with those 44 units over on Johns Island. For \$4 million, we got 44 units. If somebody gave you the dirt, you could not build 44 units of affordable housing for \$4 million. When they go forward to the LDC, I won't say they got rejected, but they got priced out to the point where it didn't work within their cash flow.

So, all of this, I suspect, is new to Council, and I think we need more information on how to structure this thing and fund it properly. I met with Councilman Sakran. I agree. We need to try to do something, but to do something that's unsecured, that we know will have a large loan loss ratio, and that number is 35% of \$4 million, a little bit more than \$1 million that we are not going to be able to get back. Now, when we build affordable housing, the leveraging on that, in other words when we put the dollar in how much do we get back or is built, more importantly, in the community, it's 7, 8, in some cases 9:1. You say, 'how do you come up with those numbers, Councilman Waring?' The project at One80 Place, I think, is a \$27 million project. It may be \$29 million, but I believe it's \$27 million. The City of Charleston put in \$3 million. But for that \$3 million, and by the way that came up as part of this settlement, as part of the \$9.2 million, that \$27 million project would not be built for those that need it most. It's permanent housing. Three into 27 goes nine times. That's nine to one leveraging that we were able to secure and complete the funding pretty much for that project. So, now we're going to take \$4 million, and I don't know how we crafted the \$4 million, and we pretty much know that \$1.3 or \$1.4 million of that is not going to be repaid. You say, 'well, we can put the money back.' Where's the renewable source when the economy snaps back? This economy will come back. When this economy snaps back, where's the renewable source going to be that says 'we can put that affordable dollar back?'

Now, I know this will make Councilman Seeking's jump out of his skin, but it was in large part the restaurant, the hotel industry, and the bars that help to create A-Tax and H-Tax money. We've got, I don't know, \$16 or \$17 million stacked up, waiting construction on the Low Battery Wall. Now, every year that I've been on Council, and every time funding came up when my father was on Council, my father, along with I, have always voted to fund the Battery wall. We probably would have to get some sort of waiver to take \$1 million and create some sort of loan fund, but we need more time to figure out in this environment where we can get the money from. At the end of the day, even if you lose your business, you're still going to need an affordable place to live. Even if you get laid off, you're still going to need an affordable place to live. The problem in our community is we have to try to create affordable housing in a rising real estate market, and even as depressed as the stock market is today, go out and try to buy real estate in the City of Charleston and see how difficult it is. So, it's magnified when it comes to how we're going to replace this \$4 million because it will not all come back. That's a fact. So, I do agree with Councilman Mitchell. I'm appalled, frankly, that no African-American was in that meeting to be able to bring a vantage point from a large part of our community that wasn't heard in crafting this \$4 million. We're better than that. When we unfold the banners that say 'We're Charleston Strong. We work together,' there were voices that could have been around that meeting, and I don't need the answer now, but I would hope that you all reflect on why Councilman Mitchell wasn't there, or

why Councilman Gregorie wasn't there, or why Councilman Waring wasn't there. It was a huge omission. Why wasn't, and if I'm wrong, correct me on this, if Ms. Geona Shaw Johnson was there, then I stand corrected. But, when it comes to housing right now, she, next to Councilman Gregorie, has more information on how to create affordable housing and the appropriate uses of UDAG monies than anyone else in this town. They, for whatever reason, were not involved with that meeting.

So, as a City, I know we're better than that, and as a City, if we really put our minds to it, can we find a possible funding source for this that would be renewable? I think we can. So, I understand small business. I have a small business, so I'm right there with you. I've had my share on this, but I would like to move for deferral, so we can find a better way to fund this and, hopefully, get a better understanding. Ms. Herdina, please touch base on this, when it comes to the City referring an applicant for that \$9.2 million to the LDC, what was that process supposed to be? I didn't really think fees would cause a person like the Humanities Foundation or others to walk because the fees were too high. Let me be quiet, but I'd like to hear from Ms. Shaw Johnson on this too because, Councilmember Gregorie, you didn't touch on your knowledge of UDAG funding, and Mrs. Shaw Johnson certainly needs to be heard on this because if we need assistance on this, I'm sure that we can reach out to Congressman Clyburn's office. They can reach out to HUD because affordable housing can be built with these dollars, and they're not just sitting there idle."

Mayor Tecklenburg said, "Thank you, Councilmember Waring. We have a motion on the floor to defer."

Councilwoman Jackson said, "Mr. Mayor, I second the motion, and I would like to amend the deferral motion because I second."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you very much. My first thing is I do second the motion to defer, but I would like to ask Councilmember Waring for an amendment to that motion that we would have a special work session and a special Council meeting, Mayor, that you would call before this week is up. I would be happy to explain my thinking about this loan. So, I would like to second that motion with that amendment, but then I would like to speak to some of the points that have been made in this discussion."

Councilmember Waring said, "Councilwoman Jackson, thank you for second and, listen, I want to get together and see if we can roll up our sleeves to get something together for these folks in need myself. I don't know if it takes a Council meeting to do that, but I think a similar fashion that we get together, a little bit more inclusively, then I think we can shake out the pockets and get some money to help these people. I'll sit back and listen to you."

Councilwoman Jackson said, "I agree that, adding more Councilmembers to that work session, it needs to be a public meeting."

Mayor Tecklenburg said, "Councilmember Waring, do you accept that amendment to your motion to defer?"

Councilmember Waring said, "I do."

Mayor Tecklenburg said, "Alright, so we have a motion to defer with an amendment that we would have an additional meeting this week to discuss this matter in more detail, to have it fully vetted and explore other means of funding."

Councilwoman Jackson said, "Mr. Mayor, may I speak to why it is important for this week?"

Mayor Tecklenburg said, "Absolutely."

Councilwoman Jackson said, "Thank you. I'm not going to make a long deal. I know you all know my style these days, but this is definitely another rock in a hard place decision for me, or the whole idea. I came to the City as a retired, non-profit, affordable housing director. I first volunteered, and Mrs. Shaw Johnson knows this, to the group that was in the beginning stages of talking about how to be more creative about creating a bigger variety of housing attainability and affordability in the City. So, that has been my first love from the day that I arrived here to be a permanent voter in the City. My husband and I own property on Coming Street, and we rented out an affordable renting structure because we believe strongly, we were Section 8 landlords in our former life in Arlington, VA. I've worked with the local government and the housing departments for the 20 years that I was either volunteering or working in the housing industry. So, I share everyone's passion for making this a goal that we have to put in front of us for now and long-term. But, the idea of having this kind of 'back to work' small loan, I called it the 'triage' loan when Councilmember Sakran first explained his ideas to me and asked what did I think. Would I be able to help him creatively? Frankly, we have formed a talking group with Steve Saltzman, the new director of the LDC, because that gentleman arrived with a lot of big ideas, a lot of expert experience from his career in Durham, NC, and now all over the country as the Innovation Director for South Bank, creating the kinds of loans that we would really like to see in this community. He is in lockstep with Lowcountry Local First for those reasons because there is no lack of need among the small business owners. I'm sorry Councilmember Sakran cannot speak for himself because he is the poster child for why we want to do this in a fast turnaround for the intervention reasons that we need for the small business community. Lowcountry Local First has been following this as a local challenge for the last two weeks, and they've also been collecting data. Today, they sent me the information that the average small business owner that we're talking about has 26 or 27 days of operating funds available as of the time that the crisis occurred a week ago. So, they're on day 20, if not day 15. The restaurant owners had 16 days of operating cushion. So, we're talking about payroll intervention. It's great that the utilities are wanting to chip in and play their part and landlords are being asked not to foreclose or to defer rent for the long-term. All of that is great. That's in our five-point document that Jason circulated to Council last week.

But, right now we have owners that are literally making those agonizing decisions tonight of whether or not they'll be able to make their payroll or whatever it is they know they need their limited funds to support. I do hope that we can find a substitute source of these funds. If that had been obvious when we started talking about this seriously and incorporating the LDC into it, then hopefully somebody would have said, 'yeah, we have money. We can make this work and keep the \$9.2 million in place.' The answer to you, Councilmember Mitchell, about how long these funds are going to be out and not part of the housing fund, there would be, essentially, \$5 million available to use tomorrow. I do think that there's some accuracies and facts that we need to know about LDC's willingness and ability and the facility that they are loaning through using these \$9.2 million funds. From everything that I understand, the Humanities Foundation never made an application. So, maybe they got an impression that they were going to have to pay more than they would like to sticking to their pro-forma, but they never went through the application process, and LDC has a lot of creative ways of helping developers use their financing that, frankly, has never been part of the cookbook in Charleston. It's a time where you learn about how to make the most out of your limited funds. So, I just think the Council, I'm sorry that the Mayor's office and the people that were working on this in the Legal office had more on their plate than they could manage in order to get us at least some talking points today that we could all be looking at together. I think that's not helpful to all of us, so that's why I would like to defer. I would like to have these talking points, have some frequently asked questions that each one of us is now putting out there on the table, and then have a set of terms that we could agree would be the ones that we would look at and then maybe adjust at a work session, and then take a vote before this

week is over. We have Wednesday, Thursday, and Friday, and the business community is counting on us to do this. So, thank you very much.”

Mayor Tecklenburg recognized Councilmember Brady.

Councilmember Brady said, “Thank you, Mr. Mayor. I appreciate you calling on me. I concur with Councilmember Jackson. I’m also going to vote to defer. I’m in agreement with the plan. I’m getting called by small business owners for some sort of short-term liquidity that we can use to help them, but without some of the details that, I think, would make me comfortable, and some of the other Councilmembers, I’m not comfortable with just kind of writing a blank check because if there’s anything we learned from the 2008 crisis, it’s that blank checks aren’t necessarily the best way. But, I’d also like to echo Councilman Appel’s appeal that there be payments directly to vendors, so that we don’t have the bad actors that are going to use it for a Maserati payment, that we actually know it’s going to go to low and moderate income workers. I’d also just echo, with my time in the non-profit industry, that non-profits be able to apply for this type of funding, as well, because there are a lot of hourly paid workers and a lot of people that do work in non-profits are on the lower end of the wage scale. In this time, when you can’t go to make donor meetings, and you can’t go and have donor visits, there’s going to be a liquidity crisis going on with non-profits as well, because it is harder to save up funds for an operating reserve in a non-profit and especially creating an endowment. So, I hope that non-profits aren’t lost in the shuffle of small businesses, but I appreciate the ingenuity of putting this forward, and I look forward to the taskforce that’s going to work on it. Thank you.”

