

COUNCIL CHAMBER

Regular Meeting

April 10, 2018

The fifty-second meeting of the City Council of Charleston was held this date convening at 5:01 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media April 4, 2018 and appeared in The Post and Courier April 8, 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 – <i>arrived at 5:05 p.m.</i>	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Griffin – <i>arrived at 5:07 p.m.</i>	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 5:01 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Note that Councilmember Waring and Griffin are now here, as well. Councilmember Moody, would you kindly share an invocation with us?"

Councilmember Moody said, "Thank you, Mr. Mayor. Before I do that, though, I wanted to have a teachable moment on the Pledge of Allegiance and the proper execution of that recital."

Mayor Tecklenburg said, "I think we all got it."

Councilmember Moody said, "No, the last couple of times I've noticed a couple of people are not saying the Pledge correctly. We've got three new Councilmembers, but I wanted to tell you 'One Nation under God' does not have a comma in the middle. So, it's 'One Nation under God', it's not 'One Nation, under God'. That's the wrong way, so we're going to try to do it tonight. Whoever would care, would you join me, and I'll offer an invocation. Thank you, Mr. Mayor."

Councilmember Moody opened the meeting with an invocation.

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

Councilmember Moody said, "Very good."

Mayor Tecklenburg said, "How was that?"

Councilmember Moody said, "It was perfect."

Mayor Tecklenburg said, "If I may share with everyone, particularly for those who have not been here before, in the most unlikely event that we would need to exit, here are our two exit doors out of the main room. There is one exit door from the room to my right. Do not use the elevator in case we had to leave in an emergency. Use the two stairways going down and then the one stairway out the front and so, a very unlikely event, but I just want everybody to be aware of where our exits are. We have just a couple of proclamations tonight. I'd like to ask Otha Meadows and George Bresnihan from the Charleston Trident Urban League. Is Caprice Atterbury with us this evening from Origin South Carolina, and James Mazyck from the South Carolina Community Loan Fund? Please join me to the front if you are here. Terrific. It's Fair Housing Month, and we have a little proclamation to give to these three organizations. Ms. Geona Shaw joins me up here, as well, our Director of Housing and Community Development."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "I have a proclamation for each of these three organizations. I failed to mention that these three organizations, Trident Urban League, Origin South Carolina, and South Carolina Community Loan Fund, are really pillars in our community to uphold these tenants of fair housing in our community and nation and to provide more affordable housing in the City of Charleston. We thank you for the great work that you do."

Councilmember Seekings arrived at 5:05 p.m.

There was applause in the Chamber.

Mayor Tecklenburg said, "Otha, would you like to make a remark for the crowd?"

Otha Meadows said, "Thank you, Mr. Mayor. Thank you, Councilmembers, and most importantly, I'd like to thank Geona Shaw and her team for supporting the Urban League and the work that we do around fair housing. As Mayor Tecklenburg has said, this is the 50th year of the Fair Housing Act, and the thing that came out of HUD to talk about the 50-year anniversary of the Fair Housing Act was the fact that the homeownership rates of African Americans had not changed in 50 years. So, what that says is that we still have work to do. One of the things that we want to do is continue to work in lockstep with the City, and all of these other great organizations to make sure that everyone in our community has an equal opportunity to access affordable, safe, and decent housing. Thank you so much."

There was applause in the Chamber.

Mayor Tecklenburg said, "Yes."

Caprice Atterbury said, "I'm Caprice Atterbury with Origin. Thank you very much for this. We've worked very hard. We bring in not only HUD funding to help, but funding in from foundations, the National Fair Housing Alliance. In the last year, we helped 59 people achieve homeownership in this area and 362 people throughout the State of South Carolina. I thank the Mayor very much for this."

Councilmember Griffin arrived at 5:07 p.m.

There was applause in the Chamber.

Mayor Tecklenburg said, "Might I add that Caprice and Origin South Carolina really played a critical helping role when we were dealing with finding homes for those that were at Tent City just a couple of years ago. Thank you so much for that and the Community Loan Fund."

Anna Lewin said, "Good evening, I'm Anna Lewin with South Carolina Community Loan Fund. We were, at one time, the Charleston Housing Trust born right out of the Mayor's Council on Homelessness and Affordable Housing, and it's a great honor to be here. We continue our commitment to providing capital for the creation and the preservation of affordable housing in the City and throughout the State and appreciate the recognition tonight and, certainly, this very important declaration. So, thank you."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you, Geona, and thank you all for the work you do."

Councilmember Waring said, "Mr. Mayor, just one minute, please."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I know it was a faux pas, but twice our excellent person in housing for the City of Charleston was referred to as Ms. Geona Shaw, and it's Mrs. Geona Shaw Johnson. Can we have a few words from her, please?"

Mayor Tecklenburg said, "I'm sorry. Okay."

Mrs. Geona Shaw Johnson said, "That's okay, Mayor. My husband is not here, but yes, I am Geona Shaw Johnson for 26 years."

Mayor Tecklenburg said, "Would you like to address Council?"

Mrs. Shaw Johnson said, "No, I think enough has been said. These organizations are phenomenal in the work that they do in the community, and I want us to remember not to take this very important proclamation for granted. For years, many people lived in very poor and dilapidated conditions in our community and even still today, we have some of those challenges, but not near what we had and, Councilmember Mitchell is nodding in agreement of what existed in the past, so we've come a long way. We have a lot more to accomplish, but you all have been phenomenal in your support of both affordable and workforce housing. I just admonish you to stay behind us in this effort. Thank you so much."

There was applause in the Chamber.

Mayor Tecklenburg said, "So, next, could I ask the AmeriCorps VISTA members to join me down here on the stage? Are you all around? While they're coming in, you may not know this, but AmeriCorps is a national service program of the Corporation for National and Community Service. AmeriCorps VISTA members serve in local communities to fight poverty and empower children, families, veterans, and others. They dedicate a year of their lives, these young men and women behind me, as volunteers, in service to our community. They come from all over the Country in our community at a non-profit organization, public agency, or local government agency with programs that fight illiteracy, improve house services, foster economic development, and otherwise assist low income areas. The VISTA members serving with the

City do not provide direct services. Instead, they strengthen and support organizations by building infrastructure, expanding community partnerships, securing long term resources, coordinating training for participants, and much more. Mindy Sturm, come on up with us. Mindy is the Director of the Mayor's Office for Children, Youth and Families, and Mindy's office helps to place these fine young men and women in various organizations in our community, organizations that everyone here would know if I called out all of the names. So, it's like having this amazing labor and intellectual force come to our community once a year and help and just provide all kinds of activities in our community. We have a certificate award here to thank them for taking a year out of their lives and service to community, and we're so proud and thankful that you all chose Charleston as a place to come and serve your VISTA commitment. So, Christian Alberg, Christina Auth, Seth Bacon, Caroline Biederman, Kendall Biga, Brennyn Colombo, Taylor Diles, Sarah Eadon, Areyonna Keels, Michael Martinez, Grace Orr, Lindsey Pierz, Max Spiewak, Mandy Sullivan, and Nick Yoder. Did you all nominate somebody to come and say a few remarks to Council, or did anybody want to volunteer? We've got a volunteer over here. Come tell us a little more about what you all do that I didn't cover."

Taylor Diles said, "Thank you, Mayor Tecklenburg, and I think, from all of us here, we just wanted to thank you all for your consistent support of our program. We've been in existence for seven years, and we've been able to make some very serious change here in the community. We could not be more proud of all of our members here and of the great work that we get to do. We just want to thank you for your consistent support, and for you, Mr. Mayor, for letting us serve Charleston. We really appreciate it."

Mayor Tecklenburg said, "No, we thank you."

There was applause in the Chamber.

Mayor Tecklenburg said, "Mindy, do you want to share some remarks?"

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I'd like to say hello to Christian Alberg. We went to high school together, and now we're both young leaders. I'm very proud of you buddy."

There was laughter in the Chamber.

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, Mr. Mayor, I don't want to prolong this, but it's a wonderful opportunity to celebrate these young adults who are investing in our community and the nation at large. My husband happens to be here tonight with a couple of my college friends. It chokes me up that our daughter started her teaching career 15 years ago, as an AmeriCorps volunteer in Portland, Oregon, where she was placed in the only disadvantaged neighborhood high school. She never thought of herself as a teacher until she had that experience, and 15 years later she's been in D.C. teaching schools, and she's now happily in Charleston as a young mom, but still teaching her brains out at Wando High. So, congratulations that you all are beginning an adventure that I know our World will benefit from."

Mayor Tecklenburg said, "Great. Thank you. So, did you get a picture of us, Chloe? Well, do you all want to tighten up a little bit altogether? One more round of applause for this fine group."

There was applause in the Chamber.

Mayor Tecklenburg said, "Now, this is just a little announcement. I put a card on Councilmembers' desks. We have a new exhibit that's open for the next month at the City Art Gallery. How many folks here have been to the City Art Gallery before? Most have, but if you haven't, it's a wonderful, beautiful facility overlooking Waterfront Park, soon to be the Joseph P. Riley, Jr. Waterfront Park. This is kind of a special exhibit. I would urge everyone to go. Sometimes, in telling our history, there are some tragic stories, part of our past is not so pretty, and this exhibit 'Woke' is about the terrible story of lynching and deaths that have occurred in our community and in South Carolina, in the South, that have impacted our African American population. It's really moving, it's powerful, and I urge everyone to go see it.

So, we have a presentation about the Gaillard Center, Steve Bedard is back with us. Steve, you're on. Steve Bedard."

Steve Bedard said, "Yes, sir. Thank you, Mayor. I'd just like to thank the Mayor, Councilmember Waring, and Councilmember Moody, who serve on our Board. That's why they had to recuse themselves from that vote earlier and also, thank Vanessa, for arranging this opportunity to give this update on what we're doing over at the Gaillard now. I'm only going to talk for a minute or two because I know how everybody loves these 25-minute presentations, and I've been told that Vanessa is going to give me the hook. So, I have a couple other people that I really want you to hear from, but I just wanted to throw some numbers out there. Before I do, the Center has been open for about 27 months now, and I've got some totals. There have been 350,000 people in the Performance Hall. You will hear about the number of students that we've had in there, and that's included in that number, and 120,000 people in our Ballrooms. That's 470,000 people, so on the third anniversary, in October, we should be right at about 630,000 - 650,000 people that will have come through the building. I think that's a pretty phenomenal number."

There was applause in the Chamber.

Mr. Bedard continued, "Thank you. We've had performers ranging from Renee Fleming, the famous soprano opera singer, to Mavis Staples and everybody in between. We've served as a wonderful site, and we're very honored to have done so for the last two years, for the Mother Emanuel Church, things that they have in June. I don't think that we're going to be doing it this year, but we have before. Everything from there to a young lady named Tabitha Stevens, a young African American lady who was getting married. Her wedding was interrupted by Hurricane Matthew in October, and in three days' notice, because her brother was going to deploy in the Merchant Marine, we were able to put a wedding on for her because the site that she was going to have the wedding wasn't able to have it. So, we've done a lot of things, and I just want to let a few of the people that have been working with us talk about that. The first person I'd like to bring up is our Director of Education, Sterling deVries, and she was a teacher in Title I schools for what, 10 years?"

Sterling deVries said, "15."

Mr. Bedard continued, "15 years. So, she has a lot of experience and a lot of great things, and she is going to kick it off. Then, we're going to go to Charlton Singleton, our Artist in Residence, and we're going to end up with Dr. Chandler. Then we've got a little video to end it with. So, with that, I give you Sterling."

Ms. deVries said, "Good evening, may I walk out here? Hi, everybody, I'm Sterling deVries, as Steve said, Director of Education at the Gaillard, and we're really excited to have this opportunity to tell you a little bit about what's going on at the Gaillard with our education

initiative. When we re-opened in 2015, we re-opened with something new, and that was a mission to bring performing arts and arts education to children across the Tri-county area. That had never been done before through the Gaillard Auditorium, so it's a really exciting new initiative. The part that is by far the most exceptional is that our initiative is barrier-free. So, every single thing that we provide we provide, it so that all children can attend or participate, or we take it to their school. We make sure that no child is left out in any way, and this hits home especially close for me, being a Title I teacher for 15 years. Our students were not able to go on a field trip that was a fee of more than \$5.00. Typically, a field trip to the theater runs you anywhere between \$12.00 and \$15.00, so in my time of teaching, I was able to take kids to the theater one time, and that was because we were awarded a grant. Our initiative now makes it so that a child can come to the Gaillard for no fee at all. We even pay for their bus transportation, so there is no reason why a child can't have access to the arts. We do 12 performances a year, all based on the curriculum, so that it easily ties into what the teachers are teaching, and we can back up what they're doing. Sorry, I got off on my little exciting tangent. I get really excited about what we're doing, and then I just start going. We have visited 130 schools so far, and what that means is, for all of our shows, we do pre- or post-workshops. That's to help integrate the arts, but also connect the show to the curriculum that's going on in the classroom. So, you can see between Charlton and myself, all of the different schools that we have visited just over the last three years, and here's a great list. Now, this is the part that's really exciting, you can see the growth beginning from our year one with the amount of students that attended, year two, and year three. What, again, really gets me is that this year, 73 percent of our attendees came at no charge, and that's because we were able to have this amazing initiative, this beautiful facility, and were able to bring children to the arts and give them exposure that they would not necessarily have elsewhere. So, in three years, we had the fun job of tallying our numbers. You guys could really see where we've gone. One hundred thirty schools have visited, we've paid for 574 buses, 50,000 students, and 70 percent of our kids have come at no cost. I just can't say enough about what's going on with the Gaillard. We have, you're going to see me saying more."

Councilmember White said, "So, you're about to sing."

Ms. deVries said, "I'm about to sing. We have kids that have been coming all three years, and I just want to tell you a quick story of one of my favorite groups of kids. They're from James Simmons, and our very first show they came with their teacher. I was so excited, I was standing at the door waiting for them to all come in, and they unloaded off the bus, and they're all standing there and they're tucking in their shirts and straightening their dresses and standing and just kind of looking at our place in awe. That was year one. Year three, I watched them get off the bus, there was no hesitation, they walked in with their bowties and their--"

A video presentation began to play.

Ms. deVries said, "I'm sorry. Thank you, everyone."

There was laughter in the Chamber.

Ms. deVries said, "I'll let you guys know what I was about to say on another day."

Charlton Singleton said, "Good afternoon, everyone. My name is Charlton Singleton, as the Artist in Residence at the Gaillard, I go out to schools. I'm just sort of a resource for teachers. I also talk with the students, of course, from Kindergarten all through 12th Grade, and we talk about a number of things. As music is my specialty, so I especially like talking about the history of music and just the overall arts culture in the City of Charleston, in the Lowcountry in

general, and the State of South Carolina, for that matter. A lot of times, students believe that everything comes from New York City or Chicago or Los Angeles or something like that, and I pride myself from listening to folks like Dr. Karen Chandler and a lot of other fine musicians that have took me aside or sat me down and told me about things. I always use the word there's a 'backstory' to it all. I explain to a lot of these students how Charleston, South Carolina, or sometimes I'll break it down and find somebody in their specific part of the Lowcountry, and I tell them about someone that has made such a tremendous contribution to the arts, whether it's any of the number of disciplines. Usually, since I'm a musician, I talk about music, but I usually break it down to them and tell them about somebody that has come from their particular part of town, and that means so much to them when they find that out. I bring it up to the current. For example, I was at Stall High School recently, and I was telling the students, I asked if they knew some people's names. They didn't know any of these people's names, and then I asked them about this one particular artist, and they all raised their hands and said, "Oh, yeah, I know he's the greatest rapper of all time. He's all of this, and he's doing this today and everything'. I said, 'What if I told you that the three people I mentioned before are his production team and have been his backing band for so many years now, and they are all from North Charleston, and two of them graduated from your high school a few years ago.' Now, that means something totally different to them when they see that. Then, they take a field trip, and they come to the Gaillard. It can be overwhelming, but it's a very good feeling to see that light bulb come on in their head. They see something as grand and as beautiful as the Gaillard and know that the Gaillard is committed to showing them some new things, educational wise. So, that's my job as the Artist in Residence, and I love it. Thank you very much."

There was applause in the Chamber.

Dr. Karen Chandler said, "Good evening, I'm Karen Chandler, and I'm Director of the Arts Management Program at the College of Charleston. We have a fairly large undergraduate Arts Management Program, about 280 majors I think the University of Kentucky's Arts Management Program is right behind us, but a fairly large program throughout the Country, and we have three graduate offerings. We offer a Professional Certificate in Arts Management and have two concentrations as well, one in the Master's in Public Administration Program and an MFA in Creative Writing. We have got, as you can imagine, great partnerships with arts and cultural institutions and other non-profits and for-profits throughout Charleston, but I'm really excited to talk about the strategic partnerships that we've created with the Gaillard. Since the re-opening we have placed interns in the Gaillard, so they are working in a number of areas, in particular, the box office, marketing, and development in some other areas, artist services. In the fall, this coming fall, I'm really excited that Catherine Brack, who is the Director of Development at the Gaillard, will be teaching our fundraising and grant writing class. Yes, we've got a fundraising and grant writing class that 22 year olds take, and they actually produce grant proposals in their course of study. Let me back up for a second because these are students who all are Arts majors, not all of them, some of them actually are Business majors, but their interest and what ties them all together is their interest in the business of the arts. So, they're studying, as I mentioned, fundraising, grant writing, arts marketing, public relations, strategic planning, and legal issues in the arts. It's an amazing program that teaches them all about how venues like the Gaillard function. One of the things that I'm most excited about is that both Steve Bedard and I have developed and specially designed a course for our graduate certificate that will start in the fall of 2019 called 'Managing Arts and Cultural Resources'. I've been able to get that course to be taught onsite at the Gaillard and not in the classroom at the College of Charleston. It was feat, but I got it done. So, we're really excited that Steve will be the instructor of record and that class sessions will be taught by the staff of the Gaillard. It's really important for our students to be in the spaces and see the very people and be taught by

the very people who are running our arts and cultural institutions, so I'm really excited about that. The last is that Steve and I have been talking about a fellowship program. Kennedy Center has a fellowship program that we're looking at and probably are going to model this one after and so I'm excited about that, but a lot of exciting partnerships, very strategic, in our planning between the College and the Gaillard. Thank you."

There was applause in the Chamber.

Mr. Bedard said, "I just want to wrap this up. We have a couple things we've left on your desks, and we'll give you a copy of the presentation also, but we have this community outreach bulletin that we put out and also our series that we have coming up for next season, which has some very good programs in it. So, what I want to end with right now is just a video of Marcus Amaker who is the Poet Laureate of the City of Charleston. He did a poetry slam on September 29th of last year. I just want to give you a little taste of some of the other things we do, besides our educational program, bringing the young people in. You will see a lot of older, young people here in this poetry slam, so I'll just end that here, and we'll be happy to take any questions, but I'm sure you want to move on."

There was a video presentation.

Mr. Bedard said, "So, I'd just like to end by saying I thank Mayor Tecklenburg very much for allowing us this opportunity to come here. I think you see just a little taste of this, that the Gaillard is way more than just this highfalutin place where we just have a lot of fancy things. We do all sorts of things every day, and we just have a ton of people coming through there. We're trying to reach out and make it even more and more important and that education program, the community outreach program, that's all funded out of our basic budget. We don't have an endowment. We don't have anything like that for that, so this facility was started with that, and it started with a strong tradition, and we're going to keep it going. So, thank you very much, Mayor, and City Council, I appreciate it very much."

Councilmember Lewis said, "Mr. Bedard."

Mr. Bedard said, "Yes, sir."

Councilmember Lewis said, "It's certainly good that the Gaillard has just about all of our public service offices in there. The Gaillard serves a great purpose in this community where people can come and get a one stop shop for services throughout the City."

Mr. Bedard said, "Councilmember Lewis, we have that Municipal Building that you were fighting for all those years."

There was laughter and applause in the Chamber.

Mayor Tecklenburg said, "So, thank you, Steve, and Dr. Chandler, and Charlton, and Sterling. When we had a meeting recently, Councilmembers Waring and Moody were there as well, and they mentioned that we had reached out to over 50,000 kids in our community with arts programming through the Gaillard Auditorium. I just had the sense that the Gaillard, in addition, as Steve mentioned to be in a place for the symphony and more highfalutin cultural life, has really become an incredible asset for our community in reaching out to kids for arts education and promoting the arts in our community. They also facilitate wonderful events in our community like the breakfast for Ralph Johnson's family and all our visitors that we had from the U.S. Navy the week before last, helped to sponsor our concert that Charlton did such a great job at just a few weeks ago, raising over \$130,000 for homelessness in our community. Having

these outreach programs, sponsoring our annual Dr. King Business and Professional Breakfast, the poetry slam that you saw up here on the screen. It's just an incredible asset for our community. Steve, we thank you for your service in marshalling the Gaillard effort and making it all work. It's a real asset for our community. You all have done a great job."

Mr. Bedard said, "I just thank everybody here. I think the whole idea was the City working with the non-profit, and I think it is working. It has its moments, but it is working."

Mayor Tecklenburg said, "Right."

Mr. Bedard said, "Thank you."

