

## COUNCIL CHAMBER

Regular Meeting

March 26, 2018

The fifty-first meeting of the City Council of Charleston was held this date convening at 5:35 p.m. at City Hall.

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

### PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

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

Mayor Tecklenburg called the meeting to order at 5:35 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "If you would like to join us, Councilmember Griffin is going to lead with an invocation and Pledge of Allegiance."

Councilmember Griffin said, "I would like to ask Rabbi Michael Davies of Congregation Dor Tikvah to provide the invocation tonight, and I would like to thank him and the Charleston Jewish Federation, on behalf of the City, for giving us an opportunity to support their work in our community. Before he gives the invocation, I would also like to honor and say thank you to Holocaust survivor, Joe Engel, who is in the audience tonight. Thank you, sir, for fighting your fight, and we are honored to have you tonight. If we could give him a round of applause, please."

There was applause in the Chamber.

Rabbi Michael Davies opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Thank you, Rabbi. We have a few presentations and recognitions to make this evening. Before I start, I would just advise everyone that in the most unlikely event that we needed to vacate the building, these are our two main exit doors from this

room, although there is an exit from the room to the right. Do not use the elevator in that event. We would use the two stairways going down and then the one stairway out the front. Just in case of that unlikely event, I wanted everyone to know where we needed to go.

So, first we're going to have a proclamation about the Holocaust Remembrance, and I'd like to invite Sandra Brett, all of the representatives from the Jewish Federation, and Rabbi, but most importantly, if I may say, Joe Engel, a Holocaust survivor, to join me, please, on the stage."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "Rabbi, can I give this to you?"

There was applause in the Chamber.

Mayor Tecklenburg said, "I'll ask Sandra and Mr. Engel if they would like to say some words, but before I do, I want to just briefly commend again and again, Joe Engel. What a hero we have in our midst. If you know his story, as a captor, rescuer, and a freedom fighter from this era, from the Holocaust era, and thank God he made it to Charleston because you've been such a valuable part of our community, Joe, ever since you came here. It's been recognized for some time. Mayor Riley and City Council, years ago, proclaimed that there be an Engel Street in Charleston. It's right off of King Street up above the Crosstown, or in between the two overpasses, and when I became Mayor, I ran into Joe, I think, at the Holocaust Remembrance event that year. He said, 'You know, Mayor, there's more than one Engel around, so somebody might get confused. Maybe we ought to put 'Joe Engel' on the sign'. So, we did that. It's still Engel Street, but we put a little caption on top of the sign that says 'Joe Engel Street.' So, life went along well, and Joe does this incredible job of going to schools, teaching, and keeping the memory of the Holocaust alive. So, I saw him the next year, and he said, 'You know, Mayor, they may forget about the Holocaust, and we can't let that happen. Could you do that sign one more time and put 'Holocaust survivor' on the sign?', and we just recently did that. So, you all go up and take a look at the sign at Engel Street. It says, 'Joe Engel Street, Holocaust Survivor'. God bless you, Joe. Would you like to say a few words, please?"

There was applause in the Chamber.

Mr. Engel said, "I want to thank everybody here who came this afternoon, or if you want to call it tonight, either way. I thank you very much because if I have to stay here and tell you my story, it would take too many hours and too many days. So, we want to thank you all very much, and I'm choking up so thank you very much."

Mayor Tecklenburg said, "God bless."

There was a standing ovation in the Chamber.

Sandra Brett said, "I want to add my thanks, on behalf of the Charleston Jewish Federation, for all of the support that the City of Charleston has given us all of these years. As we know, good governance is so important to remembering what can go wrong after it went wrong in the 30s. So, again, my thanks to all of you who are governing the City of Charleston, and as you light your candles, I would like to read the blessing of the yellow candle. 'We light this yellow candle to rekindle God's flame to shine his light upon the world once again to sanctify the memories of the millions of souls to honor their prayers and all of their lost goals.

We bless their existence by being alive to light this yellow candle as proof we survived.’ Thank you.”

Mayor Tecklenburg said, “Thank you all. Thank you, Joe. It’s always a pleasure to see you.”

There was applause in the Chamber.

Mayor Tecklenburg said, “Next, I would like to invite Louise Williams, Sid Boone, and Frecia Ammons, from the American Red Cross, to join me up here. I think you all know what a remarkable job the American Red Cross does, not only in times of big tragedy like a hurricane coming to town, but even when there is a house fire and someone is dislocated from their residence for a short period of time or a long period of time. The American Red Cross steps in to help folks in need in our community, in addition to the amazing work they do with blood banks and all like that. So, we have a proclamation for them, as well. It’s American Red Cross Month in the month of March which, is about to end.”

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

There was applause in the Chamber.

Mayor Tecklenburg said, “Would you like to make a few remarks?”

Louise Williams said, “Mayor, City Council, thank you. Whether you go back to the Mother Emanuel shootings, the historic floods of 2015, Hurricane Matthew, Hurricane Irma, and even our winter storms, the good thing that’s come of these recent disasters is the partnership between the American Red Cross and the City. We do things together, we do things as a team to make this City more resilient, so thank you for your partnership.”

There was applause in the Chamber.

Mayor Tecklenburg said, “So, we even work on things like homeless shelters and all like that. They’re just an amazing group. Finally, we have a proclamation recognizing April, this coming month, as Child Abuse Awareness Month in the City. I would like to invite Beverly Hutchison and Andrea Shuford of the Dee Norton Child Advocacy Center to join me. So, well, maybe I’ll share the story first. These folks do an amazing job, as well, and I might get choked up because it was the morning of Heidi Todd’s eventual recovery that I, Chief Tippett, and Chief Taylor were at the Dee Norton Center because Heidi’s two older siblings were there to receive the news that their sister had been kidnapped. We didn’t know, at that point, whether she would be back with us or not. The support that you all provided that family, that I witnessed that day, was just remarkable, and that was just one day. They do this each and every day, helping protect abused children, which is just an unfathomable thing to me, but they do a remarkable job.”

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, “We thank you for all you do every day.”

There was applause in the Chamber.

Beverly Hutchison said, "Since 1991, we have enjoyed a wonderful partnership with the City, so thank you. You have provided our home at 1061 King Street for all of those years, and in all of those years, we have been able to help 28,000 children, and their families, that have suffered some type of abuse. We are excited that, in May, we're actually expanding, and that is because of the stalwart support of folks like the City. We're going to be opening a second full service center East of the Cooper where we're not meeting the need, and we need to make sure that all children have access to healing services. April is all about prevention. We're going to be out there, and you're going to hear us talking, and you will see a billboard or two. That's our goal. Wouldn't it be great if no child was ever abused, if we really could prevent it? Our mission is three-prong, to prevent abuse, to protect children, and to heal families because, unfortunately, abuse does still occur in our community across all racial barriers, socioeconomic barriers, and I'm just grateful that Charleston is a place where children and families have a place to go. The one thing we know at Dee Norton is children can and do heal if given the opportunity, and thank you for giving them that opportunity."

There was applause in the Chamber.

Councilmember Lewis said, "Mayor, before these ladies sit down, I want to say first, I'm blessed to have this center in my district. You all do a wonderful job, and I know of a young lady that has four children that she adopted because they were abused. They're not her children. The mother would not take care of them. She brought them to the Dee Norton Center. Those kids are doing well, they're making good grades in school, and it's all because of the fine work you all do at that center, and I am very proud of you."

Ms. Hutchison said, "Thank you."

There was applause in the Chamber.

Mayor Tecklenburg said, "Alright. So, next, we have a number of public hearings, and I think we have eight or nine of them this evening. I believe Mr. (Christopher) Morgan will be introducing those to us, and any citizen can speak on any of these matters. I'd ask that if you would, please limit your remarks to two minutes, if you could, just in the interest of time. If you were here not to speak on any of these public hearing matters, but just some other general matter, and wish to speak during our Public Participation Period, there was a sign-up sheet out front that, I believe, you could still sign up on if you want to speak on any other matter before Council tonight. So, the first matter is a zoning ordinance change of a property West Ashley, 1551 Mulberry Street. As soon as we get the screen all set up, we'll let Mr. Morgan take it away."

Christopher Morgan said, "Thank you, Mr. Mayor and members of Council. As you said, this is 1551 Mulberry Street. It's in West Ashley. It backs up to the West Ashley Bikeway. You can see that as the green strike going through the map here. It's surrounded by residential development, and I've got some slides that will show you some of the differences that are going on in the neighborhood. The applicant had requested CT (Commercial Transitional). I think the applicant is interested in having more options with the property. Staff had recommended Single and Two-Family Residential, which we call 'STR', not to confuse with our STR discussion about short term rentals, but Single and Two-Family Residential. That is what the Planning Commission recommended for. I'll show you some slides here, and this is an aerial of the site. Here is the West Ashley Bikeway going behind the property, some of the closer up images of the property here, and we see the subject property here. It's an older house that I believe a church owns now, and here is some of the surrounding adjacent small apartments that show the diversity of the residential types in the neighborhood. There is the adjacent church and some

adjacent Single-Family, so the neighborhood is very much mixed. We were comfortable with a Single and Two-Family Residential designation for the property, and that's why that's what we recommended and the Planning Commission recommended approval of."

Mayor Tecklenburg said, "So, I guess because the original request from the applicant was for Commercial Transitional and the Planning Commission recommended something different that this will require a  $\frac{3}{4}$  vote of Council, just to make everyone aware. Would anyone like to be heard on this matter?"

No one asked to speak.

Mayor Tecklenburg said, "Hearing none, the matter comes to Council."

Councilmember Waring said, "Mr. Mayor, I'm going to move for approval, but can you go back to the pink house, please? This is very important. This, believe it or not, has been a learning center where summer programs have been going through in excess of 20 years. It's owned by Reverend Christian King. In 1998, they got a use variance that runs with the property. This was the community center, believe it or not, for Ardmore-Sherwood Forest. I'll touch on what we're going to vote on next, but that use variance was amended in 1999, so what I was concerned about is their ability to continue doing what they have done in the past. So, this zoning that the Commission approved, I spoke to Reverend King today, she's fine with it realizing that the use variance follows the property. So, staff enabled me to have the paperwork going all the way back to 1999 and 1998, and I provided that to Reverend King, so I'm fine with this zoning recommended by the Planning Commission."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Waring, because that was the first question I wrote on the margin of my paper about. Couldn't this have some sort of appropriate use designated that would fit into the overall zoning, but yet allow the church to do their good work? So, good."

Councilmember Waring said, "Thank you for your consideration. They're still going to be able to do it."

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

The Clerk said, "We need a second."

Mayor Tecklenburg said, "We had a second over here. I think actually Councilmember Gregorie had seconded it already. You might not have heard him."

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1551 Mulberry Street (West Ashley) (0.45 acre) (TMS #350-07-00-090) (Council District 7), be rezoned from Single-Family Residential (SR-2) classification to Commercial Transitional (CT) classification. The property is owned by Low Country Christian Center.*

Mayor Tecklenburg said, "E-2."

Mr. Morgan said, "This is 1506 Balsam Street also in West Ashley, also along the southern side of the Bikeway, again, in a very diverse neighborhood that has Single-Family houses, apartments, duplexes, and things like that. We've got a couple of images here. You can see there is a duplex immediately adjacent. There is also a duplex at the end of the nearby street, some vacant lots, some Single-Family, so a real mix in that neighborhood. Again, we feel like some of these changes to zoning will help revitalize the neighborhoods by giving more opportunity for renovations and new uses on the property. This is a property that both staff and Planning Commission recommended for the STR or Single and Two-Family Residential Classification."

Mayor Tecklenburg said, "Alright. Would anyone like to be heard on this matter? Yes, sir. Please come forward to the microphones and state your name and address."

1. Joe Ancrum, Jr. said that he owned the lot. It had just been sitting there, and he wanted to try and build a two-unit home.

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

Councilmember Mitchell said, "Move for approval."

Councilmember Shahid said, "Second."

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

Councilmember Waring said, "I appreciate Mr. Ancrum reinvesting in that neighborhood."

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

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1506 Balsam Street (West Ashley) (0.24 acre) (TMS #350-07-00-040) (Council District 7), be rezoned from Single-Family Residential (SR-2) classification to Single and Two-Family Residential (STR) classification. The property is owned by Joseph Ancrum, Jr.*

Mayor Tecklenburg said, "By the way, if you all haven't seen the re-do of the West Ashley Bikeway from Highway 61 over to Playground Road, which was done as part of our drainage project there, it looks great. It really looks good."

Councilmember Waring said, "Because we're even going to invite Councilmember Seekings to come over and ride his bike."

There was laughter in the Chamber.

Mayor Tecklenburg said, "E-3."

Mr. Morgan said, "This is property at 1555 Juniper Street and an adjacent lot. It's requesting rezoning from Single-Family (SR-2) to the Single and Two-Family Residential (STR).

It's not far from the other properties we were looking at earlier tonight. This is a property that the City of Charleston is working on for workforce or affordable housing. Again, it's part of the neighborhood that has a diversity of uses around it. You see a duplex immediately adjacent to the west, a duplex across the street, a duplex around the corner, and to the rear. So, clearly, it's a neighborhood that is not just Single-Family, and with that, we are comfortable with the diversity of uses to recommend for the Single and Two-Family Residential here, as did Planning Commission."

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

No one asked to speak.

Mayor Tecklenburg said, "Hearing none, it goes to Council."

Councilmember Waring said, "Move for approval."

Councilmember Mitchell said, "Second."

Councilmember Waring said, "Mr. Mayor, as discussion, Mr. Morgan, can you go back to the overhead shot by the pink house showing the three units that the church owns across the street? These three units are owned by James Chappell, and it's very unique out of the box thinking. I certainly appreciate the help of the Mayor, staff, and Council. Ardmore-Sherwood Forest is a neighborhood that goes from Savannah Highway all the way through to Highway 61. It encompasses thousands of people. It was built probably in the fifties and never had a playground. Some of the kids actually play at the end of a cul-de-sac in a street. So, what the City, and hopefully we are doing, is entering an agreement to put a playground right in where these three buildings are and the property to the left. Those will be torn down, and then, when you go back to the site under discussion, Mr. Morgan, on Juniper Street, that's where affordable housing is going to be. So, the church is willing to work with us. They have three affordable units now. They wanted to keep the mission of having affordable housing as part of the church's mission. They're considering swapping with us, basically, their site for this site, as opposed to just selling the property and leaving the mission of affordable housing. So, affordable housing, obviously, includes many different entities, so this is a unique opportunity to create a playground in a safe environment for the community and continue and enhance, quite frankly, affordable housing not only for the church, but there is going to be a benefit for the City, as well, to create a few more affordable units. So, I move for approval and appreciate all of your support, and thank you for your help, Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir, and you might note by Councilmember Waring's knowledge of this that this was his good idea, so thank you for bringing it forward. Yes, ma'am."

Councilwoman Jackson said, "Again, Mr. Waring, I really would salute you. People talk about affordable housing, and we all think big, which is good, but those little properties that can be redeveloped and traded around and used for a better purpose inside of people's neighborhoods, we never hear about those. So, the fact that you've got your ear to the ground and are working with the community to be that creative, I salute you."

Councilmember Waring said, "Thank you so much."

Mayor Tecklenburg said, "Are there any further questions or comments?"

No one asked to speak.

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1555 Juniper Street & adjacent lot (West Ashley) (0.58 acre) (TMS #350-03-00-185 and 350-03-00-186) (Council District 7), be rezoned from Single-Family Residential (SR-2) classification to Single and Two-Family Residential (STR) classification. The property is owned by James Memminger.*

Mayor Tecklenburg said, "E-4."

Mr. Morgan said, "This is a property on Ashley River Road near I-526. You can see Ashley River Road running to the northwest, and I-526 crossing over in the elevated portion. It is across the street from the large Multi-Family complex and is zoned DR-1F and Limited Business. Our City Fire Station is just down Ashley Hall Plantation Road in that location. There is a Commercial property across the street from it in Charleston County and then other Residential properties in the area. The request is to go from the General Office classification to Diverse Residential (DR-9). The DR-9 zoning is substantially less dense than the surrounding LB zoning, or the DR-1F zoning, or the DR-12 zoning, in this location, so we feel like it fits in well with the area. It gives more options for use of development on the site, and both Planning Commission and staff recommend its approval."

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

No one asked to speak.

Mayor Tecklenburg said, "Hearing none, it comes to Council."

Councilmember Shealy said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Yes, I just want to let you know, it's probably a rare situation that we want more housing down Ashley River Road, however, I have spoken with the HOAs in the area, and everybody is in agreement, well, not everybody, but the vast majority is in agreement that this is going to be okay. It's going to be eight units, unless something has changed, Christopher. I think it's only eight units, which adds 16 cars to the traffic. It would have been an office with vehicles coming and going, so I would ask that we move for approval on this."

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

No one asked to speak.