Mayor Tecklenburg recognized Councilmember Shahid, followed by Councilmember Gregorie.

Councilmember Shahid said, “Thank you, Mr. Mayor. We’re now discussing the motion for deferral, is that correct?”

Mayor Tecklenburg said, “That’s correct.”

Councilmember Shahid said, “I would ask that the motion for deferral be amended that we don’t refer this back to a full City Council meeting, but it goes back to Councilmember Mitchell’s Committee on Community Development. I just checked the ordinance, because I think that’s where it properly belongs. I think what we need to consider is this, and the comments made by several of my colleagues, we need to have a structure in place as to how we’re going to dole out this money, who’s going to get the money, and what type of terms we’re going to place on this. I’m in favor of the idea. I think it’s a wonderful idea that when I first read about it, and was approached about using this money, but we are taking money away from affordable housing and that is one of the top, if not the top, priority for our City right now in addressing the shortage in affordable and attainable housing within our community. So, we’ve got to be very particular about this. I think the idea is magnificent. It’s a great idea, but at the same time I think the questions that have been brought up by all my colleagues need to be addressed. I think the appropriate place is for Councilmember Mitchell’s committee to wrestle with this a little bit more, because I’d like to have some more details as to what criteria we are going to use, how we are going to grant this money and how we are going to administer it, and how we’re going to collect it back, as well. So, if that is something that Councilwoman Jackson or Councilmember Waring is willing to accept as an amendment to the amendment, that it goes back not to full Council, but I think it should go back to Community Development first.”

Councilmember Waring said, “Councilmember Shahid, you’re 100 percent right, not 99 percent. I accept that amendment.”

Councilmember Shahid said, “Okay.”

Councilwoman Jackson said, "Yes, I do as well."

Mayor Tecklenburg said, "Councilmember Gregorie, back to you."

Councilmember Gregorie said, "Yes, Councilmember, something I was about to say because I do think that the way this is being handled is in violation of our City Code because this should have immediately been referred to the Community Development Committee, not an Ad Hoc Committee. But the subject itself is something that falls under that Committee and, Mayor, you and I talked some time ago about forming all of these special committees when we have Standing Committees that have the responsibility, and the Community Development Committee does have that responsibility. The other thing is as we move forward, we have to make sure that it is a benefit. In addition, I think that the SBA is already accepting applications. Yes, I just received something saying that SBA is accepting applications from small businesses now. Remember the President talked about that maybe a week or week and a half ago, and he directed SBA to do so. Now that may be separate may be separate and different from what's in the Stimulus Package, but I just want to make it clear and hope that some of our small businesses are already applying for an SBA loan. One thing I would like to add to what Councilmember Waring said, rental evictions are also prohibited. So, if it's a rental issue with respect to small businesses, they won't be evicted. So, I just think that we need to follow the Code of the City of Charleston, South Carolina, not develop these little small Ad Hoc Committees, but when there is an issue, that that issue be referred to the appropriate Committee. I could also argue that it's a financial issue. Why hasn't that been brought to me as Chairman of the Ways and Means Committee for discussion? So, this thing really has multiple Committees that have to have something to say about it, but I think that we should stop violating our own Codes, and when something like this comes up, that we just refer it to the appropriate Committee. If we have to have an Emergency meeting, then let's do that, but I think that it's very important that we continue to follow the Code of the City of Charleston, and I think what we're talking about is a violation of that Code."

Mayor Tecklenburg said, "Thank you, Councilmember Gregorie. I'm going to call on Councilmember Mitchell back behind me. He is Chairman of that Community Development Committee."

Councilmember Mitchell said, "Yes, I think we need to have an Emergency Community Development meeting, but what I would like to do if it's possible, Mr. Mayor, is to have it, I don't know how we can do it in your office or in the Council Chamber, so we can spread out. I like to see people face to face. We've been doing this, but with the money we're talking about, I think we need to be there and have it right there in the Council Chamber. We can spread out because everyone is not a part of the Community Development Committee, and they can sit all of the chairs behind us, whatever the case may be. We still could be six feet apart or whatever the case may be, but I think we need to have this as soon as possible and have it in a place that we can look eye to eye."

Councilwoman Jackson said, "Alright, but don't tell my children. Mr. Mayor."

Councilmember Gregorie said, "Mr. Mayor, please tell these small businesses to apply for SBA funding now."

Councilwoman Jackson said, "Mr. Mayor, may I speak to that question?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Mayor Tecklenburg said, "Then, I'd like to go ahead and call the question."

Councilwoman Jackson said, "Yes, thank you. Councilmember Gregorie, you are right that the State of South Carolina under Governor McMaster earlier this week made the State eligible as a disaster. He declared a disaster in addition to an emergency, and that makes the State, and especially Charleston County which was the first one to be on the list eligible for the Disaster Relief Small Business Program that is currently being advertised. Our Congressman Joe Cunningham sent that out in an e-mail. Lowcountry Local First held a webinar to help their small business members go through this application process. The SBA's website is crashing. It's like the Affordable Health Care the days that people were trying to sign up. You cannot get through on the website reliably. They don't answer questions. So, and they're promising that their loans will be available in May and experience from LDC having used the SBA as one of their main sources of funding and passing through loans to our small business community says you have to take all of that with a grain of salt. So, let's say best case is it's the end of May. What we're looking at based on what the small business community is telling us is they have less than a month of operating funds to keep any of their payroll together. That's what this is about, getting back to work. That's the name of this fund, and it will be conditioned on the fact they're paying payroll to low and moderate income range workers. So, I do think we need the CD Committee. I look forward to it, and let's just do it."

Mayor Tecklenburg said, "Alright. Okay, the motion on the floor is to defer to the Community Development Committee. An Emergency meeting will be held within the next 48 hours at least. Is there any further discussion on that?"

No one else asked to speak.

On a motion of Councilmember Gregorie, seconded by Councilwoman Jackson, City Council voted to defer Item N-2 on the agenda to the Community Development Committee.

Councilmember Sakran abstained from voting on the matter.

Councilwoman Jackson said, "Mr. Mayor."

Mayor Tecklenburg said, "We'll send out a notice for those Committee meetings first thing in the morning."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "May I just ask a clarifying question? Then, after the CD Committee meets, and let's assume they agree on a plan for the use of City funds, then do we have to have a Special Council meeting in order to approve those funds? We can't just spend money out of the CD Committee, correct?"

Mayor Tecklenburg said, "We would have to have a Council meeting, but I was going to propose to you all that we continue starting tomorrow as we did last week of having an Emergency meeting at the end of every day given the Coronavirus, and, so whatever day that the Committee meets, we would have a Council meeting later that afternoon anyway. Is that acceptable?"

Councilwoman Jackson said, "Okay, great. Thank you."

Councilmember Waring said, "Yes, Mr. Mayor. I ask to hear from Mrs. Geona Shaw Johnson. Can we hear from her as to how these dollars can be used?"

Mayor Tecklenburg said, "Would that be more appropriate though at this point at the Community Development Committee?"

Councilmember Waring said, "Well, as long as we have our professionals at the Emergency meeting that Councilwoman Jackson so wisely suggested, and I do mean that."

Mayor Tecklenburg said, "Absolutely."

Councilmember Waring continued, "And, obviously, our CFO I think should be there, as well."

Mayor Tecklenburg said, "I do, too. I think the CFO, Legal Counsel, and Housing and Community Development should be there."

Councilmember Waring said, "Thank you, Mayor."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, Mr. Mayor. Could we please have a copy of the final plan for this agreement?"

Mayor Tecklenburg said, "Absolutely."

Councilmember Gregorie said, "I have an initial copy, but I think all Councilmembers need to get a copy of whatever that final plan is because right now we are flying blind."

Mayor Tecklenburg said, "I think the final plan will come as a result of the Community Development Committee Agreement, and we'll draft that plan after that."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Thank you, Mr. Mayor. Just really briefly, I think it would be very helpful as we continue this very important discussion to have staff identify all potential revenue sources in the City that can go to this effort. I noted that the City of Columbia, in establishing their fund, pulled money from the Water and Sewer Fund which I can tell you has got major legal issues surrounding it, but it shows a level of creativity in identifying fund resources. Because what I'm hearing from my colleagues today is not so much that there is a dispute over the need or a dispute over the exigency of this issue, but pulling it from this pot of money is something that I don't think we have the time right now given the State of Emergency that we're in, that our society is in, to be going down these battles. We need to find a way to work together. Look, let's find the fluffiest fluff in our budget, and let's put that on the chopping block for small businesses. I think we could get some consensus around that, but we need the facts to make that decision."

Mayor Tecklenburg said, "Correct. I sense a real agreement, folks, about the purpose of what we're doing here. The matter at hand is just allocating very hard fought dollars dedicated to affordable housing with some assurance that they would be returned, and I've got some personal thoughts on this matter myself, but at this point I'm going to reserve them for the Community Development Committee meeting tomorrow or Thursday whenever that occurs. So, without further ado, we would like to go to number three under Miscellaneous Business, which is an Emergency Ordinance regarding temporary procedures for public hearings, and I think Mr. McQueeney probably knows the most about that on our staff. Chip, do you want to share with us a presentation about this?"

Mr. McQueeney said, "Yes, sir. I think Jacob may have wanted to do a quick introduction, and then I was going to go through sort of the step-by-step of the ordinance if that's okay?"

Mayor Tecklenburg said, "That would be fine. Mr. Lindsey."