Mayor Tecklenburg said, "Thank you, Steve. I made the little announcement about 'Woke', and I don't know that I did very good job. One of the things that led to this exhibit is, in fact, when we renovated the Gaillard a few years ago, it was uncovered, literally, a graveyard of 36 African Americans who had been buried at that site probably centuries ago. That led to this exhibit, and the City has been working with Dr. O (Dr. Ofunniyin), who is here with us tonight and who had put this exhibit together. Dr. O, you could do a much better job of telling us about the project with the cemetery at the Gaillard. Could you just give us like a two minute explanation?"

Dr. Ofunniyin said, "One minute."

Mayor Tecklenburg said, "One minute. Yes, sir."

Dr. Ofunniyin said, "I'm lying, I can't make it one minute. So, in 2013, the bones were removed from the Gaillard, as you all know. Since that time, my organization, that didn't really exist at that time, but works now to reinter those bones back into that site where they came from, and the City has been very cooperative in participating in making sure those bones go back where they came from. So, this exhibit speaks to so many things to what Oprah termed Sunday, 'the reckoning that we're dealing with in our Country'. So, in the same way that the reckoning is happening elsewhere and all over this Country, be certain it is happening in Charleston, as well. I'm just encouraging and inviting all of us to participate, so that we can, in whatever way we can, make right some of what has been wrong for so long. That's all I've got to say."

Mayor Tecklenburg said, "God bless. Thank you, Dr. O."

There was applause in the Chamber.

Mayor Tecklenburg said, "Alright. Next, we're going to go to our public hearings, and we're going to start with E-1. Christopher Morgan will give us a little explanation. Then, I think what I would like to do is take E-2 and E-3 together, since they are very closely related. We will end up taking action on E-1, E-2, and E-3. Then, the rest of them, E-4 through E-9, we'll take together, and we're going to defer action on those matters until after we annex those properties, finalize the annexation. So, starting with E-1 public hearing, Mr. Morgan."

Christopher Morgan said, "Thank you, Mr. Mayor, members of Council. Actually, E-1 is Kinlock Court. It's a closing and abandonment of Kinlock Court, and we have to have a public hearing."

Mayor Tecklenburg said, "Okay. So, I would ask, with so many folks here, if you want to address any matters during the public hearings tonight, that you keep your remarks to two minutes, please. Would anyone like to be heard on this matter, E-1, regarding Kinlock Court?"

No one asked to speak.

Mayor Tecklenburg said, "Hearing none, the matter comes before Council. Would you all like to close and abandon Kinlock Court?"

Councilwoman Jackson said, "I move to approve."

Councilmember Mitchell said, "Second."

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

No one asked to speak.

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

An ordinance to close and abandon Kinlock Court, a City right-of-way, said right-of-way running westerly approximately 200 feet from meeting street to the Interstate 26 right-of-way; and to further authorize the Mayor to execute Quit Claim Deeds and any other necessary documents, approved as to form by the Office of Corporation Counsel, to the owners of those properties abutting each side of Kinlock Court, conveying to each owner one-half of the width of Kinlock Court as said Kinlock Court abuts each owner's property, subject to any and all easements or other matters of record.

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, Kinlock, is that any kin to the Councilman? Was that named after him?"

Mr. Morgan said, "We're not aware."

Mayor Tecklenburg said, "We're not aware of that. Okay. Christopher, if you would, go ahead and give us the explanation for E-2 and E-3."

Mr. Morgan said, "Okay. This is an ordinance to amend the Zoning Code to adopt new Zoning Districts that deal with the area that we're working on, the annexations out here off of Ashley River Road in the Ashley River Historic District. These are the AG-8, Agricultural District and the AG-S, Agricultural Special District, and new Zoning and Land Development Regulations will be implemented for those districts. Those regulations are in front of you. Essentially these are very, very similar to what Charleston County had in place in these areas with their zoning, and there have been some more recent changes to these Codes that are in front of you that deal with special events, kind of tightening up to create additional restrictions on special events, and also to make sure that the buffer requirements match the County's buffer requirements in those districts. Both the staff and the Planning Commission recommended for approval of those zoning changes."

Mayor Tecklenburg said, "Okay. So, this is in regards to the new Zoning categories, Agricultural Districts AG-8 and AG-S, and their inclusion in our Century V Plan. Would anyone like to be heard on this matter? Yes, sir."

1. Jason Crowley, Coastal Conservation League, commended the Planning staff on their hard work that created the new Zoning Ordinance. He said it was the first time the City had created a Rural Zone outside the Urban Growth Boundary that reflected the Rural Zone of Charleston County. He said Council taking this extra step as part of the annexation was incredible. He thanked and appreciated Council's commitment, stating that it was an unfortunate, but necessary action.

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

2. Anthony G. Bryant said he hoped the Coastal Conservation League and other groups have an ordinance for lobbying, so they could become direct lobbyists before the City. All of these groups had become direct grassroots lobbyists. In terms of the Comprehensive Plan, he hoped there was a DHEC, FEMA, and Army Corps of Engineers opinion moving forward with regards to what the County was doing and when Council started approving Zonings. There also needed to be an opinion of the Justice Department, because the annexations from 1970 to 1990 led to the dilution of the black vote, and in 2020 the City would be down to one Council seat legally. He said everyone needed to think seriously about the Justice Department intervening in these proposals by the County and the City.

Mayor Tecklenburg said, "Thank you, sir. Would anyone else like to be heard on these matters?"

No one else asked to speak.

Mayor Tecklenburg said, "Alright."

Councilmember Waring said, "Move for approval."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "Are you all including E-2 as amended and E-3?"

Councilmember Waring said, "Yes, Mr. Mayor."

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

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I think Councilmember Griffin was first."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "No, I was second."

Councilmember Seekings said, "Mr. Morgan, can you put the map back that shows sort of a broad expansive view up Highway 61? One of the things, I think, that's so important about this, Mr. Mayor and fellow Councilmembers, is that if you look right there at Shadowmoss and the density that is sitting down in that area, and what we're doing to the north of that boundary in protecting all of the lands out there from not being that dense in the future. We, as a City, need rural areas, and with all of the things that are going on in that part of the World, including water

and all of that upstream of Church Creek, this is just something that we as a City have got to do, and it's an important move on our part. For people sitting in these Chambers, this is going to make a huge difference for us, and obviously we're having a little scuffle with the people across the river there. This is going to be helpful to us to protect our way of life out there in West Ashley and the rural area, so I enthusiastically support this."

Mayor Tecklenburg said, "Absolutely."

Mayor Tecklenburg recognized Councilmember Griffin.

Mayor Tecklenburg said, "I believe when this gets annexed, it will be in your district."

Councilmember Seekings said, "Yes. There won't be anybody living there but--"

Councilmember Griffin said, "Well, I originally raised my hand just to second this, but I'll go ahead and talk, too. I like to hear myself speak."

There was laughter in the Chamber.

Councilmember Griffin continued, "One thing I'll say about this is that I talked to County Council Chairman Rawl on this, and if there's one thing that we can do out in this area, it's try to be on the same page in terms of zonings because we have people that are trying to jump. They're trying to annex in so that they can try to get around zonings, and for us to create a new zoning that lines up with the County zoning, I think this is a really good thing out in this area. I've got some more questions for Frances, but I'll wait until we get on down the line."

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

No one else asked to speak.

On a motion of Councilmember Waring, two (2) bills (Items E-2 and E-3) received second reading. They passed second reading on motion by Councilmember Griffin and third reading on motion of Councilmember Gregorie. On further motion of Councilmember Lewis, the rules were suspended, and the bills were immediately ratified as:

2018-031 AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO ADOPT THE FOLLOWING NEW ZONING DISTRICTS, AG-8, AGRICULTURAL DISTRICT, AND AG-S, AGRICULTURAL SPECIAL DISTRICT, AND IMPLEMENT NEW ZONING AND LAND DEVELOPMENT REGULATIONS FOR THESE DISTRICTS. **(AS AMENDED)**

2018-032 AN ORDINANCE TO AMEND THE CHARLESTON CENTURY V PLAN, AS AMENDED BY THE 2010 COMPREHENSIVE PLAN UPDATE, BY IDENTIFYING AREAS ON THE LAND USE MAPS OF POTENTIAL GROWTH OF THE CITY OUTSIDE THE URBAN GROWTH BOUNDARY.

Mayor Tecklenburg said, "Thank you very much. Mr. Morgan, E-4 through E-9."

Mr. Morgan said, "So, E-3 was the Plan amendment, and that also had maps here, and I'm just going to show these real quickly. This is the New Outer West Ashley map that shows these as areas that would be outside the Urban Growth Boundary with lower densities in conformance with what Charleston County has, as well. Then, moving on to E-4, this is to

amend the Zoning Ordinance by changing the Zone Map at 4110 and 4136 Ashley River Road. Here we are, and have a map of these properties here along the eastern or northern side of Ashley River Road between the road and the Ashley River, and these would be annexed 82.36 acres and zoned AG-8. Both the Planning Commission and staff recommend approval."

Mayor Tecklenburg said, "Since these are all related, do you all mind if we just keep on going and walking them down until we get to E-9?"

Councilmember Mitchell said, "That's fine."

Mayor Tecklenburg said, "Okay."

Mr. Morgan said, "Okay. We'll move on."

Mayor Tecklenburg said, "Everybody will have the opportunity to be heard."

Mr. Morgan said, "3453 Ashley River Road and four properties off Ashley River Road. This is over 5,000 acres, and I'll show you where the AG-8 is, which is the areas that are in the kind of gray crosshatch. The SR-7 is the area that is in green, and then the AG-S is this parcel right in here. We already looked at the other parcels that were up here that were AG-8, as well."

Mayor Tecklenburg said, "Keep on rolling."

Mr. Morgan said, "Okay. Then, the Development Agreements, of which there are a number of them individually noted in your agenda and of similar background. I don't know if Ms. Cantwell wants to say anything about the Development Agreements, further."

Frances Cantwell said, "I'll take the Development Agreements."

Mr. Morgan said, "Okay."

Ms. Cantwell said, "You all might recall, and I don't want to repeat a lot of things, but this all started back in December, when Council received two petitions for annexation, one for properties on one side of Highway 61 and then a much larger petition for annexation on what I call the west side of Highway 61. We had a public hearing on the annexations in January, and since that time, staff and the property owners who wanted to be in the City, actually, Lee Batchelder has done a tremendous job of culling and mining the County Ordinance to create the AG-8 and the AG-S that's before you tonight. As Christopher mentioned, they've been tweaked just a bit since the Planning Commission meeting to tighten up or actually to assign the size of special events in AG-8 related to the size of your parcel. We also clarified that not only is concrete recycling allowed, but concrete crushing, because that's what's going on the AG-S parcel that's before you tonight. The buffer on that parcel was reduced on the side to 15 feet to allow for extension, but we've got a 200-foot buffer adjacent to Highway 61, which we thought was critical.

So, where we are at this point is this is the second public hearing that we're having on the Development Agreements. We had one before the Planning Commission in early March, and they recommended approval with the wordsmithing changes that are outlined in the Development Agreements. If you read them, there is nothing of any significance, tightening up some language on a few of them, but the Development Agreements were requested because the property owners essentially want, or are asking for, some sense of stability and consistency as to what's going to happen on their lands over the next years. Two of the parcels on the east side of Highway 61 are controlled by the Carter family. The size of those properties, acreage-

wise, qualifies them for a Development Agreement for a term of five years. On the other side of Highway 61 we have a parcel owned by, let me give you the address, it's 3453 Ashley River Road, LLC. It's owned by the Truluck family. That's where the concrete crushing and recycling is going on. Their property is about 80 acres or so, give or take. Pursuant to the State Act, if Council approves a Development Agreement, it would be for a term of five years. The other two Development Agreements would apply to properties owned by Roger Hanahan, Jr., and also to Millbrook, LLC, which is another branch, if you will, or it's an offshoot of the Carter family. These are very large tracts of lands in excess of 1,500 acres. The lion's share of the properties is now subject to a conservation easement in favor of Ducks Unlimited. There is a little less than 500 acres among both properties that is not subject to the conservation easement, which is why we are recommending that they be zoned SR-7, which is one unit per acre, which is consistent with the Land Use Map for properties beyond the Urban Growth Boundary to have a one-to-one density ratio.

So, what these Development Agreements would do is they would establish that the zoning, if Council chooses to annex these properties and zone them as recommended by the Planning Commission with the tweaks we're talking about tonight, would essentially be locked in for the term of the Agreement. There are instances under State law which allow for amendments to Agreements, primarily in instances of emergencies or public necessity, but by and large, what these Agreements would do would be to keep these properties zoned as the Planning Commission is recommending and, if you all so agree, for the term of the Agreement. No other gifts, if you will, or gimmes, are in the Development Agreements. Taxes, fees, whatever, that apply Citywide would apply to these properties, but this would just give the property owners some level of comfort to know that what they're doing now on their property, and on the larger tracts they're doing a lot of forestry and agricultural type work, and they want to keep doing that. They would prefer not to have a future Council take away that right, so that's the purpose of the Development Agreements. So, there are actually four Agreements before you tonight, one with what I'm calling the Carter family, which is east of Highway 61, one with Mr. Hanahan, one with Millbrook, LLC, and another with the Truluck family parcel, which is the 3453 Ashley River Road, LLC."

Mayor Tecklenburg said, "Alright. Thank you so much, Ms. Cantwell. Would anyone like to be heard on all of these matters kind of rolled up together? Of course, these are all related to our annexations West Ashley in the 'Plantation District'. Jason."

1. Jason Crowley, Coastal Conservation League, re-emphasized Councilmember Seekings' comments in that it was a vast and important area for protection. There were currently about 13,000 acres in the 23,000-acre Historic District. The easements that Ms. Cantwell mentioned made up about 2,200 acres, so protecting and annexing the area went a long way toward reaching the City's goal of addressing flooding, and put under control of the City its own path forward to address flooding in the Church Creek Basin. They hoped to work with the City to come up with a solution, possibly by way of the Greenbelt Program, or another solution, to protect the important cultural and natural resource in the Ashley River Historic District.

Mayor Tecklenburg said, "Thank you. Yes, sir. Please come forward."

2. Anthony G. Bryant said he served on the Board of Zoning Appeals when they did the Urban Growth Boundary Line. In terms of using Development Agreements, they were not talking about what was being protected today. They were talking about the use of Development Agreements in the kind of way where one property

owner couldn't develop, and other property owners were protecting their land from flooding issues that possibly the City created with zonings in the past. The City was trying to mitigate the problem, and he thought this could possibly be an arrangement. He thought this was wrong.

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

3. Tracey Todd said he lived in West Ashley and he worked at Middleton Place. This area struck at the very heart of their heritage, black and white, for the founding of South Carolina and for the Country. The road was a National Scenic Byway, and the district was a National Register District. There were two National Historic Landmarks along the way. These designations came from other places, but it told how important this place was, and those designations could be taken away easily if they were not protected. He thanked Council for what they had done so far to protect the Ashley River Historic District and asked Council to continue on that path, and he also thanked the property owners.

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

4. Kristopher King, Preservation Society of Charleston, said he appreciated Council and echoed the comments of Mr. Todd and the Coastal Conservation League respecting the Urban Growth Boundary, as this was about a long term vision of better management for the region, and commended the City for stepping up and leading by example. They strongly supported the incredible amount of work that had gone into making it happen, and thought that getting it right, annexing the properties, and protecting this part of the City, County, and region was critically important. They expressed their appreciation to the landowners and to everyone for working together to make sure that the City continued to lead in the protection of rural and historic assets.

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

5. Chris Cody, Historic Charleston Foundation, reiterated the Historic Charleston Foundation's appreciation for this undertaking.

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

No one else asked to speak.

Mayor Tecklenburg said, "So, fellow Councilmembers, we'll come back to take action on these matters after we complete the annexations later in this meeting. I would just like to also reiterate how important this is to our City, not just for protection from future growth and density that might otherwise occur for this important Historic District so it's rooted in preservation, this whole effort, and also in the drainage, as Jason (Crowley) mentioned about this being the headwaters of the Church Creek Drainage Basin. So, I think you all know from what was presented that a heck of a lot of work has gone into all of this by all of the staff, but I've got to give a special shout-out to the amazing Corporation Counsel of the City of Charleston, Ms. Frances Cantwell."

There was applause in the Chamber.

Ms. Cantwell said, "I'm just doing what I'm supposed to do, but I have to tell you, it's been a lot of fun, but it could not have happened without the really civic minded spiritedness of

the landowners who have been very cooperative from day one, weren't greedy, didn't ask for the moon, just asked to be left where they were, but they understood the importance of this venture. We hope we can hold it, but I wanted to give a big shout-out to them."

Mayor Tecklenburg said, "Absolutely. So, Councilmember Griffin, did you want to be recognized?"

Councilmember Griffin said, "Well, I have a question for Frances. There's been a few rumors going around. I think this is, I mean, this is the best thing that's happened in our district in a long time, especially when we found out that all of this land is in the Church Creek Basin. The only thing, is there's been some rumors, just some miscommunications, I think. The public doesn't necessarily understand that a Development Agreement doesn't mean that we're going to come in here tomorrow and start building homes, and we need to dispel those rumors now because I've even had people call me and say, 'Well, you need to vote this down', and I said, 'Wait a second. You have to understand what we're doing here.' So, I was hoping that you could dispel that for me, and in doing that, kind of tell us, have the other landowners here, have they mentioned coming in and building a neighborhood up there or anything like that?"

Ms. Cantwell said, "Thank you for that question. It's a misfortunate name, but the statute is called the South Carolina Development Agreement Act. Most Development Agreements mean just that. The Development Agreements that are before you tonight, it's almost like the Non-Development Agreement, because the zonings that are being locked in, essentially, are very light on the land. The vast majority of it is one unit to eight acres, which is unheard of in Charleston, and then where there could be potential development, it's one unit to the acre, which is consistent with the Urban Growth Boundary, so I apologize to your constituents for labeling it a Development Agreement. That's just the name of what it is, the document itself, and when you look at the zoning that really applies to it, it's far from 'develop'. We have not heard from the property owners who are a part of this annexation that did not sign the Petitions. Obviously, we have some long conversations ahead with them, and probably with the City of North Charleston and a few Judges, but that will work its way out over the years."

Mayor Tecklenburg recognized Councilmember Waring followed by Councilmember Shahid.

Councilmember Waring said, "Ms. Cantwell, could you touch on if any of these properties have conservation easements on them?"

Ms. Cantwell said, "They do."

Councilmember Waring said, "And the significance of the conservation easements?"

Ms. Cantwell said, "Well, the conservation easements, there are two annexations that we're talking about. The smaller one is east of Highway 61 and consists of four parcels, three of them are under conservation easements now, which essentially, there is little development, if any. We're talking about a couple of units max across the entire acreage. The fourth piece is not subject to a conservation easement, so it would be subject to the vanilla zoning of AG-8, which is one unit per eight acres. On the west side of Highway 61, the tract ending in 002 and the tract ending in 003, are owned by Millbrook, LLC and Roger Hanahan, Jr. These properties are subject, most of the properties, are subject to a conservation easement that the owners voluntarily put their lands subject to them to Ducks Unlimited. They can do agricultural sorts of uses, they can do forestry, they can do mining, dirt mining, and things of that nature, but no development per se, as in the typical sense where you're going to have water, sewer,

subdivisions, except on the acreage that was pointed out on the Zoning Map, the area in green. It's not subject to the conservation easement, but those properties, if they ever developed, would be at the ratio of one to one."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Mr. Mayor, thank you, and I don't want to sound like I'm repeating myself with what Councilmembers Seekings and Griffin have mentioned already. The significance of all of this is consistent with what we have been recommended by the West Ashley Study, particularly as this impacts the future development of this area and the sustainability of the existing development in Shadowmoss and other areas within the Church Creek Basin. So, this is a milestone opportunity for the City, and I just want to emphasize the consistency that we're following with the Plan West Ashley, so let's get this thing passed and get this thing moving on."

Mayor Tecklenburg said, "Absolutely. Alright."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "One quick comment, Outer West Ashley is the final frontier. As long as I'm here, we plan to keep it that way. I would appreciate it if you all could help us."

There was laughter in the Chamber.

Mayor Tecklenburg said, "Go west, young man. Alright. So, we're going to move along to our approval of City Council minutes from March 13th."

Councilmember White said, "So moved."

Councilwoman Jackson said, "Second."

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

No one asked to speak.

On a motion of Councilmember White, seconded by Councilwoman Jackson, City Council voted unanimously to approve the minutes of the March 13, 2018 City Council meeting.

Mayor Tecklenburg said, "We're deferring the minutes from March 26th, and next is our Citizens Participation Period. We have a sign-up sheet that included about 24 folks, and maybe a few spoke already, maybe not, probably not. So, we're going to run a little over, but I'm going to say 90 seconds, a minute and a half."

The Clerk said, "Okay."

Mayor Tecklenburg said, "Okay. Given the number of folks that are here, we're going to ask you to please keep your remarks to 90 seconds, a minute and a half each, and Madam Clerk will call some names out, and just please queue up as you are called up."