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Ashley River Road (West Ashley) (2.176 acres) (TMS #353-00-00-009) (Council District 2), be rezoned from General Office (GO) classification to Diverse Residential (DR-9) classification. The property is owned by the Mary Pamela Hollongs McConnell Trust.*

Mayor Tecklenburg said, "E-5."

Mr. Morgan said, "On this one, 651 Meeting, the applicant has requested deferral, so I will just zip through the slides. We did discuss it at our previous meeting. It's adjacent to the Trolley Barn on Meeting Street, but it has been deferred by the applicant."

Mayor Tecklenburg said, "Right, but should we have the public hearing anyway?"

The Clerk said, "We should if someone has come to speak."

Mayor Tecklenburg said, "So, would anyone like to be heard on the matter of 651 Meeting Street? Yes, sir."

1. Trenholm Walker said he was there on behalf of the applicant and that the applicant had met with the head of the Neighborhood Association who recommended further meetings with residents that lived nearby. They asked for deferral, so they could meet with those residents. He said they hoped to be back in two weeks, but they were doing their field work first.

Mayor Tecklenburg said, "Yes, sir. Would anyone else like to be heard?"

No one asked to speak.

Mayor Tecklenburg said, "Okay. So, it's deferred."

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 651 Meeting Street (Peninsula) (0.61 acre) (TMS #463-16-02-061) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-1/WH) classification. The property is owned by 651 Meeting Street Partners. (DEFERRED)*

Mayor Tecklenburg continued, "We'll move on to E-6."

Mr. Morgan said, "This is a zoning of a recently annexed property in West Ashley, 209 Hickory Street, from R-4 in the County to SR-2, which matches the surrounding zoning in the City. Both Planning Commission and staff recommend approval."

Mayor Tecklenburg said, "Alright. Would anyone like to be heard on this matter? 209 Hickory Street."

No one asked to speak.

Mayor Tecklenburg said, "Hearing none, the matter comes to Council."

Councilmember Shahid said, "So moved."

Councilmember Mitchell said, "Second."

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

No one asked to speak.

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 209 Hickory Street (West Ashley) (0.12 acre) (TMS #418-13-00-103) (Council District 9), annexed into the City of Charleston February 13, 2018 (#2018-012), be zoned Single-Family Residential (SR-2) classification. The property is owned by Lucious Morris and Bridget Norris.*

Mayor Tecklenburg said, "E-7."

Mr. Morgan said, "The next one is 1430 Agatha Street. Again, a recent annexation. It was R-4 in Charleston County, a recommendation of SR-2, which matches the surrounding zoning in the neighborhood in the City. Both staff and Planning Commission recommend for the SR-2."

Mayor Tecklenburg said, "SR-2. Would anyone like to be heard on this matter?"

No one asked to speak.

Councilmember Mitchell said, "Move for approval."

Councilmember Lewis said, "Second."

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

No one asked to speak.

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1430 Agatha Street (West Ashley) (0.13 acre) (TMS #351-07-00-071) (Council District 7), annexed into the City of Charleston February 26, 2018 (#2018-022), be zoned Single-Family Residential (SR-2) classification. The property is owned by Victoria Johnson Life Estate.*

Mayor Tecklenburg said, "Now, E-8."

Mr. Morgan said, "E-8, and this one has been before you before and has been deferred. This is a 17.13 acre parcel on Bees Ferry Road, at the intersection of Bluewater Way, which goes into the Bolton's Landing Subdivision. There is the Charleston County Landfill just down the street from it. The property was zoned Industrial in Charleston County, or is currently zoned Industrial in Charleston County, and coming into the City, the recommended zoning is Limited Business. Both Planning Commission and staff recommend approval of the Limited Business for the property."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter? Yes, sir. You're back."

1. Trenholm Walker said he was there on behalf of the applicant and that the applicant had met with Councilmember Wagner and talked it through. This property was Multi-Family and was in the County. There was a later agenda item to annex the 17 acres into the City, and it was second reading only. He said even though it drained into Rantowles Creek, the new Church Creek Stormwater Regulations would be abided by so that there would be 159 percent containment of the stormwater. So, 50 percent less stormwater would come off the site, and the site plan worked

around all of the grand trees. The surrounding area was Residential, so they thought it would be compatible.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Also, Mayor, with this one we want to make sure that we take the annexation first and then come back to this. Trenholm, you said it's only going to be the second reading."

Mr. Walker said, "It's only second reading, so we're going to stop before the third. We'll have to come back for third reading, Vanessa."

The Clerk said, "Okay."

Mr. Walker said, "Thank you."

Mayor Tecklenburg said, "Okay, but, do we want to have some kind of discussion?"

Mayor Tecklenburg recognized Councilmember Wagner followed by Councilmember Shealy.

Councilmember Wagner said, "Yes, go back to the big slide, thanks. You guys that are familiar with Bees Ferry and the entrance to Bolton's Landing, right now when you turn into Bolton's, the first thing you will see on the right is a Senior Living Facility. It's just been completed. This is directly across the street if you're coming in off of Bees Ferry, it's the site to the left. If you go one step behind it, you will find about 300 apartments, which were the very beginning of Bolton's Landing. There are apartments back there, and it looks to me, and there's no doubt what I was handed, there are some more apartments on that side. It looks like it's going to be about 292 units, which means that side of the road, basically, as you're going into Bolton's that first half mile, is going to be 100 percent apartments. Let no one be surprised if you see apartments there and then the Assisted Living Facility. Then, you get into the Single-Family all the way up to Bluewater Way, almost all the way to Savannah Highway. Well, believe it or not, they built some apartments right on Savannah Highway coming back in from the other side. So, no surprise here that these are going to be apartments with approximately, I think, 400 spaces for parking so, there will be some traffic impact to Bees Ferry. There's no reason to lie, cheat, or steal about that. Put the facts on the table, guys.

That particular end of Bees Ferry can handle that particular additional influx of apartments up on that end. If it was on the other side, now we might have a problem, but they're down toward the Walmart side of Bees Ferry. This is very close to almost a hunting club, but it's on the opposite side of the street, still in the County. Just so you guys will have a visual of where we're looking, and it's going to back up to another set of apartments. In other words, that whole first section is going to be apartments and then, before you get into the Single-Family, there are some Multi-Family in there, too, throughout Bolton. I've got two sisters-in-law that live over there, so if I mess this up, I'm going to get killed. Their sister will hold me down, and they will beat me. It happened before. I'm just kidding, girls, if you're looking and watching, but I've told them I thought that it would be okay in this area.

I was thinking all along that this was the area that had been pulled two weeks ago. We had a section of it, and I was thinking it was this one that we'd backed off of completely, as a Council, and they wanted to pull away, and I don't know if that's true or not."

Mr. Morgan said, "There is another one further in your agenda that's further up Bees Ferry that's up for, I believe, second reading. It's up closer to the Walmart, the seven acre tract."

Councilmember Wagner said, "Okay."

Mr. Walker said, "The seven acres on the circle itself."

Councilmember Wagner said, "Perfect. I'm good with that."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "That doesn't have the same map number? I thought it did, and I'd have to go back and look at it."

Mr. Morgan said, "Which one?"

Councilmember Shealy said, "Well, the one we're talking about here, that TMS number and, maybe I'm mistaken, I thought that was the same TMS number as was rescinded over at Dock Street back on February 26<sup>th</sup>. I may be mistaken, but I thought that was what I heard."

Councilmember Wagner said, "He's thinking the same thing I was."

Mr. Morgan said, "That was the annexation that moved forward in error and so, it was rescinded until the zoning could be set for the annexation to be finalized."

The Clerk said, "At that meeting, they asked us to defer the zoning, but they did not ask us to defer the annexation."

Mr. Morgan said, "Right."

Councilmember Shealy said, "Yes, I don't know, I'm just concerned about adding more apartments down that way. We've got a lot of growth that's getting ready to happen there, and we're going to have a lot more traffic congestion as we continue. The Glenn McConnell is going to be widened, but as that happens, we're going to have heavier traffic problems up until that point. I understand this is at the other end, and some of these people are going to go down Highway 17 to go downtown, but a lot of them are going to choose to use Glenn McConnell Parkway where all of this congestion is happening. Well, Savannah Highway is congested, as well. I think, in my mind, it's a great place to have a business spot to fulfill the needs of the community of all of the other growth that's going on, so just my opinion."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilwoman Jackson.

Councilmember Griffin said, "I've got a couple of points. My first is a question. If you don't mind telling me, why do they want to move forward with second, but not third?"

Mr. Walker said, "It has to do with the contract with the owner for acquisition. If there's second reading, then the purchaser will proceed. If it's disapproved on second reading, then I think they'll probably abandon the contract."

Councilmember Griffin said, "So, I'm going to agree with Councilmember Shealy here, and I just want to make it known, for the record, that I am going to vote 'no' to this, only because I don't trust, necessarily, somebody saying it doesn't drain into Church Creek. I like to see facts, I like to see documentation of that. For me, to vote 'yes' on this, a property this close to the 100-year flood plain, I can't say that without any sort of backing, something to back it up."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Well, I'm happy to hear the Councilmembers who have a lot more experience and day-to-day knowledge of West Ashley. I guess my first question, when I raised my hand, was to ask Mr. Morgan, how does this kind of development and the rezoning to Limited Business away from Industrial fit into the Plan West Ashley Master Plan that we're supposed to be cooperating with now?"

Mr. Morgan said, "This was an area that was zoned Industrial by the County. There were other parcels that were Industrial, such as to the north here in the past that we have annexed and turned to either Residential or Commercial and Residential uses. I think it's in line with the Plan West Ashley concept. It does give you some degree of density that can be along a road like Bees Ferry, which can help make bus routes function better. Obviously, this helps create the rooftops that can then populate the West Ashley Circle with the types of services that people have been looking for in the area. It is adjacent to other Multi-Family, so it's not completely incompatible with the surrounding area. This neighborhood had been planned to be a neighborhood of diverse uses. It's got the assisted living, as Mr. Wagner referred to, as well as some townhouses that are off Bluewater Way, as well as Single-Family, so it's a real diverse neighborhood as far as Residential uses."

Councilwoman Jackson said, "Okay, well, that all sounds positive. I guess my second question then was, as we're discussing development that adds hundreds of Multi-Family units, which we know that we need more housing, we know that we need housing that's more affordable than less so, obviously, that's going to mean more dense housing in the right places. I do think that we need to be very cautious about how we're connecting to the watershed. The first thought that came to my mind, though, in thinking about this, was the transit, because we really can't afford saying that cars are going to come down to Highway 17. It's just sending cars down to Highway 17. So, I think, unless we're planning as a set of big decision makers, that we're going to have transit that follows right along with these areas that we're changing over from Industrial, which is a very small traffic impact compared to anything that has Residential with it, I don't know, this doesn't feel like it's the right time to me, and I might join you, Mr. Griffin, in voting 'no'."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Yes, this is the first of three items on the agenda tonight that basically affect the three of us. He did come to see me, and that is very true. We looked at this in detail, he gave me his maps, nothing was held back. I did ask him, however, to talk to my two partners here because, what happens to me in District #5 happens to Kevin in District #2 and Harry in District #10. We share a common roadway, we back up to one another, and the real bottom line is it's a triangulate, or whatever that wonderful word is that I can't always get right. It's almost impossible for anything to affect District #5 that doesn't affect one of these guys. So, we've kind of got to get it together. Now, I would be perfectly content, until these guys can see everything that I've seen, to defer it for another meeting to where you all can look at it. We'll take that, and we'll go on a field trip if you want to, to where you can see exactly, feel it, see it, and touch it, if that's alright with my two Council mates here. So, if that's alright with them, I'd like to move to defer it for two more weeks, and let's go from there."

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

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We have a second."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I just have a quick question. What is the current zoning?"

Mr. Walker said, "It's Light Industrial, and it would be converted to LB."

Councilmember Seekings said, "LB, right. So, what is the principle difference in terms of the density? It's pretty similar, right?"

Mr. Walker said, "Christopher, I think you would have to address that."

Mr. Morgan said, "Yes, the County has some Residential allowances in their Industrial. Case in point, the development to the north was put together with the concept that it was Industrially zoned, but then they were allowed to have Commercial and Residential uses, and then that ended up still coming into the City, so I know that there are Residential allowances at the County level."

Mayor Tecklenburg said, "Personally, I think it speaks to a need for Council to look at our own Limited Business, Light Industrial, and Heavy Industrial allowances for Residential use. If you know you're coming forward with an apartment complex, it seems like you should be requesting some form of Multi-Family zoning, as opposed to Limited Business. Do you have a response to that?"

Mr. Walker said, "That was discussed with Planning, and because other properties along Bees Ferry had gone LB, the thinking was this was consistent with the zoning on Bees Ferry already. Other outparcels from this larger tract had been brought into the City annexed as LB and staff felt good with that."

Mr. Morgan said, "Correct."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I just think that we're at a point now where we kind of have to draw a line in the sand. If I reach out to my district, and I talk to everybody in District #10, they're not really too happy about Long Savannah right now. They don't know everything about it and so, for us to start approving more development, when we have a huge project that is the centerpiece for what is making everybody upset, then we're doing a disservice for our constituents over there in West Ashley. There's no infrastructure. You're talking about another 500 cars. It's going to be detrimental to us right now. We need to, at the very least, defer it, but I'm going to have to start voting 'no' on these developments, because we just don't have anywhere for these people to go. I just can't imagine there being a need for this, and it doesn't sound to me like we're creating affordable housing, so for me, it's a 'no'."

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

No one asked to speak.

Mayor Tecklenburg said, "We've got a motion on the floor to defer."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Well, the motion on the floor is to defer now. The part about flooding which, I hear you, Councilmember Griffin, on that, at this point in our process, can we get any definitive information on that, because I'd like to know whether it's going to Rantowles Creek versus Church Creek Basin?"

Mr. Morgan said, "Mr. Waring, this map shows that a portion of the site is in the Church Creek Basin, but none of it is in the flood zone, because the 100-year flood zone is the light blue, and you can see the distance from it. A portion of it is in the basin, but none of it is in the flood zone that's subject to a moratorium."

Councilmember Waring said, "So, all of that's nice, but when this thing is built, which way is the water going to flow?"

Mr. Morgan said, "I think that depends on how they engineer the site. It's possible, I think, when you've got these things that are at the edge of a basin, if you change elevations and things like that, that it could flow somewhere else."

Councilmember Waring said, "So, right now, we really don't know which way the water is going to flow."

Mayor Tecklenburg said, "It could go either way, depending on how you engineer it."

Mr. Walker said, "We'll bring that information."

Mayor Tecklenburg said, "Have you all done engineering on the drainage yet?"

Mr. Walker said, "They're looking at it. I think they're looking at stormwater right now. If we have something, I'd be happy to share it."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "No, I think that was the question. I wanted to make sure that Mr. Walker would bring to us information he had about the stormwater runoff and how that's going to affect."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "In that information that will be brought forward, I would like to see Weston & Sampson, well, Bob Horner, in particular, involved in that, since he's got so much information on this."

Mayor Tecklenburg said, "Absolutely."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I guess it's not the be-all and end-all of how we're talking about our use of land, and what I'm starting to see is the end of the age of innocence for us, in terms of how we know that water impacts the Master Plans that we have faithfully allowed developers to build out under. I think we need to be more thoughtful about this topic, but I would join Mr. Griffin in saying that, because we've had a zone in place in earlier years and for good purpose, that doesn't necessarily mean that because it's contiguous, we need to keep going with the same zoning. So, I do think it's great to have this timeout, and I would hope we could have some educational discussions in the process."

Mayor Tecklenburg said, "Councilmember Wagner, did you have the last word?"

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Yes, sir. The piece of paper I'm looking at does show two rather large retention pond areas, but it is not showing where it's going. It is running towards Bluewater, and it's not telling me where it's going from there."

Mayor Tecklenburg said, "Okay. Well, we'll get more information on that. Okay. We have a motion to defer."

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Bees Ferry Road (West Ashley) (approximately 17.13 acres) (a portion of TMS #286-00-00-040) (Council District 5), be zoned Limited Business (LB) classification. The property is owned by Julia E. Bradham et al. (DEFERRED)*

The Clerk said, "Mr. Walker, that would affect the annexation. Is the annexation deferred, as well?"

Mr. Walker said, "Yes, we would like to defer the annexation, as well, to keep them on the same track. Thank you."

Mayor Tecklenburg said, "Thank you, sir. E-9 has been deferred, but let's go ahead, since we have a public hearing, and see if anybody wants to talk about it. You want to at least share what it was about, Christopher?"

Mr. Morgan said, "So, this originally was an amendment to the Tech Corridor Overlay that had a 115 foot height amendment in it that would have allowed the new building, that the City's Flagship 3 would be in, to go up to 115 feet. We are working on a different version of that amendment, that would instead have height by stories on that site, that we think will end up working better on the site, and that will be coming back to you. It will be coming back through the Planning Commission and Council."