Mr. Lindsey said, "Thank you, Mr. Mayor. Just very briefly here, obviously, we're in this unprecedented emergency event, and our goal is to keep the government working as much as possible. This ordinance would allow us to do that, and it wouldn't create any kind of automatic approval for development. This simply allows us to hold our previously scheduled public meetings in a way just like the one that we're holding right now. It wouldn't grant any kind of public hearing that wouldn't otherwise happen had this health emergency not taken place, and without it, we will have to shut down our Boards, and that would stop the previously scheduled hearings for the Board of Architectural Review Small, Large, Design Review Board, the Board of Zoning Appeals – Site Design, the Board of Appeals for Zoning, the Planning Commission, all of those for an indefinite period of time, and I really appreciate Council's consideration of the ordinance because this is going to allow us to continue to provide our basic services to our citizens during this emergency. So, with that, I'll turn it over to Chip for any additional clarification he may have."

Mr. McQueeney said, "Thank you, Jacob, and Planning contacted me to sort of put together an ordinance. I tried to find things that other jurisdictions were doing to handle this. I'm not a doctor. I don't know how long all of this is going to last, but it's either going to last a short period of time in which case we want any economic hiccup to be smoothed out as much as possible, so that we're back to a good economy again once it's over with, or if it lasts a long period of time, we're going to have to deal with this in the long term period. I don't like it. I know there were some negative comments, but it's sort of the least bad approach given the current circumstances other than completely shutting down development approvals, which I mean, it would be nice to have a three-month breather as a City employee from development permits to re-look at the Zoning Ordinance and land development regulations and all of that kind of stuff assuming when it costs people a lot of money. I don't think this is the time to do it. This is my personal opinion talking, but it's not a good time to do it. So, we put together what I think is sort of the best baseline I could come up with for public participation, developer applicant participation, board member participation. It allows public hearings by virtual meetings. A public hearing is a little bit different from just an open meeting because you need the ability to have testimony, you need the ability to have the submittal of evidence in the form of exhibits.

So, what we've done is created that process. It's an emergency ordinance, so it would run through May 22, 2020 and begin April 1st, but it would really compel virtual attendance by Board members, City staff, and everyone else the public. Virtual attendance is defined in the ordinance which is attendance by electronic means, so it can be by conference call, GoToMeeting, Skype, whatever platform, but the key is that all board members need to be able

to hear each other, they need to be able to hear the public, they need to be able to hear the applicant, and the City staff person that is recording needs to be able to hear all board members, and all of those people need to be able to hear each other throughout the meeting. There is one exception to that rule that was created by the experience that I had sitting on one of the Emergency Council meetings where I think it was one of the first ones by phone where a lot of people were on. I got frustrated and went in the other room because I just couldn't keep track of where everything was going, and that's Section 54.132 that allows a Chairperson, and I would expect this to be used commonly. You just put everybody on reverse mute. As long as people can be recognized during the appropriate times, that's fine, and I just put it when it's reasonably necessary, so the default would be you would have full public participation. My guess is there is going to be disruption in a lot of these so you probably immediately go to reverse mute, and then when that becomes an issue in testimony, you need the ability to submit testimony and evidence. You also need the ability for both the public and the applicant and the board members and staff to respond to that live testimony or evidence. So, it's not stuff that can be submitted and considered ahead of time because then there is no back and forth process available at the meeting, so this basically just virtualizes everything we would do. There would be no physical meeting location. All other rules would be the same, but testimony, quorum, voting, minute taking, all of that stuff would be virtual. One point I wanted to make, I put a section on submission of exhibits. We have timeframes that applicants have to submit applications. You know, it says as soon as possible before the hearing. That's not intended to allow them less time than they otherwise would. What that is for is if somebody opposes an application, they may virtually attend the meeting and want to present an exhibit, and it requires some way to electronically take in that exhibit and then feed it out to everybody that would need to see it as part of the hearing, which is just a necessity as part of a public hearing. Again, this isn't perfect. This is the best I could find and the best I could do. I'm actually kind of proud of the ways it's worded. I understand it's a huge policy decision on your all's part. You all are having to make a lot of hard decisions right now, and I'm sure everybody appreciates it. If you have any specific questions, I'm happy to answer them, but that's pretty much it for me."

Mayor Tecklenburg said, "Are there any questions for Mr. McQueeney?"

Mayor Tecklenburg recognized Councilmember Appel.

The Clerk said, "What were the dates that Chip mentioned, Mayor?"

Mr. McQueeney said, "It would begin April 1st and run through May 22nd, and just real quick, the Planning staff is going to be trying some sort of demonstration-type situations where we're going to try to make sure it works as well as possible over the next two or three days. The first meeting we could advertise to have publicly is not until maybe it's after April 7th. I want to say it's 8th or 9th, so we may need tweaks to this assuming it passes between now and then in the form of an amended emergency ordinance, and we may need to react to how we're doing with our internal attempts to see how things go as far as the virtual meetings are concerned."

The Clerk said, "Thanks."

Mayor Tecklenburg said, "Councilmember Appel, did you have your hand up?"

Councilmember Appel said, "Yes, Mr. Mayor. I've got a unique perspective on this having served on the BZA for several years, having appeared before BZA's all over the State, and I find this proposal exciting. I mean I think one of the biggest challenges with these quasi judicial land

use hearings is that the public has a hard time making it to a meeting at 5:30 p.m. downtown Charleston. If this system can work and all of the technical details can be ironed out, this could be the way we do business in the future, but we need to make sure that the historic preservation groups, the neighborhood associations, everybody that are regulars at these BZA, BAR hearings are notified, that they understand how this process works, and that they have the opportunity to submit comments in advance, and then also participate by remote meetings. But I think the City's Legal staff did a fantastic job with this ordinance. They're trying to strike a balance between development rights and the community, but I'm actually excited about what this could mean for the future and ultimately lead to far broader participation in these public processes."

Councilwoman Jackson said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you. Thank you, Councilmember Appel. It's great to hear from somebody who has on-the-ground experience with this. I have already heard from at least two out of the three regulars at most of the Boards and Commissions that have to do with property uses and land use, and they do not like this on the face of it. I think it's a chilling sort of prospect of having everything have to go virtually. You can experience how hard this is for us to sit here and try to relate. I agree with Councilmember Mitchell. I like to watch people make their decisions. I like to be in the room with people. We've all experienced what happens when a group of well-organized thoughtful passionate people show up at a meeting and can honestly turn the thought process of the decision makers because of their preparation and their coordination, and it's just not the same virtually, so I have that major concern. But it just occurred to me in the short time we've had to think about this, and if it doesn't have to go into effect, and we're going to have Special Meetings from now on, I hate that we would be deferring something all over again. But I do think that might be a fair decision to take tonight for us to digest this and talk to some of the constituent advocates and people in our own jurisdictions, our own neighborhoods. One thought I had that I don't know if was considered by Jacob and the Legal Department in putting this together so rapidly understandably, I don't like the fact of making this available to brand new projects that are coming in for concept development the subdivisions that leads to the bigger land use decisions that we all make. I think they are the ones that are the most serious for us to be in this current time of Dutch Dialogue land use consideration and about to begin a Comprehensive Plan for all of our land use decisions on that basis. So, I would like to hear the thinking of what if we split this up and said it's only going to apply to applications that are currently in our pipeline. So, they've already gotten a Planning Commission approval, they've already come to the Council about the rezoning, and they're in the DRB phase or they're in the BAR phase or they're in the BZA phase, and that to me would seem like a fair solution because we don't want to stop progress from applicants who have put out a lot of money and a lot of time and a lot of effort hiring the experts that we know it takes to get through a whole City approval process. So, I would just like to throw that out there for consideration by our staff, and at the same time, I guess I am going to make a motion to defer this until a Special Meeting where we would have some of those answers."

Mayor Tecklenburg said, "Alright. We have a motion to defer. Are there any seconds?"

Councilmember Brady said, "Second."

Mayor Tecklenburg said, "We have a second."

Mayor Tecklenburg recognized Councilmember Brady.

Councilmember Brady said, "Yes, thank you, Mr. Mayor. I just I had similar concerns that Councilmember Jackson had, as well. I do really like the idea of splitting it out. I think that creates at least a modicum of fairness while we're going through the Coronavirus kind of ordeal right now where the ones that have already been moving along that have started to have public input can continue to go, but I think a pause on any new ones until we can actually have those meetings in person. While we do the virtual meetings for the ones that are already working through the process, it would give us the time to work out the kinks through that process as well and provide the transparency that I think that the public is looking for in regards to that. So, that's just kind of my suggestion, and I appreciate you calling on me."

Mayor Tecklenburg said, "Alright, and Mr. McQueeney, just with that in mind, would a deferral on this action delay any of the actions that are or meetings that are already planned for or would have been planned for? Maybe that's more of a question for Mr. Lindsey."

Mr. McQueeney said, "Yes, I think we're putting together a meeting notice for even like City Council meetings that require public hearings for the April 14th meeting. We don't really have a process to move forward in our ordinance, same with anything that needs to go to Planning Commission that is currently on the agenda. There is just no process for the Planning Commission to hold a public hearing and take public comment. So, I would defer to Mr. Lindsey, but I'm not sure how many things we would need to notice now. With postings, we're actually going to put stickers on the signs to show where the log in information is. If it's Zoom or whatever it is, we would put the information, so we probably need as much at least enabling legislation ahead of time as possible. I did point out, Mr. Lindsey and I discussed earlier, I did mention to him, and I think he agrees, this authorizes the holding of these hearings. It doesn't necessarily require that they go forward right now. It's authorizing staff to begin advertising and those kind of things with those public hearings."