1. Mohammed Idris stated that he had his record of what he had said in the Chamber for the last 26 years. Nothing in the record showed that he was anti-government or anti-Semitic. It did show that he was against corruption and corrupt people in authority. He would take those who had charged him with being anti-government to court and would sue them.
2. Anthony Bryant stated that he had a letter from Beth Drake in 2011, an article from the City regarding a settlement on the cameras and data collection. It was in violation of people's civil rights. They wanted to ensure that people were the right people. The history of African-Americans in the country was that they had been wrongfully accused and put into jail for nothing. Duke Ellington said "it was a happy day in America when the first unhappy slave was landed on its shores." Some were still unhappy. His case was supposed to be dismissed, and 52 million people in the Country couldn't afford a lawyer and it was about poverty.
3. Arthur Lawrence stated that he had a wonderful football coach who had said 'the more things change, the more they stay the same.' They played on Harmon Field that had a 16-foot cinder block fence, and made their own track field around the bleachers. The school district that didn't do a thing, but the City stepped in and built Stoney Field. In the 50's and 60's they couldn't play in the Citadel football stadium. When they would go to baseball games, they had to sit on the left side. It was time to stop pointing fingers. He asked them to move Stoney Field forward, because when the kids had to go off to play somebody and see their facilities, they looked back and saw that what they had was a shame.
4. William Thompson, Vice-President of Historic Ansonborough Association, stated he was there to speak concerning the proposal to abandon the strip of land that was on Hayne Street, in favor of a hotel development currently designed to house 135 customers and 15 residencies, which was between Church Street and Anson Street. The proposed abandonment should be rejected or deferred because there was no justification for the City's abandonment. There had been no consideration given of alternate uses for that parcel that would benefit the neighborhood such as an open-air green promenade. There had been no solicitation of the resident's ideas regarding alternate uses. Their voices deserved to be heard and abandonment should be a last resort. Proceeding with the abandonment would mean disregarding the collective will of other residents who voted to reject the abandonment or defer.
5. Karen Keys, General Manager of Turnkey Vacation Rentals, was there in regards to short term rentals. They appreciated that there were rules being put in place, however, having a 4% or 6% tax status had no implication to whether someone could responsibly operate a short term rental. That rule would cut down the number, and that was something they didn't want to proliferate in the area without limitation, but there were other ways to limit that. There was an incredible need to have short term rentals. They didn't want them on every corner, so there did need to be a limit, but travelers needed those accommodations. She hoped that 6% homes could be considered.

6. Sis Marshall, said she agreed with what Mr. Thompson had said and she was speaking in regards to Wagener-Terrace. They were thankful for the zoning and had been doing some research since then and had found out that Historic Charleston and the Register folks had gotten together in the 1970's and had done a survey to see how historical they were. The outcome was that their neighborhood was an old and historic area and suggested that they qualified for the Historical National Trust. They were a small neighborhood and had commerce and had trucks going up and down the streets all the time. They would like to be exempt and be considered to be moved from the Zoning of Class 2 to Class 1 because they were a unique and treasured neighborhood. They would also like this to not be voted on that night to give them more time.
7. Kris King, Preservation Society, stated that the constituents wanted reasonable regulations on short term rentals. Those were before them and they appreciated the robust conversation they had at the previous meeting. They were encouraged by the positive additions they had made to the ordinance, particularly, enhancing the protections on the Peninsula above the Crosstown by incorporating that into the Class 2 designation. It was time for the City to take a stand in defense of Charleston's livability and they needed to give it second and third reading that night. They supported the comments of Mr. Thompson in regards to Hayne Street. The hotel would need to be rezoned for fifty additional rooms and rezoned to a different height district. A lot needed to happen for the project, and nothing would guarantee that this project would come to fruition. They would ask to defer that until further action could be taken for the entitlements.
8. Alston Middleton, President of Wagener-Terrace Neighborhood Association, thanked Council for upgrading them from Class 3 to Class 2. He was troubled by the enforcement part of the short term rentals. They needed to do this in a phased-in approach and possibly approve it for one of the three classes to see how it affected that class and then move from there. He asked what this would do to affordable housing and he thought it would take all the home values and run them high. They would push people out of Charleston.
9. Capers Barr stated he represented the owners of the property on North Market Street, through which the Hayne Street right-of-way passed. He asked them to vote in favor of it. If there was a passage of first reading, there would be a second reading and public hearing with an opportunity for people to speak. The matter was deferred in March of 2017 and he knew that the residents of Ansonborough wanted it deferred again, but it was time to act. It now implicated the critical path of the Market Street underground wiring project. His clients wanted to convey to SCE&G an easement for a utility vault at the corner of Anson Street and North Market Street, which would serve that wiring project. He asked for Council's support and hopefully they would be able to come back and address it in greater depth at the public hearing.

10. Chuck Baker stated that he represented Eleanor and Heyward Carter, who were part of the annexation petition under the 75 percent rule for Ashley River Road. They wanted to thank Council for its support in rezoning the area and annexing it into the City. They believed it was a battle for the heart and soul of the Ashley River Historic District, and the City was doing the right thing in fighting North Charleston. They believed that the City would respect the unique nature of the area and North Charleston would not. There was a non-consenting property owner, Millbrook Plantation LLC, owned by Daniel Miller. They had heard from Mr. Miller that this was some type of family property. They had bought the property a year before and bought it for commercial purposes. His clients had previously made an offer to purchase the property for more than they had bought it for, so there was no financial hardship.
11. Kevin High, Owner of Walk Away Stays, said they were about to make one of the biggest mistakes in Charleston history. The short term rental ordinance was nothing more than an experiment that would fail miserably. It would destroy the livability of every neighborhood in Charleston. Despite what they had been told, with the only exception of advertising, this was 100 percent unenforceable. There was not one industry expert on the Task Force and their recommendations were not based on reality. This would not preserve Charleston. He asked them to look at the Cannonborough Short Term Rental Overlay, which kept short term rentals commercially zoned and preserved local housing. It was created by the neighborhood and industry experts and had proven to be successful and enforceable, as well as fair to property owners. It could be implemented City-wide. He asked them to vote 'no' on this and enforce the existing regulations.
12. Chris Cody, Historic Charleston Foundation, stated that they supported the passage of the STR ordinance for both second and third reading. They wanted to compliment and thank both Council and the Mayor for beginning the process. As a member of the Task Force, it was his understanding that the goal was to arrive at an ordinance that would legalize short term rentals in a way that could be effectively regulated and where the neighborhoods weren't threatened. They were confident that this ordinance did that. They had heard about Hayne Street, and they believed that their concerns needed to be respected. There was a willingness from the development team to place a legal easement or covenant guaranteeing permanent pedestrian access to Hayne Street. They believed that the appropriate legal vehicle should be identified and finalized prior to the abandonment of Hayne Street because maintain pedestrian access there would be beneficial and preserve the primary utility of that right of way in the future.
13. Charles Summerall stated he had lived in Ansonborough for 25 years and asked that they defer or deny the proposal to transfer Hayne Street. The neighborhood already faced construction of three hotels in the Market area. This developer wanted to build a gigantic development that would add 135 more rooms and 15 condos. The previous week, with only a few abstentions, Ansonborough Association members voted unanimously to oppose any more than 100 hotel rooms on that property and to ask them to defer or deny any transfer to them at that time. They felt threatened and if they voted

to give Hayne Street to the developer now, it would undermine Ansonborough and other stakeholders' ability to negotiate a more reasonable development plan. Hayne Street had huge value and should not be transferred before a thorough analysis had been done. He asked them to consider that the City and SCE&G had condemnation power to secure a transformer location.

14. Les Schwartz stated that she lived in Wagener-Terrace, three doors down from a short term rental and it was disruptive. She couldn't understand how someone could knowingly open up an industry that they didn't have the resources to control at this time. They were proud of being a tourist destination and they should consider the workers that made that happen. They couldn't afford to park downtown and if short term rentals usurped all of the housing, there would be no fair or affordable housing to support that industry.
15. Heyward Carter stated that it was his family that was involved in the potential land annexations on Ashley River Road. He wanted to remind Councilmember Seekings that there were people living in that area. He looked forward to be a constituent of Councilmember Griffin. Of the 1500 acres in his property, 1300 were under a conservation easement with the restriction of no more than 7 residences on those acres. They had fought for the preservation of this area and applauded Council in assisting them in carrying it through.
16. Craig Inabinett stated he was speaking in support of short term rentals. He thought they were making a mistake in not opening up the whole homes because there was no proof it would destroy communities. If they wanted to look at regulating short term rentals, he was not for a commercialized short term rental. If there was an individual that owned one or two properties and wanted to have interaction with the guests, they needed to look at a way to do that. They should try to help the 'small guy' that wanted to do better for his family. They were also missing the needs of the people were traveling. They needed to see the background of people that were short term renting. As a host, he had never had one complaint. They had been talking about the pricing of affordable housing for many years and short term rentals would not drive prices up or cause a shortage of rentals.
17. Wilmot Fraser stated that he was there to speak against the proposed short term rental ordinance. He had operated a short term rental for 20 years in the City and had not had any complaints from anyone, except the City. The City had brought him to court in 2001 saying he was violating the rights of the City as a property owner. His deed carried no stipulation that said that his ownership was subject to ordinances the City might pass in the future. If deeds were so encumbered they would have a hard time selling property. If they looked at the composition of the group who created the ordinance, they would find that it was unfair and there was no representation from the short term rental community. It was a biased document and was unenforceable. It was possibly illegal, since it restricted the rights of property owners. He urged them to reject the ordinance.

18. Ann Ross brought a visual aid that described the perimeter of the area that was Class 1 under the short term rentals. It started at White Point Garden, went down Murray Blvd, Lockwood Drive, Calhoun Street, East Bay Street, and then back to White Point Garden. She quoted from Dick and Jane and stated that if they slept through this discussion, they would learn the word discrimination and they should strike the statement of being on the National Register of Historic Places to be considered for a Class 1 permit.
19. Phyllis Ewing stated she was there for the Charlestowne Neighborhood Association. She thanked Council and commended the Staff on the great job they had done in drafting the ordinance. She liked that they emphasized that the purpose was to preserve the neighborhoods. This was not about making a buck. They had one concern and that was the tandem parking, but they were happy overall with how it came out. Families had been staying in hotels forever and had survived and not felt deprived.
20. Harold Hutzler said he was in favor of short term rentals and didn't think they should be restricted whether it was 2 days or 2 months.
21. Sarita Kennedy said she bought a house in a neighborhood and should have the same rights as any other homeowner. The language of the ordinance, Class 1, Class 2, was discriminatory and they shouldn't sit there if they could support discrimination. Her argument was about having to be on the National Register. The age of her house had nothing to do with the suitability to rent out long-term or short-term. She was trying to preserve her house like everyone else, but it did take money and this helped to be able to preserve it. It was all mixed up and they were allowing some people to do it. They wouldn't sit back and it shouldn't pass as it was written. There needed to be some reasonable law, the National Register was not reasonable and that wouldn't preserve houses. She urged them to reject this.
22. Ginger Blaas, Vice President of South Carolina Vacation Rental Managers Association, urged them to reconsider and allow vacation rental homes, those paying 6 percent property taxes. There had to be some sort of exception, like placing a cap on the number of short term rental licenses by neighborhood. There was no valid reason to completely ban them, other than fear-based opinions. Not a single person was okay with party houses and they had heard other reasons that families needed to be together. SCVRMA maintained that allowing whole home vacation rentals, with fair regulations in place, would easily and quickly allow the City to monitor and shut down the bad actors. An outright ban would not work and would prevent middle class families the ability to own second homes and make it only an option for the rich. It was biased and unfair, just like the Task Force representation. The limit of four adults max per property was laughable and the number of guests should be determined by the number of bedrooms. The fifty-year rule was arbitrary and the ordinance was too long, confusing, and people in the industry still had many questions.
23. Matt Doskzocs stated that the Task Force had done a good job looking it over as citizens. The Planning Commission then cleaned it up. What the Planning Commission

had come up with were two adults per bedroom. The four adult limit didn't have any relation to what was currently on the books for Bed and Breakfasts, which was 4 percent house scenarios. Two people per bedroom was more reasonable, and the bedrooms were determined by the parking spaces, etcetera. Bed and Breakfasts had the stipulation that the owner could be off-site 183 days per year under the current regulations and now they were saying they couldn't be off-site at all. He didn't know any other home-based business where the owner had to be on-site every time they rented. With the Bed and Breakfast regulation, there had been zero complaints to the City within decades. The Planning Commission had suggested 72 days because it was tied to the 4 percent residency, so they should be able to go off-site 72 days per year. They were criminalizing something that could help people afford their homes.

24. John Wright, President of the African American Settlement Communities Historic Commission, stated they formed because he had realized that they had a Historical Commission, but did not have anyone advocating for the Settlement Communities in Mount Pleasant. When he left Mount Pleasant in 1984, it was small, and he came home to a growing community. They had a headquarters at 440 Venning Street and that building was one of the first black businesses in Mount Pleasant dating back to 1929. The name of the building was the Peter and Marguerite Johnson Center. It was significant to him because Peter and Marguerite were pioneers in the community. They were there to work as liaison between the local government agencies and African Settlement communities. They wanted to advocate for them.

Mayor Tecklenburg said, "Sir, do you have the address? Where is it again?"

Mr. Wright said, "It's 440 Venning Street in the Old Village."

Councilmember Gregorie said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I'd like to work on this. The building is my cousin Marguerite's building."

Mr. Wright said, "I know that too, sir."

Councilmember Gregorie said, "I've played in that yard."

Mr. Wright said, "I know you did."

Councilmember Gregorie said, "We need to get together."

Mr. Wright said, "Good. Yes, sir."

Councilmember Gregorie said, "Thank you."

Mayor Tecklenburg said, "Alright. I think that wraps up our Citizens Participation Period. Did we miss anyone who signed up?"

No one else asked to speak.

Mayor Tecklenburg said, "Alright. Thank you all for participating, and we appreciate your comments and your input to Council. Now, we're going to move on with our Petitions and Communications. We had submitted to Council, again, a number of appointments and reappointments."

The Clerk said, "Mayor, is your microphone on?"

Mayor Tecklenburg said, "Does anyone on Council have any comments or suggestions about any of these that have been presented?"

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Just a question, I think it was at our last meeting we talked about the misspelling of names etcetera, etcetera, but I guess it's corrected because I'm not even on this Commission anymore."

Mayor Tecklenburg said, "Because what?"

Councilmember Gregorie said, "The Arts Commission. I don't see Councilmember White or my name as reappointments, and I really was just getting started on the Arts Commission, but so be it."

Mayor Tecklenburg said, "I believe there are other members on the Commission. Your term must not be up. These are just the folks whose terms were up. We had staggered the terms and so, all of these don't have all of the members, if that makes sense."

Councilmember Gregorie said, "Okay."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "To Councilmember Gregorie's point, I'm going on the Golf and History Commissions, but I have the shortest term, and I've got longest term in office. So, I was wondering what the deal was with that because the expiring Council terms are going to run out."

Mayor Tecklenburg said, "Well, I would suggest that you've got a pretty good chance of being reappointed next year to a three-year term."

Councilmember Griffin said, "Thank you."

There was laughter in the Chamber.

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. I know that your office and you, since you've been sitting in your seat as Mayor, have worked very hard on this Commission issue to make sure they're populated, to make sure terms are defined, and to make sure people are qualified. For that, I think all of us around this table thank you because it's never been brought to us in this way. Of course, as it's been brought to us in this way, it gets us focused on it. So, I'd like to just take a minute to sort of tell you what I've seen since the last time we got together. Councilmember Waring brought up some of the issues with the appointments of Commissions and Boards and how that's done. One of the things I'd like to point out is the slates that have been put before us tonight, absent Councilmembers, save Councilmembers, but of the community, there are 44 positions up for appointment tonight. Forty-one of those 44

are reappointments, some for long terms, and some of the people have served for a long time. I went back to look at the applications for each of those Commissions and talked with your office, which was hugely cooperative, and tried to figure out where, between applications and appointments, and somewhere along the way, actually, in the application process, there are some people that don't even show up on the spreadsheet for applications. For instance, the Board of Zoning Appeals, I actually got a call from a constituent, a friend of mine, saying, 'How are things going over there? I've applied.' I went to your office, I looked, and his name isn't even on the application process, but when he went to go apply, it says, 'Thank you so much for your interest. You've already applied.' So, there are still some kinks in all of this that I think we need to work out. Then, there's the actual substance of all of this. I went the other night to the Board of Zoning Appeals to watch, just to watch, I sat in the back as an observer, and what I saw was interesting if not, well, I don't want to overstate it, but it was a little eye opening."

Mayor Tecklenburg said, "Which meeting was this?"

Councilmember Seekings said, "I went to the Board of Zoning Appeals, and I stayed there for two hours, and I watched about half of the agenda."

Councilwoman Jackson said, "Zoning."

Councilmember Seekings said, "Board of Zoning Appeals – Zoning. As you know, Mayor, the Board of Zoning Appeals like the BAR, like the Planning Commission, they have a lot to say of what goes on in this City and, particularly, the Board of Zoning Appeals throughout the City. The whole idea of a Board of Zoning Appeals is they are granting changes to zoning, and we talked about zoning is forever, until it isn't. That's the Board that it isn't, if they decide it isn't. I will tell you, Mayor, I was little disheartened when I left there about the manner in which that Board approached its job and did not approach its job. We have a set of ordinances in place that direct how things should be determined. One of the issues that was taken up was a question about whether or not there should be a special exception given for parking on a project downtown that we actually talked about in these Chambers because it was a project that we rezoned under the new MU to allow for, among other things, 25 percent of affordable housing for 20 years, right? Twenty percent for 25 years, sorry. Anyway, they took up the issue of a parking variance and had an ordinance in front of them that they just ignored. They didn't go through the checklist. They just said, 'We don't like the project', and they denied it. That gave me great pause, Mayor. There are three people on that Board tonight that are up for reappointment that I just don't know that I think I can, with good conscience, without looking to see the other applicants, vote in favor of those people, given the importance of what they do. I went back and looked through the ordinance for appointment to that Board, and it was interesting to me, it's Section 54.920(B), 'The Board of Zoning Appeals - Zoning shall consist of seven citizens of the City of Charleston who do not hold any other public office or position in the City of Charleston and are appointed by the City Council'. That's us. It doesn't say 'the Mayor.' You're a part of the City Council. So, all of us have a responsibility to make sure we populate those Boards and there's a reason for that because the Board of Zoning Appeals, unlike the Planning Commission, once they've made a decision, we as a Council don't review it. The next line of request is the Circuit Court. That's right. So, I know Councilmember Waring and Councilmember Moody have talked about this as in relates to the Planning Commission, which actually their decisions do come to us. The Board of Zoning Appeals doesn't. So, I would encourage each member of this Council, along with you, Mayor, to have an open discussion about the people who we appoint to such important Commissions particularly those who bypass any review of this Council, whatsoever.

I would ask, particularly tonight on the Board of Zoning Appeals, that we withdraw those or take that aside for now and make sure the applications that are in place are complete, that everyone in this room gets a chance to consider it, and think about how important these appointments are because a few of them are now going to be appointed, all of them, until 2021. This is 2018. It's a seven-member Board. Three of seven are up for reappointment tonight. One of them wasn't even there when I went the other night. I would ask that this Council think about those Commissions and Boards that don't have any review by this Council, that we make sure we review before we populate them and have people on there that are going to follow the framework that we put out there to send to them, that our constituents asked us to put out there, because if we don't, I think we're missing our charge. So, with that, Mayor, I would ask particularly, as the BZA, that we set that aside for a couple of weeks, make sure we've got the applications in place, make sure that this Council has a chance to review it, and we have all of the right people in place."

Councilmember Lewis said, "Is that a motion to defer for two weeks?"

Councilmember Seekings said, "Yes, sir."

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

Councilmember Seekings said, "Thank you."

Mayor Tecklenburg said, "Was that a motion to defer all matters a(i) through a(viii), or just for the Board of Zoning Appeals?"

Councilmember Seekings said, "Well, Mayor, that is the one that we have up for appointment tonight that has no review from this Council and so, it's the one I looked at the most closely. I think it would probably be good to look at all of them, just to make sure that your office has all of the applications in place, so when people call us and call you about why they weren't considered, 'I didn't get it', and we say, 'Well, we didn't even have you on the list', I don't think that's acceptable. So, I'd ask that we defer it."

Councilwoman Jackson said, "I'll second."

Mayor Tecklenburg said, "It's already been seconded. The whole batch?"

Councilmember Seekings said, "Yes, I think it's the easiest way to do it."

Mayor Tecklenburg said, "Well, that's fine. I just, this is your review, and so, that's the purpose of our bringing this to you. We brought most of these to you two weeks ago, so you would have a chance to review them."

Councilmember Seekings said, "And I did."

Mayor Tecklenburg said, "And you did."

Councilmember Seekings said, "Yes."

Mayor Tecklenburg said, "So, understood."

Councilmember Seekings said, "Thank you."

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

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I was just looking at this because I was thinking that I didn't have the same number that Councilmember Seekings did. The three that we're approving tonight go to 2021, but there are seven members. So, there's four of these others, and I was just looking. Two of them run out in 2019, two of them run out in 2020, or three of them run out in 2020, and so, two in 2019, two in 2020, and at least three are in 2021. We're really doing exactly what we said we were going to do, is try to stagger these terms. So, I think the issue of maybe not following the law is a completely different issue than maybe what we're talking about here. I personally know one of these people on this one, the engineer, a good guy. I think he's very responsible. I don't know the other two personally. I did get some feedback on the first one, the lady, I didn't get any feedback on, but I'm comfortable in this particular case. We can keep going on this thing forever. I made the point last time that it seemed like a lot of reappointments. So, maybe, we need to do that a little bit more, but we've kind of already put these names out here, and I think the process, I commend you for doing this and moving this into a time when we've got some time to look at these things and do it, but I've looked more closely at, for example, the Golf Commission that I'm on, that I know how those people work, and I'm very happy with that group and moving on with that."