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

1. Anthony G. Bryant said a public comment was made to the Army Corps of Engineers years ago regarding the Ports Authority and height restrictions as far as the terminal was concerned. He said with regards to density analysis in height and lowering densities in West Ashley, home rule, in his opinion, under the Mayor's leadership and further, was a bad idea. He stated they needed to get State and Counties together to develop a new conceptualization of zoning and planning in South Carolina. Public safety needed to be heavily involved in the zoning process to ensure that legal descriptions were made properly. All of this had to do with spot zoning. He said the approvals that Council had made since 1974 led to greed, and the height restriction was about the Ports Authority and their increased capacity to make money at the expense of poor people.

Mayor Tecklenburg said, "Thank you, sir. Alright. Next, we're going to approve some City Council minutes."

The Clerk said, "February 26<sup>th</sup>."

Mayor Tecklenburg said, "Just the February 26<sup>th</sup> minutes."

Councilmember Gregorie said, "Move for approval."

Councilwoman Jackson said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second. Are there any additions, deletions, or comments?"

No one asked to speak.

On a motion of Councilmember Gregorie, seconded by Councilwoman Jackson, City Council voted unanimously to approve the minutes of the February 26, 2018 City Council meeting.

Mayor Tecklenburg said, "We have approved the minutes. Next, is our Citizens Participation Period, how many folks have signed up?"

The Clerk said, "Jennifer, this is the only page?"

The Assistant Clerk said, "Yes, that is the only page."

Mayor Tecklenburg said, "Yes. Okay. So, about a minute and 15 seconds each, that would be good. So, Madam Clerk will call out the names on the list, and if you all would queue up to the microphone, please state your name and address before addressing Council. Thank you very much."

1. Michael Turner said he and his wife had lived in Wagener Terrace for 15 years and that a year ago the house next door became a short term rental, which was occupied by different renters. He stated their neighborhood was a family neighborhood that was thriving and they were concerned that would be imperiled by short term rentals.
2. Sis Marshall thanked two of the Councilmembers for standing up for Wagener Terrace, as they were not in favor of short term rentals. She asked, since there were 1,500 illegal cases in the City already, why Council was rushing a second reading, when changes had been made. She said everyone needed to be on the same page, knowing what the outcome would be, and could explain this to the people in the neighborhoods. She asked Council to forget about the contractors and the people who were wanting all of their money right now, but to think about the people who lived in Charleston, as they were becoming very disappointed.
3. Alston Middleton, President of Wagener Terrace Neighborhood Association, said he agreed with Mr. Turner and Ms. Marshall. He asked Council why they didn't enforce the current law right now, as they could make \$1,087 per case and then not have to raise the parking meter fees. He stated that this could potentially destroy the culture of their neighborhoods. He encouraged Council to slow down and work in a phased approach.

4. Chris Cody, Historic Charleston Foundation, said it was a necessity to have a minimum age requirement for Class 2 and Class 3, for the purpose of preventing purpose-built new construction. BAR – Small agenda people were building units and adding them on to their homes as additions. The STR Task Force recommended an age requirement, not to eliminate the ability of people on Daniel Island or West Ashley to do this, but so people didn't buy houses to turn them into hotels. They agreed with the amendment offered by the Planning Commission to reduce it to five years. He asked Council to maintain the requirement that properties must be individually listed in the Old and Historic District. They studied every alternative in depth, both on the Task Force and the Historic Charleston Foundation. Every other classification under the National Register, that they could have employed, would lead to an apocalyptic level of eligible properties in this pressure area. He asked Council to respect and maintain the unanimous vote of every neighborhood in the area that voted for the individually listed requirement.
5. Greg Smith said he and his wife lived in the Wagener Terrace Neighborhood and they were concerned about short term rentals. He said their neighborhood was quiet and family-oriented, and their concern was that, if people bought homes to turn into a business, it would definitely change the character of the neighborhood. He encouraged Council, when setting up the regulations, to think about neighborhoods like Wagener Terrace, and not change the character of the neighborhood.
6. Jan Temple said she lived on Headquarters Island on Johns Island, and she wanted to talk about the results of all of their construction. Johns Island was exploding, and she discovered issues dealing with construction hours. They currently worked from early morning until 11:00 p.m. and there was a plethora of other issues. There was a City Ordinance Code 21-16 that was no loud noise from 11:00 p.m. until 7:00 a.m. and there was 25-52, which was public nuisance, but the building officials, the code officers were in a conundrum, and the people dealing with the construction noise were in a conundrum. There was no established allowable time from building construction activity, and something needed to be done. No one was getting any rest. Charleston needed to come together. She formally requested Council to pull together the people from Building Codes and Livability because the buck kept getting passed. She and her neighbors had experienced this, and this was just one of a number of topics, and was a serious issue.
7. Suzanne Harde called to Council's attention that it had been four months since Council voted unanimously to issue a new RFP for qualified auditing companies to bid on the audit for racial bias in the Police Department. The subcommittee had not met, and that delay was in addition to the almost two years since they originally asked for an audit to be done. In the meantime, nothing had changed for people of color, and they continued to suffer frequent harassment in stops, and fear at the hands of the police. The City and citizens continued to be at risk of a severe incident, so she asked Council what it would take for the subcommittee to meet, to confirm the scope of work and get the RFP out for bids. CAJM had done the groundwork and created a detailed scope of work that was accredited by experts in the field. They modified the scope to assure it was within the City's budget and provided a list of at least six qualified companies to

do the work. She urged Council to move forward, without any further delays, as people's wellbeing and lives were dependent on Council taking action.

8. Frank Harde reminded Council that CAJM invited and urged the Mayor and Council to attend the Nehemiah Action at Mt. Moriah Baptist Church on April 30<sup>th</sup>. They voted this year to choose affordable housing as their main issue, and they had researched and came up with good ideas. They wanted to work together to make important contributions to affordable housing.
9. Kristopher King, Preservation Society of Charleston, said since he was placed on the Tourism Task Force, they had seen roughly another million tourists come to Charleston, and thousands of houses lost to an Accommodations use, but he advocated on behalf of City staff and would have liked for everyone to be in the conversations they had with City staff on the Task Force to hear what they told them. This ordinance was what City staff had asked for, and they needed the tools, as they had the utmost confidence. The National Register criteria was critical, and they urged Council to keep it or it might have to go back to the Planning Commission. The parking was critical and they were concerned that the provisions got weaker as they went up the Peninsula. They agreed that Hampton Park, Wagener Terrace, North Central, those neighborhoods were at risk with what was in front of them. Keeping the homeowners was essential. He told Council to stop rehashing and get to work. He quoted Councilmember Moody, 'Let's get going and we can always come back and revisit it.' He said to stop eroding the neighborhoods and housing stock.
10. Karen Keys said she lived on James Island and was General Manager of Turnkey Vacation Rentals in Charleston. She thanked Council for their time and effort and work to make a legal boundary for short term rentals to operate in the City, but she said that whole home rentals in the 6 percent tax status were very important to include as rentals. She spent every day talking to homeowners. They rented out a second property that had been in their family for years to help pay their bills and keep that home within their family, and to help offer accommodations for guests and tourists that couldn't find appropriate accommodations due to budget reasons, family situation, or a need to be at MUSC for a sick child. There were incredible reasons why the homes were important to the accommodations stock. She hoped they would reconsider and look at the issue closer.
11. Linda Lloyd said she had learned an important civic lesson, in that Councilmembers were elected, and then the Task Force was appointed, and then it went to the Planning Commission and, at the Planning Commission, Mayor Tecklenburg implored that the Commission send something to Council to act on. The vote was 4 to 4, and then to get it to Council, someone changed their vote to make it 5 to 3. She agreed with the people who said to slow the horse down. In Class 1, there were only 47 homes eligible to apply for short term rental, as the National Register of Historic Places was a requirement. She stated this was important, if the ordinance passed as it was written. She said, as a property owner in that area, she felt discriminated within the Class and across Class 2 and Class 3, as they did not have that requirement. She said Council should look at it closely to give everyone a fair shot to be a responsible citizen.

12. Yvonne Fortenberry said she represented the Harleston Village Neighborhood Association, and she thanked Council, City staff, and the Task Force for their time on this issue. She said they had been waiting two years for action on this issue and it was critical that City Council go ahead and act. She stated that the Task Force came up with some great recommendations that were a great balance, and it protected their neighborhoods. They encouraged the adoption of the Task Force recommendations, particularly the whole house prohibition, the parking restrictions, and the National Register restriction, as that was critical for the Class 1 area to prevent the over-proliferation. She also asked that, during the transition period, once the ordinance was passed, staff go ahead and start some of the enforcement. She had been waiting two years to have some of the properties next to her enforced so, hopefully, Council would not wait another summer for that.
13. Kevin High said he was the owner of Walk Away Stays and he had been operating legal short term rentals in Charleston for about 12 years. He applauded Councilmembers Lewis and Mitchell for voting against something that none of the Councilmembers had read. With the exception of knowing the address of short term rentals, everything in the ordinance was unenforceable and unfair and Council was forcing the City to be a micromanager and a babysitter. Two unenforceable rules were that the owner must be on the premises at all times and to say that there could only be four guests in a 10-bedroom house but could cram four people into a studio apartment was unenforceable and unfair in every way. It meant a family of five, like himself, could only stay in a hotel with two or three rooms and would need four parking places. The ordinance would be a complete disaster and opened the doors to purpose-built short term apartments and it would destroy every neighborhood in Charleston. If Council had all of the tools now, and didn't change anything with the existing relationship, with the existing regulations, they could enforce it and the neighborhoods would be protected. This proposal was an experiment with no proof of success and guaranteed failure, and the highly successful, enforceable, Cannonborough short term rental bed and breakfast law was working perfectly well, and should be extended.
14. Phyllis Ewing said she represented the Charlestowne Neighborhood Association, and reminded everyone that, if they had a rental and couldn't do it short term, it didn't mean they couldn't have a long term rental. Mostly, their neighborhood supported the Task Force proposed ordinance that the City proposed, and they thought it was good, because it emphasized the 4 percent homeowner status to have one, the parking requirements were good, and they felt that this ordinance was enforceable because there were so many different checks that had to be checked off. It would let people know what was going on, and also would allow the City to collect revenue from these things which were running illegally.
15. Ann Hester Willis said she was on the Task Force. Being individually listed on the National Register of Historic Places was originally suggested to the Task Force by the City staff, and they took the City staff suggestions and put them in their recommendations. She had heard several people say that during this process all sides were not represented. The Task Force took about a year and a half to go through the process, and they had four or five listening sessions, and at every one of the meetings people were given the opportunity to speak, and

they heard from VRBO, Airbnb, people in the City that wanted to do short term rentals, and people in the City that were doing them illegally, so she felt that the Task Force spent a long time hearing from people who had lots of different opinions. They took all of those opinions into consideration, but they still reached a conclusion about the ordinance that they thought was enforceable that would help the City enforce and protect the neighborhoods.

16. Josh Dix, Charleston Trident Association of Realtors, said it had been a constructive day, and he thanked Council for taking the time to come and discuss the issue, the Planning Department, the Task Force, and all of the thoughts and ideas that had gone into it. He encouraged Council to continue to move forward with the process, as they needed to create a system that was fair and equitable for their homeowners, and also create a level of responsibility for homeowners in the City District. They found the age requirement Citywide to be a bit arbitrary, as not all things were equal on and off the Peninsula. He hoped that between second and third reading they could have a little bit more of a delay, so they could discuss the issue in more depth, but he thought this was a good step forward as they looked to create a better solution for a bad situation in town.
17. Mara Brockbank said she lived in Harleston Village. She quoted South Carolina Biz News, 'South Carolina gains \$7,600,000 in tax revenue from Airbnb in 2017. Today, Airbnb has remitted \$9,600,000 revenue to the State since it began collecting in June of 2016. The company collects and remits hotel occupancy and tourist revenues on behalf of the host. 431,000 travelers used Airbnb to visit the Palmetto State and the money used would be used for education, infrastructure, and health resources. There were approximately 6,600 families in South Carolina that were hosting Airbnb guests and the average Airbnb host was a middle income family that used the Airbnb to bring in extra revenue for their family and also the guests of middle income families.'
18. Ginger Scofield reached out to encourage Council to defer. If Council took their time and passed the regulations that could be enforced, they could rid of bad actors. She was newly married and, if they had a family, she wanted to be at home while the kids were young. In the past, she had rented out her home and had left the property while tenants were present, and when that took off, she bought a second property, and the properties would be her source of income while she stayed at home. If Council passed the proposed ordinance, she wouldn't be able to do that. She didn't like doing long term rentals because she had a house full of furniture and she questioned what she would do with that and said it was not just one or the other.
19. Ashley Hodgini, Government Affairs Manager for Homeaway VRBO, thanked Council, as this was a difficult, emotional and complicated issue, and thanked staff for their hard work. She wanted to leave Council with a couple of things regarding some comments that were made earlier. This was a ban, in that traditional vacation rentals were not shared homes, they're not 4 percent homes, they're 6 percent homes, and anybody who had ever stayed in a short term rental while traveling could answer that question easily. The idea that somebody was going to take their home, if they're not allowed to short term rent, and magically turn it into a long term rental or sell it, was not only unfair, but unrealistic. A second home, especially in the Charleston area, was usually one that was

inherited that the family is trying to keep, and they use it for part of the year, so long term rentals were not a solution for them. Through their own internal surveys, they found that people would just let those homes sit empty, and that might be good for a certain contingent in Charleston, but it wasn't good for Charleston overall. Council was missing out on a huge opportunity to not only leverage that revenue, but capture the information needed to effectively regulate it. The way the ordinance was drafted primarily had not been able to be enforced in any city she had knowledge of.

20. Matthew Doszkocs said the parking issue was really what was going to kill most of the 4 percent homeowners who lived at home and just wanted to rent out rooms to people. In his neighborhood, there wasn't a single house that had any off street parking so, essentially, every single-family home in Charleston was allowed to have up to four people on a lease with the existing parking, without the need for any additional parking. Yet, with short term rentals, in Class 3, there can only be one free space, when they should have three free spaces. If it was him living on the property, and he could rent three other rooms to long term renters with cars, who always came with cars, then, with short term rentals, he should absolutely be able to rent out three rooms, without any additional parking.
21. Noah Everett said he was on the French Quarter Neighborhood Association Board of Directors, and also a homeowner and full time resident of the French Quarter. The Board asked that Council support the original Task Force recommendation for Class 1, being on the National Register of Historic Places individually, the parking requirements, and banning whole home rentals. He had a unique perspective, as he lived next door to a whole home rental for about a year and, in that time, they had to call the police out four times. It became a gamble of whether they would be able to get sleep or call the police.
22. Jay Williams said he found it interesting that he was hearing people from Homeaway, companies from not only out of State, but in some cases out of the Country, trying to plunder Charleston, South Carolina, to destroy affordable housing by turning houses into short term rentals. He also found it interesting that he, as a homeowner, had to defend residential zoning against businesses opening up next door to him. He questioned whether that was right, as he didn't think he should have to defend zoning for this. He thought it would be better if Council applied the Task Force recommendations, as they spent a long time figuring them out, and then, if Council wanted to loosen them up, they could.
23. Susan Bass, President of the French Quarter Neighborhood Association, thanked the Task Force for their hard work and urged City Councilmembers to pass the ordinance, as they had recommended. Those in the French Quarter were facing approximately 611 new hotel rooms coming into their neighborhood, and she didn't need the rest of the neighborhood to turn into hotel rooms. People had to remember they could still rent, but they needed to have some protection, as they were taxpaying citizens, and they would appreciate Council's support.
24. Peggy Amalospina said she was on the French Quarter Neighborhood Association Board, and she was a member of the Task Force. She urged Council to support the ordinance that the Task Force came up with. At the last meeting of the Planning Commission that made some adjustments to that ordinance, a young man spoke in front of the group and said, 'This is the wave of the future. Do not

let this opportunity pass you by. Some day you are going to turn around and look at this time and say, 'I can't even believe that we were talking about this or debating this'. He was entitled to his view, but she had a different view, in that she believed that this was the time where they draw a line. They needed to defend their neighborhoods and needed to be able to protect the homeowners who bought their homes to live in them, but also provide some flexibility and ability to have short term rentals. She believed that the ordinance did that, and it protected all of the right things.

Mayor Tecklenburg said, "Thank you kindly. Alright. Well, thank you very much, everyone, for your comments and participation here this evening."

Councilmember Seekings said, "Mayor, just really quickly, please."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Before it gets away from us, I made a note about this. The young lady who came up and spoke to us about hours of construction, can we put that on an agenda somewhere in the near future to talk about, because she is so right, and it's something we need to address, and it is a big black hole in our zoning ordinance. We've got nothing out there. I'm going to handle this. So, if we could just get this on an agenda to talk about it, and I saw Dan Riccio here. Thank you."

Councilmember Gregorie said, "Mr. Mayor, just a point of clarification. The vote, if I'm not mistaken, on this was 10 to 2 because I abstained. It was not 10 to 3."