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

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I agree with Councilwoman Jackson, but I'm like you and Councilmember Mitchell, and I'm sure the others would like to see folks, but in part and spirit with our ordinance that we've already passed as far as how many people can gather and all of that, wouldn't we be in violation of, I don't know maybe government has an exception, but certainly from a leadership standpoint to the rest of the community, wouldn't we be in violation of some of the emergency ordinances we just passed if we were to get together even though we're spaced out six feet or whatever? How many people would be in that room? Certainly it's going to be more than three or ten or whatever number. So, we're just in unusual times right now, and some of the extensions and suggestions that staff have given us to try to continue to keep our government open I think we should follow that. I don't think we should shut down, and I understand the public hearings, but maybe we can send the meeting notices out earlier than usual which would give the public more time to leave voicemails or have a written e-mail or have a written letter or even reach out to their Councilmembers on issues that would be coming up. So, maybe we can try to compensate it. It won't replace it, but try to compensate for additional public input by having more forewarning on when a publication when a given meeting is going to be held for Planning Commission or whatever the Committee is, so the public can have more input, but

to kind of slow things up until we can get back together in the room. It's unusual times, and I think we take these unusual measures to try to stay open, and we should be watching our ordinances and adhering to them as an example to the remainder of the community."

Councilwoman Jackson said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmember Seekings.

Councilwoman Delcioppo said, "I just want to echo the other sentiments that have been made. My fear is that even us holding these Council meetings I wonder how many folks want to participate seeing some of these items on the agenda, but they don't have the technological capacity to do so. So, are we further segregating people and not giving people the opportunity to make themselves heard and to make their concerns known if we're relying so heavily on technology? I understand we've kind of been forced here to do this in such a way, but I do agree that maybe you segment out what will be held virtually and what isn't. Just because I would hate for something to move forward and somebody just didn't have the capability of making their voice heard, and then something moves forward and they feel blindsided by it, or they feel as though government wasn't working with them on it."

Mayor Tecklenburg said, "Alright. I appreciate that."

Mayor Tecklenburg recognized Councilmember Seekings followed by Councilmember Shahid.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just very briefly, I think one of the things that we need to caution against and be careful about is sort of the reality of how our processes work with our Committees, particularly when it comes on the Planning side, the BZA, the Planning Commission, the BAR. They're integrated. There is a lot of activity that goes on around that to now segregate it and put it only into a form where people are doing it virtually. I think it just takes a lot out of the process that makes what we do so important, and I understand these are extraordinary times, but we've said it many times. We need to think about today, tomorrow, next week, and the future and to our Planning process and to our Committees, just the detail that is involved doing this all virtually and remotely without people having access to staff, to their Councilmembers, to all of those things to talk about all of what's going on. I just think we need to think about this. I am not in favor of doing this. I understand Mr. Lindsey's thought about wanting to keep things moving forward, but we have to do it in a way that takes in the reality of how the process works with interaction, and we're just not allowing for that interaction. Thank you."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Shahid.

Mayor Tecklenburg said, "Then, let's call for the question."

Councilmember Shahid said, "Thank you, Mr. Mayor. The three hottest items that are hard to obtain as soon as this virus broke out have been toilet paper, stationary bicycles, and web cameras. I had to go online to buy this web camera. I went to all of the technical stores to try to run these things down, and my fear is while we don't want to shut down City Government or even slow it down to a point where we're hurting our constituents, we do have to be mindful of the ability of our citizens to weigh in on very heavy decisions. I can't imagine doing a virtual meeting to discuss the Jasper, and for those of us that were on Council when that came up back in 2016,

that was one of the most important decisions we had to wrestle with several years ago. I don't think we could do that on a virtual meeting, notices, and things of that nature. I do think that if there is a way to somehow separate these agenda items and decisions that these Boards have to make that are, I don't know how else to classify these except to classify them as less controversial and as more of a functionary nature. Then, the way that this ordinance is set up, and when it comes to issues that we need to weigh in on and hear from our constituents, hear from the applicant, hear from those who are opposed to this and access to us and access to the staff, those are the things that are critically important, and you just don't get the feel for it. Maybe this is going to be the wave of the future for all of our meetings to give more access to folks once the technology gets a little bit more improved, and I'm amazed at what we're able to do in this Council meeting. However, I think we just need to vet this out a little bit more to see if there is a way that we can continue to function in our government. I'm very impressed with our staff. They're my heroes and what they have done since we have gone into this mode of our emergency posture right now, and they are providing us our basic services. They're out there on a daily basis, our first responders, they're doing a terrific job, and our other basic services are being accomplished. This is a different ballgame, though, when we're talking about making any decisions dealing with how our City may look with some of these decisions that are in the pipeline. I don't know what's out there right now on anybody's agenda, but I have to hit the pause button a little bit on how we want to vote on this. So, I just want some more consideration and maybe some more creative ideas if there is a way to separate some of these, and I just call them non-controversial topics first and get those through the pipeline, and then those that are going to be something of a more weighty decision making that we don't do it this particular way. I'm not sure if that's possible, but that's sort of how I want to make sure our government is working efficiently, but not shutting out the people we need to be hearing from.”

Mayor Tecklenburg said, “Okay. So, we've got a motion on the floor to defer, and we'll consider these comments that have been made and have staff bring something back if it's the pleasure of Council to defer to another meeting. Is there any further discussion?”

No one else asked to speak.

On a motion of Councilwoman Jackson, seconded by Councilmember Brady, City Council voted unanimously to defer Item N-3 on the agenda.

An Emergency Ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding a new Part 4 – Temporary Procedures for Public Hearings to Article 1 (General Provisions) to implement Section 5 of Executive Order No. 2020-10 by permitting hearings on development approvals before certain City Boards and Commissions to be held virtually or by remote or other alternative means and to urge the General Assembly to adopt similar legislation. (DEFERRED)

Mayor Tecklenburg said, “So, Mr. Lindsey and Mr. McQueeney, thank you for your fine work on this. I would like to think that in the future when we can get back together physically that we'll also add some of these virtual features that we haven't enjoyed in the past and really have an opportunity to increase our public participation not just for those who can come physically, but for those who can't, and maybe the best of both worlds is a good improvement going forward. So, that having been said, that brings us to the matter of the emergency ordinance regarding stay at home, and to start off, I would like to call on Shannon Scaff, our Emergency Management Director, as he did every night last week to give us an update on the ongoing emergency here in Charleston. Shannon, are you out there?”

There was no response.

Mayor Tecklenburg said, "He was. Shannon Scaff."

The Clerk said, "I think they're looking for him."

Mayor Tecklenburg said, "Okay. Not hearing from him, I would like to have Council consider this emergency ordinance. It's actually a restatement of our emergency ordinance that we passed in the last week and amended once already. We are, as Council knows, this time at OPCON-1 in our emergency management protocol, and folks say, 'What does that mean?' That means we are currently experiencing a disaster or an emergency. It is occurring right now. Normally over the last few years we've had the experience of that being a hurricane where we have different phases of preparation, of responding, and recovery. We're in an unprecedented disaster. At this point, it's uncharted territory. We're kind of dealing with all aspects of it at the same time. Frankly, preparations weren't made for "the hurricane" that's upon us, the disaster that's upon us, and we're preparing, responding, and trying to recover here all at once. So, the thing about it is that we've all heard and learned from the medical community is that the time to try to suppress the spread or the contagion of a virus is early on before it gets way out of hand. We've seen in other parts of the world, Italy and now even in our own country, I'll say New York as an example, with the numbers of thousands of infections, and you just do the math. Once you get thousands of infections, you're going to have so many hospitalizations and when you get the big number you're going to overwhelm your health care system. Just do the math. You get thousands of infections, and you're going to have a higher number of mortality and people dying, and that's the situation we have right now. This is as serious as a heart attack, and the only way for Charleston, this is kind of like the last moment in a way that we have to suppress this contagion, and try our best to keep Charleston from becoming another hot spot of the world with big numbers of infections and hospitalizations and deaths. So, this ordinance affords us that. The only intent of this is to flatten that curve to reduce those numbers for the health and wellbeing and safety of our citizens. We've sent this out to you, and I open the floor for a motion to accept it and any discussion."

Councilmember Appel said, "I'll move to approve."

Mayor Tecklenburg said, "We have a motion to approve, and do I have a second?"

Councilmember Sakran said, "You have a second."

Mayor Tecklenburg said, "Then, I'll call on some of you, I see some hands up."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilmember Shealy and Councilwoman Delcioppo.

Councilmember Griffin said, "Yes, sir. Thank you, Mr. Mayor. I appreciate your call earlier today to talk about this issue, and I'm totally in agreement with you that we need the people to stay home as best they can. Unfortunately, we have a lot of essential services that need to be done, and with that, there would be a lot of exceptions in this ordinance. But, first, I have a question about whether, whenever I spoke with you earlier, I was under the impression that our County and municipalities around us would be doing this as well, and since then, I've found out that our County has no intention of doing this, and I believe the City of North Charleston doesn't either. They're more aligned with what the Governor said yesterday, and if I could just state kind of briefly what he said yesterday that I have included in an Executive Order to make it clear that law enforcement has the ability to disperse groups of people who pose a risk to the public safety and the safety of others. It does not apply to private businesses, nor to responsible South Carolinians continuing to make the best out of this situation. I said this is not a Shelter-in-Place Order, but another measure aimed at containing the virus by controlling the crowds so that we do not have

to have a Shelter-in-Place.' I'm wondering what our thought process is on why we are going to kind of jump ahead of what the Governor said just yesterday, why we think that's the best course of action, and whether or not as a municipality we're able to do that legally? So, I'm wondering that. My second part would be based on what the Governor said yesterday about how the police have the opportunity to break up any public gatherings that don't meet criteria and that sort of thing. What would this accomplish that his comments yesterday did not?"