Mayor Tecklenburg said, "Well, that's why I was hoping that we might move forward with a few of these that you all were comfortable with."

Councilmember Moody said, "If Councilmember Seekings wants to pull that one out, I think it's fine. I'd be willing to do that, but I think we ought to kind of move ahead with some of this stuff."

Councilmember Seekings said, "I'm okay with that."

Mayor Tecklenburg said, "Okay. Councilmember Lewis, I think you seconded the motion."

Councilmember Lewis said, "I thought his initial motion was for the Board of Zoning Appeals, so I'm satisfied with that. Like he said, that's a very, very important Board, and we need to make sure the right people are on there."

Mayor Tecklenburg said, "I'm wide open. If there's another group here you all want to defer for two more weeks, just call it out, but if there's not, let's move forward with the ones where there's no controversy, or no question about them, not a controversy."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I understand what Councilmember Seekings is saying, and I thought we kind of had this similar discussion last meeting which gave us another two weeks to review. So, the part about Council making appointments, I'm with you 100 percent on that, but I think in one case, when it comes to issues that a Board may vote up or down, now whether they follow the law or not, that certainly needs to be looked into, but I don't think we should replace people because they vote one way up or down on an issue. The example I would bring would actually be the Sergeant Jasper, a subject that we all love dearly. When the Board voted the way they voted, certainly we had a lot of discussions about Sergeant Jasper, but I don't ever remember even talking about replacing a member of the BAR because they voted one way or the other, so I can't think of a more hotly contested issue in recent times than Sergeant Jasper. I think we need to be careful when we want to replace people on a

Board because of the way they voted on an issue. Now, if they have a conflict on an issue, that's different, and they vote on it, and we've certainly had that. So, Councilmember Seekings, I don't think you meant to really emphasize the issue, but you were talking about process. I did review the people to be appointed. I think Mr. Walter Jaudon is just finishing, I think he was appointed to a partial term and is relatively new, so he's really going on for his full term and the same thing with Mr. John Lester. You're right. He is an engineer of great capability. Sometimes on the Board of Zoning Appeals, it used to be the Board of Adjustments years ago, frankly, sometimes they have trouble getting a quorum because it's a small Board, and if you don't get four people to show up then, for another month, issues are kicked down the road, and applicants have to wait another month because they can't get a quorum. So, some of these people, remember now, they don't get the big pay like we get."

There was laughter in the Chamber.

Councilmember Waring continued, "All of these people are volunteers from our community, so the process, I'm with you, but when it comes to replacing people because of how they vote on the issue, I'm not with you on that one, Councilmember. I say that respectfully. So, as far as the people on this one, I'm fine with this one. If you all want to wait two weeks, fine, but I did look over it in the two weeks we had from the last meeting, and I do commend you for your process because this is much more open than we've had in the past."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor, and just so to echo some of the comments, some of my concerns are in the process of these folks coming back, we're just not aware of whether or not these folks want to be reappointed. We're presuming that they are, and we're not sure whether or not they have, or their track record of coming to these meetings, and what is their attendance is on these things. Part of our concern is that, I had talked to Mr. Seekings about this earlier, whether or not these folks, in fact, have a good track record in coming to these meetings. Are they showing up for it? Are they following the rules and regulations of this? The other part of this is that, this is an up or down road, and I think, the processes involved, and your office has been very engaged in this process, which is important. Some of these Commissions are Commissions that make recommendations and supports on the government of the City, but like the Board of Zoning Appeals - Zoning appointments, it does have such a huge impact on what we do with the rest of the City that it may be a little bit more beneficial to us if we had a little bit more idea as to who they are, and what is their record, their attendance record rather on these Commissions."

Mayor Tecklenburg said, "Some of that information is supposed to be online. By the way, there is a staff person assigned to each and every Committee and Commission, and they are supposed to ask each serving member when they come up for reappointment whether, in fact, they would like to continue to serve or not. Normally, my staff will let me know if there is some egregious lack of attendance, or somebody hadn't been there for a year or something like that. They'll normally let me know that so we'll more proactively find someone. So, if we could move forward and ask for a vote on the deferral for Item I(a)(v) on the Board of Zoning Appeals. We'll wait two weeks on that, but Councilwoman Jackson first."

Councilwoman Jackson said, "I'm just looking over the ones that you would like us to move forward on tonight. The BAR section that's supported by a staff person, Dennis Dowd, it's only BAR - Small, and it's on our list for tonight. I noticed, starting with the BAR - Large, there

are several people on there that still have a term that ends at the end of 2017 and so, I guess, either that just needs to be corrected now because the BAR – Small, that you're asking us to vote on, has one, two, three, four people on that list that say the term ends in 2017, so that should be a 2018?"

Mayor Tecklenburg said, "On the Large or the Small?"

Councilmember Moody said, "I don't think that's the right list."

Councilwoman Jackson said, "This is the list I got in the mail this week."

Councilmember Moody said, "This is the Large and this is the Small."

Councilwoman Jackson said, "And yours is blanked out."

Mayor Tecklenburg said, "I know there have been a number of corrections made recently."

Councilwoman Jackson said, "Yes, that's interesting. I just got this list this week."

Mayor Tecklenburg said, "I apologize, and I think, rather than confuse the matter with this bigger spreadsheet, what I asked staff to do today was just send you the specifics on that one Committee, as to the applicants and makeup, rather than give you the big spreadsheet that has all kind of other--"

Councilwoman Jackson said, "That came to us today?"

Mayor Tecklenburg said, "I don't know when it came to you. Mike Tito sent that out."

Michael Tito said, "How are you doing?"

Mayor Tecklenburg said, "He's kind of standing in, by the way, on this matter, between Robin leaving and us hiring somebody else."

Mr. Tito said, "So, that's just for reference. You won't be voting on anything on the spreadsheet. The actual Memorandum, that's the vote, that's the official paper. That's just to give you a larger picture of the Boards and call me with any questions you may have about it."

Mayor Tecklenburg said, "So, BAR - Small, we don't have anybody on BAR - Large tonight, but just the one reappointment of Jay Claypoole. I think there must be a mistake if it says 2017 on the other BAR - Small."

Councilwoman Jackson said, "Mr. Moody's list is different than mine, so I don't know how that happened."

Councilmember Moody said, "He must be serving. His term is expiring, and he's serving until he's reappointed, and so now he's being put on."

Mayor Tecklenburg said, "That's correct. He's expired right now, but he can continue to serve until something else happens."

Councilwoman Jackson said, "Yes, okay. Well, somehow I got a list that was different than Mr. Moody's."

Mayor Tecklenburg said, "So, we have a motion and second to defer the appointments for the Board of Zoning Appeals."

On a motion of Councilmember Seekings, seconded by Councilmember Lewis, City Council voted unanimously to defer the appointments to the Board of Zoning Appeals - Zoning.

Mayor Tecklenburg said, "Now, can I entertain a motion to accept the others?"

Councilmember Lewis said, "So moved."

Councilmember Seekings said, "Second."

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

On a motion of Councilmember Lewis, seconded by Councilmember Seekings, City Council voted unanimously to approve the appointments to the Municipal Golf Course Commission, Commission on History, Commission on Disability Issues, Commission on the Arts, Board of Architectural Review - Small, Tourism Commission, and the Charleston Housing Authority.

---INSERT APPOINTMENT MEMO---

Mayor Tecklenburg said, "Thank you very much. Now, for our Council Committee Reports, our Committee on Public Safety, Councilmember Shahid."

Councilmember Shahid said, "Thank you, Mr. Mayor, and members of Council. The Committee on Public Safety met on Monday, April 9th to review the proposed ordinance, which is Item #11 on our agenda. We recommended that this ordinance proceed for approval. Also, for information, which is really not part of the Public Safety Committee as a whole, we did meet with the selection Committee on April 4th to review the scope of work for the police audit. We just received, this afternoon, a revised, amended scope of work for that, so we're proceeding with that project, as well."

Mayor Tecklenburg said, "Thank you very much. Is any action required on that matter?"

Councilmember Shahid said, "I don't think there is any action required because it's just a report from the Committee."

Mayor Tecklenburg said, "Okay. Perfect. It's before Council tonight?"

Councilmember Shahid said, "Yes, it's Item #11 on the ordinance."

Mayor Tecklenburg said, "I'll blame it on myself. I was on vacation last week. I meant to send you all an official letter. I'll bring it to the next Council meeting regarding Fire Chief Curia, who we announced as the selection for our next Fire Chief. I do want to recognize Assistant Chief, now Interim Chief Roberts, who is with us tonight who is now serving as our Interim Chief of the Fire Department. Please stand, if you would, Chief Roberts."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you for your service. Alright. Committee on Recreation, Councilmember Gregorie."

Councilmember Gregorie said, "Mr. Mayor and Council, the Recreation Committee met yesterday at 4:00 p.m., and there were several items on the agenda. One does require action and that's 2(f). We had a report from the Health and Wellness Advisory Committee, and during that Committee we were asked for the City to be designated as a Blue Zone, and the Committee unanimously supported that. If you would like to get a little more information on the Blue Zone, I know we've been getting e-mails on the Blue Zone, Mayor, would you like to give them just a quick briefing on the designation and what it means?"

Mayor Tecklenburg said, "I could do that."

Councilmember Gregorie said, "Thank you."

Mayor Tecklenburg said, "Councilmembers and members of the public, we have a remarkable opportunity in Charleston to become the first city and community on the east coast of the United States to participate in what's known as a Community Blue Zone Project. It's a holistic health and wellness initiative that's community-wide and normally supported by the business community. We'll be asking, particularly, our health partners in the community, such as the Medical University and Blue Cross/Blue Shield and others, to help support this project going forward. It includes things like you would expect, like you've heard all your life, eat your vegetables, eat right, and exercise daily on a regular basis, and what's unique about this project and this program is it's based, by the way, on these two gentlemen that were really health and wellness nuts. They were hired by a grant with the National Geographic to explore the World and find the places where people live the longest and the healthiest. They identified five places on the planet Earth where people live the longest and the healthiest and what were the defining characteristics of those populations that gave them such healthy and well lives. They coalesced that down into nine principles and, like I said, in addition to eating well and exercising, it includes things like, 'What's your purpose in life? Are you connected with a good network of friends? Are you participating in some faith community?' So, there's much more to health and wellness than just that diet and exercise. It's really a remarkable program that digs deep in the community from approaching restaurants and grocery stores and getting everybody on board to the kinds of activities we should engage in and the kind of foods we should eat and the exercise we should have. This is really fascinating, but they've already done the study of the City of Charleston, including the outreach of others of the zip codes that we include. So, like in addition to what part of 29405 is in the City of Charleston, we would also include the part that's in North Charleston, for example, a ten-year period, they estimate that we'd have \$300,000,000 in savings and healthcare costs in Charleston, if we were successful in doing this Blue Zone Project. So, more to come on it, but it's a fascinating concept and project, and when you get down to thinking about our region's quality of life, there's no more important thing than being well and healthy. So, I recommend this program highly, and Councilmember Seekings has been very active in promoting this. We're going to be pitching this to our corporate sponsors to help pay for it, and I think it would be a remarkable opportunity for our City."

Councilmember Gregorie said, "Sounds like a motion. I second it."

The Clerk said, "Okay. So, who's making the motion? You want to make it Councilmember, Mayor?"

Mayor Tecklenburg said, "I think I just did."

Councilmember Gregorie seconded the motion.

Councilmember Shahid said, "Mr. Mayor, the one item that you left off about being involved in the community, a faith community and all of the other things you talked about, they also recommended having a glass of wine at 4:00 in the afternoon."

Mayor Tecklenburg said, "Five, wine at 5:00 p.m."

There was laughter in the Chamber.

Mayor Tecklenburg said, "That's one of the nine principles, and it's probably the one that Charlestonians like the most, wine at 5:00 p.m."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "A quick question, I know we have it for information only, but did you all discuss anything about Stoney Field?"

Councilmember Gregorie said, "I'm going to get to that. We just wanted to finish this vote, then I'm going to get to the others."

Councilmember Mitchell said, "Okay. Alright."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I have a question. I would love to support this, but is this something that will eventually come before Ways and Means or some financial obligation, or is this really just a commitment that we're making to begin the process?"

Mayor Tecklenburg said, "At this point, it's a commitment to try to engage the business community to help us pay for this. If we're not successful in completely paying for it that way, we might come back during our budget later in the year and talk about 2018 and beyond because it's a multi-year thing, and it's a big commitment over a ten-year period to make this happen."

Councilwoman Jackson said, "Then, what is the overall budget that we're trying to get the business community to help us with?"

Mayor Tecklenburg said, "It's over \$2,000,000 a year."

Councilwoman Jackson said, "A year. Okay."

Mayor Tecklenburg said, "Yes, ma'am. It's a substantial commitment, but if you look at the \$300,000,000 health savings return."

Councilwoman Jackson said, "Yes, no, I'm not questioning the value. I'm just wanting to put that out there."

Mayor Tecklenburg said, "It's a great value investment."

Councilwoman Jackson said, "That's a commitment in itself, trying to get the business community to go along with us on the level of that."

Mayor Tecklenburg said, "That's correct. Yes, ma'am."

On a motion of Mayor Tecklenburg, seconded by Councilmember Gregorie, City Council voted unanimously to adopt Item (f) of the Committee on Recreation Report:

- f. Report from Health and Wellness Advisory Committee (includes the designation of the City of Charleston as a Blue Zone)

Mayor Tecklenburg said, "Now, Councilmember Mitchell."

The Clerk said, "Councilmember Gregorie isn't finished."

Mayor Tecklenburg said, "Thank you."

Councilmember Gregorie said, "While the other Items 2(a) through (e) are information only, I think that we should share some of the information, particularly as it relates to Stoney Field. There is more movement recently, at least in my opinion, than we've had in a number of years. If Jason can come and talk about the study that we're going to do to try to get into the NCAA status for the field."

Jason Kronsberg said, "Right. So, a couple of months ago, we started working with the College of Charleston to come up with, to fund a project, some additional studies that are being reformed by Davis & Floyd Engineering. Davis & Floyd had done some work for the School District, about two years ago, developing quite an extensive study on what it would take to renovate Stoney Field considering its location in a landfill, consolidate some of the settling and then, looking at long term maintenance. So, we're taking that study, and we're adding another layer of onion to it and evaluating the possibilities of an NCAA track facility that can be located at Stoney Field, which would then have the City Recreation Programs, the College of Charleston sports, and the Burke High Athletics located at this facility. So, we've got about four and a half more months for Davis & Floyd to complete that evaluation of the NCAA track facility which would then bring track meets there from out of the area. So, four and a half months, we'll have that study complete which will then give us a cost estimate. Then, we can sit down at the table with the College of Charleston, the School District, and the City and come up with a way forward from a funding point of view."

Councilmember Gregorie said, "Thank you."

Councilmember Lewis said, "Just a question, did you include The Citadel? I know The Citadel had an interest in that field one time. Have you all included and talked with them?"

Councilmember Gregorie said, "There have been discussions with The Citadel and Councilmember Griffin went directly to the President. While they have no interest at this point in participating in the funding, they do have some interest in the field once it's complete."

There was laughter in the Chamber.

Councilmember Mitchell said, "One more question."

Councilmember Gregorie said, "Councilmember Griffin, maybe you can explain."

Councilmember Griffin said, "They want to help fund the track and facility, but number one, they aren't going to buy Stoney Field, and number two, they don't really want to help us get in the renovations. But, once we have the renovations in place, then they're all for helping out with the field. But, just remember, they're going to have a new President and a new Athletic

Director in a couple of months, so that could change for the better or the worse. We'll have to go back to them again once that happens."

Mayor Tecklenburg said, "Well, let me say that I'm glad that they're not interested in buying it because we're not interested in selling it."

There was laughter in the Chamber.

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Councilmember Gregorie, do you have any further information on Shiloh Church?"

Councilmember Gregorie said, "DeReef Park, the Praise House, and Shiloh Church, they all go together, and we put this on the agenda because the neighbors are interested in what kind of programming will be in those facilities. Three of the neighborhood representatives came to the Recreation Committee, and we have connected them with our Director of Recreation who will sit with them and determine what kind of programming the neighbors want. We do have some problems with Shiloh in terms of parking, so the programming will have to be very strategic there, but we have started some movement and are having some open discussion with the neighborhood with staff already."

Councilmember Mitchell said, "I asked that because that's the same reason why Shiloh AME Church is not there anymore because of parking. The parishioners were getting ticketed all day long on Sundays when they park there. The people were calling parking enforcement officers on them, so that's why they decided to move and sell the church, and they are probably going to Highway 61 near Magwood. I think they're going to try to build a church over there or move over in that area, but it's the problem. What we are doing is we are losing the African American churches out of the Peninsula, and that's not the first church, Plymouth Congregational and Shiloh are gone, we have Mt. Zion. So, these things I have been looking at for years, and I said we have to do a little better job on some of these things, too. We've been talking about holding the churches, but then they are moving out because of not being able to park there. At one time, they didn't have problems, and all of a sudden, they've got big problems now with the influx of people coming in, and now they're finding a problem with the churches. That's why I brought that information up, and I asked for this information because we're having it all over, and we still have two other churches in my district that might be doing the same thing and thinking about leaving too, one on Ashe Street and one on Charlotte Street. So, that will be two other African American churches that might be gone, and I have big problems with that."

Councilmember Gregorie said, "If I may add, DeReef Park, the Praise House, and Shiloh Church are in Councilmember Mitchell's District. My district abuts it. Are there any other questions regarding this report?"

No one asked to speak.

Mayor Tecklenburg said, "Thank you, sir. Next, Committee on Traffic and Transportation, Councilmember Seekings."

Councilmember Seekings said, "Thank you, Mr. Mayor. The Committee on Traffic and Transportation met today at 2:30 p.m. We took up two traffic calming devices, one on St. Margaret Street that was voted in unanimously, and I'd ask for approval, the second on Gadsden Street. It was deferred."

Councilmember Lewis said, "One question."

The Clerk said, "Okay. Who is the second?"

Councilmember Waring said, "I did."

Councilmember Lewis said, "What part of St. Margaret Street? Are you all going to do the whole St. Margaret Street or just a portion?"

Councilmember Seekings said, "Yes, there are two traffic calming devices on St. Margaret Street, and I don't have my map, but I'll get you a copy."

Mayor Tecklenburg said, "Three, I believe."

Councilmember Seekings said, "Three. Great. Sorry. I don't have my map."

Mayor Tecklenburg said, "Yes, one in each block from Rutledge over to 10th Avenue."

Councilmember Seekings said, "Councilmember, the traffic count on St. Margaret Street was phenomenally high."

Councilmember Gregorie said, "We haven't seen anything yet."

Councilmember Lewis said, "We've looked at the complaints every month."

Councilmember Gregorie said, "We haven't seen anything yet."

Councilmember Lewis said, "Okay. Thank you."

Councilmember Seekings said, "We all were shocked at how many cars are going up and down St. Margaret Street."

Mayor Tecklenburg said, "Alright. Would anyone else like to discuss this?"

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Waring, City Council voted unanimously to adopt the Committee on Traffic and Transportation Report, as presented:

---INSERT COMMITTEE ON TRAFFIC AND TRANSPORTATION REPORT---

- a. Traffic Calming Speed Humps for Approval
Gadsden Street – Harleston Village Neighborhood (**DEFERRED**)
St. Margaret Street – Wagener Terrace

Mayor Tecklenburg said, "Committee on Public Works, Councilmember Waring."

Councilmember Waring said, "Thank you, Mr. Mayor. As you see on your agenda, Item 4(a)(i) Abandonment of an Easement and Declaration of an Easement. Those passed unanimously. Our Committee also got several updates for information only. On your agenda, you will see, and I'm going to ask Ms. Cabiness, if she's here, to come to the microphone. We had an update on the Church Creek Basin. We had an update on the status of the FEMA

buyouts, an update on the King and Huger Street Drainage Project, and Ms. Cabiness, if you wouldn't mind giving your version of those updates to Council-at-Large, please."

Laura Cabiness said, "Okay. So, read the first one to me."

Councilmember Waring said, "The first one is an update on Church Creek Basin."

Ms. Cabiness said, "Okay. On Church Creek Basin, our consultants developed the draft recommendations for future development in the Basin. We're currently meeting at a staff group level reviewing those. We have a meeting scheduled next week. We're working towards the moratorium deadline to be able to have something to Council to consider well before that deadline expires."

Councilmember Waring said, "FEMA buyout status."

Ms. Cabiness said, "FEMA buyout. So, we had a meeting with our consultant last week. Next week, we have meetings with the property owners. One is on April 18th. One is on April 19th. If you can't come to one of those meetings, you can come to the other one, but we've grouped people together with common interests, so we're meeting with the Bridgepoint people primarily, and then the other 14 homeowners primarily. At that meeting, they will be given handbooks on the process, they will be introduced to the people they will be meeting with and that will be able to answer questions for them as we go through the process of getting the appraisals, the inspections, and all of those things done."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, I think because we're here in the regular public forum, Ms. Cabiness, if you would just be more specific about those two meetings being for people who chose to have applications submitted on their behalf that were eligible for the mitigation grants."

Ms. Cabiness said, "That's right."