The Clerk said, "We have your abstention."

Councilmember Gregorie said, "I'm just saying that people are saying the vote was 10 to 3."

The Clerk said, "We clarified what the votes were, and it's in the minutes."

Councilmember Gregorie said, "Right. I'm just saying folks are still thinking that, it's, alright. They voted against it, I abstained."

Mayor Tecklenburg said, "Okay. Alright. So, if we could move forward, then we have under Petitions and Communications a number of Commission appointments."

Councilmember Lewis said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Is that to include a(i) through a(vi)?"

Councilmember Lewis said, "Correct."

The Clerk said, "Yes, a(i) through a(vi)."

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

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Mr. Mayor, I noticed in looking at this, something to do with the Board of Zoning Appeals, and I'm not sure exactly. This was just handed to us tonight."

Mayor Tecklenburg said, "It's a worksheet. Yes, sir."

Councilmember Moody continued, "I was curious, the Large - BAR and the Small - BAR have some pretty big holes. The Large - BAR has four vacancies, and the Small - BAR has four vacancies."

Mayor Tecklenburg said, "I don't think that's correct. No, sir, it's not. I'm sure it's not."

Jacob Lindsey said, "Mr. Mayor, I can speak to that."

Mayor Tecklenburg said, "Yes, sir."

Mr. Lindsey said, "That's a clerical error. That's not correct. The BAR - Small and Large are both staffed, so that's a clerical error."

Mayor Tecklenburg said, "This is just a worksheet that our staff has been using. I guess we haven't shared with you."

Councilmember Moody said, "Well, I just started looking at this, and that happened to be on the first page. Then, I kind of got a little bit concerned about what was going on. I would ask, like the Small - BAR, we've got one member, Jay Claypoole, who is a lawyer, that has to be replaced, not replaced, but he has to be reappointed, and I think he is on here as the only one. But, sometimes we don't get who has applied. We just get one person, one name. We don't know who has maybe applied, who we're rejecting."

Mayor Tecklenburg said, "I think that's the purpose of the worksheet here. If you will, flip down to the third page, and you will see some people where it says application, application, application, that means that these are folks who have applied for a position."

Councilmember Moody said, "Alright. So, I went to the page 3, the BZA Zoning, I think we've got one of those available. Yes, BZA Zoning is Item #5, and I think we had, if I look at it quickly, I can probably tell you. There were three members I think, yes, there were three members that are being reappointed. Are we going to vote on each one of those, or is this your recommendation? What about these other applicants? What's the status of those?"

Mayor Tecklenburg said, "Well, what's presented to you on the individual sheets is our recommendation, and this composite worksheet did include people who had applied through our Boards and Commissions website. Does that answer your question?"

Councilmember Moody said, "Well, I guess that maybe it does, and I've got a little bit of a problem with that, because what I saw was that everybody who applied was pretty much rejected, and everybody that was already on the Board was approved for reappointment. I think that sends a message to our citizens, 'don't apply.' If all of them are like that, that's what I saw."

Mayor Tecklenburg said, "Right. Well, I would just respond and say that a lot of the terms that we're dealing with now were just set as one-year terms, and so many of those individuals did want to continue to serve and, as far as I know, we asked them all if they were willing and wanted to continue to serve. They had a shorter term because we started staggering the appointments. I would hope that that won't be the message taken."

Councilmember Moody said, "What we've got then is maybe some other people that we need to look at. I just looked at the first few pages when I got it. I know we talked about staggering those terms, but everybody was being reappointed and nobody that had applied had been selected."

Mayor Tecklenburg said, "Right, and there are some, it wasn't everybody, some of our Councilmembers needed to be reappointed."

Councilmember Moody said, "No, the Councilmembers don't count."

Councilmember Gregorie said, "Well, apparently they do."

Mayor Tecklenburg said, "I think we had a new appointment on the Disability Commission. We have three new appointments on the Disabilities Commission. We had a new appointment, I don't know if it's in this batch, on the Tourism Commission."

Councilmember Moody said, "I guess my point is that I felt like there wasn't really a whole lot of choice here. I'm not sure what I'm voting on."

Mayor Tecklenburg said, "I hear you, but that's the way it played out."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. Just for clarity, do we have a motion on the floor?"

Mayor Tecklenburg said, "We do."

The Clerk said, "Well, I have Councilmember Lewis. I don't have a second. Who was the second?"

The Assistant Clerk said, "It was Councilmember Mitchell."

The Clerk said, "Okay."

Councilmember Waring said, "Is it to approve it?"

Councilmember Gregorie said, "Approve what? This?"

The Clerk said, "It was the appointment of Boards and Commissions."

Mayor Tecklenburg said, "No, it's not all of this. This is a worksheet. What we vote on is in your packet there. There is one individual letter or memo for each one of the appointments that are listed. So, there is one, two, three, four, five, six."

Councilmember Waring said, "I'm going to ask respectfully for deferral, mainly because we're just getting this. It would be good if we can kind of look over this a couple of weeks and respond back to you, Mr. Mayor."

Mayor Tecklenburg said, "Sure."

Councilmember Gregorie said, "Mayor, I pointed this out before. My name is spelled two or three different ways. Would someone just make sure that my name is spelled correctly throughout?"

Mayor Tecklenburg said, "I'll do my very best, Councilmember Gregorie."

Councilmember Gregorie said, "I know you will. Gregorie with a 'y', William Gregorie with an 'ie', but I want history to be able to tell. Then, there was one other question, Mayor. On the Arts Commission, as you know, I'm on that Commission, but I'm not on this sheet as being on that Commission? The one you're on."

Councilmember White said, "Well, it's actually 'William George.' He's good until July of next year."

Councilmember Gregorie said, "That's why I missed it. That's four different ways my name is spelled, then."

Mayor Tecklenburg said, "Okay. We had a motion to defer. Did we get a second on that?"

The Clerk said, "Who made the motion to defer? Councilmember Waring?"

Mayor Tecklenburg said, "Councilmember Waring."

The Clerk said, "And Councilmember Shahid."

Mayor Tecklenburg said, "Councilmember Shahid made the second."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Well, I just wanted to say that I'm pretty sure, I might not be right here, but I'm pretty sure that most of the time when somebody's term is about to expire, whoever is in charge of that Commission usually goes to that person and asks if they want to be reappointed. When they don't want to be, then they reach out and look at who the applicant pool is. A lot of times if one of us makes a recommendation, I know I recommended somebody for the Recreation Commission, somebody who has 30 years of middle school football coaching experience, and he applied. I know I'm kind of rambling on. Usually if somebody doesn't want to be reappointed, then that's when they go out and look for somebody. Maybe I'm right, and maybe I'm wrong."

Mayor Tecklenburg said, "For the most part, it doesn't have to happen that way, but if you have a citizen who is active on the Board and, like I'll ask my staff if someone hadn't been attending the meetings. Even if they say they would like to continue to serve, if they have not made a meeting, you've got to think about that, right?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, I guess I would just like to ask Councilmember Waring, why did you ask for deferral tonight?"

Councilmember Waring said, "Well, even when we looked at the applicants, I'm just getting this, so I didn't have a chance to really go through it. I kind of feel like I'm doing my homework at the meeting, and most of the time we do our homework between meetings, so that's why I'm asking."

Councilwoman Jackson said, "So, isn't our job to accept the appointments of the Mayor, and to ask the Mayor if we have any questions about the actual person?"

Councilmember Waring said, "If we have a difference, we get to discuss it with the Mayor, and sometimes it may change, sometimes it doesn't, but we have input."

Councilwoman Jackson said, "Maybe the topic should be that we get a draft of the appointments in the future. I think this is an awkward time to be challenging the reappointments that the Mayor put in front of us. I do think that it's a function of the role, and most of these appointments, because they were just issued sometime here last year, haven't even really filled the full first year, so I think that's why we have such a long list. It happened with the Women's Commission, I know."

Councilmember Waring said, "Let me respond to that. How much time have you had to deliberate these appointments?"

Councilwoman Jackson said, "I know that we received a list at the end of the calendar year."

Councilmember Waring said, "We just got these lists put on our desks today."

Councilwoman Jackson said, "I know, but we got a different one from Mr. Jerue, as I recall, that gave us the exact same Committees with the people who had applied, and when the positions themselves, the seats themselves, were going to be up."

Councilmember Waring said, "I understand, but I would like more time."

Councilwoman Jackson said, "Okay, I'm just asking."

Mayor Tecklenburg said, "If I may respond, and thank you for raising the question. It's certainly fine for you all to take as much time as you need to deliberate. So, we had included in your packets the six memos that outline who was being reappointed. Mostly, these are folks that served one year terms because we are trying to stagger the terms, and they were all willing to serve. So, this was the worksheet that was also included, and you had not seen this, and it's got other listings of people who had applied for not only these, but other Committees that are out there in the works, so I urge you to take your time and look at it."

Councilmember Waring said, "That's one reason, Mr. Mayor. There are also other Committees here that also have applicants and appointments that I thought I would like more time to consider."

Mayor Tecklenburg said, "You will find some mistakes in here, and just report them back to us."

Councilmember Gregorie said, "I did once, Mayor, and it didn't do any good."

Mayor Tecklenburg said, "Sir?"

Councilmember Gregorie said, "Nothing."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just a practical question, if Mr. Lindsey--"

Mayor Tecklenburg said, "Mr. Lindsey."

Councilmember Seekings said, "I do note that one of the appointments are three members to the BZA Zoning and they're three expired terms so, if we defer this, are we going to sort of decapitate the BZA? I think technically their terms end on the 28<sup>th</sup> of February."

Mr. Lindsey said, "The BZA does need to move forward."

Councilmember Waring said, "Oh, no. Come on."

Councilmember Seekings said, "Well, I just want to make sure, everyone, that we know what we're doing if we defer this. We're going to be three short, and these are all reappointments. There are three reappointments to the BZA."

Mr. Lindsey said, "So, the terms, as the Mayor said, have been staggered in order to create this continuity among the Boards. That's been a very good thing for us, just across the board. On the Board of Zoning Appeals, we do have a timeframe around those appointments and, should a Board member serve beyond a term, that's not a question that I can answer but, fundamentally, we need our Board members there to do their job."

Councilmember Waring said, "Are you saying they're going to be booted off if we wait two weeks and come back with appointments?"

Mr. Lindsey said, "I can't answer that. I have to defer."

Mayor Tecklenburg said, "No."

Frances Cantwell said, "Anybody who serves beyond their term holds over until their successor is appointed."

Councilmember Waring said, "Thank you, Counsel."

Mayor Tecklenburg said, "Yes, they hold over. Okay. We have a motion to defer."

On a motion of Councilmember Waring, seconded by Councilmember Shahid, City Council voted unanimously to defer the following Commission Appointments:

- i. Municipal Golf Course Commission (**DEFERRED**)
- ii. Commission on History (**DEFERRED**)
- iii. Commission on Disability Issues (**DEFERRED**)
- iv. Commission on the Arts (**DEFERRED**)
- v. Board of Zoning Appeals – Zoning (**DEFERRED**)
- vi. Board of Architectural Review – Small (**DEFERRED**)

Mayor Tecklenburg said, "Next, is our Committee on Public Safety, Councilmember Shahid."

Councilmember Mitchell was excused at 7:23 p.m.

Councilmember Shahid said, "Mr. Mayor, members of Council, the Public Safety Committee met on Wednesday, March 21<sup>st</sup>. We went into Executive Session to discuss a personnel matter, and no action was taken."

---INSERT COMMITTEE ON PUBLIC SAFETY REPORT---

-- Executive Session regarding personnel matter – update on status of Fire Chief search.  
Action may or may not be taken. (INFORMATION ONLY)

Mayor Tecklenburg said, “Alright. Next, would be our Committee on Community Development, Councilmember Mitchell. He’s out of the room right now.”

The Clerk said, “He was excused. He’ll be back.”

Mayor Tecklenburg said, “He’ll be back. Okay, we’ll come back to that. Committee on Public Works, Councilmember Waring.”

Councilmember Waring said, “Thank you, Mr. Mayor. The items on the agenda, as you see it, were approved, and I move for approval.”

Councilmember Shahid said, “Second.”

Councilmember Waring said, “Also, we had a discussion on the Church Creek Basin, which is a standing item now on the agenda, as well as the update on the buyouts. Also, on the agenda is a standing item on the Huger and King Street drainage project, because it is a project that we have funding for. So, at the next meeting, Mr. Frank Newham will explain the Davis and Floyd recommendations which were made 38 years ago, 36 years ago, and what it’s going to take to ramp it up. I think when we have projects that we have funding for, such as drainage projects, we have to find a way to accelerate those projects. I think we can all hopefully agree to that. So often, we’ve got drainage projects that we don’t have money for so, in this case, we do.”

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, “I certainly want to thank the Committee for looking at the Huger Street project, because I keep telling this Council, it’s been years. Huger Street is one of the worst public safety issues in this City. If you come off of the Septima Clark Expressway and go up Ashley Avenue, you can’t go anywhere. You turn down Sumter Street to King and go to King and Huger, it floods. You turn around and come to King to Line, it floods. People are boxed in. This project has been sitting on the Board for years. We need to get it done. We need to get it done. We need to get it done. Thank you.”

Councilmember Mitchell returned to the Chamber at 7:25 p.m.

Mayor Tecklenburg said, “Thank you.”

Councilmember Waring said, “That’s why we had it on the agenda as a standing item because we finally have money for it, Councilmember. So, I move for approval, Mr. Mayor.”

Councilmember Shahid said, “Second.”

Mayor Tecklenburg said, “We’ve got a motion to approve.”

Councilmember Lewis said, “But I’m going to vote on everything on here, except WestEdge.”

There was laughter in the Chamber.

Councilmember Shahid said, "We'll make that a standing objection."

Councilmember Lewis said, "I have my rights, brother."

On a motion of Councilmember Waring, seconded by Councilmember Shahid, City Council voted to adopt the Committee on Public Works and Utilities, as presented:

---INSERT COMMITTEE ON PUBLIC WORKS AND UTILITIES REPORT---

**Requests for Permanent Encroachments:**

- a. **99 WestEdge Street** – 6 stacks of 5 balconies (5'x9') on WestEdge Street encroaching over sidewalk by 5' approximately 12'8" above sidewalk. This encroachment is permanent.
- b. **210 Promenade Vista St.** – Installing brick pavers in crosswalk. This encroachment is permanent.

The vote was not unanimous. Councilmember Lewis voted 'nay' on Item (a.) of the Public Works and Utilities Committee Report.

Mayor Tecklenburg said, "One 'no' on 3(a.), but the motion passes, and the vote will pass. Back to the Committee on Community Development, Councilmember Mitchell."

Councilmember Mitchell said, "The Committee on Community Development met on Thursday at 4:30 p.m., but both items were only for information only, so no vote was taken. It was information only, but we will be coming back, hopefully in the near future, pertaining to some things that you see on the Committee on the agenda."

Mayor Tecklenburg said, "Alright. So, that was for information only. I would like to share . . ."

Councilmember Mitchell said, "One more thing."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Mitchell continued, "I'm still asking all Councilmembers to, please, visit one of the Housing Authority meetings, pertaining to the RAD Program, so you can be aware of the changes that are going to be taking place with the various Housing Authorities. It's going to be nationwide, but you need to familiarize yourselves with what's going on, so if people come up to you, you will know exactly what's happening. I have attended all of the meetings and, I think, Councilmember Waring, you missed it, but I had it listed on the agenda at the Community Development meeting. I attended one of the Housing Authority meetings already."

Mayor Tecklenburg said, "I will echo that I urge all Councilmembers to attend at least one of those meetings, so everybody is aware of this proposed change in structure, really."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor, and I will be getting to that. I did get my package of the information that was provided to the Community Development members, and I'm wondering if that information can be sent out to all Councilmembers, as just opposed to

Community Development members, because it is a change that I think we all need to ramp up on.”

Mayor Tecklenburg said, “Absolutely. Yes, sir.”

Councilwoman Jackson said, “Yes, I echo that, the thoughts of Councilmember Waring, and I thought it was a very good presentation and spelled out the nuts and bolts of the rental development. I don’t remember seeing the schedule. I got it early on, so would you be able to send out another schedule for the rest of the meetings?”

The Clerk said, “Yes.”

Councilwoman Jackson said, “Yes.”

Mayor Tecklenburg said, “Thank you. Alright. So, no vote was required on that. Thank you for sharing that information.”

---INSERT COMMITTEE ON COMMUNITY DEVELOPMENT---

- a. Rental Assistant Demonstration Program (RAD) - Melissa Maddox-Evans, General Counsel, Charleston Housing Authority (INFORMATION ONLY)
- b. Update - Cooper River Bridge Redevelopment Area (INFORMATION ONLY)

Mayor Tecklenburg continued, “Next, our Committee on Ways and Means, Councilmember White.”