Mayor Tecklenburg said, "Well, first of all, and Ms. Herdina might want to support me with backup on this, but given the Emergency Declarations that have been made by the President for the United States of America and Governor McMaster for the State of South Carolina and the Mayor and City Council declaring a State of Emergency in the City of Charleston, we do have the authority to declare such an ordinance as is before you. We do acknowledge in here the Governor's Order from yesterday, which as you mentioned, allows local law enforcement pretty much at their discretion to make decisions about whether folks are a threat to public health or not by their gathering. So, what we're doing here is going yet a step further because this is a matter of that much importance to the health and life and safety of our citizens. That extra step not only urges them to stay in place, to stay home but to limit the places that they could congregate, and we used the National Governments, the Department of Homeland Securities own guidelines for what are essential services and businesses. It's a very broad list. This ordinance you all is not intended to unnecessarily restrict anybody's movement. There won't be any kind of road blocks or checkpoints. People will be able to move freely in the pursuit of essential goods and services as outlined in the ordinance and to get out and exercise as well. So, this is just going that final step, and other cities and countries around the world have found it necessary to go this extra step in trying to keep their citizens safe, in trying to prevent the spread of this virus because here is where we are. There is a big impact already to our local economy and to our local health care system, right? We're talking about coming up with loan programs and all like that. The best bang for the buck that we can still get at this 11th hour is to keep people home, ask them to stay home, so that they don't get infected, so that they don't have to go to the hospital, so that they don't further hurt our resiliency to bounce back with a strong economy, which I'm convinced will occur if we can flatten that curve and keep folks from getting infected. So, that is my response to those questions. Councilmember Griffin, if you don't mind, I'm going to go on down the list. Who did I call on next because they got out of order?"

Mayor Tecklenburg recognized Councilmember Shealy followed by Councilwoman Delcioppo.

Councilmember Shealy said, "Thank you, Mr. Mayor. Since we've received this, it's been a gut-wrenching day going back and forth on this in my mind, and I think it's going to be one of the toughest decisions that I'll make as a Councilman. A couple of weeks ago when we were in our last City Council meeting, I made a report from the Health and Wellness Committee, and at that time, we were just seeing the first cases happen. In fact, when the Health and Wellness Committee met, we didn't have any cases at that particular point. We're two weeks later. I think now we have 342 cases in South Carolina, and 36 of those are in Charleston County. Obviously, the CDC and DHEC have made recommendations to slow the spread of the virus and most of us, most people are using their common sense and following those recommendations, not everybody, and I know this is very, very painful to a lot of business owners right now. They can't move forward and do what they need to do with their businesses, but I believe we've got to do whatever we can to shorten that time period, and we've got to reduce the amount of time as quickly as we can. It's a very, very tough decision. When I first got this, I thought 'Oh my gosh, we can't shut everything down', but as I read through the ordinance, and I looked at the essential services, it is a very broad list. There are a lot of essential services and a lot of people that are going to be working,

and they're going to allow our community to continue to work. It's just taking away those non-essentials and maybe taking away those few contacts that will hopefully level out that curve, but you know I've got a couple people in my family that are on some medications. If they were to get this, they don't have the chances to survive that the average person does, and there are a lot of people out there right now that have this virus. Some of us right here right now may have this virus, and we have no idea, but if we come in contact with the wrong person, it could have devastating effects. So, when I looked at this, and I'm going back and forth all day today, I'm looking at, okay, if I make the right decision one way or the other, how will I look at it in a year? If I make the wrong decision, how will I look at it in a year? Putting people's lives on the line if a year from now we're saying, 'Man, if Council had the opportunity to slow this down and take an effect and they didn't.' That's what's weighing on my mind and on my heart right now, so I think we're at a point where we have to support this. If we look back a year or two years from now, and we say we had an opportunity to slow this thing down and to save lives and we didn't, it's going to weigh heavily on every one of us. I hate that it's going to hurt the business community and it's going to hurt us economically, but I can live with that better than saying that we've ruined lives, we've caused illnesses and deaths, so I'm going to support this tonight for that reason."

Mayor Tecklenburg said, "God bless."

Mayor Tecklenburg recognized Councilwoman Delcioppo followed by Councilmembers Brady and Sakran.

Councilwoman Delcioppo said, "I think what Councilmember Shealy said is the same thing that all of us have been grappling with ever since, what time was it that this came out, about 2:30 or so this afternoon. Even throughout our Council meeting my phone is ringing, the text messages, the e-mails, and I've heard from my State representatives, representatives from Berkeley County, and there is a lot of concern about us pulling the trigger on this. It feels like we're putting ourselves, rather than supporting the Governor, we're jumping ahead of the Governor. Also, when you look, my District weaves in and out. I have lots of portions of unincorporated Berkeley County in my District. So do many other people. So, if I just go right down the street, I'm no longer in the City of Charleston. That to me, it just allows too much inconsistency, and there is no unified stance to bring this about. There is no directive from the State or even from our President to bring this about here. We're kind of single handedly doing this and I certainly, certainly am sensitive as to why. I also, again, we have no relief in place for anyone who is suffering a harsh economic impact from this. There is no relief in place, and now we're taking even more economic opportunity and jobs away without offering any relief for folks, and that I think is extremely dangerous and extremely unhealthy to do. We all saw incidences over the weekend of too many people gathered. I had two absurd scenarios on Daniel Island that were appalling that I couldn't believe a business owner and then another group of people that had functions, the public gatherings that they had knowing better, and law enforcement was right there to take them down and explain the ordinance and really stepped in very quickly. I should hope that we've all seen that across the City. Then, my final concern is, yes, that while that list of essential services is extensive, some of those things on there I was like, 'Wow, I'm really surprised this is considered an essential service', and I say that because it feels to me very subjective what we're labeling as essential versus non-essential. So, I understand the need to feel like what if we don't do this and what if we could play that throughout, but to me, I feel like this is way jumping the gun and putting us in a position that it's going to be very, very hard to manage and come back from."

Mayor Tecklenburg said, "Well, thank you very much. It is for a two-week period."

Councilwoman Jackson said, "Mr. Mayor."

Mayor Tecklenburg said, "I did just get a notice from the Post and Courier, 44 more Coronavirus cases today, two more deaths, so I believe we're at the beginning of what could be a spike. We've seen it other places in the world, and regarding the economy, I'm reminded of this expression from FRAM Filters. I used to be a distributor for them, 'Pay me now, or pay me later.' So, I believe if we pay the upfront price now and keep people home that the benefits both for our economy in addition to public health is going to be there in relatively short order if we, in fact, flatten the curve. That is what this is all about."

Mayor Tecklenburg recognized Councilmember Brady followed by Councilmember Sakran.

Councilwoman Jackson said, "Mr. Mayor."

Mayor Tecklenburg said, "Councilmember Brady, if I may, and Councilmember Sakran and then I promise I'll get to you."

Councilwoman Jackson said, "Thank you."

Councilmember Brady said, "Thank you, Mr. Mayor. I echo Councilmember Shealy. This has been something that I have been having to pray over, and just honestly, just agonized over the last couple of days. I've called small business owners to get their input. My neighbor across the street, she owns a hair salon. I've got to look her in the eye and tell her she's not essential now and has to give up her source of income for at least the next two weeks and, I think, just as an aside, that was one of the reasons that the loan fund we were talking about was we knew we could get to this step, and that would have been something that could have helped in this type of time, but I'm really with Councilmember Shealy on this one. I'm just reminded of the parable of the lost sheep that Jesus said, 'Rejoice in the one instead of the 99', and if we save that one more person. When we talk in abstract numbers, when it's, 'Oh, it's only going to be a thousand deaths, or it's only going to be 2,000 deaths', well, that perfectly fine when it's not anybody that you know, but when it's somebody that you know, the tune usually changes. So, I am going to vote in favor of this, and it's with a heavy heart that I do, but if we can flatten the curve and get this back to normal sooner rather than later. I did just want to ask. I had a couple of just logistical questions on the ordinance. I know we had received some contact on it, and I know the exemption listed food and beverages, but I had a question on if both alcohol manufacturers and distributors? So, I have a brewery in my district, and they are selling obviously to go adult beverages and what not now, and I wanted to see if that was included, if liquor stores were included and, then, the skilled labor only included two listings, and I wanted to see if painters were included in that, as well. Because if there was some type of emergency repair on the outside, the wood has got to get sealed, and it has to get painted and was wondering if that was also included?"

Mayor Tecklenburg said, "What was the second group you mentioned? I'm sorry."

Councilmember Brady said, "So, the alcohol manufacturers and distributors, the liquor stores like the three red dot stores, and then if painters are considered skilled labor? I guess along with that I had some people call me to ask if new construction was going to be halted or if that was also included?"

Mayor Tecklenburg said, "Right. So, by the way, again, we took these essential services lists from the Federal Government. So, there may be some subjectivity to them, but I've got to tell you somebody had to put a good bit of thought into them. We did add, and the ordinance by the way allows the Mayor to add another if there is something here that we really didn't consider that should be on the list, it gives me the ability to add that. It says both food and beverage. It doesn't distinguish that that's not an adult beverage. My personal interpretation would be that it

would allow the sale of alcoholic beverages, but not dine-in. Regarding the construction and painting, that's covered I think in number 11 on the list, and here is the thing, as long as the company is practicing social distancing, keeping workers apart and removed, and not congregating, that's what we will go by. If there is some construction job where 12 people are confined in a single room, I would say, no, that's not allowed, but if they are dispersed practicing the procedures of distancing and keeping six feet apart, we're saying that's okay. Likewise, we're applying that to grocery stores and other retailers that we all fundamentally agree need to stay open, but they should practice social distancing, and these stores that are letting gobs of people in at the same time, they're going to need to ration that a little bit, so we don't get the crowds together even in the allowable essential services, and it will require them distancing folks while they're in line. We want to keep people separated even when they're getting essential services and products because we're trying to flatten the curve. But the best thing would be to stay home and take some of the grocery store chains for example today, they all offer online ordering with pick up from your car. We need to encourage that, and let me just say also in general, this ordinance is not intended to be a 'gotcha' kind of ordinance. We want to educate folks, we want to bring them onboard into compliance as we have been doing with the ten-plus rule. We're just tightening this thing on down as much as we can to keep everyone safe and to keep those numbers down."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor. Our approach is measured, and it's leading in the region, so I have no problem voting for this. I'm going to certainly vote for this. I think the time is right, and if we're the only municipality that's moving in this direction, I'd say that's what leadership looks like. I do wish and hope that some of our regional municipalities Mt. Pleasant, North Charleston will jump on board. I think that would make enforcement and getting the message out much easier. I do know it's a tough decision, so I just want to say I respect Councilmember Shealy, Councilwoman Delcioppo, and Councilmember Brady having to weigh those options. I received many calls today from business owners and parents concerned about the impacts, but I think this is the right thing to do. Just a reminder school is out until April 30th, so that is a big, big announcement today that we have to take into consideration. I don't want to get political, but I'm getting mixed messages from our State and Federal Government, and I'm not sure what to be doing. School is out until April 30th. That sounds pretty serious to me. Lastly, we're going to see a major uptick in cases based on the fact that we are now developing testing and ramping it up. I hope our folks in Mt. Pleasant and other areas take heed and follow our lead. So, I'm fully supportive of voting yes for this. It was a tough decision, but this is the right thing to do. So, thank you."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. Yes, I am very pleased and privileged to hear from my colleagues and you. I, too, have heard from many constituents, and it's just a tough decision but in support of the hard decision that you've made, Mayor, I want to recount my own experience in the last week or so in trying to listen to constituents who are concerned about people not using wise judgment and where they've gathered and made themselves too dense in a situation. People are scared for other people that are not using good judgment, so I think that's something that leaders do. We have to make the hard decisions because people are not making them for themselves, and I am sorry that you know you can dial up and listen to any source of media or internet or Facebook and choose what you want to think about all of this. I use Next Door as a way to follow along with what is going on out here on James