Councilwoman Jackson said, "So, it's not a public meeting that would be beneficial to anyone else other than those specific homeowners. Right, this is just to meet with those homeowners and explain the process, those that are already included in the grant, and letters went out today. I actually approved the letters Monday, and later this afternoon I got a notice back that Tetra Tech mailed all of those letters to everybody, and they will also be making phone calls this week to make sure that people know about the meetings."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I can confirm that they did receive the letters because I talked to the Bridgepoint HOA after our Public Works meeting. One thing I want to ask, though, is with the appraisal process. Are we appraising these homes, and how are we going about the appraisal of, let's just say, Bridgepoint, for example?"

Ms. Cabiness said, "So, I think what you're getting at is when is the property appraised, or at what point? The FEMA process is very specific, and it requires that the properties be appraised at the value they were prior to the disaster. So, it's going to be prior to October of 2015 for these properties."

Councilmember Griffin said, "How do we know what that value is?"

Ms. Cabiness said, "They have to have a licensed appraiser do the work. I assume he'll look at comp values, and take those back in time and look at what other similar properties are appraising for, and actually go in and see where there may be upgrades that add to the value of the property, or where maybe it hasn't been repaired, and it's decreased."

Councilmember Waring said, "Are there any other questions from members, in particular, Councilmember Shealy and Councilmember Wagner? All of you all touch this Church Creek Basin."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Yes, I'd like to ask if we've moved forward at all with our grant writer, if anything's happened there."

Ms. Cabiness said, "That came up. That's actually happening in BFRC."

Amy Wharton said, "We advertised it. It closed Friday, so we're going through the applications now."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Since we're talking about personnel in an important office, can you just repeat, we know that the Flood Plain Manager position has been filled, so I'm not sure that was announced at a Council meeting."

Ms. Cabiness said, "That was an internal hire. Stephen Julka got the position, and he has now started as the full-time Flood Plain Manager, and then Maurice Gunn has been hired as the new Deputy Director of Operations, and he will start on April 30th."

Councilmember Waring said, "Just for clarity, he is the gentleman that is going to replace Mr. Metzler?"

Ms. Cabiness said, "That's right, and he actually worked for the City before. He was our Superintendent of Streets and Drainage, and worked under Mike Metzler for about a year, and then left to go back to North Carolina, where his family was."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Just one more question, up there on King and Huger before I have to move?"

There was laughter in the Chamber.

Ms. Cabiness said, "So, King and Huger is our next downtown project that we are committed to doing. We are hiring a program manager, also. I'm working with Gary Cooper to get that done. The program manager will be able to help us organize that King and Huger project, get a scope together, and either self-perform some of the work, or help us hire another engineer to work on it, but we've got to start the selection process. I told the Public Works and Utilities Committee today, if we don't get to it fast enough with the program manager, we'll get somebody on staff to work it into their schedule."

Councilmember Lewis said, "My main concern, and I'm here until the end of December of 2019, I sure would like to see something happen with King and Huger. I can go home at night when I retire and sleep and say, 'Oh, there will be no more flooding on Huger and King.'"

There was laughter in the Chamber.

Councilmember Lewis continued, "So, I really hope that you all can get something done with that project before I leave here. Thank you."

Councilmember Waring said, "Well, thank you, Ms. Cabiness. That's information, but I do move for acceptance of the abandonment of the easement, as well as the declaration of the easement."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

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

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

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

- i. Abandonment of Easement 1901 Savannah Highway
- ii. Declaration of Easement 1901 Savannah Highway

b. Miscellaneous or Other New Business (INFORMATION ONLY)

- Update on Church Creek Drainage basin
- FEMA Buyout Status
- Update on the King St/Huger St. Drainage Project
- Recommendations from the 1986 Davis & Floyd Study
- Actions currently taken as a result of the 1986 Davis & Floyd Study

Mayor Tecklenburg said, "So, next, is our Committee on Ways and Means."

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

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

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

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

(Bids and Purchases

(Fire Department: Approval to apply for a State Homeland Security Grant in the amount of \$50,000 for the Charleston Haz-Mat Team. Funds will be used to purchase radiological detection equipment. Due to time constraints, this grant was submitted on March 30, 2018. There is no required match for the grant.

- (Fire Department: Approval to apply for a State Homeland Security Grant in the amount of \$112,600 for the Charleston Collapse Search and Rescue Team. Funds will be used to purchase equipment and training. Due to time constraints, this grant was submitted on March 30, 2018. There is no required match for this grant.
- (Office of Cultural Affairs: Approval to apply for \$10,000 from the South Carolina Arts Commission in support of the Lowcountry Quarterly Arts Grants Program. The grant period is 7/1/2018 through 6/30/2019. A 1:1 City match is required. Matching funds will come from Community Assistance appropriations.
- (Traffic and Transportation: Approval of the annual traffic signal maintenance agreement with the South Carolina Department of Transportation for the initial term April 1, 2018 to March 31, 2019 which will renew for two additional terms that will run from April 1, 2019 through March 31, 2020 and April 1, 2020 through March 31, 2021, provided that terms and conditions of the agreement remain the same.
- (Police Department: Approve MUSC Information Security Agreement relating to security cameras which provides CPD access to MUSC security cameras on condition that CPD will preserve the security, confidentiality, integrity, and availability of MUSC data.
- (Parks-Capital Projects: Approval of CFD Ashley Hall Fire Station (FS #16) Professional Services Contract with Rosenblum Coe Architects in the amount of \$226,845 for design services for the renovation of Fire Station #16 at 81 Ashley Hall Plantation Road. Work will include conceptual design through construction documents with cost estimating in preparation of future construction. Scope of design to include partial/full demolition of the existing structure with retrofit and new construction of a Category IV emergency facility incorporating current Code and CFD Program guidelines in a flood prone location. The Professional Services Contract will obligate \$226,845 of the \$435,000 project budget. The funding sources for this project is Land Sales (\$435,000).
- (Parks-Capital Projects: Approval of JPR Ballpark Field Improvements Professional Services Contract with Millennium Sports Technologies, Inc. in the amount of \$39,995 for design and consulting services related to the renovation and improvements of the field at the Joseph P. Riley Ballpark. 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 Professional Services Contract will obligate \$39,995 of the \$1,200,000 project budget. This item is coming before Ways and Means for approval as a result of an already existing \$1,500 Purchase Order with the contractor taking their total work over the \$40,000 threshold. The funding source for this work is the general maintenance line item in the JPR Ballpark division (\$1,200,000).
- (Parks-Capital Projects: Approval of Bender Street Park Fee Amendment #1 to the Professional Services Contract with Stantec Consulting Services, Inc. in the amount of \$95,150 for the design and construction administration services associated with the community building that has been added to the scope of the project for Bender Street Park in the Maryville/Ashleyville neighborhood. Fee Amendment #1 will increase the Professional Services Contract with Stantec in the amount of \$95,150 from \$109,905 to \$205,055. The funding sources for this project are: 2015 Land Sales (\$350,025) and Hospitality Funds (\$1,900,000).
- (Public Service: Approve Spring/Fishburne US 17 Drainage & Transportation Improvements: Division III Federal Match (Phase 2) Change Order #14 with

Crowder Construction Co. on subject project for final closeout of the construction contract line item quantities. The approval of CO#14 will result in an increase of \$333,092.36 to the construction contract (from \$25,279,582.41 to \$25,612,674.77). Funds for CO#14 will come from the King Street Gateway TIF and SCDOT (50/50 split with SCDOT and City).

- (Housing and Community Development: Mayor and City Council approval is requested to amend a Contract. The original contact amount was \$23,740. The contract is being amended and increased by the amount of \$17,390.26 for a total contract amount of \$41,130.26. The original contract was executed for the design of two (2) single-family detached affordable homes for the property known as 105 Hanover Street. The Contract Amendment is for the design of two (2) multi-family structures that will serve as rental apartments for persons earning sixty (60%) percent and below the Area Median Income. The re-design or Contract Amendment is due to zoning requirements at the site. The Property is currently owned by the City of Charleston
- (Budget, Finance and Revenue Collections: Approval to purchase replacement speakers for the Gaillard Center in the amount of \$426,222.70 to improve the sound in the performance hall during performances that include amplified music. \$137,000 will be paid out of the project budget set aside for the GMC to purchase FF&E (furniture, fixtures and equipment). The remaining amount will be paid with 2018 lease purchase funds. **(Mayor Tecklenburg, Councilmember Waring, and Councilmember Moody abstained from voting on this item and completed Conflict of Interest Forms which are on file in the Office of the Clerk of Council.)**
- (An ordinance authorizing the Mayor to execute a Development Agreement on behalf of the City with Millbrook, LLC pertaining to property located adjacent to S.C. Highway 61 containing approximately 1355.2 acres and bearing Charleston County Tax Nap No. 301-00-00-002, a copy of the Development Agreement being attached to this ordinance as Exhibit A and made a part hereof. **(AS AMENDED)** *(Refer to City Council Public Hearing Item #E-6)*
- (An ordinance authorizing the Mayor to execute a Development Agreement on behalf of the City with Roger Parke Hanahan, Jr. pertaining to property located adjacent to S.C. Highway 61 containing approximately 1359.2 acres and bearing Charleston County Tax Map No. 301-00-00-003, a copy of the Development Agreement being attached to this ordinance as Exhibit A and made a part hereof. **(AS AMENDED)** *(Refer to City Council Public Hearing Item #E-7)*
- (An ordinance authorizing the Mayor to execute a Development Agreement on behalf of the City with 3453 Ashley River Rd, LLC pertaining to property located adjacent to S.C. Highway 61 containing approximately 85.65 acres and bearing Charleston County Tax map no. 359-00-00-006, a copy of the Development Agreement being attached to this ordinance as Exhibit A and made a part hereof. **(AS AMENDED)** *(Refer to City Council Public Hearing Item #E-8)*
- (An ordinance authorizing the Mayor to execute a Development Agreement on behalf of the City with Margaret Hartley Carter, and Elizabeth A. Hanahan and T. Heyward Carter, as Co-Trustees of the Article V Shelter Trust under the will of Grayson A. Hanahan, and Eleanor W. Carter, Trustee under South Carolina Personal Residence Trust of Eleanor W. Carter, pertaining to property located adjacent to S.C. Highway 61 containing approximately 34.75 acres and bearing Charleston County Tax Map Nos. 364-00-00-002, 364-00-00-002-1, 361-00-00-007, 361-00-00-007-1, 364-00-00-001 and 364-00-00-001-1, a copy of the Development Agreement being attached to this ordinance as Exhibit A and

made a part hereof. **(AS AMENDED)** (Refer to City Council Public Hearing Item #E-9)

(Approval to authorize the Mayor to execute the First Amendment to the Purchase and Sale Agreement for the purchase of 1555 Juniper Street. The Amendment reflects a reduction in the sales price from \$168,000 to \$140,000 as supported by the attached appraisals. (TMS No: 350-03-00-185 and 350-03-00-186)

(Approval of an Agreement with South Carolina Electric and Gas Company to relocate gas pipeline easement located on the City of Charleston's property at 1901 Savannah Highway (TMS No: 350-05-00-072) **(To be sent under separate cover by the Legal Department) (DEFERRED)**

Mayor Tecklenburg, Councilmember Waring, and Councilmember Moody abstained from voting on Item #14 of the report and completed Conflict of Interest Forms which are on file in the Office of the Clerk of Council.

Mayor Tecklenburg said, "So, next, will be our bills up for third reading. These two items have been deferred for some time, but I'm told they're ready to go forward."

The Clerk said, "That's correct."

Mayor Tecklenburg said, "These are the Veggie Bin properties, and it's the rezoning of those properties from General Business to Mixed-Use Workforce Housing."

Councilwoman Jackson said, "Move for approval."

Councilmember Shahid said, "Second."

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

No one asked to speak.

On a motion of Councilwoman Jackson, seconded by Councilmember Shahid, City Council voted unanimously to give third reading to the following bills:

2018-033 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 10 SOCIETY STREET AND TWO VACANT PARCELS ON SOCIETY STREET (PENINSULA) (0.62 ACRE) (TMS #458-01-04-002, 458-01-04-004 AND 458-01-04-021) (COUNCIL DISTRICT 1), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING (MU-2/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY LEONARD STORAGE CO, INC AND JOHN T. LEONARD, INC.

2018-034 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 32 LAURENS STREET AND A VACANT PARCEL ON LAURENS STREET (PENINSULA) (1.32 ACRES) (TMS #458-01-04-003 AND 458-01-02-017) (COUNCIL DISTRICT 1), BE REZONED FROM GENERAL BUSINESS (GB) AND LIGHT INDUSTRIAL (LI) CLASSIFICATIONS TO MIXED-USE/WORKFORCE HOUSING (MU-2/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY ROY F. COLE, JR. ET AL.

Mayor Tecklenburg said, "I know we're already past the Petitions and Communications portion of our meeting, but this just in, I'm a new grandfather. Mila Denham has just been born. I don't have a picture yet. I've got a new grandchild."

There was applause in the Chamber.

Mayor Tecklenburg said, "Well, thank you. That's exciting."

Councilmember Mitchell said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Ratify, third reading."

Mayor Tecklenburg said, "Excuse me."

Councilmember Mitchell said, "For ratification, third reading."

The Clerk said, "Yes. Well, he's getting ready to do that."

Mayor Tecklenburg said, "That was third reading and ratification."

Councilmember Mitchell said, "I didn't hear you say the word, that's why."

The Clerk said, "He doesn't always say 'ratification.'"

Mayor Tecklenburg said, "I meant to. I was too excited about my new granddaughter. Okay. Now, bills up for second reading, and Items L-1 through L-9 all have to do with the annexations West Ashley. If we could take those nine together, I think that would be helpful."

Councilmember Griffin said, "Move for approval."

Councilwoman Jackson said, "I'll second."

Mayor Tecklenburg said, "All nine of them, right? Move for all nine. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Griffin, eight (8) bills (Items L-1 through L-8) received second reading. They passed second reading on motion by Councilwoman Jackson and third reading on motion of Councilmember Lewis. On further motion of Councilmember Seekings, the rules were suspended, and the bills were immediately ratified as:

2018-035 AN ORDINANCE TO ANNEX TO THE CITY OF CHARLESTON PROPERTIES LOCATED WEST OF THE ASHLEY RIVER ON OR NEAR HIGHWAY 61 BEARING CHARLESTON COUNTY TAX MAP NOS. 361-00-00-006, 361-00-00-007, 364-00-00-001 AND 364-00-00-002 AS SHOWN ON THE MAP ATTACHED TO THIS ORDINANCE LABELED "ANNEXATION EXHIBIT" AND TO MAKE SAID PROPERTIES A PART OF DISTRICT 10.

- 2018-036** AN ORDINANCE TO ANNEX TO THE CITY OF CHARLESTON PROPERTIES LOCATED WEST OF THE ASHLEY RIVER ON OR NEAR HIGHWAY 61 BEARING CHARLESTON COUNTY TAX MAP NOS. 301-00-00-002, 301-00-00-003, 301-00-00-005, 301-00-00-023 (A PORTION), 359-00-00-006 AS SHOWN ON THE MAP ATTACHED TO THIS ORDINANCE LABELED "ANNEXATION EXHIBIT" AND TO MAKE SAID PROPERTIES A PART OF DISTRICT 10.
- 2018-037** 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 SINGLE AND TWO-FAMILY RESIDENTIAL (STR) CLASSIFICATION. THE PROPERTY IS OWNED BY LOW COUNTRY CHRISTIAN CENTER.
- 2018-038** 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.
- 2018-039** 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.
- 2018-040** 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 HOLLINGS MCCONNELL TRUST.
- 2018-041** 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 MORRIS.
- 2018-042** 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 later clarified that the vote was intended to be for Items L-1 through L-8 only.

Mayor Tecklenburg said, "Next, is L-9 for second reading, and that's our ordinance amending the short term rentals."

Councilmember Seekings said, "So moved, as amended."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a motion to approve, as amended. Do we have any discussion?"

Councilmember Griffin said, "Mr. Mayor, did you just say L-1 through L-9?"

Mayor Tecklenburg said, "Yes."

The Clerk said, "Yes."

Councilwoman Jackson said, "L-10."

Mayor Tecklenburg said, "Oh, my goodness. The vote that we just took, my error. It should have been L-1 through L-8. I apologize. If there is any question, we can re-vote on it, but it is intended to just be L-1 through L-8, the items involving the West Ashley annexation."

The Clerk said, "Yes, but you can take all of the bills at once and ratify them."

Mayor Tecklenburg said, "I know, but I said L-1 through L-9, and I should have said L-1 through L-8."

Councilmember White said, "It was the intention to separate L-9."

The Clerk said, "Okay. You want to separate L-9?"

Several Councilmembers said, "Yes."

Mayor Tecklenburg said, "Well, let's just make it doubly clear that we're going to have third reading and ratification of bills L-1 through L-8."

Councilmember Lewis said, "So moved."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a motion and a second."

On a motion of Councilmember Lewis, seconded by Councilmember Shahid, City Council voted to reaffirm ratification of the following ordinances:

2018-035 AN ORDINANCE TO ANNEX TO THE CITY OF CHARLESTON PROPERTIES LOCATED WEST OF THE ASHLEY RIVER ON OR NEAR HIGHWAY 61

BEARING CHARLESTON COUNTY TAX MAP NOS. 361-00-00-006, 361-00-00-007, 364-00-00-001 AND 364-00-00-002 AS SHOWN ON THE MAP ATTACHED TO THIS ORDINANCE LABELED "ANNEXATION EXHIBIT" AND TO MAKE SAID PROPERTIES A PART OF DISTRICT 10.

- 2018-036** AN ORDINANCE TO ANNEX TO THE CITY OF CHARLESTON PROPERTIES LOCATED WEST OF THE ASHLEY RIVER ON OR NEAR HIGHWAY 61 BEARING CHARLESTON COUNTY TAX MAP NOS. 301-00-00-002, 301-00-00-003, 301-00-00-005, 301-00-00-023 (A PORTION), 359-00-00-006 AS SHOWN ON THE MAP ATTACHED TO THIS ORDINANCE LABELED "ANNEXATION EXHIBIT" AND TO MAKE SAID PROPERTIES A PART OF DISTRICT 10.
- 2018-037** 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 SINGLE AND TWO-FAMILY RESIDENTIAL (STR) CLASSIFICATION. THE PROPERTY IS OWNED BY LOW COUNTRY CHRISTIAN CENTER.
- 2018-038** 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.
- 2018-039** 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.
- 2018-040** 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 HOLLINGS MCCONNELL TRUST.
- 2018-041** 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 MORRIS.

2018-042 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, L-9."

Councilmember Seekings said, "So moved, as amended."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a motion to approve, as amended, and a second."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I had a conversation, I don't know, maybe, Jacob, could explain this, but I'm really okay with this ordinance the way it is, but I think we're kind of leaving a few things out around the edge. What I'll say is Cannonborough-Elliottborough has basically opted out of this thing. They like what they've got, and I don't blame them because, basically, it's all a General Business or Commercial area. So, we have, for example, the Accommodations Zone downtown, which is Meeting and King and stops at Market, but maybe right around some of those areas that are not in the Accommodations Zone, there could be some units above Commercial operations that I don't see any particular harm in looking at those. I don't want to give them a blanket approval, but I guess what I'm asking for Planning to do is to come back, and maybe during this 90-day period, is the way to do it. But, for example, if you've got a place that's maybe right outside, or outside of that Accommodations Zone, it is also in a General Business or Commercial area. Maybe it doesn't have on property parking, but there's a parking garage close by, and there could be a process of going through, and some common sense of being applied to this thing, where we could allow some of those things to occur. Another thing, in my area, would be like Savannah Highway. When you go down Savannah Highway, you will see a whole bunch of office buildings that used to be houses. That's a restricted office or something like that is what it's called, but most of those houses used to be guesthouses. They were built as guesthouses, which if somebody along that area wanted to have a short term rental, rather than an office, I don't see where that would be a problem. I do have a problem getting back into the neighborhoods, but I'm asking, and what I was basically told was that Lee thought they could do it, and Jacob thought they could do something along this. I would like to ask them to give me their opinion tonight and what we might do and how we might amend this ordinance, but I just wanted to put that out there. I think we could do some things to maybe make it work a little bit better."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Well, I don't know if Mr. Lindsey was going to address that or not."

Mr. Lindsey said, "Well, the request was to look at properties that might be in commercial areas and those that may be excluded from the current ordinance and if there could be a common sense way of evaluating, on a case-by-case basis, whether some of those

Commercial properties would be appropriate for short term rentals. We looked at it, and we said we can certainly take a look at it. We can't do it overnight, though. So, if you could give us a little bit of time to consider the request, we would be happy to take a look."

Councilmember Mitchell said, "I just want to ask a quick question. I brought that up many times here, pertaining to the short term rentals, pertaining to businesses or commercial businesses that have a store downstairs and an apartment upstairs. There is no family that is going to stay up there over a bar, over these businesses, and things like that, and I was asking that before. I mentioned that to you before to look at that very seriously to see how they can do that. You can do short term rentals in those buildings because that's the same thing with Elliotborough and Cannonborough when they have Commercial, and that's always been Commercial there because you have Commercial downstairs. No one is going to go up there with a family over those stores or over a business, and I don't see why we can't do it in those particular areas if they have an apartment over a store or something like that. That's not going to take away any housing stock like they did before because when I brought this up before, they came back and told me it was taking away housing stock. To me, I don't think in this City they care about any housing stock anymore, so far as I'm concerned. So, now, I think you need to look at that very seriously and see if we can do that. I don't think that's going to even deter anything that we are doing, in so far as short term rentals. They could do it on that even if they meet the parking requirements. So, I believe that's something we need to look at very seriously for those apartments that are over those stores or over a business that's in the Commercial because that's Commercial, and they could use it to do that with short term rentals."