Councilmember White said, “Move for adoption of the report.”

Councilmember Shahid said, “Second.”

Mayor Tecklenburg said, “Is there any discussion?”

No one asked to speak.

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

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

(Bids and Purchases

(Police Department: Approval to submit the FY18 VOCA Application for a Resource Specialist & Elder Advocate salary continuation, supplies, and training for a total of \$110,490. A cash match of \$27,623 will derive from the 2019 CPD General Fund.

(Office of Cultural Affairs: Approval to apply for \$6,000 from the South Carolina Department of Parks, Recreation & Tourism for tourism advertising funding, to support the 2018 MOJA Arts Festival. A 2:1 City match is required. Matching funds will come from corporate sponsorships and paid admissions.

(Parks-Capital Projects: Approval of CPD Forensic Lab Professional Services Contract Fee Amendment #1 with Stubbs Muldrow Herin Architects, Inc. in the amount of \$362,059 for an adjustment to design fees to reflect the increase in

project size from 11,000 square feet to 22,000 square feet. The total project budget remains unchanged. The contract date will be amended from September 27, 2016 to March 26, 2018. Fee Amendment #1 will increase the Professional Services Contract with Stubbs Muldrow Herin Architects, Inc. from \$450,250 to \$812,309. The funding sources for this project are the 2015 Installment Purchase Revenue Bond (\$7,392,186) and 2017 Installment Purchase Revenue Bond (\$5,000,000).

- (Parks-Capital Projects: Approval of the 2018 Tennis & Basketball Court Resurfacing Construction Contract with McGrath Industries dba Talbot Tennis in the amount of \$177,046 to rebuild the basketball court at Deming Park including new fencing and goals, resurface 2 basketball and 2 tennis courts at Forest Park Playground and resurface 6 tennis courts at Charleston Tennis Center. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council approved budget. The Construction Contract will obligate \$177,046 of the \$196,800 project budget. The funding source for this work is the Capital Projects-Structural Repairs (\$196,800). Approval of this action will also include a transfer of \$19,909 from the Grounds Maintenance – Professional and Contracted Services line item to help cover the cost of this project.
- (Parks-Capital Projects: Approval of a Construction Contract with Rakes Building and Maintenance in the amount of \$106,080 for the repair of approximately 500 linear feet of shoreline along and pedestrian trail that runs along the Wando River of Daniel Island. Repairs are for damage sustained during Hurricane Irma. The funding source for this project is Emergency Preparedness #2. The City will be seeking reimbursement from FEMA/insurance for these expenses.
- (Public Service: Approval for Change Order #1 in the amount of \$36,834 for Peach Blossom Lane with Triadd Engineering to reconcile actual quantities at the completion of the contract and to account for additional work due to unforeseen site conditions.
- (Public Service: Approval for JMT to prepare plans and assist with additional design development services in the amount of \$50,000 associated with the raising of the Low Battery to account for sea-level rise.
- (Public Service: Approval for B&C Land Development to install a check valve in the amount of \$83,323 on Beaufain Street on the storm drain within the road right of way. This valve will prevent tidal flooding of low areas including portions of Gadsden, Wentworth & Barre Streets. CWS has offered to reimburse the City 50 percent of the cost.
- (Public Service: Approval for B&C Land Development to install three check valves in the amount of \$212,378 on the storm drain outfalls on Morrison Drive within the SCDOT right of way. These valves will prevent tidal flooding of low areas west of Morrison including portions of America, Aiken and Lee Streets. CWS has offered to reimburse the City for 50 percent of the cost.
- (Housing and Community Development: Approval of the Opportunity Zone Application submitted to the S.C. Department of Commerce. Opportunity Zones are a designation that allows local governments to capitalize on Opportunity Funds to increase economic and housing opportunities in low and moderate income neighborhoods. No match is required. The application was submitted prior to February 28, 2018 due to time constraints.
- (Executive/Resiliency and Emergency Management Division): Acceptance of the Mayor's Challenge Grant in the amount of \$100,000

(Authorize the Mayor to execute the Purchase and Sale Agreement for the City to acquire the Archer School site from Charleston County School District for future development to include affordable housing. The property is owned by the Charleston County School District. (220 Nassau Street; TMS: 459-05-01-067)  
**(AS AMENDED)**

Mayor Tecklenburg said, "So, our two bills up for third reading are still deferred, and now our first bill under second reading has been deferred. Correct?"

Councilmember Seekings said, "Mayor."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Very briefly, because this attaches to a bill that was up for a public hearing, which was the zoning and the annexation, and you brought up something during that conversation, which I think is important, to take a pause and think about. The property that we're talking about right now is in an area that is very sensitive to our City, with three Councilmembers looking at it, and that is currently not in the City. It's in the County. So, you've got a zoning issue, and you've got sort of a jurisdictional issue, too. As we think about going forward, if we want these property owners to come into the City and, you made a mention that we needed to re-think our zoning schemes out there. As we do that we've got to, I think, if we're protecting the edge along that drainage basin, make sure the zoning fits up with the needs somewhat of the person who is coming in. If not, they're just not going to annex in, and the truth of the matter is, with all due respect to our brethren and sistren of the County, they're not paying as close attention to this as we are. So, I just think it's something that we need to really think closely about. It's not just a zoning issue, it's a governmental ownership issue, as well, and as the two come together, you can be as restrictive as you want on that zoning from the City side, but then they're not going to annex in. So, we've got to think about that and make sure it all fits."

Mayor Tecklenburg said, "I agree and particularly, if we want development to comply with our own drainage requirements, they've got to be in the City."

Councilmember Seekings said, "But if we zone it into something that's not attractive to the person, who is ultimately going to go and develop it, they're not going to annex in, so then we've got ourselves a worse problem. With no control and no say, so I just think you brought it up, and I just want to make sure while Mr. Walker is here, I know his client is anxious, we all want to make sure we keep an eye on what's going on out there, not just in terms of density, but in terms of drainage and flooding. It's complicated, but right now we've got no say over that property. None, as this has been deferred."

Mayor Tecklenburg said, "That's a point well taken."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Just to follow up on that, if this property, hypothetically, were developed in the County, we've had our moratorium, what kind of communication or coordination did we have with the County if this property were developed in the County, so the drainage would not flow into the Church Creek Basin and it would go towards Rantowles? Have we had any kind of conversation with our engineering department regarding Church Creek drainage and future development in the County flowing into the Church Creek Drainage Basin? Have we had any conversation or does anybody know?"

Mayor Tecklenburg said, "Not that I'm aware of, and Public Service isn't represented here tonight. I apologize."

Councilmember Waring said, "Right. That's okay. We can look into that, I would hope."

Mayor Tecklenburg said, "If I may respectfully suggest, again, at our next Public Service Committee, that we raise that issue, just what coordination is going on with the County regarding drainage. It's very good that we've put our mind to it, like the DuWap Basin Study, the County and the City are doing that jointly, but in these more isolated annexations, I'm not sure that that's happening."

Councilmember Gregorie said, "It's the same thing as James Island, Mayor. They're coordinating with the County."

Councilwoman Jackson said, "Yes, they are coordinating."

Councilmember Seekings said, "Just as a quick follow up, when you've got these multi-jurisdictional issues and James Island is a perfect example, when we put a moratorium on James Island, the County refused to follow suit, as you recall, so it sort of became checkerboard. So, the whole multi-jurisdictional thing, I know we're working on it with the drainage and the zoning, but it's something we need to get out ahead of."

Mayor Tecklenburg said, "Right. Okay."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Yes, just for information, directly across the street from Bees Ferry Road, a little thing called Bear Swamp, and it goes 300 to 400 yards away. Once it hits Bear Swamp, it has no choice but to go into Rantowles if they take it that way and/or they could take it the other direction the length between Bees Ferry and Savannah Highway, and run it right into the Stono, but they have to go underneath Highway 17. It seems to me like there is only one logical, potential, choice that they can make and that's to go into Rantowles, the shortest distance between two points. Just a thought."

Mayor Tecklenburg said, "It would make sense. I can't say that everything I've encountered in City Government makes sense."

There was laughter in the Chamber.

Mayor Tecklenburg said, "Alright. So, if we could move forward then to L-2 which is, in fact, excuse me."

The Clerk said, "L-2 through L-6."

Mayor Tecklenburg said, "We're not there yet. We're going to take up L-2 first."

The Clerk said, "You're going to do it separately?"

Mayor Tecklenburg said, "I believe we need to because L-2 is the short term rental matter."

The Clerk said, "Okay."

Councilmember Seekings said, "So moved."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Unless you all are ready to pass it right now."

Mayor Tecklenburg said, "Let's take L-2. What did I hear?"

Councilmember Seekings said, "I moved for adoption."

Councilmember Waring said, "Without changes?"

Mayor Tecklenburg said, "Councilmember Mitchell, did I hear a motion from you first?"

Councilmember Mitchell said, "I make a motion to defer it."

Mayor Tecklenburg said, "He has a motion to defer. He did speak first."

Councilmember Seekings said, "No, but that's okay. He's going to take precedent anyway, but I did speak first."

Councilmember Mitchell said, "No, you didn't."

Mayor Tecklenburg said, "Is there a second?"

Councilmember Lewis said, "I'll second his motion."

Mayor Tecklenburg said, "We've got a second to defer. Is there any discussion on the motion to defer?"

Councilmember Gregorie said, "Yes, Mayor, just a little discussion. While I probably will support deferring this, as I voted the last time, I did abstain, it's kind of tough for me to vote on a document as amending it, while we discuss the amendments, when they're not before me."

Mayor Tecklenburg said, "They're not what?"

Councilmember Gregorie said, "They're not before me. The amendments that we're going to make are not before me to vote on. It's kind of tough for me to do that, and that's the reason why I abstained the last time because I really didn't know what I was voting on. That's why I will probably either support the deferral or abstain again, because I know the list you gave, five items that we're going to put in here, but they're not here yet."

Mayor Tecklenburg said, "Well, no, and they may not get there. From the discussion, it seemed like those are things that Council was interested in discussing and making amendments to the matter, but what we sent you in your package is what is before you now. We've had a month since our last meeting that we took this up. I would respectfully submit to you that Councilmember Moody's suggestion was a good one, that if we can get to a consensus tonight to just do a second reading, that will give us one more bite at the apple for anything that we want to clean up, which can be amended upon a third reading of the ordinance."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "There is one thing that I heard tonight that concerned me about moving forward with this. I wouldn't necessarily mind having a second reading, moving forward with a third, but one reason why I'm leaning more towards deferral is the fact that we still have three officers that have not been hired for this. For us to put a plan into motion when

we haven't even filled the positions, they're going to be behind the eight ball in the training period. I'd like to have them hired before we move forward on this, so that they can start the training period."

Mayor Tecklenburg said, "Well, respectfully, as Mr. Lindsey mentioned, for us to get our permitting done, it would take a little time. What the proposal does, contrary to what many folks are complaining about how we're not going to allow short term rentals, we're actually going to make it legal for some folks to be able to do it, some homeowners to be able to do it. Right now, basically, everybody outside of Cannonborough-Elliotborough is illegal. So, it will take us just a little time, a little transition period, to get that permitting process, and people will come forward and apply for their permits. So, we'll have the three folks onboard by the time we're ready to start enforcement, I would say, respectfully."

Mayor Tecklenburg recognized Councilmember Moody followed by Councilmember Lewis.

Councilmember Moody said, "Yes, I would prefer myself that we take the items and I didn't write down all of the items. I've got my own list here. I would like to take that 50-year out of, at least, the third Class 3 and, maybe, Class 2 and 3. I would like to put a stipulation in that this come up for review in six months. I think the elimination of the ten-year rule on the parking where we don't even have a lease, it's kind of silly to have something like that in it. There were several others, if you would read yours, that I would propose that we amend as presented and at least put that in the document, whether we give it second reading or whether we defer it, so when we come back, we've got something that we think we can maybe agree on. That gives us a couple weeks or so to kind of look at the document and read it again, and be sure that we're voting on. So, those would be the items that I would request that we put in, amend the motion, or the agreement that was presented, and if you will add your three items to it, then we can determine whether or not we want those, and let's vote on those, get the wording out to us, and let us see what we got."

Mayor Tecklenburg said, "So, I think parliamentary wise, we need to vote on the motion to defer first."

Councilmember Moody said, "I thought--"

Councilmember Seekings said, "I moved, but then he moved to defer."

Councilmember Mitchell said, "I moved to defer."

Mayor Tecklenburg said, "I heard him speak first, Councilmember Seekings."

Councilmember Mitchell said, "My reason for deferring it is because of the same information that you are stating. I'm not going to vote on something giving second reading until I know exactly what I'm voting on and have it in front of me. I want to make sure all of those things are in there. I might give it second and third reading the same time. It doesn't matter, but I'm not going to do it piece, piece, piece. We've been doing this for a long time, and I said, even with the Short Term Task Force, I brought it to Council because I had people coming by my house ringing my bell and asking me what I'm going to do. Councilmember Lewis will tell you, every day, someone was ringing my bell. I think the young man is still here, or maybe not, but that's how it was. I said let me bring it to City Council, and I brought it here to City Council, and that's how this thing got started. Otherwise, we would still be kicking it around, and the Short Term Rental wouldn't even be coming forward."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I can't see how we could vote on something, and we don't have the system in place to track it or enforce the law. I was told at the last meeting that the laws that were on the book were unenforceable. Then, I heard tonight that they take 70 or 80 something people to court, something is wrong. There's going to be something at one meeting, then at the workshop tonight I hear something else. I like to see the system in place, the people that we're hiring posted in place, then maybe my mind is telling me totally different, but right now I can't support this."

Mayor Tecklenburg said, "I understand. Let me just respectfully say, I think we all agree what we have now is very difficult to enforce and so, what we're trying to do is put something in place that is a heck of a lot easier to enforce. You can't enforce until you put it in place."

Councilmember Lewis said, "But we've got short term rentals all over the whole entire City. You still could put the enforcement piece in there until we do the amendments to the ordinance that you've got here. Let's start enforcing what we've got on the books. You don't know how many people you've got out there doing it illegal right now. You don't know."

Mayor Tecklenburg said, "Right."

Councilmember Lewis continued, "You don't have anything to track it, so if you go tomorrow to arrest somebody, you can't arrest them because there is no way to say they're violating a City ordinance. If you put the enforcement piece in place now, you can start going after those who are doing it illegally."

Mayor Tecklenburg said, "I feel that's what we're trying to do."

Councilmember Lewis said, "No, we're trying to just legalize it over the whole City because we don't have everything in place, plus we don't have enforcement officers in place, so we still don't have anything. We'll just be voting just to be voting."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. To pick up on what several Councilmembers here have said, I think your suggestions and the suggestions around the table were a great tweaking of it, but we really do need to see it in writing, in front of us, for us to consider. I think two weeks wouldn't be too long, so I'm going to support the deferral. I really appreciate what the Task Force has done. I don't want these people to think we don't appreciate what they have done, but they did have the benefit of a year, year and a half. We've had basically a month that it's been in front of us and for some of the tweaking that we've done right here on the floor, to wait for it to be deliberated over the next two weeks, so we can read it to make sure that's what was said, or that wasn't what was said, would make sense for us to vote on something going forward. I kind of feel like people in Congress right now that voted on a, I don't know, a 2,000 page tax bill. They didn't know what was in it, but anyway, I'm going to vote for the deferral so we can look over the suggestions that you and some of us made and we can see it recorded appropriately in front of us."

Mayor Tecklenburg said, "Well, I would just respectfully say that I think we ought to dig into those five or six items that I outlined, and we can't dig into them, so it won't be on the floor, if we defer it. I wouldn't have anything different to bring you next time."

Councilmember Waring said, "Oh, no, we can work on that. If we defer it, that would be the instructions to work on those four or five things that we spoke about."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I agree that, well, I don't know if I agree that we should defer it, but I do agree that we've got the five or six things that we each mentioned were potential stumbling blocks for us to pass the ordinance as it's now presented to us. We won't know what we're seeing in two weeks if we don't go through each of those items now because we're not in lockstep. I don't detect that too many of you are in favor of removing the National Register criteria, so you wouldn't want to see that in an ordinance until we've talked through it tonight to decide if that's something that you want to see in an amended version, right? Also, something else about the maneuverability of the parking. So, I think there are several issues that we've touched on, but we don't have a majority agreement to instruct the staff to go back and make any amendments."

Councilmember Waring said, "During that two-week period, we get to have those discussions, but we don't have to work everything out on the floor tonight."

Mayor Tecklenburg recognized Councilmember Wagner followed by Councilmembers White and Moody.

Councilmember Wagner said, "I'm trying to think back to my history, back to our Rules of Council, and I'm remembering somewhere, if we vote second reading, then there can be no third, no discussion at third reading. I believe that's what our Rules of Council have said."

Councilmember Moody said, "A point of order, that is what I was going to suggest. If we could withdraw this deferral motion, and let's discuss these items that we want. At least we then have something we can think about, and then come back with second and third reading at the next one. But I'm not sure."