Island among the residents, and it's all over the place. It's like don't fence me in, but yes, we have to keep our kids safe. So, I do think we need to step up and make a decision that's not going to be popular with a good percentage of the people that we serve and knowing that we're doing the right thing. I've always worked in the shadow of government trying to guide good government policy and get the most out of government support for my non-profit works in my 40 years of practice. However, I'm a child of the sixties too, so I love walking around and breaking all of the rules peace, love, rock and roll. So, I appreciate that a community can get itself into a place of societal agreement that they're doing the right thing, but basically, it comes down to being pretty self-serving. So, I do think that it's up to us, and thank you for putting this in front of us, and I would assure people that basically we don't have the policing on the enforcement to go around to be checking on everybody wherever they're going or not going. It's an honor system, and I'm honored to be part of it. So, thank you very much."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Yes, to follow up and lighten up the mood, yes, I'm in my daughter's bedroom. I'm not a rich business owner. Councilmember Shahid was making fun of me but I just wanted to let you know I'm in my daughter's bedroom, that's it."

There was laughter.

Mayor Tecklenburg said, "Councilmember Appel, did you have your hand up virtually?"

Councilmember Appel said, "I did, Mayor, and I just first want to take a moment to thank you for your leadership on this issue. I forget which of my colleagues mentioned this, but we have been receiving tremendous mixed signals from our Federal and State Government on this issue. We have not aggressively attacked this issue like other countries around the world have, and if you've looked at the graphs that show the trend lines for the United States relative to other countries around the world, it's not very pretty. We had the President of the United States of America say this two weeks ago, 'The Fake News Media and their partner the Democrat Party is doing everything within its semi-considerable power to inflame the Coronavirus situation.' A day later, he declared a National Emergency. Just last night, he was wondering aloud at the podium in the White House whether it was worth 2.5 percent of the population dying to get the economy back together. This is serious stuff. The economy is very important, and our small businesses are extremely important, but this is serious stuff, and if the Federal Government and the State Government are not going to lead on this issue in the way that our medical professionals around the world are unanimously saying that we need to, then I am proud to be on a Council that is going to take this leadership effort to move the ball forward and dare somebody to stop us."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor and members of Council. I want to ask us to do something a little bit extraordinary tonight, and I want all of us to support the Mayor on this. I want this vote to be unanimous, and that may go against the grain of a lot of the folks who I've heard from on this issue. My phone has blown up, my e-mails, my text messages from folks who are very much adamantly 100 percent opposed to this, but I think this is a time in which we have got to show leadership on this issue. There are a lot of problems with this. I've shared some of my concerns with our Legal Counsel on providing some other ideas that I think we need to include as essential services. One of the text messages I got was leaving our Clergy so they can make house calls in case they need to administer last rights and things of that nature. When we talk about health providers, we did not mention specifically mental health providers, which I

think is something we need to include, along with a lot of other host things that we have. I don't want to say we need to shut the City down, but we need to slow the City down a little bit. For the past week or two, I've been confined to my home. I've gone out for some recreational stuff and come to my office. I try to avoid shopping. I'm tired of looking for toilet paper. It's kind of amazing to me how people are hoarding all of that kind of stuff, but if we don't take a stand, we don't send a message to the community, and we don't send a message to our colleagues in North Charleston, Charleston County, Mt. Pleasant, Berkeley County, Dorchester County, that we're taking the lead on this thing, that you need to follow suit with us, then we're going to fall short of what our obligations are, and that sounds kind of heavy to say it that way.

But I've been sitting here listening to all of you all for those who have spoken I have such high regard and respect for everybody who has commented on this. I want all of us to think about this hard and to unanimously approve this. I think that would send a very important message out to the community that we need to slow the City down a little bit on social gathering. The only way of doing that is by this very mechanical way of an ordinance that says, 'Hey, this is serious, people's lives are in danger.' We can stop this disease from spreading by having us be distant from one another. It spreads one way by us being together, and you slow it down when we're not together. It's just really that simple, and this is a National Emergency. We should have acted sooner as a Country. When we saw what was going on in China, we had a four-month lead time on this thing, we didn't react, and here we are. There was something on the news this morning that some community needed 30,000 ventilators, and they got 400. That puts how many people at risk who are first responders. We have our police and our firemen out there as first responders, and we're putting them at risk. When they have to go out to respond to areas and break up crowds, we're putting them at risk, and that's just not fair to them. It's not fair to our City staff that they have to go out and enforce this thing. So, I'm asking the community and those who are out there listening to this on YouTube or calling in that we have a National Health Crisis, and it's right here in our backyard. This is not an, 'it ain't going to happen to me' moment. It's happening to us right now."

Mayor Tecklenburg said, "Thank you, Councilmember Shahid."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. I'm going to be brief. There has been so much that has been said about all of this, and I agree with essentially all of it and, Mayor, you said it best when you said, 'The best thing to do is stay home,' and that needs to be the message that we send out there. We got today this ordinance, and then there is an attachment to it which lists essential services and I can tell you I think like everybody else on this Council, but I'm sure your office too, Mr. Mayor, our phones, our e-mails, our texts, all blew up, and there was one question, there were a lot of questions, but the one question that was asked is, 'Is my business included in essential services?' So, I stopped for a half an hour, didn't take any calls or texts and tried to make a list from this exclusion of essential services of what is included, and it's actually very difficult to do. The exclusions are broad. They include many of the businesses that make up the core of what we do here in the City, and I am going to just tell you I am going to vote no on this, because I don't think it goes far enough. I think one of the problems that we've got with this is it's an exclusion-based ordinance that gives just about everybody a pass. So, if we're going to tell people to stay home, let's do it. To the extent anyone can tell me what businesses are actually included in this rather than excluded, I think that would be very helpful. My sense is that it's going to pass, but now we're going to get questions, 'Am I included? Am I excluded?', and that's a question that I'm not sure any of us around this virtual table are currently able to answer. I know, Mr. Mayor, that you said that this list came from a list that came from the CDC, but it's very broad. I mean, it's extremely broad. There are three people on this Council that

share the same thing that I do. We have law licenses. We're excluded. The insurance industry is excluded. So, I am concerned that we're sending a mixed message through this, and I get it, but the message needs to be stay at home, and I'm not sure that this does that. I think this just gives people sort of a list of things that businesses can stay open, and we're going to hurt just a few people, and we're not going to get to the core of this which is keep people at home. So, I've said what I have to say."

Mayor Tecklenburg said, "Councilmember Seekings, I do want to respond and say that the list is inclusive. It lists the essential services that are allowed and, in fact, under number seven it does include legal services, services related to financial markets, and legal services, so it does not--"

Councilmember Seekings said, "Right. I know that, that's my point. This was a list of people who are excluded from the stay at home mandate. So, my point is, Mr. Mayor, and I really don't want this to be lost and I hope that my fellow Councilmembers will listen and hear this because we're all going to get calls about it. It's that this is a vastly exclusionary ordinance. Lots of people are excluded from its imposition, and, again, I think the message that we need to deliver, I know the press is out there listening, the message that we need to deliver is just stay at home. That's the answer, and let's see what happens with these numbers. None of us know. This is an absolutely invisible problem that's coming at us, and it's changing every single day, and we've now excluded all of these people from a stay at home order that is going to be going about business as usual, and I don't want to pick on my own, but I mean if you think about in the City of Charleston across all of the areas, I mean, how many thousands of people are excluded from this that can go to law firms? A lot. So, again, my observation about this having now thought about it since 2:30 p.m. and read it and trying to make a list of people that are actually prohibited from leaving their homes or not leaving their homes, but going to work and doing business is less than are excluded, and I think that is something we should think about. I know, Mr. Mayor, you made the comment that you can actually continue to add lists of businesses to this essential services list where I think we should be taking them away. So, I just want, I think under our rules, I'm allowed to explain the reason for my vote, and I wanted to make sure it was clear. So, thank you."

Mayor Tecklenburg said, "Yes, sir. Ms. Herdina, did you want to be heard on some question here?"

Ms. Herdina said, "Mayor, good evening, I just wanted to respond to a question that was raised, I think by Councilmember Griffin and Councilwoman Delcioppo a little bit earlier regarding legal authority. First of all, I just wanted to say to all of the Council and to the Mayor, I appreciate everybody's patience with the Legal Department. I am sorry that this did not get to you earlier today. As some of you have reflected on, this is a very fluid situation, and so we were waiting to see what the Governor was going to do because we had heard he was coming out with an order, and we wanted to thoroughly research the legal ramifications of this before making any final recommendations to the Mayor. So, first of all, thank you Councilmembers for your patience with the Legal Department during this time.