Mr. Lindsey said, "Okay. Very good."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Mr. Mayor, have we gotten the software yet to track this short term rental thing?"

Mayor Tecklenburg said, "Sir."

Councilmember Lewis said, "Have we gotten the software yet?"

Mayor Tecklenburg said, "We proceeded with procurement on it, I believe. Is Dan Riccio here? We wouldn't have it yet, but on Council's guidance we, hopefully, have proceeded."

Dan Riccio said, "Yes, we've got the RFP almost done, and then it's going to Procurement."

Mayor Tecklenburg said, "Our three officers?"

Mr. Riccio said, "The three officers are hired. Two have started, and one starts next Monday, so that will be the third one."

Councilmember Lewis said, "So, we're putting the cart before the horse. You're going to approve an ordinance, and then you're going to have no way of tracking it, no way of taking somebody to court, just like you're doing here. We've been doing it for, I guess, I don't know how many years. The ordinance that we've got is on the books now to make short term rentals illegal, but I was told last month that we couldn't take anybody to court because the ordinance we've got on the books is not enforceable."

Mayor Tecklenburg said, "It was difficult to enforce."

Councilmember Lewis said, "Difficult to enforce. Well, we shouldn't have ever had it on the books if it was difficult. That's why we've got lawyers. When you write an ordinance, your lawyers are supposed to tell you whether you can enforce an ordinance or not, so now we're putting the cart before the horse. We're going to approve short term rentals. We don't know how we're going to enforce it. We're going to open up an entire city. We've got three people to add to whatever we've got now, and then you're going to tell me that you all are going to be able to track this stuff. If you pass this ordinance tonight, this ordinance will take effect when? Tonight, right?"

Mayor Tecklenburg said, "If you recall, when we had the discussion about all of this last meeting, Dan Riccio gave us a pretty good explanation of how we intend to enforce the ordinance. Now, understand, the reason why we're going to review in nine months, we really wanted six months being in operation, it's going to take us about three months to really get set up because some people who will now be legally able to do a short term rental have to register. We have to set up that process, so we've got to have a little lead time here, Councilmember Lewis, in order to be able to enforce, and that's just part of starting something new. This is starting it up from scratch, so we're going to need that little bit of time."

Councilmember Lewis said, "What about Planning? Does the Planning Department already have the people in place to enforce this? Don't tell me the Zoning Administrator because he is overburdened now, and he's put so many ugly, big houses in my neighborhood that I just don't have a lot of confidence in him enforcing this. I hope you've got somebody else that's going to do this."

Mr. Lindsey said, "Yes, sir. The additional enforcement staff happened, thankfully, in Mr. Riccio's Department. So, I am glad to say the additional three folks are being added under Livability."

Councilmember Lewis said, "You all have got to approve the houses, and you all have to look at whether they meet the ordinance with the off-street parking and all of that. Do you have people in place who are going to do all of that?"

Mr. Lindsey said, "So, that's going to be handled among our two departments, but it's very important that it be structured right, so that when somebody comes in with an application, we know how the application should be written and what we're looking for. That's a part of building this thing over the next 90 days, so that it can be done efficiently, and we think we can do it."

Councilmember Lewis said, "You're going to look at the application. If I come with an application tomorrow and say, 'I want to do a short term rental at 292 Sumter Street, and I've got two off-street parking spaces', my word is going to be good enough. Nobody is going to check and see if I've got the right thing."

Mr. Lindsey said, "So, we couldn't do it tomorrow because we're not ready yet, but hopefully in 90 days we will be. The way it works is that anybody who wants to short term rent has got to actually bring a drawn-up site plan, just as if you were doing any kind of commercial enterprise, so we would have a site plan to look at to show where the parking would go, for example. So, it's not just on someone's good faith. We'd have to have a site plan in hand, just as if you were putting in an office or a hotel."

Councilmember Waring said, "Mr. Mayor."

Councilmember Lewis said, "Mayor, I'm just asking. I'm not going to support this."

There was laughter in the Chamber.

Councilmember Lewis said, "I just think that we're doing something that we're not going to be able to enforce. There again, we're going to take away the stock of housing, but we're talking about. We got restaurant people talking about parking downtown, now they're going to have to find someplace else because a lot of the properties. Now, are being rented. You're going to turn some of these neighborhoods into businesses, and everybody is going to be going after the short term rental money, not the working people. I just don't feel comfortable with this, and there's nothing you could say to please me."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. Again, I think this ordinance is moving in the right direction, but I do think there is some tweaking still to be done, and I'll give several examples. From the enforcement piece that Councilmember Lewis referred to, we budgeted for the three enforcement officers, and I believe at the last meeting we asked for our attorneys help, if they could handle it. I think Ms. Cantwell was very gracious, as she always is, and said that she thought that she believed that we could handle it. I really believe we need to hire an attorney. I believe attorney, Robert Rosen, was correct, in that we need to hire an attorney part-time, of course."

Mayor Tecklenburg said, "I think he volunteered his services."

Councilmember Waring said, "He did volunteer his services for two cases, but he also volunteered to train if we were to hire a part-time attorney, some figure of \$45,000 was bantered about. I would like to suggest, I think we hire two enforcement officers, and take the salary from the third one to hire a part-time attorney."

Mr. Riccio said, "We've already hired them."

Councilmember Waring said, "Hold on a second now. All of that stuff can be changed by hiring an attorney that would be in place to enforce all of these 1,500 or 2,000 or whatever, pick your number, that are illegally operating out there. I think Councilmember Lewis and Councilmember Mitchell are right, in that we are putting the cart before the horse. I think we need to have our enforcement piece in place before we shoot the gun and go, and the reason I'm saying that is because there has been some confusion. We were told that we had an ordinance that was unenforceable, then we were also told that out of 79 cases or 78 cases, 77 were successfully prosecuted. So, as a Councilmember hearing that, believe me, it creates a water cooler discussion, Mr. Riccio. I think you need help. You need enforcement officers, but our Legal Department certainly to dump this on them, I think, is truly unreasonable with all they have to do. So, that part, I think we can put in place and that can be tweaked between now and certainly after a third reading.

After reading about the lady, and she did come and speak with us, forgive me for not remembering her name, but the young lady from James Island that has a house over 50 years old on James Island. There are certain situations that Councilmember Moody mentioned and this ordinance should have a way of creating a special exception. I think the lady on James Island had either two or three acres that she has a house on. What we're going to do is run roughshod over a person that's trying to do it the right way or people that are trying to do it the right way, and I think we can do better. I know, Councilmember Seekings, we'd like to get this

through. I know the Committee has been working on it for 15 months, but we've had every bit of 60 days. We've moved the ball forward on the first reading. We've had a workshop, Mr. Mayor. Thank you on that, and we got some amendments that we will consider tonight, but I think with an ordinance this important, why can't we have a special exception for people who do have off-street parking that are not going to interrupt the neighborhood, that are in a Commercial District, that will either rent to students or a short term rental? What's the difference? I can remember when we got short term rentals, or vacation rentals, coming up on East Bay and Calhoun. A whole hotel is going to be built, basically, so we've made those type of exceptions over there. I heard the comment from Planning, and I agree with them. What's the difference between a hotel and vacation rentals? I guess we'll find out. So, a special exception can be a part of this ordinance that will not involve destroying communities or neighborhoods. Then, the piece about whole house rentals and I would like somebody to try and answer this for me. If I were to rent my house at 4 percent, I have a 4 percent assessment, during Spoleto, so I rented it out for the two weeks of Spoleto, who is going to determine whether I'm there five minutes when I give the occupant the key, five hours, or five days? How does the City keep up with that on a whole house rental? Mr. Mayor, Mr. Riccio, Mr. Lindsey, Mr. Morgan, if all of you all can join in and answer that one for me."

Mr. Riccio said, "I've always said that the administrative part of the ordinance, which is the permitting process, not the illegal ones, will be a little difficult to enforce. I've always said that, but--"

Councilmember Waring said, "Excuse me for interrupting, but I think that's where we can help you out with that. Why are we writing bad legislation to begin with? In other words, right now, we know and you do, too, that that's going to be a problem. Listen to me, why are we writing that into the ordinance in the beginning? We don't need six months, or nine months, or 12 months to know that that's going to be a problem. We know that's going to be a problem today. I just don't see if I were to rent, I'm going to use myself as an example, nobody else, Spoleto comes, I go to Hilton Head for two weeks, and I rent my house out. How does enforcement come and nab me on that?"

Mr. Riccio said, "I can tell you this, and I believe it would be self-policed, self-enforced by this. If an individual rents their house and leaves, if there are infractions at the property, party, garbage, parking, neighbors are going to call, will alert us for us to respond. That's how they're going to get--"

Councilmember Waring said, "This is how I think it's going to be self-enforced. I agree, with you in part, with self-enforcement because--"

Mr. Riccio said, "I mean we can't watch everything, but people that are messing up at the property will do the work for us."

Councilmember Waring said, "I agree. When I come back to the owner-occupied house that I live in and somebody has trashed my house, I'm going to be more upset than neighbors, so I want quality control. See, on the 4 percent assessment, that's where my agreement is. I don't think we are destroying neighborhoods with 4 percent assessment. With 6 percent assessment, no argument there, but that's the part that I think we can tweak. Yes, I understand we want to ramrod this through tonight, but we almost have a pretty good piece of legislation that we can do right. We've got a part of this legislation that we know we cannot enforce well. The illegal ones, no argument Mr. Riccio, I think you will do that, and you will do it very well. I think you do need help with a lawyer, though, being trained for that, and our Legal staff needs some relief in not having that dumped on them, and this is where the Mayor and Council come

in to help out with that. We do need to have a way of accounting for special exceptions. That's why we've got a Board of Zoning Appeals and all of this kind of stuff. We have a system in place to hear that. We just heard from Councilmember Seekings earlier today about how important that Board is. So, we've got a system in place to take out these nuances that this ordinance that we're about to consider voting on, it can be better, and again, these things that I'm bringing out, it is not going to take 90 days, Mr. Mayor, and it's not going to take six months, Mr. Riccio, it's not going to take nine months for our Legal Department to figure out it's not going to work. We can do something about that within a two-week period. We can create a special exception, so people can be considered. A whole house rental, I agree with you, I think there are some self-policing mechanisms between the neighbors and, more importantly, the owner that has to live in that house, not wanting to come back to some place that's been trashed by some party animal, and the enforcement piece. Those are the four points that I'd like to bring that I think we can improve prior to third reading and ratification."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. One of the things that we did do, as we had agreed to discuss, was under Section 54.208.3, which is the requirements for a Class 3 short term rental is that we struck out the provision that the building be constructed 50 or more years, which we had discussed doing. One of the things that I would like for us to take into consideration, which is part of this nine-month review process, is maybe tweak that a little bit and create maybe a Zone 3 or a Zone 3(a) area and with that, just re-insert it in parts of West Ashley. In hearing what Councilmembers Moody and Waring are talking about with special exceptions, that may be some of the areas that we do want to include this 50-year old house in some parts of West Ashley, and so I'm going to vote for approval of this, as written, with that caveat that part of the nine-month review process includes whether or not we need to create a separate zone for some parts of West Ashley to be included with the now removed 50-year constructed house, or not, as part of that."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, sir. Thank you. I propose this to Mr. Lindsey and actually Councilmember White, who was the Councilmember who spoke out more often about the Class 3 terms. So, I think what we need, before we take a vote, is an explanation of the parking terms for each of the three classes now because I think that we're out of place with Class 3. It's actually the way it's written. It's more restrictive than it was when it was proposed, and I thought what we were suggesting at the last meeting, as we put this forward for tonight, that we were just asking for that language to be written so that it would be easy to compare between the three classes, and not to actually make the parking formula the same for each of the three classes. So, I think we need some clarification on the parking terms for each of the classes, please."

Mr. Lindsey said, "Thank you, Councilwoman Jackson. So, the change that was made, in between the last Council meeting and the ordinance that you have in front of you tonight, was one that unified the language among the parking requirements in all classes and was, in fact, consistent with the original Task Force recommendation. So, that was the change that was made, to align it back to the original Task Force and to make the language consistent among all of those, which was our read after listening to the tapes of the last meeting."

Councilwoman Jackson said, "So, then are you saying that the language that we had from the Planning Commission actually changed the parking from the original ordinance?"

Mr. Lindsey said, "So, it was changed initially, and this is my recollection, by the Task Force themselves from their original idea and then, by the Planning Commission, as well. This is in line with all of my staff notes about the original Task Force recommendation, and to read to you from the ordinance, it says that, and I'm going to start with the Class 1, 'The STR shall provide one off-street parking space on the subject property, in addition to providing on the subject property required off-street parking for existing uses on the property. The parking space provided for the STR may be situated in tandem with the required spaces for other uses.' Then, to go to Class 2, the language is the same, and to go to Class 3, the language is the same, and the reason for that parking assignment is that under this framework, of course, there are a maximum of four persons. The previous system of assigning additional parking spaces per bedroom was in place when the ordinance allowed for more than four persons per STR. So, in my staff's assessment, this accomplished the Council's request. It returns it back to the original Task Force recommendation and would be an adequate requirement among all three classes for an STR limited, in nature, to a maximum of four people staying in the short term rental."

Councilwoman Jackson said, "So, basically, no matter which class it is, they're probably going to have two bedrooms max, and all three classes will only have to park one car per those two bedrooms per property."

Mr. Lindsey said, "That is correct, in addition to the parking required for the other uses that might occur on the structure. So, if it's a Single-Family house, it would need one and a half spaces so they would have to accommodate those, in addition to the one for the short term rental."

Councilwoman Jackson said, "As opposed to the third Class parking term that we had in front of us before we asked to have them. I thought what we were asking was to have the language made comparable, so that we could understand the formulas in a more comparative way, but that we were still going to allow the Class 3 properties to not have to park a car on-site if all they had was one bedroom. If they had two bedrooms, then they would have to park one car on-site. That was my understanding of why we were basically loosening up the parking formula for Class 3 properties and leaving them tighter for the Peninsula zones."

Mr. Lindsey said, "Understood. That is not what's currently reflected in Class 3. They're unified across all three."

Mayor Tecklenburg said, "Clear on that?"

Councilmember Lewis said, "I have a question."

Mayor Tecklenburg said, "Councilmember, can I go to a couple that hadn't been recognized yet?"

Mayor Tecklenburg recognized Councilmember Gregorie followed by Councilmember Wagner.

Councilmember Gregorie said, "Is it possible for you to come up with some special exceptions based on the discussions that we've had thus far, which would include whole house because I think that's what Councilmember--"

Councilmember Waring said, "Four percent."

Councilmember Gregorie said, "Right. Four percent, not six percent. Can you guys come up with some type of formula or something that would not discriminate, give it more of an equal playing field, come up with something on special exceptions that includes some of the issues that were just raised and present that to us by third reading?"

Mr. Lindsey said, "Third reading may be a challenge but I'm going to be honest with you, whatever you all want to do on this, we're going to look at. So, that's the first thing, but the second thing, and I want to be real clear about this, too, is that a lot of folks have spent a year and a half or more thinking about this collectively, and the devil really is in the details in all of this, and it's really been thought through pretty thoroughly. So, it's not going to be an easy task to come up with something that can accommodate everyone's special exception request. It's going to be difficult, and I don't want to mislead anyone in that regard, but we're going to look at whatever you all want us to."

Councilmember Gregorie said, "The reason why I raised it is because when you look at what the Planning Commission came up with and the Task Force came up with, and you gave us a comparison between the two, I thought that the Planning Commission had some, well, we didn't call them special exceptions, but they did have some provisions which would accommodate some of what we're discussing now. Those were thrown out for the Task Force. So, I don't think that the task will be as difficult as you're saying if we go back to at least look at some of the recommendations that came from the Planning Commission, which would accommodate some of the special exceptions that we're talking about now."

Mayor Tecklenburg recognized Councilmember Mitchell followed by Councilmember Lewis.

Councilmember Mitchell said, "With the short term rentals, I think most of you know my position on them from the beginning. When we're talking about short term rentals, I am looking strictly at when you go into a residential area, and change that residential area to Commercial, and that's what it's going to be. I look at things a little differently when we are going to force people out because that's going to happen. Everything is going to be so high that people are not going to be able to stay in their homes, those who were there for years and live in those particular areas. That was my problem in the beginning with the short term rentals. If I should vote on the short term rentals, we've got to have all of this stuff in place, but if it's not in place I'm not going in half-cocked and just vote on something that's not all together yet. We have some people that came up to the mic and said, 'Okay, I have a house, but I can't fall in the 50-year rule', so if you don't have a special exception for them, they would not be able to get in, if they're going to short term rentals for themselves. My thing is that the enforcement piece, I was looking for the enforcement piece to be in there first before we do anything. That's my problem, enforcement, enforcement. We couldn't enforce it before, and we want to do all of this and still don't have the enforcement in place before we do it. I'd rather have the enforcement in place, and let's deal with the illegal part of it and then. If I see that it's working, I might change my mind and have a little different outlook on it, to see if we're going to be able to enforce it if we do it properly. We are throwing so many things around, and there's nothing coming together for me, so I still have my reservations. I can't vote on anything tonight. I just can't vote on it tonight."

Mayor Tecklenburg said, "So, there's, again, a lot of talk about enforcement this evening, and understandably, because we've had a system that is basically unenforceable or difficult to enforce. Not unenforceable, but difficult to enforce, and I want to repeat that for everybody's benefit, because there are a lot of folks here who spoke tonight who are 'pro' short term rental. Right now, it's illegal in the City of Charleston, other than Cannonborough-Elliotborough, to

operate an STR. It's illegal now, and what we're doing, with restrictions, is allowing limited STRs, so that folks who live in their own home have the opportunity to get some extra income and do what these folks have been saying they want to be able to do. We're going to legally allow that.

Now, enforcement, Councilmember Mitchell and Lewis, respectfully, you've got to have a system in place to enforce. So, respectfully, I don't believe we're putting the cart before the horse. We've got to have the horse. We've got to have the system in order to enforce it, and we can't have the system unless we pass an ordinance that sets that system in place, so that Dan and our Legal team have something that's more enforceable that we can go after. Will it be perfect? No, it won't be perfect. This issue is so complicated, and there are so many competing interests. You could change this thing every City Council meeting from here to Kingdom Come, I believe, and I do believe we ought to consider a special exception. That's a good idea, but we've spent a year and a half studying this issue, and that matter has not really been earnestly on the table. I would respectfully ask Council to pass what we have tonight, so that we set a system in place that we can then begin to enforce. It's going to take us three months to even get to the point where we can start enforcement because, even though we've started with Procurement. We've got to get the software, we're hiring the people, and we've got to register the people who are legal. I believe having this system in place is going to deter people who are now illegally doing STRs to re-think whether they want to continue to do that in the future. Even in the next three months, Councilmember Waring, we can add a special exception provision that everybody agrees to. Let's get going with something, so we've got a system in place that we can then refine and improve, and we'll find out as we go that we need to make some changes to it, so I respectfully ask for your support."

Councilmember Mitchell said, "I understand fully what you're saying, Mr. Mayor, but even if we put the enforcement factor in now, that's something that we are doing even if we don't approve all of this tonight. If we vote to approve and put that enforcement factor in the motion now, that doesn't have anything to do with approving what we have with the short term rentals right away in my opinion. This is what I'm saying, and I've been saying 'putting the horse before the cart.' That's what I'm talking about. If I vote, and I made a motion, and said 'I'm going to make a motion that we put the enforcement factor in tonight', and we vote on that and we start putting that in place then, if we come back with the short term rentals, we will deal with the person that's doing them illegally. Then we can say, 'Okay, yes, it's working pretty good. Let's go ahead and pass this provision on the short term rentals and the exception.' We know the Task Force has been working on it for a year. I brought it to Council because I had people coming by my house asking me about short term rentals. That's how it got here in the first place, because nobody else was going to do it, so I brought it here to get things moving, but I want to make sure things are right and proper. I still have problems because we're over here talking about it, someone else is talking about something, and we're still not together on it. So, I've got my problems with it right now, and I think you all know me, if I don't feel comfortable with something, I will not vote to support it because I'm going to have to answer for it. Most of the community that I represent do not want it. So, if I support something, I have to support it and let them know that I support it because of this reason, or that reason. I can stand firm that way, but right now I still have my reservations. That's what I'm saying."

Mayor Tecklenburg said, "I hear you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. I'll be brief. We've talked about this a lot. A couple of things, can we please call these Zones, instead of Classes? Thank you.