Councilmember Wagner said, "As such, I don't think we can get there if we don't defer honestly. The Rules of Council that we had over all of these years, you cannot re-discuss it at third reading, the discussion is over."

Mayor Tecklenburg said, "That is correct. We're going to check with Counsel on that."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Just procedurally, to think through sort of step by step, the outcome to defer is to allow some additional time for outside discussion. However, what's going to happen is we're going to defer, we're going to sort of talk onesies, twosies, because we can't talk altogether outside of this public forum because we will have a quorum. So, what's going to happen then, it's going to come to the floor for additional debate, and we will then continue to debate it. Then, at that point, we're either going to give it second reading and defer to third reading because we still hadn't figured it out, or we're going to possibly all agree and give it a second and third reading, and you still only earned yourself two weeks. The reality is, tonight it's fresh in our minds, we've just spent two plus hours debating, excuse me, not debating, but in a thoughtful discussion. I don't know about you all, but for me, now is the right time to further discuss it and go through those items. I think if we defer two weeks and, with all due respect to my colleagues at the end of the table, I think we're going to be back at the same spot. I do. So,

giving it second reading, talking about it tonight, having a firm, I think, good, sort of discussion on where we're headed and come to a conclusion on the items we can come to a conclusion on tonight, and come back for a third reading, I think, is the right way to go. I think if we defer we're just going to basically end up doing this exact same exercise with no conclusions two weeks from now."

Mayor Tecklenburg said, "I might share, just from a procedural point of view, last year when we did the BAR changes, and all of the height districts we did a second reading and then waited to come back for a third reading, and we made changes to the ordinance in between. We're not disallowed from doing that. I remember us doing it that way last year."

Councilwoman Jackson said, "I just wanted to concur with Councilmember White."

Mayor Tecklenburg recognized Councilmember Moody followed by Councilmember Seekings.

Councilmember Moody said, "My point of order was I thought we should discuss it tonight, basically what Councilmember White said."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Yes, I agree with Councilmember White. I think he articulated it accurately. We need to go through these points. They're not that voluminous. There are five of them, I wrote them down, we can talk about them, and see if we can give some direction to staff, give it second reading, keep it moving forward, and to Councilmember Griffin's point and everybody else's, and Councilmember Gregorie, this whole enforcement, and Councilmember Lewis, let's let staff know in which direction we're going, not only that we're going to put the enforcement infrastructure in place, but what they're actually going to be enforcing. The further we get down the road debating these issues, the more focused they're going to be able to be in their hires, their software, and all of those things to have in place when we finally give it third reading, then it's going to be up to them to go do it. So, let's let them know what we're thinking, let's let the public know what we're thinking, let's debate this."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, colleagues, and you can call question afterwards, and if I have to withdraw my motion, I'll do it. The thing is that we sit around this table here, but I'm out in that community more so than a lot of people in my district. I'm talking about the people I represent. In dealing with housing the way I see it, I don't have a problem with the short term rentals, but I want to make sure that the people are not going to be forced out of the area that they are living in, people who are living there, who are Charlestonians, and I'm one of them. We sit down and talk and talk and talk, but we are forgetting about the people that are underserved. We have seniors living in these areas who I work with in, North Central, the East Central, Eastside, and these places, even Wagener Terrace. They will not be able to afford to stay where they are staying now because of the elevation of what's going to happen to these houses when they go up in value. It's also going to go up in value when the short term rental is there. Don't let anybody fool you. I've been in housing for 33 years and dealing with that. It's going to go up in value. This is the City of Charleston. So, now, are we looking at Charleston as a whole? Just because one foot is over here, that doesn't mean you've got a foot over there, and that's my dilemma. One doesn't fit all. So, we have different zones. Are you going to deal with them separately? Are you dealing with this one big umbrella? That's my problem. It's the problem I have. I'm not going to see anybody lose their home, in these various areas, in the

area that I work. I was elected to make sure that they're comfortable, and that they're going to stay there, and I'm going to do that. That's my dilemma, and that's why I say defer it. I want to make sure everything is in order, too. When I have to go to them and get beat up from them, I can say well I did it because of this, or that. I can't say that right now. I don't feel comfortable, and that's what I'm saying. I don't have a problem with short term rentals, but I want to make sure I feel comfortable doing what I'm doing, and I can go and explain to them."

Mayor Tecklenburg said, "Right, and we want you to be comfortable, and I think that's the overriding reason that the Task Force recommended that only Residential properties, where someone who is a homeowner living there, is even allowed to do this. I think that's the overriding reason."

Councilmember Mitchell said, "Yes, I fully understand you, Mr. Mayor, but like I told you, when you go down to Peachtree Street, San Souci Street, the area was strictly residential, those people, a lot of them, do not want to do it. They don't want it. That's what happened in the Neighborhood Association in North Central."

Mayor Tecklenburg said, "That's great."

Councilmember Mitchell said, "So, this is why I want to make sure that, I'm going to be able to fight that battle, and I've got to feel comfortable fighting that battle with them. I can say I did it because of this or this."

Mayor Tecklenburg said, "Right."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Mayor, I keep wondering why my ice is not as cold as other people's ice because we've come full circle. I'm where you are. I'll vote on it if we've got some stuff in it right now. That's what I said initially. Let's have something to vote on. I'm ready to discuss it and start doing the amendments and moving forward. I'm ready to get something to eat."

Mayor Tecklenburg said, "Alright. We have a motion on the floor to defer."

Councilmember Shahid said, "Could we get a ruling from our lawyer as to whether or not we can do this on a third reading or not?"

Mayor Tecklenburg said, "We can make changes on third reading, can we not?"

Ms. Cantwell said, "You can make changes on third reading with unanimous consent, or with prior notice, and with the BAR, we knew between first and second reading we were going to have amendments, which we did. We knew between second and third reading that we were going to have amendments, and we gave notice to Council what the amendments were when they were coming forward, and that allowed us to amend on third reading."

Councilmember Waring said, "It has to have unanimous consent then."

Councilmember Moody said, "So, tonight, we could say we're going to have a discussion on these five or six items and put the draft in there, and say we can go further in two weeks. Would that be the notice, and say in two weeks that we'll bring back the third discussion and amendment, if necessary, at third reading."

Ms. Cantwell said, "So, if the direction to staff tonight, and you all discussed what you wanted and, if you said we want, you could give it second reading with these amendments, and then we'd bring back those amendments on third reading. If you want to see them in writing, before second reading, then you have to wait. If you want to see them in writing before third reading, we can certainly get that to you between now and two weeks."

Mayor Tecklenburg said, "Alright. There is a motion on the floor to defer."

Councilmember Mitchell said, "I withdraw."

Mayor Tecklenburg said, "Did you withdraw the motion?"

Councilmember Mitchell said, "I withdraw the motion."

Mayor Tecklenburg said, "He withdrew the motion."

Councilmember Seekings said, "I have a motion to give second reading to the Task Force, that was my motion."

Councilmember Shahid said, "I seconded."

Councilmember Seekings said, "So, now we can debate it."

Mayor Tecklenburg said, "Now, we can debate it."

Mayor Tecklenburg said, "We've got a motion on the floor to accept what has been presented to Council in your packet, that you've had since last Wednesday, which was essentially the Task Force recommendations for short term rentals."

Councilmember Seekings said, "I'd like to add one amendment, and that is to Councilmember White's amendment, which he discussed last time when we debated this for the first time, to change the requirements which would now include Daniel Island, so there could be some short term rentals there which was the year requirement on Daniel Island."

Councilmember White said, "My suggestion would be, basically, in Class 3, removing the proviso for a year period, completely."

Mayor Tecklenburg said, "For any year--"

Councilmember White said, "For Class 3, just remove it completely. I think we're legislating an issue that doesn't exist on that one."

The Clerk said, "Give me that in a sentence, Councilmember."

Councilmember White said, "Let me come back, I've got to find the actual item. It is under Class 3, page 11, delete Item 5 which states, 'The STR unit shall be located in a building constructed 50 years or more ago.' Just strike that entire sentence, Item 5 removed only for Class 3."

Mayor Tecklenburg said, "Tell me what page and number that is."

Councilmember White said, "Page 11."

Mayor Tecklenburg said, "Page 11, number 5. Everybody got that? Can you all see that? That's what he is amending. We're going to take more than one amendment. Let's vote on them one at a time, and then we'll decide whether we can give the second reading or come back to you with a written version."

Mayor Tecklenburg said, "We need a second."

Councilwoman Jackson said, "I second Mr. White."

Mayor Tecklenburg said, "We've got a second here."

Councilmember Gregorie said, "Repeat the motion."

Mayor Tecklenburg said, "He's proposing that on page 11 we delete number 5 and so that this is in Class 3, that there would not be any, you would do away with any requirement that a building had to be, in other words, you could build a building tomorrow in Class 3, and it could become a short term rental, as long as you live there. You still have to have everything else apply, right?"

Councilmember White said, "Oh, yes."

Mayor Tecklenburg said, "Okay. Can we discuss just this one amendment?"

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I fully support this because in my district, I don't think I have any properties that are 50 years old either. I'm glad you brought it up last time because you started talking about Daniel Island and I started thinking, well, Shadowmoss didn't come in until the '70s. It was really the first piece of property out there and all this new development around it, it would almost completely eliminate District #10 like District #1, so I'm right there with you. Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Yes, I just want to make sure that what we're looking at is Section 54.208.3, which deals with Class 3 short term rentals under A-5, that would be eliminated. So, if there is new construction that comes after this ordinance is passed, that new construction can be retrofitted, for lack of a better word, so it accommodates the violation we're trying to avoid happening. As far as what I heard from staff, and I heard from members of the community, if you have new construction, we don't have the ability to regulate what goes on in the interior of that new construction. So, the 50-year may not apply. It may be too restrictive for Daniel Island and part of West Ashley, but if we put a restriction in there of some term of years, either one year or five years, that would address any type of housing that is coming up that would do an end run on this violation."

Councilmember Gregorie said, "I don't understand."

Councilmember White said, "If I could just respond, I think two things to that. Number one, there is a lot of new construction. I think about it. I've got a house, it's two years old. I've got a FROG, there's an event coming up, and I want to rent it out VRBO. I live on the property, it's 4 percent, I'll be on site during that period of time, I'm going to rent the FROG out for a weekend, and we need to allow those people to do that. That, I think, is an entitled right to somebody because it's not an impact on parking so on and so forth, but, I think, even more so,

in this particular case, what it was trying to legislate in Class 1 and 2 doesn't exist in Class 3, the needs, just the demand is not there. I'm in the business of investment real estate, and I can tell you that I would no sooner go build a special purpose building for short term rentals in West Ashley, James Island, Johns Island, and Daniel Island because the demand would never be there. So, that's why I say I think what we are doing in this case, in Item 5 under Class 3, is simply trying to legislate something that doesn't exist. I'm not saying it won't ever, but it certainly doesn't today."

Mayor Tecklenburg said, "Mr. Lindsey, remind us just to make sure I'm clear that "Class 3" is everything outside of the Peninsula, correct?"

Mr. Lindsey said, "Not exactly, sir. It's actually everything that is not in the Old and Historic District and the Old City District so, in effect, it's all of the areas off the Peninsula and the areas on the Peninsula north of about Line Street. It does include the Westside Hampton Park Terrace, all of those areas, Wagener Terrace, those are in Class 3."

Mayor Tecklenburg said, "Okay, I just want to make that clear."

Councilmember Shahid said, "That's sort of where the problem is, I think, Mr. Mayor. I understand what Mr. White and Mr. Griffin are talking about. I don't want to create another class, but we're going to create a problem in those areas that are defined by this geographic Class 3. If it just applied to Daniel Island or the newer parts of West Ashley, I would be more comfortable with this, but it's not. Am I correct on that?"

Councilmember White said, "Can I make the suggestion, as well, additionally, to that end that was brought up to me earlier during one of the breaks, that Wagener Terrace, which I did not realize originally was in part of Class 3. I would contend that Wagener Terrace is really not defined similar to Daniel Island and James Island or West Ashley or Johns Island. It really needs to be in Class 2. So, I would suggest that by making this change in Class 3, one additional note that we need to address, and I'm not asking that we have to do it all at once, but I think that Wagener Terrace, in particular, I think anything, basically, in the Neck area up through the City that connects--"

Councilmember Lewis said, "Anything north of Line Street."

Councilmember White said, "That really is where the line, no pun intended, should be drawn in Class 2, because I don't think that they define this in Class 3."

Mayor Tecklenburg said, "Am I hearing some consensus on that?"

Councilmember Shahid said, "We would remove Class--"

Councilmember Seekings said, "Just add all of the Peninsula up to the North Charleston border between the rivers in Class 2."

Mayor Tecklenburg said, "Okay. Does that sound like something we can do?"

Councilmember Griffin said, "Everything off the Peninsula."

Councilmember Seekings said, "No. Everything on the Peninsula that's not Class 1, and Class 3 is off the Peninsula."

Councilmember Shahid said, "Do you have that map, Mr. Lindsey?"

Mr. Lindsey said, "I do not have the map on me, however, I'm going to need our Legal Counsel on that matter."

Mayor Tecklenburg said, "Order, please. What is that you want to ask?"

Mr. Lindsey said, "I need somebody in the back over there."

Mayor Tecklenburg said, "Ms. Cantwell, if you would come forward and join us. Is that about the question of changing the zones?"

Mr. Lindsey said, "Yes, that's correct."

Mayor Tecklenburg said, "Okay."

Ms. Cantwell said, "What is the question?"

Mr. Lindsey said, "So, Frances, if Council is minded to extend Class 2 to include the whole Peninsula, beyond just the old City, and the question is whether or not you think that's a good proposition or a tenable proposition?"

There was laughter in the Chamber.

Mayor Tecklenburg said, "Is it legal?"

Ms. Cantwell said, "That would be an amendment. You would say, 'Change the boundary of Class 2 to whatever, and/or shrink the boundary of Class 3.' That would just be an amendment that would have to be put in."

Mayor Tecklenburg said, "So, that's another amendment we would have to do. Okay."

Councilmember Seekings said, "Change the map."

Mayor Tecklenburg said, "Okay, we would change the map."

Councilmember White said, "Let me ask you this. Because what we're talking about has some effect by removing this with Class 3, should we maybe take up the changing of the Class boundaries first, and then come back to that item, just so everybody is comfortable?"

Councilmember Shahid said, "That's a good idea."

Councilmember White said, "Or do you want to do it? I'll accept that as an additional amendment, if you all would rather just do that, and we move the boundaries for Class 2 that includes the entire Peninsula Class 3, or excuse me, Class 2 and Class 1 are the Peninsula as defined, and then Class 3 is everything that is in the suburbs off of the Peninsula, and then subsequently removing Item 5 from page 11."

Councilmember Seekings said, "So moved."

Mayor Tecklenburg said, "Right."

Mr. Lindsey said, "There is one more item of clarity, as we're discussing. Is there an intent to have an age requirement in Class 2 on the Peninsula?"

Councilmember Gregorie said, "That's where I was going."

Mayor Tecklenburg said, "Yes."

Mr. Lindsey said, "We need to hear that, I think, from Council, as well."

Councilwoman Jackson said, "Class 2 is 50 right now."

Councilmember White said, "There is no change in that. It's just Class 3."

Mayor Tecklenburg said, "Right. It's just Class 3. So, we now have two amendments. One would basically change the map, so that Class 1 and 2 are on the Peninsula, and Class 3 is everywhere else. The first part of the amendment was that the age requirement on Class 3 would go away. So, anything off of the Peninsula, if you built it tomorrow, as long as you live there and followed all of the other rules, you would be able to do a short term rental."

Councilmember Seekings said, "Parking. You've got to be able to park it."

Mayor Tecklenburg said, "Okay. Does that sound like consensus?"

Councilmember Shahid said, "Consensus."

Mayor Tecklenburg said, "Okay. So, if I could suggest to you we continue going like this, and I think it would be better just because getting every word down and all like that, that we would rewrite it and send it to you again before we have second reading. I think that sounds like the most--"

Councilmember Seekings said, "So far, it's easy, just have to change a map and take out a line."

Mayor Tecklenburg said, "Yes, it should be easy, but I want to make sure that we're all in concurrence before we approve it, and we've got some more things to discuss. So, now, we've got another amendment you want to bring forward?"

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Well, at least discuss it. By removing us from Class 3, that means everything in Class 2 would be applicable to Wagener Terrace. Now, the question for me is, do we keep the 50-year provision in Class 2? But, Class 2 now also includes the Old Historical District, right? Am I correct? That's why I'm saying neighborhoods are very important for us to be able to consider."

Councilmember White said, "Mayor, can I just address that one? The one thing, Councilmember Gregorie, that I think about with Wagener Terrace, is the protection of properties to not be constructed for this purpose. Certainly, demand is there in the Old Historic District in Charleston, but I would contend that the demand is probably potentially there, if not today, pretty soon, in Wagener Terrace. So, I think that leaving the age in Class 2, obviously, for the rest but, certainly, it's justified in Wagener Terrace."