We did research the question of the legal authority, and we feel that under Home Rule that we have the broad authority to take this action. It's State law 5730. We have also had many discussions with lawyers around the State and feel that as long as we are not directly inconsistent with anything that the Governor has said that we are free to protect the health, safety, and welfare of our citizens, and so that is how this was crafted. To give you a little bit more background on the essential services, Mark Wilbert who is on the line I believe listening to the conversation with all of his knowledge and expertise in this area, took the lead on crafting this based upon the Homeland Security recommendations and guidelines, as well as those that we saw formulated in

other hot spots across the country which we felt were important to take a look at before we took some action.

As the Mayor noted, and I just wanted to bring up this, this is a 14-day ordinance. It is not an unlimited time, or it's not even a 60-day period of time, which is normally what we do with emergency ordinances. We've said that the Mayor has the ability to modify the list as necessary for the health and welfare of the people, but I did feel it was important to speak out on the legal authority issue here. We are obviously all in very uncharted territory, which we hope we will never see again, but I do think that the actions that the City would take here would be defensible."

Mayor Tecklenburg said, "Great. Thank you very much. Alright. Are there any final comments or questions?"

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you. First, I want to thank you for your leadership. Your leadership has been great throughout this whole process, and I think you've heard that echoed by the members of Council that serve with you. We spoke about this today. When I saw the essential services, I had questions myself, and it is broad, and I thank you for that. I hear Councilmember Seekings here, but let me ask this. I had a call, obviously we all had a lot of calls, but I had a call from a lady who has a daycare service, and the bulk of her kids that she is watching are kids of the people who work in the hospital district, nurses. There are actually a lot of policemen's children, in particular, single female police while they are on duty. How does that fit into this? Would she have an exclusion in this? Because in my opinion, she is supporting essential services. Can anybody answer that?"

Mayor Tecklenburg said, "Yes. The answer is, yes, that daycare facilities and health care facilities are okay, are fine."

Councilmember Waring said, "Okay. Now let me ask this."

Mayor Tecklenburg said, "Child care services."

Councilmember Waring continued, "We are going to be having these conference meetings every day which have worked very well through this process to date. My concern is since we're going to be talking every day on these conference calls, can we limit it to a week instead of 14 days? As we get additional information, if we need to extend it further we could, but I actually think, and I understand it's an emergency, I certainly want to support you in this, but we should have a little bit more input from citizens than just from 2:30 p.m. to right now at 8:10 p.m. when we're debating this one. So, you're trying to do the right thing, but you know the message that we want to send, and Councilmember Shahid, I hear you on that the message that we want to send quite frankly, I think is participation during troubling times. We have to work together with, what do we have, 14 municipalities in Charleston County alone? That's just in Charleston County. I'm not talking Berkeley County, Councilwoman Delcioppo. We crisscross lines in my district. I would say the district that I'm pleased to represent, it may be a third of the district I represent that's in the St. Andrews Public Service District, which I don't even know if we had any conversations with them, and I do think it makes sense to have some congruency with the Chief Executive Officer of the State of South Carolina, which is actually the Governor. The last thing I want to do is get in a push and pull when we're going to need his executive skills, in particular, when it comes to some of these dollars that's coming down for some of these businesses under SBA and some of the other grant dollars that will come for non-profits, Councilmember Brady, and the stimulus package.

I'm on the Budget and Finance Council and, believe it or not, we had a 2:00 p.m. conference call, and the bulk of it was about the stimulus package and then reading it minute-by-minute as they got feeds from Washington on how non-profits will be able to participate in funding out of the stimulus package. So, there is still information coming out, obviously, I forget the name of the infectious disease specialist that's with President Trump almost at every press conference, Mr. Fauci, he even said, obviously, there should be certain rules for epicenters of this which right now, obviously, is New York, the United States anyway, and the State of Washington. Certainly there are some others, maybe Chicago I'm leaving out, and there may be a rotation of who can go back to work versus who can't, so the science on this one should be coupled with the decisions we make. Believe me there are emotions on it. Councilmember Shealy, I hear you loud and clear, but the 14 days, and I know you're trying to stay within obviously, the flattening of the curve. I agree with you with that, Mr. Mayor, but I think we could phase our way into this. If we approve this for a week, we're going to be talking every day as we progress into this, and we also can reach out to our allies, none are our opponents, in these 14 municipalities. We can reach out to our allies in the County to see how does this affect them? How many people that are doing business in Charleston County that actually are dependent on doing business with City-owned companies, not City-owned companies, but companies that reside in the footprint of the City of Charleston? How many businesses are in Dorchester County for example that may do business with a business in the City of Charleston? How does that affect them? I think we need to look at this a little more comprehensive.

I worked in State Government, I worked in the Governor's Office when I first came out of college. It was Governor Riley, and I can tell you, the first time I ever heard of the State of Charleston, and I tried like the devil, I had never heard that before. I said, 'No, we don't consider ourselves a State, we're a City just like everybody else.' 'No, you all think you do things differently.' During the time of a pandemic, needing to have hand in glove relationships with our allies and these municipalities and counties and the Tricounty area, obviously expanding out to the State, we're going to need those relationships during this pandemic and on the other side of this pandemic. So, I'm afraid by superseding the Governor, and I don't want to damage any relationships that way, and believe me, I'm convinced the Governor doesn't want to harm the health of the citizens of South Carolina. Because in part of your leadership and others, the Governor and everybody have been great on this thing to date, our citizens, for the most part, yes there have been some exceptions, but I'm proud of the way the people in Charleston, the Charleston region, have been pretty much paying attention. I went to Home Depot Saturday and ran into a friend of mine, and instead of bumping elbows, he told me, 'Let's clack feet', and you know what, we did that, and I said, 'You know what? We're senior citizens. If we lose our balance, we'll break our hip, and we'll be in more trouble.' But, anyway, I think we need to look a little bit beyond, and believe me, I'm in deep prayer on this myself. As a matter of fact, I had the privilege to open up prayer for this meeting today. So, I think it's not sending a message. We've already sent messages with the positive leadership that you have brought forward, Mr. Mayor, but I do not want to I think if we moved into this a week, and if we need more time, certainly we're going to be meeting as a quorum Wednesday, Thursday, Friday certainly into next week, and if we need to extend it because of the science on this because Dr. Cole and the people over there at the Medical University and the health professionals in the Tricounty area said, 'Hey, we need to shut it down,' then I think we need to do that, so that's what my piece would be."

Mayor Tecklenburg said, "Thank you, Councilmember Waring, and I appreciate those remarks. I must say, Dr. Cole and the medical advice that I've received has been to do everything that we can to flatten this curve and not risk our health care professionals and system of being overwhelmed, and then there is just the simple math of incidence rate, number of cases, hospitalizations, and loss of life. It's that simple, and I have shared this notion with our partners.

I sent around our list of essential services to them this weekend, including to the Governor's Office, so they're not unaware that we've been considering this. I have to respectfully say we need to look out for our own. We are the most populous City in the State of South Carolina. We have the most people. They're more compacted tightly together on average than almost anywhere in the State, and the spread of this virus is real. It's as serious as a heart attack, and we need to take it that seriously, because and I hear you loud and clear about the timing, I do relish the day seven days from now that we all decide, 'Hey, we don't need this anymore. Let's take it off.' That would be great. The incubation period for the disease happens to also be 14 days and that came into our thinking as a target date. As Ms. Herdina said, normally when the City has passed some emergency ordinance, it is for as much as 60 days, and when we had done that before with hurricanes and other matters I said, 'No, let's keep it tight, let's bring it down, let's keep it to the incubation period, and see what happens,' given the fact that Charleston County had gone from almost no cases to 31 with deaths already occurring here. Two more were announced today in the State. So, anyway, I understand and respect everyone's opinions, but I would also like to ask Chief Reynolds to weigh in. He has asked to be recognized. Chief Reynolds, are you there?"

There was no response.

Mayor Tecklenburg said, "Then, is Shannon Scaff available? Either one of them."

Shannon Scaff said, "Mr. Mayor, I'm here, sir."

Mayor Tecklenburg said, "Alright. Did you want to be recognized?"

Mr. Scaff said, "Sir, if you need me to make those comments, I'm happy to make them for you."

Mayor Tecklenburg said, "Alright. Chief Reynolds. He sent the word in, but he's not coming on. So, are there any other comments before we call the question?"

Councilmember Griffin said, "Mr. Mayor, can I just make one more point please, sir?"

Mayor Tecklenburg said, "Councilmember Griffin?"

Councilmember Griffin said, "Yes, sir."

Mayor Tecklenburg said, "Then, Councilmember Sakran."

Councilmember Griffin said, "Before I get to my point, I want to commend you again, Mr. Mayor. Honestly, what you did today is the epitome of leadership. You stood up, you had a press conference, you stated your point, and you know what? It was a very, very tough thing to do. I know you and your family. You've owned many small businesses and so has your wife. Hurting a small business is not what you're trying to do. I know that, and I commend you for taking a stand on a tough issue when we are literally facing something that we just have literally no knowledge of, as we've never faced it before. I don't think our nation, our world, could have ever thought this would have ever happened. But, what I'm scared of, and what really kind weighs in the back of my mind and even as Susan was speaking, I don't know if I necessarily agree with her that we're not going against what the Governor said. I think the Governor has done a great job of being swift. He's closed schools to keep our children away from congregating. He has been very good about keeping the gathering to low, low numbers. As of now, it's three or less, and on Sunday he

gave a very impassioned speech that he was disappointed in the way that some of our citizens across our State were acting, and he said, 'You know what? You better shape up, or we're going to send everybody home'. That was only a day ago, and I just don't know if we've had enough time to really process that or give our State an opportunity to respond. I tend to trust our citizens. The majority of them do a great job. They're great representatives. I trust our Police Department to act swiftly, and I think that the Governor's orders were so poignant that our Police Department has everything they need to make a decision. I don't know if putting a barber or a nail technician out of work for the next two weeks is going to do any more good than what we have on our plate, than what our State gave, and if something like this were to happen I'd love to see our region, our County, North Charleston get behind this, as well because just in West Ashley alone, we've got 18,000 people living in the Saint Andrews PSD that are not going to be impacted by this today. So, unfortunately, I'm going to vote against it, but I am totally thankful for everybody's opinion on this. I would love to see us follow, give our Governor a day or two more to see if his pleas are doing the right thing. I'd love to know if our Police Chief, I don't think he's on the line, how this impacted what's happened over the past few days, how the numbers have dropped from 50 to 10 to 3, what sort of thing he's seen and how quickly people have dissipated when they've been asked to? I would love to have that knowledge. Thank you."