That's sort of how we started off. It will just make it a lot easier for all of us. My thought is this, if we're going to have an enforcement provision in there, both short and long term, we want to make sure we know what we're enforcing, and that's what we're putting together right here with the Zone 1, Zone 2, Zone 3 requirements in terms of age, residency, parking, and all of that. We've got to let Dan go out there and prove to us through his 90-day procurement process and then going forward, that he can enforce the framework of an ordinance that has been now worked on for two years. I'm not a huge fan in any ordinance of exceptions, special exceptions or the like, because the minute you have an ordinance or a law on the book, and you water it down with an exception, it becomes more complicated. That being said, I'm not sure we know what a special exception portion to this looks like until we get out there, put it on the books, and start enforcing it, so we hear back from people where there are areas that we have missed, or there is a true need or want in this community for some kind of special exception. Councilmember Moody mentioned some of the Commercial Districts. Perhaps we need to look at that. I think Councilmember Mitchell talked about it, too, in the Commercial Corridor on Upper King Street where there are second and third floors above Commercial. All of those things, we haven't heard from anybody about that, and we need to do that. I'm going to vote to give this whatever reading we're up to, second and third reading, to put it in place and give Dan a chance to procure, and enforce, and see whether or not we're right. We're going to learn that very quickly. We're also going to learn very quickly what special exceptions. We heard from a neighborhood tonight that maybe wants to be in Zone 1, that's in Zone 2. Those are the kinds of things that we can look at and work through. So, I think this community has asked us to do this. We've gotten this far. We need to do it. I think there's an overwhelming majority of people who want us to put this in place, and I'm one of them, because I have had some skepticism about it, too, and see if we can enforce it. That's the issue. This is about enforcement, but what we're enforcing and I think this is the best way to go about doing it."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I'm going to probably just reiterate a little bit what Councilmember Seekings just said. From day one, one of the challenges I felt like we would have in this ordinance is this is a great example of you can't legislate every single situation that's going to occur, but I'm confident there are going to be things that come up after we pass this ordinance that we're going to have to come back to address. We can, I think, potentially have some type of special exception process. There's probably a way to carve that out, but I would agree with what Councilmember Seekings said, although we have some general ideas right now, you had mentioned some, Councilmember Moody had mentioned some, that what we think might be the exceptions, until we actually are sort of knee deep into this, I'm not sure that we're actually going to know exactly what the exceptions are. Even if we carve out a couple today, I suspect in 90, 120 days, six months from now, we're going to go, 'Yes, we missed that one, we've missed this one, and we've got to tweak that.' So, the concept of a special exception may be a way to address some of that, but I'm not sure that we know exactly what all they're going to be. Whatever we do decide on, I would suggest that it's probably still going to have to be tweaked as we move forward."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "First, short term rentals are a necessity. That's a big blank. We need this. What have I heard tonight? I'm hearing we're not quite ready because the two gentlemen to my right mentioned that they had specific issues with it. We've heard from Councilwoman Jackson referring to the parking. Councilmember Shahid wants to make an amendment to it as it's written. Councilmember Waring has some real serious issues, and it

started with Councilmember Moody and his serious issues with it. So, I think we're putting it in jeopardy if we just go straight out and go get it. I don't want to see anything bad happen to it. It's that close, I think. I won't say the 'd' word called 'deferral', but it might be worth thinking about, Mr. Mayor. I'm not sure how this Council will vote tonight after hearing what I've heard, and I'd hate to see anything bad happen. We've heard from the public, a lot of them are for it, and we've heard that some of them that were formerly for it are now against it. So, I'm in more of quandary right now than when I walked in this door tonight, personally."

Mayor Tecklenburg said, "What I'm hearing is that the primary addition to what we've already come up with is some form of special exception or adjudication. I would respectfully tell you that that's not something that we could resolve in another two weeks. I think it would take some time and a little thought to think about what those parameters are, and I'm not saying I favor waiting nine months to get it done. I think we ought to try to do it within the next three months when we're really ready to start enforcing. We've got the people out there who are legal under what we've devised here, they can come forward and apply, and we have some order to the situation. Then, we could come up with a reasonable special exception mechanism. But, I would again respectfully ask that Council let us move forward with this tonight, so we have a system in place to work from."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I have a question, and I would be remiss if I don't raise this question because the neighborhood that I live in is raising the question, and that is, just as Cannonborough and Elliotborough came up with an Overlay to create what they have, there may be specific neighborhoods in a zone that don't want to participate at all. My question is to our Legal folks, is it possible for a neighborhood to opt out and if so, how do they?"

Ms. Cantwell said, "The answer is 'no'. A zoning ordinance has to be applied uniformly, and so you can have different rules within different classes, but it's got to be applied uniformly. The property owners can always petition their government to opt-in, for example, if people wanted to opt-in, if they wanted to petition this Council, the neighbors get together, and they say, 'We want the Cannonborough-Elliotborough Overlay in our neighborhood'. Of course, it's a different ordinance. It only applies to Commercial properties, but you can't delegate your legislative authority to the private sector for them to veto or not veto."

Councilmember Gregorie said, "I knew the answer. I just wanted it for the record."

Ms. Cantwell said, "Well, then, I'm glad I guessed right."

Councilmember Lewis said, "Frances, please don't go. I might get recognized. I've had my hand up for the longest, since before he started."

Mayor Tecklenburg said, "I'm sorry, Councilmember Lewis."

Councilmember Lewis said, "Zone 1 and Zone 2 are on the Peninsula, and we are separating the two. You've got historic homes across Calhoun Street, north of Calhoun Street, as well as you've got downtown. So, I think, we're doing a little spot zoning here, and that's illegal."

Ms. Cantwell said, "Well, what we're doing is that we have different rules for, everybody who is a Class 1 is treated the same way. Everybody who is in the Class 2 area is treated the same way, and everybody who is in a Class 3 area is treated the same way. That's the

uniformity that I was talking about. You couldn't have somebody in Class 1, and say 'but it's only going to apply to these streets.'"

Councilmember Lewis said, "I'm talking about the age of the houses that fall under the Historic Preservation."

Ms. Cantwell said, "Well, the difference is between what we're calling Class 1, Class 2, and Class 3, and if you look at the findings that have been drafted, the ordinance is designed to help people stay in their homes. We recognize that older homes, when they get to be 50 years old, that is a recognized standard for historic preservation. The idea is to encourage people to preserve their homes, so that we can preserve our buildings and to keep historic preservation ongoing. Therefore, there is a rationale. There is a reason behind the distinction. The houses, at some point in time, in areas that are in Class 2 now, you might have a house that's not 50 years old, but it might be 50 years old next year. That's going to be a dynamic. That's going to be a moving criteria."

Councilmember Lewis said, "But, what I'm saying is, if you're on the Peninsula, you've got just as many houses, I think you all identified 20 to 30 something houses down in Class 1, that are under historic preservation, but you don't think you've got a National Register historic placement on anything north of Calhoun Street? They're separated in two different, you all call it 'classes'. I call it 'spot zoning'."

Ms. Cantwell said, "Well, let's just say the categories. The different categories, and particularly for Category 1, which is primarily the Old and Historic District. I don't think anybody could disagree with is the most impacted by tourism, transient use, whether it's people having Bed and Breakfasts, whether it's walking tours going through the neighborhood, whether it's carriages riding up and down, whether it's deliveries, there are some neighborhoods geographically that are just more impacted by transient use, which a short term rental could be defined as. They are more impacted than others, and as long as there is a rational basis that underlies the reason that you have a different rule for one category than in another, it is not spot zoning, and it's defensible."

Councilmember Lewis said, "I'll quit after this, Mr. Mayor. I could talk all night, but I'll quit after this. That's one thing I'm looking at, too. The tourists come to Charleston. You might get ten percent of the tourists coming north of Calhoun or north of Mary, but the majority are downtown to see the beautiful, nice-looking historic homes. Then you are burdening the people with these short term rentals, so they can come uptown, too, but the people really want to stay downtown. They don't want to stay uptown, but now you're trying to turn our neighborhoods like that. You've got hotels and stuff down here into a business, so that people who are coming to see the Old Historic District and ride on the buggies, 'can now stay up here, and then go down there.' This thing is just a headache, and it's creating problems for the people who would love to stay in their homes, who pay their mortgage, who didn't say, 'Well, I'm buying my house, so that I could do short term rentals'. I've had a lot of those calls, 'it's so I could pay my mortgage.' If you can't afford to pay your mortgage, don't buy your house, but if you buy your house and you're staying in there, and that is something you want to do, and it's legal, fine, but don't force it on the people who don't want it. I just can't see it. Thank you."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilmember Moody.

Councilmember Griffin said, "We have gone back and forth a lot already, and it's good, because we have to. We've spent more time on this issue since myself, Councilmember Shealy, and Councilwoman Jackson got on Council. We've spent more time on this than anything else because it's important, and there's really only one thing that we've all agreed on so far since we started talking about this, and that is, the ordinance that we have in place now is very, very hard to enforce. This ordinance may be hard to enforce, as well, but we have to put something on the books to give it a chance, and for me, we have to give our Livability Director an opportunity to prove to us that he can enforce this. He says he can, right?"

Mr. Riccio said, "Yes, sir."

Councilmember Griffin continued, "He says he can, and he has three new positions, but as we go along, we continue to talk about this, and we can amend this thing. We have stuff that comes up, and maybe we need another attorney. I agree with you, I think we do. I think that we need a part-time attorney, but as we go along, we amend this, but I think in our hearts, most of us have pretty much made up our minds where we're going on this, and we should vote on this thing tonight."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Mayor, I'm going to support this. I just wanted to clarify one thing that Councilmembers Seekings and White talked about. My whole point in pointing out those two areas was to say that we need some avenue for special exemptions. Those were just two examples, and I know there are probably other ones out there. Councilmember Waring brought up the lady on James Island. That's what I would like, and that's what I really asked Mr. Lindsey to do, to work on some wording that we could insert in this thing, whether it's two weeks, or if we need three months. I'm sure they could have it by then, but within the 90 days when we go really live, we've got our stuff in place. Then I would like to have the opportunity for people to come in and have a reasonable expectation that they can bring an issue, a situation, that for all practical purposes they've met the law. They're in the right zoning, they've gotten enough parking, whether it's onsite or not, that we can give them some kind of special exemption, so they can go. That was my whole point in doing that, so I'm going to support this, and let's get it going. I think we need to launch it. I'm always reminded, in my consulting days that, when they sent the first rocket to the moon, when they punched the 'go' button and the rocket took off, they had 180-something course corrections before they could get to the moon, and so that's kind of where we are. We're kind of shooting here, and you've got to keep your eye on what you're doing, you may be a little bit more, you have to keep adjusting, so I'm ready to start adjusting."

Mayor Tecklenburg said, "So, before I recognize you, please, the case you brought up, the need for a special exception, the lady on James Island. I've been to her home. She has an accessory dwelling unit on the property. Right now, of course, she's illegal. She's breaking the law, and she stays in that accessory dwelling unit when she rents out the house. She could become legal under what we have here tonight, maybe not rent to as many people as she would like, but this gives her the pathway to actually be legal, so I just want to point that out."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mr. Mayor, I don't think that's accurate. I think her property is being assessed at six percent because that's not her owner-occupied house, so she would not be legal under what we would pass tonight."

Mayor Tecklenburg said, "Is that right? I thought she was four percent."

Councilmember Waring said, "Because it's a family property. Here again, there's a need for a special exception. What I would like to do, listen, I voted for this first reading. I would like to keep advancing the ball, myself. The truthful part about working on special exceptions is not going to be that difficult because, some of those things have been discussed at the Planning Commission and, quite frankly, I can remember a lot of people in this audience brought up the value and the Planning Commission when we talked about changing the 75 percent rule, but now some of the aspects of the Planning Commission are being cast out with the trash. I would like to offer a substitute motion that would include the aspects of the first reading."

The Clerk said, "This is not a first reading."

Mayor Tecklenburg said, "This is a second reading. We're at second reading now."

Councilmember Waring said, "So, Madam Clerk, are you saying that I'm out of order if I offer a substitute motion?"

The Clerk said, "No, I'm telling you that this is not first reading."

Councilmember Waring said, "No, I was referring to the first reading, that it would include the aspects of the first reading but, on second reading, giving staff instructions to work out special exceptions. Now, Councilmember White, 90 days from now, nine months from now, we'll still need to tweak the first reading, and we may need to tweak special exceptions, but we know a nucleus of special exceptions now. It's just not before us tonight. Frankly, in two or three weeks, I believe we can have that worked out. So, you're right, the enforcement piece, these gentlemen over here are right, and maybe I'll come back with another motion. I do believe that in the substitution motion, we hire two enforcement officers, but we do carve out maybe the salary for that third one to go towards an attorney to help prosecute the illegal cases, and that could be done, if the pleasure of this Council sees fit. In the substitute motion, we're giving a second reading, but we would be giving staff instructions to work on a criteria for special exceptions.

Also, in the enforcement piece, these gentlemen are right, we need to have officers that can enforce something, but for them to enforce something, they've got to have a law to enforce. Prior, they didn't have enough enforcement officers and, I do believe from the legal standpoint, we have a shortage in being able to prosecute it without putting work on a Legal Department that's already overburdened. Again, they were very kind saying they can handle it, but we know the level of work we put on them. So, I think that third salary, staying within budget, Mr. Mayor, could go towards instead of a third enforcement officer, it would go towards hiring a part-time lawyer, strictly to enforce the law that we will eventually pass. In the substitute motion, it's going to include instructions to staff to work out special exceptions, two enforcement officers will be hired, which I think we just about have them onboard, but we need monies to go towards the Legal Department to hire help in prosecuting the illegals that we know are out there. So, that's my substitute motion."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Well, we have a motion on the floor."

Councilmember Waring said, "But he's got a second. A substitute motion takes precedence over a motion on the floor."

Mayor Tecklenburg said, "No, sir. I don't believe so. We have a motion on the floor."

Councilmember Waring said, "A substitute motion, you've got Robert's Rules of Order over there, Madam Clerk? That's why I didn't say amendment. He's got to accept the amendment. I offered a substitute motion."

Mayor Tecklenburg said, "Well, while we're looking that up, could I share with you that our Legal Department has a budget for hiring outside attorneys, as needed, for any purpose, and we can supplement."

The Clerk said, "Mayor, is your microphone on?"

Councilwoman Jackson said, "I don't think so."

Mayor Tecklenburg said, "It is. I'm sorry. My microphone is on. Am I coming through that speaker at all? Part of our problem up here is that the speaker is way over there, and anyway, testing, testing."

Councilwoman Jackson said, "Now we can."

Mayor Tecklenburg continued, "We have some money in our Legal budget, you all, that we can hire outside Counsel for any purpose, including--"

Councilmember Waring said, "Well, I withdraw that part, then. I didn't realize we had money in the Legal budget to do that."

Mayor Tecklenburg said, "Yes, we do. We use it for various things, like we have outside Counsel representing us in a lawsuit that I testified for in Federal Court today."

Councilmember Waring said, "Well, I withdraw that aspect. Then it only includes the instructions to staff to create a criteria for special exceptions. So, I withdraw the part about the enforcement officers."

Mayor Tecklenburg said, "We have some money covering that. We have the substitute motion and a second. We've got to look up--"

Councilwoman Jackson said, "May I ask for a clarification of your substitute motion whenever we vote on it?"

Councilmember Waring said, "Yes."

Councilwoman Jackson said, "Are you saying that we'll vote tonight on the existing ordinance for second reading, and then you're asking staff to create the criteria for special exceptions to bring back to our next meeting?"

Councilmember Waring said, "That's right. Before we have the third reading."

Councilwoman Jackson said, "Before we have the third reading."

Councilmember Waring said, "That's right. Now, if that takes two weeks or three weeks or a month."

Councilwoman Jackson said, "Is there a 30-day wait then, between? We can do third reading whenever?"

Mayor Tecklenburg said, "We can do third reading whenever."

Councilmember Waring said, "That's right."

Councilmember Griffin said, "Don't we have to have unanimous approval to make modifications to third readings?"

Mayor Tecklenburg said, "No."

Councilmember Seekings said, "To make modifications we do, to debate it."

The Clerk said, "But, see, that's what I keep trying to explain to all of you, because it's up for second reading. Correct. It's already up for second reading, so it's not a first reading. It is up for a second reading."

Councilwoman Jackson said, "We're talking about making a change between second and third reading."

Councilmember Waring said, "A change between first and second."

The Clerk said, "Okay. That would be before it goes to third reading. If you vote on something tonight, then you're going to vote for second reading, but then it can be delayed, and then do the third reading."

Councilwoman Jackson said, "That third reading would be a different version. It would be a modified version of what we pass tonight."

The Clerk said, "It could be amended. Yes."

Councilwoman Jackson said, "Okay."

Mayor Tecklenburg said, "We've got a few other matters before Council tonight and what time is it? 20 of 9:00 p.m.? Can we take a five-minute break, and I'll resolve this question of Robert's Rules of Order. Then we'll come back and take up this matter, five-minute break."

City Council recessed at 8:45 p.m.

City Council reconvened at 8:54 p.m.

Mayor Tecklenburg said, "Alright. We're going to come back to order here. Let me hit the gavel again. We're trying to figure this out, folks. I appreciate everybody's forbearance and patience. This, obviously, is a very complicated issue that we've been dealing with for some time, and we're going to come to some kind of resolution. So, we have a substitute motion on the floor. It's been seconded."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I think we can go home and get dinner tonight after I come forward with this."

Mayor Tecklenburg said, "I want to go see my new granddaughter."

There was laughter in the Chamber.

Councilmember Waring said, "I know about that, too. What I'm going to do is, I'm going to withdraw the substitute motion. What I will do is, come back with a motion, hopefully Council approves, to give staff instructions to start working on a special exception. In the meantime, we can give second reading on this or second or third, if Council pleases, because the special exception has to go to the Planning Commission and then come back."

Mayor Tecklenburg said, "Is that right? That's right."

Councilmember Waring said, "That's my understanding. It has to go to the Planning Commission and come back, so let us work it through the system."

Councilmember Lewis said, "It's a Zoning ordinance."

Councilmember Waring said, "Right. Yes, we don't want this going back to the Planning Commission. So, this will move through. In the meantime, we'll be working with staff on a special criteria, which will go through that system and certainly be back to us before 90 days is up."

Mayor Tecklenburg said, "Yes."

Councilmember Waring said, "Then, we'll vote on that, and that will become a part of what we approve tonight."

Mayor Tecklenburg said, "I'm told that our goal could be to be back to Council by the second meeting in May with a special exception proposal provision."

Councilmember Waring said, "Okay. That would be great."

Mayor Tecklenburg said, "That would be three meetings from now."

Councilmember Seekings said, "So, just procedurally, if I might, I'd like to call the question on the second reading. We'll go through third reading, and I would like to hand the floor to Councilmember Waring, so he can then make his motion and get that going."

Mayor Tecklenburg said, "We still have your motion on the floor."

Councilmember Waring said, "I withdraw my motion in lieu of Councilmember Seekings, and then I'll follow after the vote on the second reading."

Councilmember Seekings said, "I call for the question on the second reading for the Task Force ordinance amendment."

Mayor Tecklenburg said, "Now, you had mentioned the idea of changing 'Class' to 'Zone'?"

Councilmember Seekings said, "Yes, please."

Mayor Tecklenburg said, "Could I suggest, even 'Zone' is a little confusing, that this is a zoning matter, and that issue came up."

Councilmember Seekings said, "Well, Councilmember Griffin is going to get in trouble with his people."

Mayor Tecklenburg said, "Can we call it a 'District'?"

Councilmember Shealy said, "How about a Category?"

Mayor Tecklenburg said, "Or a Category. Okay. Can we amend it? Can you make your motion with that amendment?"

Councilmember Seekings said, "So moved, as amended, with 'Category', and I call for the question, Mr. Mayor."

Mayor Tecklenburg said, "Alright, and we're going to call the question."

On a motion of Councilmember Seekings, seconded by Councilmember Shahid, City Council gave second reading to the following bill:

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

The vote was not unanimous. Councilmembers Lewis and Mitchell voted nay.

Councilmember Seekings said, "So moved for third reading, Mr. Mayor."

The Clerk said, "Okay. Just a minute. Who were the nays, the two of you?"

Mayor Tecklenburg said, "Councilmember Lewis and Councilmember Mitchell."

Councilmember Mitchell said, "Excuse me. We're giving second and third reading?"

Mayor Tecklenburg said, "We're going to now. Councilmember Seekings, would you like to make the motion for third reading and ratification of same, and then we'll come back to Councilmember Waring?"

The Clerk said, "Who was the second for third reading? Jennifer, nor I, have it. All we have is Councilmember Seekings."

Councilmember Shahid said, "I second."

Mayor Tecklenburg said, "Okay. Is there any discussion?"

Councilmember Moody said, "I was just curious about waiting for a couple of weeks. Is there any reason you all want to wait a couple weeks? We haven't really changed anything. Is that the rationale?"

Councilmember Seekings said, "That's right, and then we're going to hand it over to Councilmember Waring, who is then going to make a motion to direct our Planning Department to come up with a special exception addendum to this, that will then go back to the Planning Commission and be attached onto this at the end. So moved, Mayor."

Councilmember Shahid said, "Second."

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

On a motion of Councilmember Seekings, seconded by Councilmember Shahid, City Council voted to give third reading to one (1) bill (Item L-9), the rules were suspended, and the bill was immediately ratified as:

2018-043 AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO IMPLEMENT NEW REGULATIONS FOR SHORT TERM RENTAL USES AND BED AND BREAKFAST USES IN THE CITY OF CHARLESTON **(AS AMENDED)**

The vote was not unanimous. Councilmembers Lewis and Mitchell voted nay.

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Yes, Mr. Mayor, I would like to make a motion to give staff instructions to come forward with the criteria on special exceptions, certainly including some of the aspects that were part of the Planning Commission. The Planning Commission at least debated it anyway, and some of the things that Councilmember Moody has said already tonight."

Councilwoman Jackson said, "I brought some up, too."

Councilmember Waring said, "Yes, and Councilwoman Jackson, thank you so much. But, in any event, we will be working with you in the next ensuing weeks on the special criteria."