Mayor Tecklenburg said, "So, Councilmember Gregorie and Council, the way it reads right now on page 10, number 4, Class 2 does require that a building be 50 or more years old. So, it's there right now, unless you all want to change it."

Councilmember Gregorie said, "Well, it gets to the same point that Councilmember White was making. While we don't have that many opportunities to build in Wagener Terrace,

there really aren't that many areas, if someone does build new and wanted to, they couldn't. They would have to wait 50 years before they can participate."

Mayor Tecklenburg said, "That's right. I see a lot of new homes being built up that way."

Councilmember Gregorie said, "They're not 50."

Mayor Tecklenburg said, "Right, they're not 50. So, we're limiting the availability by keeping this provision in there, because part of the point is to keep a lid on it, right? So, let's leave it there for now and, if between now and we come back--"

Councilmember Gregorie said, "We can review it again. Now, the parking is a little different in Class 2 than it is in Class 3 also, isn't it, or is this the same? It's different."

Mayor Tecklenburg said, "Okay. Before we move to parking, since it's somewhat related, could we go ahead and just discuss the National Register requirement in Zone 1 because it's kind of related, isn't it, to our discussion so far? Well, it's even more limited in Zone 1, you have to be eligible or approved on the National Register, right? Does anybody want to change that? You had mentioned, I thought, that you thought that was too severe."

Councilwoman Jackson said, "Yes, I have heard from people that would not be eligible for that reason. To be honest, I don't remember that I heard there were only 47 nationally registered properties, so I think that's an even larger point to consider in some ways, that it's like we're allowing 47 properties to be short term rental properties. Some of those are probably already historic house museums that would not even choose to have that. They're not residences any longer. It just seems that if we're going to agree on paper that we're going to allow the residents of our most historic, most popular destination, part of the City, to entertain short term rentals, then we can't make it so restrictive that it's just to those pristine properties that have gone through the effort of being on the National Register. I was interested to hear that the Task Force member who testified in front of us said that it was actually our staff who suggested that designation, because it would be another easy way of eliminating properties. So, we have heard individually from people who would be unable to rent their properties. They would qualify on every other level, in the same way that Mr. White was talking about the new construction on Daniel Island. I live on James Island, and the people that I've heard from want to rent out their parents' house, and it's an investment at this point. I'm counseling them that long term rental is going to be a fine way of maximizing your investment. We need housing, firming up the housing, and rents are going up, unfortunately, on James Island. It's no longer a startup housing area any longer. So, I do think that we need to consider what are we trying to do. If we're really just sort of putting it on paper and checking the box, then what's the point in even allowing short term rentals at all in the Old and Historic District?"

Mayor Tecklenburg said, "I gotcha. Well, let me just ask Mr. Lindsey one thing. The Bed and Breakfasts that are already in existence will continue, right?"

Mr. Lindsey said, "Yes, sir."

Mayor Tecklenburg said, "They may or may not be on the National Register?"

Mr. Lindsey said, "That is correct."

Mayor Tecklenburg said, "That is correct. So, it, kind of, grandfathers-in all of the existing Bed and Breakfast locations, and I hear you that this is most restrictive, and there are a few folks, I'm sure, who would want to short term rent that won't be able to, but it seems to me

the preponderant response from the neighborhood leadership is that they favor that level of restriction.”

Councilwoman Jackson said, “I understand that. It is the golden seal on not having the opportunity. I personally think that we are establishing--”

Mayor Tecklenburg said, “Order, please.”

Councilwoman Jackson continued, “The main requirements that are going to prevent the majority of people, or limit the majority of people, or the fact that, first of all, they have to be 4 percent renters, and I know we’re all concerned about the number of people that don’t live permanently in Charleston. Then, they have to be in the home when the visitors come to rent any available rooms, and then the parking in that district is already challenging for the people who live there permanently, let alone want to have guests that would be regulated. So, I think, those two things, the owner occupancy and the parking, are really what we’re going after in terms of restricting the use on any sort of volume basis in the Historic District. To me, I’ve already said, I favor the equity that at least not having that designation provides to people who are in that area, with all of the same house attributes, and they just don’t have the plaque on the door.”

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, “In order to answer that question about the Historic Registry in Class 1, I would ask Councilmember Seekings, I’ve met with a lot of your residents. They don’t really want short term rentals at all. So, to limit, to be very, very restrictive in Class 1, that’s going to make them happy, and that’s what we need to remember. We have a very diverse City. What Councilmember White and I want off of the Peninsula, in terms of age limits and stuff like that, is different than what these guys want over in Class 1. So, if we’re going to try to be unanimous about how we do these amendments, and I know that a lot of your constituents had a big part in the Task Force, and they were very adamant about what they wanted over there, I will go with your judgment on that, that we’ve got to be very restrictive over there.”

Councilmember Seekings said, “Thank you.”

Mayor Tecklenburg said, “Can I ask for a non-binding vote on a show of hands, how many would like to remove the National--”

Councilmember Gregorie said, “Before you do that, Mayor, could I ask a question?”

Mayor Tecklenburg said, “Sure.”

Councilmember Gregorie said, “Where did that come from? Did it come from staff or did it come from the Task Force?”

Mayor Tecklenburg said, “Well, I don’t know where it originated, but the Task Force certainly considered it.”

Councilmember Gregorie said, “The reason I’m asking is because with Councilwoman Jackson, because if I’m not mistaken, initially that 50-year was applicable in Zone 1 and 2, and then it changed to something different. I just want to know where it came from.”

Councilwoman Jackson said, "I fully support the 50-year, which is the baseline requirement for putting your property on the National Register. I think that's why, to me, it seems punitive in some regard. We'll have the 50-year restriction. I would entertain a higher number of years, if that would help in terms of identifying the properties that are primarily in the Historic District."

Mayor Tecklenburg said, "When we had the old B&B rules, your house had to date back to 1850, was it? So, that was very restrictive, as well."

Councilwoman Jackson said, "Yes, it's very restrictive."

Mayor Tecklenburg said, "Mr. Lindsey, if I may."

Mr. Lindsey said, "Mayor, my memory of it is that the Task Force asked the staff for a strong regulation in the Old and Historic District, and we suggested that. They then endorsed it and then the neighborhood subsequently felt pretty good about that, as well. That's my recollection of it."

Mayor Tecklenburg said, "Alright. That's where it came from."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I just have one quick point to that. The deeper we get into the Peninsula, clearly the demand is much more significantly great. The pressure on trying to keep the character of those neighborhoods alive is what we have to be most mindful of in this. The other thing is, is that so being very, very, very restrictive is important for a couple reasons. One, 50 years, everything is 50 years old, and even if you said 100 years, the other thing that we've got to keep in mind is that properties that also are in the Accommodations Overlay, although they have to go through the hotel process, still can be a short term rental. So, if they're on the Peninsula, and they're in the Accommodations Overlay, and they're in Class 1, but not on the Historic Registry, correct me if I'm wrong, they can still go through the process because of the Accommodations Overlay."

Mr. Lindsey said, "That is correct."

Councilmember White continued, "If you just use the years as a component for a function, it's really not an apples to apples comparison to the rest of the Peninsula because, as you go up the Peninsula, of course, the Accommodations Overlay is less and less as you go up."

Mayor Tecklenburg said, "That's a good point."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Lots of excellent points, and I don't want to belabor it. I will just say it, from the staff, to the Task Force, to the Planning Commission, Ansonborough, Charlestowne Neighborhood, Harleston Village, the French Quarter, this was the least controversial thing in this. Everybody agreed on it from the get-go. This is something that the neighborhoods want, it's going to work, and we've got hotels all over the place downtown. I would ask that we keep that right where it is."

Mayor Tecklenburg said, "Right. But, we're just covering all of the items that people recommended and thought about potential changes, and this was one of them. So, I don't know

if some of this conversation satisfied you. I hear your point, but do we have a consensus, most of us, to leave it in place, the requirement?"

Councilmember Seekings said, "Yes, sir."

Councilwoman Jackson said, "Yes, I know I'm a lone voice on this."

Mayor Tecklenburg said, "Alright. At this point, we'll leave it in place. So, let's talk about the parking next. There was a discussion about if you're providing an onsite parking space that it be 'maneuverable', and there was some question as to whether that really made sense or not."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Yes, that was one of the issues I addressed. I think, if they can provide for off-street parking, I think that should satisfy whether they have to move cars around. I don't think we really need to get down in the weeds like that."

Mayor Tecklenburg said, "I think we could handle that by just removing the word 'maneuverable', and saying that you have to have 'X' number of spaces, and let the property owner worry about whether somebody had to back out of the driveway to get their car out of the way."

Councilmember Waring said, "Agreed."

Councilmember Gregorie said, "That would be across the board also."

Mayor Tecklenburg said, "That would be across the board."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I just wanted to make one point. I had made a comment about some inconsistencies here. I talked with Mr. Lindsey, and it seems to be a little bit of concern which one may be right. I just want to be sure, some kind of assurance that Jacob has talked with the person of whom I've given him the name, and to be sure they're on the same page that the wording is consistent throughout the thing, as to how many rooms, how many bedrooms, how many parking places. That's all. I just want some assurance that you all have gone through that and that we don't have that inconsistency."

Mr. Lindsey said, "Yes, sir."

Councilwoman Jackson said, "To that point, Mr. Mayor."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I do think that if you read the paragraph 5 on page 9 that describes how you get to the parking for Class 1 and then compare that to page 10, paragraph 5. It's paragraph 5 on page 10 in the Class 2, and talks about bedrooms, and it doesn't mention that in Class 1. I think the definition of STR is a room, but I do think that we should make that very clear."

Mr. Lindsey said, "We'll reconcile those two things. The reason that it's called a unit, it's because it's consistent with a previous ordinance. We'll make sure that they're all unified, and the language is clear across the different districts."

Councilwoman Jackson said, "Yes, just make sure they're all the same."

Councilmember Moody said, "Yes, and the only other part about parking was, I think, Mr. Waring mentioned that City lease, a 10-year lease."

Mayor Tecklenburg said, "Let me finish on 'maneuverable' first."

Councilmember Moody said, "Okay."

Mayor Tecklenburg said, "Okay. Does everybody feel like removing 'maneuverable' is a good idea?"

Councilmember Griffin said, "From all three classes, right?"

Mayor Tecklenburg said, "From all three classes. You got that, Mr. Lindsey?"

Mr. Lindsey said, "Yes, sir."

Mayor Tecklenburg said, "Okay. We're going to get rid of 'maneuverable', and people can figure that out. Now, about the 10-year thing, we're not asking anyone to provide offsite parking or even requiring that, are we?"

Mr. Lindsey said, "Mayor, the way it's presently written, the ordinance does not allow for off-street parking or, I'm sorry, off-site parking to meet the requirements for a short term rental in the way that it's presently written."

Mayor Tecklenburg said, "So, even if you were next to a parking garage, you would not be able to lease a space in a parking garage to meet the requirement to get your permit. That's the way it's written right now."

Councilmember Waring said, "Why wouldn't we want people to go in a garage? Why would we not want people to go in a garage? What is the thinking behind that?"

Mr. Lindsey said, "So, for commercial uses, as you know, someone can meet their parking requirement by going off-site within a certain distance and certain parameters, but the way that the old B&B system had been written, you couldn't do that, because the idea was it had to be on the residential property, and this is really a holdover from the way that was written."

Councilmember Waring said, "I understand that. I understand it being a holdover, and that's the part I think we should change. I think if somebody is close enough to go into a garage, we should want them to go into the garage, whether it's a holdover or not. That's all. To me, it seems simple. We let hotels go in a garage. The key thing is to get them off the street."

Mr. Lindsey said, "If I may, Councilmember and Mayor, should Council be minded to make that change, we will come back to you. We'll be coming back to you with language that will have to prove that, in fact, the user would go into the garage. We just have to have them account for where the car is going to go, but we can certainly do that if Council is minded to."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "I've just got to ask the question, doesn't this allow a property owner, if we're trying to keep a lid on all of this a bit, to qualify for more bedrooms and more availability by providing off-site parking? Is that what we want to do?"

Councilmember Waring said, "My understanding was when they had the off-site, they had to be within a certain amount of feet or something like that, 400 feet or something like that. By the way, it's probably going to happen in a commercial district and that Overlay District, how far does that go up? Is that in Class 1? Is that on a map anywhere up there?"

Mr. Lindsey said, "The Accommodations Overlay is not shown on this map. The Accommodations Overlay, is about from Line Street. You know where Line Street is, it goes down King and Meeting, and then it turns to The Market, so that's roughly the Accommodations Overlay. It's the center of the City."

Mayor Tecklenburg said, "Other than that, it's in spots. But, anyway, my fear of allowing off-site parking is what I just described, that it might allow folks to get more capacity in a home where they might not have otherwise, capacity for short term rentals."

Ms. Cantwell said, "I am getting way out of my lane here, but I would ask that Council hear from Ms. Carducci, who manages our parking garages, because our policy has been, and I know that a short term rental is a form of a commercial use, but the policy has been not to allow off-site parking, for residential purposes, to be in the garages because the residential use doesn't turn over. So, it affects, essentially, the cash flow from the garage. Now, this is sort of a quasi-residential use, and I hear the discussion, and certainly it's up to Council to do what you will, but I think that you might want to hear from Ms. Carducci about how that might affect the availability of parking for transients downtown, which is what we try to keep open."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Ms. Cantwell, correct me if I'm wrong, in all of our garages, there's a sign. It says, 'if you're going to be here longer than 48 or 72 hours, please call this number', because you pay some extra fee. I don't know why it's there, but I guess it's to prevent people from parking in there for long amounts of time."

Ms. Cantwell said, "We try to encourage turnover."

Mayor Tecklenburg recognized Councilmember White followed by Councilwoman Jackson.

Councilmember White said, "Along with the parking lots, I just wanted to get some clarity. As it would appear, the parking requirements in Class 1 would be less restrictive than Class 2. So, I'm trying to understand why the difference, but more importantly, somebody shared with me that the outcome of what is in here, the recommendations for parking, are not what came out of the Task Force, but yet earlier we asked that question, and the answer was, 'no, this is what came from the Task Force.' Can I get some more clarity just to make sure we all kind of understand exactly what we have and why the restrictions would be less in one versus the other, particularly downtown?"

Mr. Lindsey said, "Yes, sir. So, I agree with you that it does not read as clearly as it should, which is why I want to commit to making sure that the language is consistent with exactly what the Task Force recommended, unless Council is minded to do something differently. The reason for that is because of the definition of a 'unit' versus a 'bedroom', and Lee Batchelder, in writing the final version of this, used 'unit' for the Old and Historic District because that's the language that's consistent with the previously existing B&B ordinance. In that construction of it, the 'unit' should only have one 'bedroom', thus making the Old and

Historic District the most restrictive. We will make sure that those things are aligned and that it reads as one space per bedroom consistently, if that's what you all want to do."

Councilmember White said, "I just really wanted to make sure that it was, the way I read it, it just didn't seem to make sense."

Mr. Lindsey said, "I agree with you, and we'll make sure it's corrected."

Councilmember White said, "Thank you."

Mayor Tecklenburg said, "Okay. So, we're going to agree to standardize the language regarding units, bedrooms, and parking among all three districts when we come back to you at the next meeting, but we're not going to allow, unless I hear a consensus to the contrary, for off-site parking to qualify. You want to go back to that?"

Councilmember Waring said, "Ms. Cantwell did say we needed to speak to Ms. Carducci on that, so I think I'm going to leave that open to hear from Ms. Carducci. We don't have to vote on it tonight."

Mayor Tecklenburg said, "No, we're not going to vote on it tonight."

Councilmember White said, "Can I make one comment?"

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Just mainly, because I have just gone through an exercise having some conversations with Ms. Carducci about some parking garages, we need more parking garages, and although there are spaces in them today, I can assure you that if we were to allow this, and then we give long term leases and start chewing up some spaces in these garages, I do think that we're going to run afoul on being able to turn these spaces over as much as we want to."

Councilmember Waring said, "That's what I mean. I'm not talking about long term leases. The City talked in term of ten years. I'm trying to get away from long term, so you can have turnover."

Councilmember White said, "But if you didn't do it long term, how could we prove then that they've provided the parking because we need to be able to know for sure that they have it available."

Councilmember Waring said, "How would you define long term?"

Councilmember White said, "Well, at least for the period of the permit. The permit is an annualized basis, and so, if you do it year over year over year."

Councilmember Waring said, "I think the City does do it annually."

Councilmember White said, "Yes, whatever, I think, at a minimum, it would have to be tied to it."

Councilmember Waring said, "I think that I need more discussion on that one, not here, but outside."