Chief Luther Reynolds said, "Hello. I think I've been unmuted now. Can you hear me?"

Mayor Tecklenburg said, "Yes."

Mayor Tecklenburg recognized Chief Reynolds.

Chief Reynolds said, "Okay. Thank you. I was somehow muted. So, I won't speak to the ordinance and the details of it and debate that, but I will answer Councilmember Griffin's question I think and field any questions. I'll speak a little bit to what's been said already and just kind of reiterate and support, I think, what's been said. To me, in our profession and everything I do and why I do what I do, and I think any cop, is to save lives. Literally, if one life is saved, it's worth it. I'll just kind of say that. Another thing, I've been getting my phone blown up, too. People are asking me questions like, 'How are you going to enforce this lockdown?' and 'This is like marshal law, how are you going to staff all of these checkpoints?' I just want to reiterate that I've been talking to the Mayor every day for the last couple of weeks, multiple times a day, and the Mayor has never used that terminology. He has never built in those expectations. I'm not even sure where any of that is coming from. So, I'll just say that upfront. He has never said we're going to lock down the City. We want a balanced approach. We've even discussed things like curfews and other things each day, if they're necessary. We've done the research. I've been in contact with the Chief in Columbia and other Chiefs around the country. We have laws that are in our hip pocket, and we're ready to implement. I think the Mayor has continued to try to find a good balanced approach based on medicine and evidence-based and other practices and research.

I will say, others in our region have locked areas down and done checkpoints for the beaches and closing things down. There have been significant other steps that we are not taking, here we have not taken, it has not even been discussed. I think closing the parks is a good idea, and I'll speak to some of the challenges that we've had with the nice weather. In the last few days, it hasn't been quite as nice in Charleston, but I think that's going to turn soon. The beaches have had a lot of people. There have been some restaurants open. The parks have attracted a lot of people, and there have been certain public places where people have come and gathered. As was described, this has been an iterative process. It was 50, then 10, and then the Governor came out and basically said three or more should disperse. They're creating a public danger or

other issue, public health issue, then we can enforce what his ordinance was, and you will know when you see it. I think the goal is social distancing. I think that we have a lot of discretion as a Police Department. I think, as the Mayor has already said, we want voluntary compliance through education and awareness, and our business community and our residents have acted amazingly. Ninety nine percent of the people have been compliant at great sacrifice, but what we do know is, especially when the weather was nice on Saturday, I'm sure you saw it on social media, maybe you saw it firsthand, I know I did I was out and about. I was all over the place, and there were a good number of issues that we had to address.

We have great support in the City. Keith Benjamin and T&T and the PEO's, the Parking Enforcement Officers, Dan Riccio in Livability, and others have partnered with us. We have a call tomorrow morning with Jason Kronsberg and Laurie Yarbrough with Parks and Recreation to talk about how we can further focus and have eyes and ears out there, so that we can continue to monitor and address those groups that are en masse. Our goal, as the Mayor said, is to try to get compliance, as I think everybody has discussed, to have better outcomes as the Governor has talked about. It's all about working together and communicating regularly. I can tell you, I'm talking to my peers in the region. I've talked to Reggie and Carl multiple times today. I've talked to Al Cannon, I've talked to others, and I talked to a Chief, or got a briefing from a Chief, last week. You will find this interesting, a firsthand briefing from the Chief in Kirkland. She had 35 deaths in one facility, a nursing home, where a lot of this started. I got a briefing from New Rochelle in New York, a Chief up there who had a lot of significant issues because they got behind on this issue, and I've spoken with, or communicated with, the Chief who is a friend of mine out in Seattle. I'll just say that I think any and all measures that we take, within reason, to find a balanced approach is going to help.

I don't think this is nearly what a lot of people have painted it to be. I think it is one more iterative step to get a better outcome where we know that we still have some opportunities to do better. In terms of the instructions that we've given our officers, we use discretion every day of the year. That's what we do with good interpersonal communication skills, a good sense of humor, the gift of gab, and getting out and interacting with our community, but here is the challenge that we have. One, if we have a lot of groups that we have to address, it's putting our officers at risk of exposure unnecessarily and, two, it's focusing them on things that's taking them away from protecting our business communities. I can tell you, my peers, we haven't had a spike here, but other parts of the country have experienced, not surprisingly, a decrease in daytime burglaries at homes because everybody is at home, and an increase in commercial burglaries at night because a lot of the businesses are vacant, and there is nobody out in the businesses. So, that's something that we're focused on. We're out and about, everybody's hunkered down, and we want to send a message that we're in the communities, that we are going to be present, that we are going to continue to serve and do what we do well, but I do think that some of these measures, just in the last day or so, are going to help us better help the communities. Again, I won't speak to the specifics of the ordinance. I don't think that's for me to speak to, but I do think having additional measures and steps to get a better outcome and send that message a little bit more clearly, a little bit more specifically, and a little bit more tangibly is a good thing."

Mayor Tecklenburg said, "Thank you, Chief."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor. I won't be long. Just a couple of things that we didn't talk about that I think are worth mentioning, or at least having them out there, is the

overwhelming burden that it puts on our medical staff, the hospital. I did get several e-mails today from small business owners, but I did also receive a lot from medical professionals. I just have to say this is not a political decision. This shouldn't be a policy decision. This should be a medical decision. When in doubt, I rely on what I'm hearing from folks. What's happening in New York City, we need to pay particular attention to what's going on there. We have 140,000 folks that live in the City of Charleston and around. If one percent, that's 1,400 folks that would inundate and create such havoc in our hospitals. That's the question. I think that's the thing we should consider at this point is the overwhelming toll it could take on our hospitals. I think that's what we're trying to prevent. Thank you."

Mayor Tecklenburg said, "Right. Is there any last word?"

No one else asked to speak.

Mayor Tecklenburg said, "Councilmember Shahid, did you want to say something else or Councilmember Appel?"

Councilmember Shahid said, "No, Mayor, I was just trying to get your attention because the Chief was trying to get on the phone. It was muted, so we unmuted him."

Mayor Tecklenburg said, "Okay."

The Clerk said, "Mayor, I think we'd like to do a roll call vote."

Mayor Tecklenburg said, "Right."

The Clerk said, "So that it's clear, after we vote on this, we're still going to hold a meeting for Community Development this week?"

Mayor Tecklenburg said, "That is correct. We'll round up with you first thing in the morning about the Community Development meeting, correct. Alright. Let's call the question."

On a motion of Councilmember Mitchell, seconded by Councilwoman Jackson, City Council approved for ratification Item N-3 on the agenda:

2020-042 EMERGENCY ORDINANCE RE: STAY AT HOME

The vote was not unanimous. Councilmembers Delcioppo, Waring, Seekings, and Griffin voted nay. The motion passed 9 to 4.

Mayor Tecklenburg said, "Madam Clerk, would you please call the roll in favor of the emergency ordinance for the stay at home provision?"

The Clerk said, "Councilwoman Delcioppo."

Councilwoman Delcioppo said, "Nay."

The Clerk said, "Councilmember Shealy."

Councilmember Shealy said, "Aye."

The Clerk said, "Councilmember Sakran."

Councilmember Sakran said, "Yes."

The Clerk said, "Councilmember Mitchell."

Councilmember Mitchell said, "Aye."

The Clerk said, "Councilmember Brady."

Councilmember Brady said, "Aye."

The Clerk said, "Councilmember Gregorie."

Councilmember Gregorie said, "Aye."

The Clerk said, "Councilmember Waring."

Councilmember Waring said, "I vote nay because I think we should do it for a week. We're going to be discussing it and talking, so I want that to be noted why I voted nay."

The Clerk said, "Councilmember Seekings."

Councilmember Seekings said, "Nay."

The Clerk said, "Councilmember Shahid."

Councilmember Shahid said, "Yes."

The Clerk said, "Councilmember Griffin."

Councilmember Griffin said, "Nay."

The Clerk said, "Councilmember Appel."

Councilmember Appel said, "Yes."

The Clerk said, "Councilwoman Jackson."

Councilwoman Jackson said, "Yes."

The Clerk said, "Alright. Mayor Tecklenburg."

Mayor Tecklenburg said, "Yes."

The Clerk said, "Okay. So, of course, the aye's have it."

Mayor Tecklenburg said, "The aye's have it. The motion passes."

The Clerk said, "Yes."

Mayor Tecklenburg said, "Thank you all very much. I really do appreciate it, and I really do understand the comments on the opposing side, as well. We will all get through this together. That's what we do in times of adversity. This is one of those times. We're going to flatten this curve you all. That's what we're going to do. We are going to keep Charleston from becoming a hot spot, and this is going to be a piece of making that possible. So, God bless you. We will be in touch with you all tomorrow morning about a Community Development Committee meeting. I've got Councilmember Mitchell here, and then we will meet as a Regular Council at 5:30 p.m. every day as we did last week, and we will be able to continue to take up measures as need be. Is there anything further before we adjourn?"

Councilmember Seekings said, "Hey, Mayor, it's Councilmember Seekings here. Are we going to have a meeting tomorrow night?"

Mayor Tecklenburg said, "Tomorrow at 5:30 p.m. Yes, sir."

Councilmember Seekings said, "Okay. All of the same info?"

Mayor Tecklenburg said, "We'll send out the sign-in information. Yes, sir."

Councilwoman Jackson said, "Sir, we're not having Executive Session?"

Mayor Tecklenburg said, "We are not having an Executive Session this evening. No, ma'am."

Councilwoman Jackson said, "Okay."

Mayor Tecklenburg said, "Is there anything further?"

No one asked to speak.

Mayor Tecklenburg said, "We now stand adjourned."

There being no further business, the meeting was adjourned at 8:32 p.m.

Vanessa Turner Maybank
Clerk of Council