Mayor Tecklenburg said, "Right. That's fine."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thanks. If we're going to have more discussion, then I would just like to be on the record for tonight to say I do think that we need to focus on the point of the bedrooms being tied to the parking as one of the ways that we're restricting the number of bedrooms that can be rented out in any one district. So, if we would allow them to say that they're putting cars away from their site, and then they have five-bedroom house, we have five different rooms rented out. I do think the Mayor's point was made that this combination of parking and owner occupancy is really the key to keeping short term rentals at a minimum as we start out on this."

Mayor Tecklenburg said, "Alright. So, there was also the issue of the 40 foot width of the property only in Zone 1."

Councilmember Gregorie said, "Only in Zone 1."

Mayor Tecklenburg said, "Only in Zone 1. So, is that something that we want to keep in there, or do you all care about that strongly? Explain that one thing to us again."

Mr. Lindsey said, "So, Mayor, what that says is that the property must have at least 40 feet of width adjacent to the street, adjoining the street, and that was something that was created by a prior group that studied this a number of years ago. It was essentially something that could help rule out the number of properties that would be eligible. It's an older thing that dates back some number of years. My personal feeling is that this issue is going to solve itself on the basis of the fact that everybody who comes in is going to have to submit a site plan showing where their cars go and where the rental is. I personally don't feel like this issue is going to be critical one way or the other."

Councilmember Gregorie said, "But what it will do, though, I can be on the National Register, and if I don't have 40 feet in front of it, I can't participate."

Mr. Lindsey said, "You're correct."

Mayor Tecklenburg said, "That's correct."

Mr. Lindsey said, "It's an additional hurdle that has to be jumped."

Mayor Tecklenburg said, "So, it seems to me it's reasonable that if we leave the National Registry requirement in, that's enough, and we don't need the 40 feet."

Councilmember Waring said, "I agree."

Mayor Tecklenburg said, "Okay. I think I went through the ones that I had noted. Do you all have any others?"

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Just one more, and I think Councilmember Moody had brought this up. I would take on the very last page, on Section 16, in which we talk about the ordinance shall become effective 90 days after modification, I would add that this ordinance shall be subject to review of its enforcement provisions nine months after ratification."

Mayor Tecklenburg said, "How many days? How many months?"

Councilmember Shahid said, "Nine months. It says, 'This ordinance shall be subject to review of its enforcement provisions nine months after ratification.'

Mayor Tecklenburg said, "Okay. That's a good one. Alright. Are there any others?"

Councilmember Seekings said, "Move as amended and debated for second reading."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "You're going to do what?"

Councilmember Seekings said, "I amend my motion to move as amended and debated for second reading, with instructions to staff."

Councilwoman Jackson said, "Wait, second reading tonight?"

Mayor Tecklenburg said, "Okay. He's moving for second reading with those changes, with those amendments, but they're not in. I could give you a summary of them."

Councilmember Shahid said, "I want to make sure, Ms. Cantwell, that there is some way we have the ability to debate this again at the third reading."

Councilmember Waring said, "Mr. Mayor, it sure looked pretty good to flip back and forth and look at the lines and take out this line, or take out this word or whatever. I'd just like to be able to do that on second reading."

Mayor Tecklenburg said, "Right. When we got started, I was kind of thinking we would come back to you with a written text and I, frankly, would like to think we can give it second and third reading together once we do this. It's going to be two weeks from now, no matter what."

Councilmember Seekings said, "I think that, at a minimum, this comes back to us in two weeks."

Mayor Tecklenburg said, "In two weeks, no question about that. What we're going to put in there that's going to change is Zone 3, we're going to remove the 50-year requirement. We're going to change the Zone Map, so that Zone 2 is all of the rest of the green part on the Peninsula, right? We're going to leave the National Register requirement in there. We're going to remove 'maneuverable' from the parking. We're going to, I don't think there is currently an off-site parking provision, we may talk about that point another time, but we're not changing anything with regards to that. We're going to standardize the language on the parking, bedrooms, and units amongst all three zones. We're going to remove the 40-foot requirement, and we're going to have a nine-month reporting period. Does that sound all good?"

Several Councilmembers said, "Yes."

Councilmember Waring said, "One point."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "All of that sounds great, but at the first meeting, we had a side-by-side, a little Cliff Note. Can we have that on this one?"

Mr. Lindsey said, "Yes, sir."

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

Mayor Tecklenburg said, "Okay. So, is any further action needed at this point?"

Councilmember Moody said, "How will we get that amended one? Will it be in our next package, or can we get it before then?"

Mr. Lindsey said, "I'm going to have my staff work on this first thing tomorrow. If you all want to give us a reasonable day, we'll try to get it back to you."

Councilmember Seekings said, "How about next Monday?"

Councilmember Gregorie said, "How about Thursday?"

Councilmember Wagner said, "How about this Friday?"

Mayor Tecklenburg said, "Some people will be taking off for Good Friday, and it's Passover. Let's say by next Monday."

Mr. Lindsey said, "Monday it is, sir. We'll get your edits by then."

Mayor Tecklenburg said, "So, that would be prior to when you would normally get it and I think enough time for everybody to review."

Councilmember Gregorie said, "Mr. Mayor, can we take a five minute recess?"

Mayor Tecklenburg said, "Okay, but we're almost finished. We do have some other items up for second reading."

The Clerk said, "Mayor."

Mayor Tecklenburg continued, "So, let's take a five minute break."

The Clerk said, "Mayor."

Councilmember White said, "Mayor."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I think we need to defer the item."

The Assistant Clerk said, "Yes."

Mayor Tecklenburg said, "Okay. Now, we need to defer the item."

Councilmember Waring said, "Move to defer."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We've got a motion to defer and a second."

The Clerk said, "Defer with amendments according to Corporation Counsel, which is why I'm trying to get your attention."

Mayor Tecklenburg said, "With amendments. Thank you."

Councilmember Waring said, "Move to defer with amendments."

Councilmember Gregorie said, "Second."

Councilmember White said, "Since we're deferring, and we're basically losing two more weeks, we've already budgeted for these officers, and we've already budgeted for this software. I think it's pretty certain we are moving forward with this. Can you please instruct staff not to wait for two weeks to move forward with any administrative things as they need to do in order to get ready to execute this? Let's go ahead and press forward on this."

Mayor Tecklenburg said, "I'll step out on that. I don't think it has to be part of the motion."

Ms. Cantwell said, "Just so I understand what we're doing, the motion is to defer, and staff is instructed to bring back an ordinance with the amendments that you all talked about."

Several Councilmembers said, "Right. Yes. Monday."

Ms. Cantwell said, "Well, you would have it by Monday."

On a motion of Councilmember Waring, seconded by Councilmember Gregorie, City Council voted unanimously to defer the following bill and instructed staff to bring the ordinance back to Council with amendments:

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

Mayor Tecklenburg said, "Let's take a five-minute break."

City Council recessed at 8:35 p.m.

City Council reconvened at 8:42 p.m.

Next, Council considered Items L-3 through L-6.

On a motion of Councilmember White, four (4) bills (Items L-3 through L-6) received second reading. They passed second reading on motion of Councilmember Griffin and third reading on motion of Councilmember White. On further motion of Councilmember Shealy, the rules were suspended, and the bills were immediately ratified as:

**2018-027** 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 CERTAIN POLICE, FIRE, PUBLIC SERVICE, FLEET, STORMWATER AND VARIOUS OTHER VEHICLES AND EQUIPMENT; 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.

**2018-028** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A REAL ESTATE NOTE AND MORTGAGE MODIFICATION AGREEMENT, CLARIFYING THAT THE ORIGINAL NOTE GIVEN TO THE CITY BY LATRICE R. EVANS, SECURED BY A MORTGAGE ON PROPERTY LOCATED AT 1825 AUSTIN AVENUE, IS SUBJECT TO A BALANCE REDUCTION SCHEDULE AND DEBT FORGIVENESS PROVISION

**2018-029** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY SUCH DOCUMENTS, APPROVED AS TO FORM BY CORPORATION COUNSEL, AS IS NECESSARY TO EFFECTUATE THE TRANSFER OF CITY-OWNED PROPERTY LOCATED AT 101 BROAD STREET, TMS. NO. 457-12-04-016, TO EEMO, LLC, A SOUTH CAROLINA LIMITED LIABILITY COMPANY, IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE PURCHASE AND SALE AGREEMENT ATTACHED HERETO AS EXHIBIT A AND INCORPORATED HEREIN BY REFERENCE.

**2018-030** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS PROPERTY ON ZELASKO ROAD (1.19 ACRE) (TMS# 313-00-00-335), JOHNS ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 5. THE PROPERTY IS OWNED BY LARRY E. MCCUTCHEN.

Mayor Tecklenburg said, "So, next is M-1, bills up for first reading."

Councilmember Griffin said, "Move for approval."

Mayor Tecklenburg said, "We have some modifications to the wording on the Commission on Women. We've got a motion to approve."

Councilmember Gregorie said, "Second."

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

No one asked to speak.

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

*An ordinance to amend Division 4, Chapter 2 of the Code of the City of Charleston by amending the division title and Section 2-166 by replacing in both places the word "for" with the word "on," thereby the name of the commission is the "City of Charleston Commission on Women;" deleting Section 2-167 in its entirety and replacing it with a new Section 2-167 describing the purpose, roles, and responsibilities of the Commission on Women; deleting Section 2-168 in its entirety and replacing it with a new Section 2-168 describing the membership of the Commission; deleting Section 2-169 entitled "Intergovernmental Relations" in its entirety and replacing it with a new Section 2-169 describing terms of membership; and deleting Section 2-170 entitled "funding" in its entirety.*

Mayor Tecklenburg said, "Next is a proposed ordinance to promote civil sidewalks on King Street between Line and Broad and on Market Street. Do I have a motion to approve?"

The Clerk said, "We don't have a motion. We need a motion."

Councilmember Lewis said, "So moved."

Councilmember Seekings said, "Second."

Mayor Tecklenburg said, "We've got a motion from Councilmember Lewis and a second from Councilmember Seekings. Is there any discussion on this?"

Councilmember White said, "Can I get a definition of a civil sidewalk? I just don't know the difference between a regular sidewalk and a civil sidewalk."

There was laughter in the Chamber.

Councilmember White said, "I think we want mostly civil sidewalks, I'm pretty sure, but all kidding aside, I would like to know what that is."

Mayor Tecklenburg said, "Ms. Cantwell."

Ms. Cantwell said, "It's a term of art that has been applied to sidewalks in other ordinances that other cities have passed where they have addressed sitting down and lying across the sidewalk, the idea being that the sidewalk is for walking and for pedestrian activity, and it's not any different from any other sidewalk. It's a nomenclature that has been applied to these types of ordinances that address sidewalks in this way."

Councilmember White said, "The first thing you said was art."

Ms. Cantwell said, "A term of art."

Councilmember Seekings said, "That's a legal term."

Ms. Cantwell said, "Sorry. It's a legal term. Janie (Borden) was instrumental in drafting this ordinance. Do you want to address the term 'civil sidewalk'?"

Janie Borden said, "Well, I would agree with you."

There was laughter in the Chamber.

Ms. Cantwell said, "She gets a raise tomorrow."

Mayor Tecklenburg said, "Well, that's being mighty civil of you. Are there any other questions or comments about this ordinance?"

No one asked to speak.

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

*An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 28, to add a new Section 45 to promote civil sidewalks on King Street, between Line Street and Broad Street, and on North and South Market Streets, between King Street and East Bay Street.*

Mayor Tecklenburg said, "Next, we have M-3 which is a rezoning, I think, isn't it?"

Several Councilmembers said, "Yes."

Mayor Tecklenburg said, "Of seven acres on the West Ashley Circle."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "This is the seven acres we talked about, what, two weeks ago, and we talked about earlier about 18 to 20 hours ago in here, or it seems like it, at least. Bottomline, it's almost a triangle. The tip of the triangle is West Ashley Circle. One side is Floyd Drive, the other side is Bees Ferry Road. Its proposed use is, it looks like self-storage units, about 90 of them, plus 90, and then restaurant commercial areas facing West Ashley Circle, with one of them on the Bees Ferry side. Right behind it is a large area of wetlands, and we'll have a significant detention pond behind the self-storage units, from what I have been told. So, under that scenario, since it's predominantly commercial on a relatively large lot, it's going to be probably about 80 percent wetlands anyway. I don't see where we have a problem with it."

Councilmember Wagner said, "So, I move for approval on this one."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We've got a motion to approve, and there's a second."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I've met with the landowners on this. They want to build a Staples right there. Other than that, though, I just went running by that--"

Councilmember Wagner said, "That's the other side. There is one more out there that is still deferred. That's where the Staples was."

Councilmember Griffin said, "Okay. Well, I don't know about a storage facility up there right now, either, but more importantly, I went running through there a few days ago, and there was a considerable amount of water on that land, which concerns me, that we're going to move to rezone this, and they would be able to move forward with some sort of building, or get ready to go there when it's wet."

Councilmember Wagner said, "Anything, but Gathering Place. It's zoned Gathering Place right now so, basically, anything goes."

Councilmember Griffin said, "Oh, really."

Councilmember Wagner said, "That's why I'm taking GB, and the baby in the bathwater, we don't throw them all out together. Let's get rid of Gathering Place."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "If it's not going to be a Staples, and I know we can't find out for sure, but do you have any inkling on what they're planning to put there then, Councilmember Wagner?"

Councilmember Wagner said, "It's a Ruby Tuesday's-like restaurant."

Councilwoman Jackson said, "Okay."

Mayor Tecklenburg said, "You're still here?"

There was laughter in the Chamber.

Mr. Walker said, "I learned a lot in the last debate, and I don't want you to have to go through it again. The frontage along the West Ashley Circle on Bees Ferry will be restaurant and retail. They've got an Atlanta Bread, and maybe a Ruby Tuesday's. It's to be a community restaurant to serve the community out there. It's taken a long time to get online. The neighborhood commercial on this is part of it. Across the street, they're going to do that Harris Teeter Center, so it's all going to be fairly cohesive, and the self-storage would be in the back. As Councilmember Wagner said, there are wetlands, but there will be significant detention, and only a portion of the property is being developed."

Councilwoman Jackson said, "Thank you. So, no residential?"

Mr. Walker said, "No residential."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "I have a hard time wrapping my head around why we're changing from Gathering Place to General Business, I guess. I'm opening up a can, I know."

Councilmember Seekings said, "Go back and read some minutes from about two or three years ago."

Councilmember Shealy said, "Okay. Alright. I guess the other question is, is this within the basin right now?"

Councilmember Griffin said, "Yes."

Mayor Tecklenburg said, "It is within the basin, but they have development rights presently. This isn't going to really significantly change it, and it might remove a residential requirement, but if you want some more residential, I've got a couple hundred apartments down the street that they want to build."

Mr. Lindsey said, "This is in the Church Creek Basin. However, it is not within the 100-year flood plain which is the area in which we have the moratorium on so, yes, it's in the basin, but it's not in the flood plain."

Mayor Tecklenburg said, "Are there any other questions or discussion?"

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

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

Mayor Tecklenburg said, "I think that's it, other than to tell you we're getting together again. We're going to spend a lot of time together this week. Hey, you all know, at the Dock Street Theatre tomorrow at 6:00 o'clock."

Councilmember Seekings said, "4:30 p.m."

Mayor Tecklenburg continued, "At 4:30 p.m., we're having a reception with the Ambassador at Dock Street. He's doing a presentation for us, and then our Workshop meeting is 9:00 o'clock on Thursday morning."

Councilmember Shahid said, "Mr. Mayor, can I just make one statement before everybody walks off?"

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "For those of us who attended the commissioning of the USS Ralph Johnson, a couple points. Well done to all of the City members and staff who were involved in that, and your address, Mr. Mayor, in particular, but also, I just wanted to share one piece of information that I received. I took a tour of the boat, and it was a Petty Officer that took us around. He spent about an hour with us, a very knowledgeable young man. At the end of the tour, he said this to us. We thanked him for his service and the members of the crew, and he looked at us and said, 'I want to thank you, the citizens of Charleston, for coming out because we don't get this kind of support on a regular basis', and that just spoke volumes of who we are as a City. I think there were about 5,000 people that attended that ceremony, and I told him that we are a very military-friendly town, but I just wanted to share that one thought he had with us. We don't do enough to thank our military, but that was just a wonderful show of support, all of us being out there, and the citizens of Charleston being out there, that we were supporting not just the family of Ralph Johnson, but we were supporting our military, and we need to do more of that. I just wanted to share that thought with you."

Mayor Tecklenburg said, "If I may, a lot of folks helped out, but Rick Jerue sitting over here really followed that thing all the way through. He did a great job of marshalling our efforts on that."

Councilmember Waring said, "One thing, you did a good job tonight working through the short term rentals, so I wanted to say that."

Mayor Tecklenburg said, "Thank you. We stand adjourned."

There being no further business, City Council adjourned at 8:54 p.m.

Vanessa Turner Maybank  
Clerk of Council