Councilmember Gregorie said, "Second."

Councilmember Mitchell said, "If you would, amend it to make sure to ask them also to see how we can make changes related to the apartments over these commercial businesses throughout the City."

The Clerk said, "I need to hear that motion again. Your motion was to do what."

Councilmember Waring said, "The motion is for staff to come up with a criteria for special exceptions."

The Clerk said, "Okay."

Councilmember Waring said, "That special exception is going to include that it will have to go to BZA review, obviously, but that's going to include the issue about whole house rental. It's going to include certain Commercial Districts. It's going to include the criteria with this lady on James Island who has a house that's over 50 years old on two acres of property, taking into account all of the Commercial areas that are within walking distance of a parking garage. Councilwoman Jackson, what were the ones that you came up with?"

Councilwoman Jackson said, "I think the National Register criteria could potentially be eliminated with a special exception, case by case."

Councilmember Waring said, "Case by case. Madam Clerk, did you get that?"

Mayor Tecklenburg said, "Well, I don't think--"

Councilmember Waring said, "We want to give some sort of parameters."

The Clerk said, "I have your motion. Did you second it, Councilmember?"

Councilmember Gregorie said, "Yes."

The Clerk said, "That's what I thought. Okay, I have your motion."

Councilmember Waring said, "So, work on the special exception criteria for short term rentals."

Mayor Tecklenburg said, "So, we have a motion and a second."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "By looking at Commercial areas that have potential residences above, aren't we opening the door to a few six-percenters here?"

Councilmember Waring said, "Yes, we are."

Mayor Tecklenburg said, "Yes, we might be."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Why do we not choose two or three Councilmembers to work with Planning on the special exceptions?"

Councilwoman Jackson said, "I think that's a very good idea."

Councilmember Wagner said, "Such as these gentlemen, because you guys are the tip of the spear on this, in one respect."

Mayor Tecklenburg said, "One meeting, please."

Councilmember Wagner continued, "Possibly Councilmember Waring or Councilmember Griffin and Councilmember Seekings."

Mayor Tecklenburg said, "Would anybody like to volunteer?"

Councilmember Seekings said, "I'll volunteer."

Councilmember Mitchell said, "I volunteer, too."

Mayor Tecklenburg said, "Councilmembers Mitchell, Waring, Seekings, and Jackson. Got it? Alright. We have a motion for staff to develop, along with the input and assistance of four Councilmembers, addendum to this ordinance for consideration of special exceptions."

Councilmember Wagner said, "Yes, we've had staff look at, we've had the Planning Commission look at, we've had a group of independent people look at, and never had a Council Committee look at it."

Mayor Tecklenburg said, "There we go."

Councilmember Wagner said, "Hey, now we've got it."

Mayor Tecklenburg said, "Well, we've had a Committee of 13 look at it the last couple of meetings."

Councilmember Wagner said, "No, you've kept me up late two meetings in a row, and we're still not done."

Mayor Tecklenburg said, "Alright. Is there any other discussion?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Gregorie, City Council voted unanimously to direct the Planning Department, along with Councilwoman Jackson, Councilmember Mitchell, Councilmember Seekings, and Councilmember Waring, to develop an addendum to the Short Term Rentals Ordinance for consideration of special exceptions.

Mayor Tecklenburg said, "Alright. Next---"

The Clerk said, "Mayor, you have to go back and approve the Development Agreements."

Mayor Tecklenburg said, "Alright. Do you have the original agenda? I've misplaced my page."

The Clerk said, "You did? Here, you can use mine."

Mayor Tecklenburg said, "Here it is."

Mayor Tecklenburg said, "I've got another one, the old one. So, we're approving Items E-4 through E-9?"

The Clerk said, "We have to go back and take Items E-4 through E-9."

Mayor Tecklenburg said, "Council. Order, please. We need to step back for just a minute."

Councilmember Mitchell said, "I move for approval of E-4 through E-9 in the public hearings."

Mayor Tecklenburg said, "Thank you very much."

The Clerk said, "Thank you, Councilmember."

Mayor Tecklenburg said, "That's what I needed. We're going back to the public hearing matters E-4 through E-9, now that we've completed the annexations. We need to go back and approve those matters, and these are all for second reading."

The Clerk said, "And ratification."

Mayor Tecklenburg said, "As amended."

Councilmember Mitchell said, "As amended, I made the motion."

Councilwoman Jackson said, "Second."

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

No one asked to speak.

On a motion of Councilmember Mitchell, six (6) bills (Items E-4 through E-9) received second reading. They passed second reading on motion by Councilwoman Jackson and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Lewis, the rules were suspended, and the bills were immediately ratified as:

- 2018-044** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 4110 AND 4136 ASHLEY RIVER ROAD AND TWO VACANT PROPERTIES ON ASHLEY RIVER ROAD (WEST ASHLEY) (APPROXIMATELY 82.36 ACRES) (TMS #361-00-00-006, 361-00-00-007, 364-00-00-001 AND 364-00-00-002) (COUNCIL DISTRICT 10), BE ZONED AGRICULTURAL (AG-8) CLASSIFICATION. THE PROPERTY IS OWNED BY: MILLBROOK PLANTATION, LLC; ARTICLE V CREDIT SHELTER TRUST; ELEANOR W. CARTER, TRUSTEE; MARGARET HARTLEY CARTER.
- 2018-045** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 3453 ASHLEY RIVER ROAD AND FOUR PROPERTIES OFF ASHLEY RIVER ROAD – SC HIGHWAY 61 (WEST ASHLEY) (APPROXIMATELY 5,049.71 ACRES) (TMS #301-00-00-002, 301-00-00-003, 301-00-00-005, 301-00-00-023 (A PORTION) AND 359-00-00-006) (COUNCIL DISTRICT 10), BE ZONED AGRICULTURAL (AG-8) CLASSIFICATION, AGRICULTURAL SPECIAL (AG-S) CLASSIFICATION AND SINGLE-FAMILY RESIDENTIAL (SR-7) CLASSIFICATION. THE PROPERTY IS OWNED BY: MILLBROOK LLC; ROGER PARKE HANAHAN, JR.; WHITFIELD CONSTRUCTION COMPANY; WOH, LLC; 3453 ASHLEY RIVER RD, LLC.
- 2018-046** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY WITH MILLBROOK, LLC PERTAINING TO PROPERTY LOCATED ADJACENT TO S.C. HIGHWAY 61 CONTAINING APPROXIMATELY 1355.2 ACRES AND BEARING CHARLESTON COUNTY TAX MAP NO. 301-00-00-002, A COPY OF THE DEVELOPMENT AGREEMENT BEING ATTACHED TO THIS ORDINANCE AS EXHIBIT A AND MADE A PART HEREOF. **(AS AMENDED)**
- 2018-047** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY WITH ROGER PARKE HANAHAN, JR. PERTAINING TO PROPERTY LOCATED ADJACENT TO S.C. HIGHWAY 61 CONTAINING APPROXIMATELY 1359.2 ACRES AND BEARING CHARLESTON COUNTY TAX MAP NO. 301-00-00-003, A COPY OF THE DEVELOPMENT AGREEMENT BEING ATTACHED TO THIS ORDINANCE AS EXHIBIT A AND MADE A PART HEREOF. **(AS AMENDED)**
- 2018-048** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY WITH 3453 ASHLEY RIVER RD, LLC PERTAINING TO PROPERTY LOCATED ADJACENT TO S.C. HIGHWAY 61 CONTAINING APPROXIMATELY 85.65 ACRES AND BEARING CHARLESTON COUNTY TAX MAP NO. 359-00-00-006, A COPY OF THE DEVELOPMENT AGREEMENT BEING ATTACHED TO THIS ORDINANCE AS EXHIBIT A AND MADE A PART HEREOF. **(AS AMENDED)**

2018-049 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AGREEMENT ON BEHALF OF THE CITY WITH MARGARET HARTLEY CARTER, AND ELIZABETH A. HANAHAN AND T. HEYWARD CARTER, AS CO-TRUSTEES OF THE ARTICLE V SHELTER TRUST UNDER THE WILL OF GRAYSON A. HANAHAN, AND ELEANOR W. CARTER, TRUSTEE UNDER SOUTH CAROLINA PERSONAL RESIDENCE TRUST OF ELEANOR W. CARTER, PERTAINING TO PROPERTY LOCATED ADJACENT TO S.C. HIGHWAY 61 CONTAINING APPROXIMATELY 34.75 ACRES AND BEARING CHARLESTON COUNTY TAX MAP NOS. 364-00-00-002, 364-00-00-002-1, 361-00-00-007, 361-00-00-007-1, 364-00-00-001 AND 364-00-00-001-1, A COPY OF THE DEVELOPMENT AGREEMENT BEING ATTACHED TO THIS ORDINANCE AS EXHIBIT A AND MADE A PART HEREOF. **(AS AMENDED)**

Mayor Tecklenburg said, "Alright. Now, we go to L-10."

Councilwoman Jackson said, "I move for approval of Item L-10."

Mayor Tecklenburg said, "We have a motion to approve L-10. Did we have a second?"

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Is there any discussion? This is on the Women's Commission."

No one asked to speak.

On a motion of Councilwoman Jackson, one (1) bill (Item L-10) received second reading. It passed second reading on motion by Councilmember Shahid and third reading on motion of Councilmember Mitchell. On further motion of Councilwoman Jackson, the rules were suspended, and the bill was immediately ratified as:

2018-050 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, "Now, for second reading of Item L-11 which is our civil sidewalks ordinance."

Councilmember Lewis said, "So moved."

Councilmember Mitchell said, "Second."

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

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "No, I was just going to move."

Mayor Tecklenburg said, "Okay. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Lewis, one (1) bill (Item L-11) received second reading. It passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Shahid, the rules were suspended, and the bill was immediately ratified as:

2018-051 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. **(AS AMENDED)**

Mayor Tecklenburg said, "Now, Item L-12 is for the re-zoning of a seven-acre property at the West Ashley Circle."

Councilmember Wagner said, "It's deferred, isn't it?"

Mayor Tecklenburg said, "No, it's not."

Councilmember Lewis said, "We're on Item L-12."

Councilmember Mitchell said, "L-13 is deferred."

Councilmember Griffin said, "Move for approval."

Councilmember Mitchell said, "Second."

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

The Clerk said, "Councilmembers Griffin and Mitchell."

Mayor Tecklenburg said, "Councilmember Wagner and a second by Councilmember Griffin."

Councilmember Mitchell said, "I seconded it."

The Clerk said, "It's Councilmember Mitchell."

Mayor Tecklenburg said, "Councilmember Mitchell."

Councilmember Mitchell said, "I seconded it."

Mayor Tecklenburg said, "Okay."

The Clerk said, "Let's do second reading."

Mayor Tecklenburg said, "Alright. Is there any discussion?"

No one asked to speak.

Mayor Tecklenburg said, "We're re-zoning some acreage on the West Ashley Circle."

On a motion of Councilmember Griffin, one (1) bill (Item L-12) received second reading. It passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Gregorie, the rules were suspended, and the bill was immediately ratified as:

2018-052 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, "Now, L-13 through L-16 are deferred, and we go to M-1 which is a matter to change the Height District on a property in the Tech Corridor."

Councilmember Moody said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

Councilwoman Jackson said, "I would just like to ask, I don't really understand. What's the rationality behind this one?"

Councilmember Mitchell said, "That's me. This is in my district."

Mayor Tecklenburg said, "Okay. What's the rationale?"

Mr. Lindsey said, "Councilmember, the rationale is that the City, of course, is the owner of this property. It's under a lease which is in an agreement with the Digital Corridor Foundation. The applicant has come to us requesting a change in their height to accommodate their design proposal, and they are currently in the Tech Corridor Overlay. With the 4-12 story Height District, this puts them into the 8-story District, which more accurately reflects their development plans for the property."

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

No one asked to speak.

On a motion of Councilmember Moody, 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 part thereof, so that 999 Morrison Drive (Peninsula) (approximately 1.86 acres) (TMS #461-13-01-038) (Council District 4), be rezoned by changing the Old City Height District zoning designation from Height District 4-12 to Height District 8 and removing the Tech Corridor, TC Overlay Zone designation. The property is owned by the City of Charleston.

Mayor Tecklenburg said, "Now, as amended, we have M-2 which is the matter regarding Hayne Street."

Councilmember Lewis said, "So moved."

Mayor Tecklenburg said, "We've got a motion to approve from Councilmember Lewis and was there a second?"

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Councilmember Mitchell seconded. Is there any discussion?"

Councilmember White said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I'll move to defer Item M-2 with regards to the abandonment of Hayne Street."

Councilwoman Jackson said, "I'll second."

Mayor Tecklenburg said, "We have a motion and a second to defer the abandonment of Hayne Street. Is there any discussion on a motion to defer?"

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I know it's late. I'm going to try to be as succinct as I can. I've talked to a number of you, outside of this meeting, regarding this item. As you all know, we took this item up about a year ago. It was deferred at that time. At that time, there was a lack of information and a lack of opportunity and conversations between the developer and the City to understand exactly why the abandonment needed to be obtained. Since that time, I will say that the developer has met a number of times with the Neighborhood Associations and with myself and others, and now I've come to find out many of you. They have made some strides, but there are two key components that have not been addressed, that I think are critically important, that are really the determining factors about this project moving forward, specific to the abandonment of Hayne Street.

Number one, it's fair compensation for the City giving up a piece of property that lies in the heart of the Historic District in the Market. Let me share a couple of very quick numbers with you. The owners of the property bought two parcels in 2013 for \$15,000,000. Those parcels, obviously, are separated with a City street, basically a right-of-way that runs down the center. They paid in excess of \$325 per square foot and is equivalent to what they paid for that property five years ago, but we own, and the right-of-way that they're asking for us to give them, is 5,920 square feet. It doesn't sound like much, but at \$325 a foot, that's \$1.9 million dollars of value, as it sits now. The contemplation has been that they're going to give us a location for an electrical vault for underground wiring as a fair exchange. I will contend that is not a fair exchange, but I would move further to tell you that this parcel has a value associated with it, as I just pointed out, being separated currently by a road that they don't have access to or rights to. Just down the street, the State Ports Authority sold a property recently of just a little bit larger size, but it's one parcel for \$32 million dollars. So, how much value do we create for these developers by giving them the rights to own this property and deeding this property over to them to develop on? So, that's number one. Just compensation has not been discussed and has not been put forward at this point, in my opinion. Secondly, I have seen a plan nine times, and

every single one of those plans, and I think everyone in this room has probably got a pretty picture book that costs a lot of money for these developers to put together, and it's what they want to build on this property. They do not have the rights and entitlement to build what they presented to you in that book. So, what they're presenting to you is based on the expectation that we're going to give them a 50 percent increase in density on this site and two height variances to build what their group presented and put forward to us. I would tell you that by us approving today and providing them the abandonment of this parcel, we, as a body, are giving tacit approval to that, and they're going to move forward to go to the Planning Commission with that in mind. The Planning Commission is going to sit there and say, 'Well, every member of City Council saw this plan, they must agree with it', and all of a sudden we have given tacit approval to a plan. I can assure you the community that I represent, and I was elected to represent, does not support a 50 percent increase in density on this site, period. I don't think any one of you, if you had this being built in your neighborhood, would agree that a 50 percent increase in density on this site is appropriate or appreciated.

I also don't appreciate the fact that there's been a lot of movement and conversations that went on in back rooms that I only found out about 24 hours ago. This community and myself have been asking for a year what just compensation would be made in order to justify this abandonment, and the answer has been an exchange for a location for a vault. I found out, from talking to another Councilmember, that the developers have made comments about making a financial commitment to affordable housing as a way to compensate. Don't you all think that that would have been an important piece of information to provide the Councilmember who represents this district? I spoke to the attorney for the developer on Friday. That would have been a perfect time for them to share that information with me. I found out by calling another Councilmember 24 hours ago, not appropriate. As you can tell, I've got a little bit of emotion on this issue, but I haven't been treated fairly, and certainly don't believe the community has, at this point, been treated fairly because they have not been forthcoming with exactly what they want to do, and so I ask for us to defer. I implore you, as Councilmembers. This sits in the heart of my district. I represent both sides of this neighborhood, Ansonborough and French. They are directly impacted by this. I hope that I can get your support on deferral. This is not to kill this project. This community knows that something will be built on this property, but it is to make sure that I get answers to two very important questions that I just posed that they've had a year to answer, and they haven't answered yet. Raise your hand if anybody in this room has seen a development to build something on this property that they're entitled to."

No one raised their hand.

Councilmember White continued, "No one. Everyone in this room has seen a development that these folks are not entitled to build on this property. I'm not going to give approval, tacit or otherwise, in moving forward on a project like this, when we know what they're asking us to do requires 50 percent increase in density and two height variances. That's what happens, and the last thing I'll say, because I have a lot more, but I'll hold back because I know it's late. At the end of the day, I would contend, this process is backwards. They're bringing us forward a project that they want us to give them the rights to abandon and have ownership in deeded property that citizens own, and it hasn't even gone to Planning Commission. Why doesn't this go to Planning Commission first? Somebody would say, 'Well, they don't want to spend all of the money doing the work that they've got to do in order to make the presentation to get the density increase and the height variances and etcetera, etcetera.' Well, we all have a picture book that they provided to us. That's enough to send to Planning Commission and say this is what we want to do. They can't tell me they haven't spent a tremendous amount of

money on that. They have. What they've already done is probably sufficient to be able to go to Planning Commission, but I would contend that if they get the abandonment tonight and they move forward then to Planning Commission, the Planning Commission is going to look at this differently. If we ask Planning Commission to pass judgment on this before we abandon, and we abandon after the fact, when we know exactly what's going to be built on that property, then I think we're going about this the right way, but we are not going about this the right way because I can assure you, if they're held to 100 units on this property, like they're entitled to, this design and development will absolutely 100 percent change, and hopefully for the better. Thank you."

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

Mayor Tecklenburg recognized Councilmember Moody followed by Councilwoman Jackson.

Councilmember Moody said, "Thank you. I wanted to address a couple of things. Actually, the Councilmember that he talked to about this value was me, so I know he tried to shield me, but that's alright. I'm going to vote to defer this, but for a completely different reason because I think some of the statements that Councilmember White said, are not, in my opinion, exactly correct. I don't know, if I were buying some property, I would want to know that I owned the land before I started going. I'm not sure exactly what this is, but this is not a road. This is a right-of-way. It's not something that we can sell to somebody. I want to be sure, in the plan, that it has a public purpose, somewhat like what we did down at the SPA Terminal where there's going to be a public access. I've seen some plans that call for a public access to this, somewhat like a development or the Charleston Place Hotel where you've got retail, and you've got the ability to walk through it. My problem tonight is I don't know what that fair value is, Councilmember White. I've been told a number. My statement was that I thought it was too low. I think it was \$350 or something a square foot, but I don't think it was the same \$350. I think the decimal point was moved around."

Councilmember White said, "If you can get some of that, I'll take some."

Councilmember Moody continued, "If it was \$350 a square foot, and I think what the problem here, the difference is, is this is not land that we're selling like the rest of the land. We're giving up an easement and a right-of-way that we can't sell. So, that's why I was looking for some kind of a gift, remuneration, something to the City that would provide value, and that was why I was looking at some affordable housing. I think that number needs to be in place, and that's why I'm uncomfortable voting on this, not because of all of the other stuff that you said. I think that's the natural process. Once you get the property you go through the thing. There is a height ordinance down there, and if they're going to go above that height ordinance, I've never seen the Planning Commission or anybody else feel intimidated by this Council about denying something, the BAR, the same thing. They've got a lot of hurdles to go through to get this thing. I don't know that they'll ever get through them, but that's their problem. I think that we do owe them, first of all, the opportunity to have access to that strip of that right-of-way, but we can't build anything on it. Nobody can build anything, and basically what happens when this right-of-way is donated to them, it has a line down the middle, and the two property owners to the side get to take it, so there's nothing else we can do with it. So, I say if we can get whatever that number is, and I'm still looking for that number, I know that on our workforce housing, we told people you could either build this workforce housing and have it 20 percent for 25 years, or you can pay a fee-in-lieu. That, I think, was \$5.00 or something times gross square footage or something like that. So, that's kind of the way I related to this, was to pay something like that like they're buying affordable housing units, we give it up, and then they get to go through the

process. I'm not sure whether they'll get there or not, and if they don't, that's their loss. That's not my loss, not this taxpayer's loss, but we will have gotten a value for an asset, that we own, that's fair, and that's what I'm looking for. So, I'm going to support your motion to defer, but on a completely different basis."

Councilmember White said, "As long as you support me, that's all I'm asking."

There was laughter in the Chamber.

Mayor Tecklenburg recognized Councilwoman Jackson followed Councilmember Waring.

Councilwoman Jackson said, "Yes, I would also choose to support Councilmember White's motion and, frankly, I'm coming late to this party. I know that the original process began and that it was deferred a year ago, so I've heard and I've missed out on the opportunities to be briefed on the entire scope of the project, the vision, the book that you described to us, Councilmember White. What I do know, and I think it's a strong reason to defer, is that the developer is looking for ways to win favor for this, and it's a conditional favor. So, I have been told, and I've seen the document that made a tentative offer to contribute to the affordable housing coffers of the City. It was all conditioned on the Certificates of Occupancy for a property that then would be the value of that offer and would have been conditioned on the size of the hotel that is going to be built. So, I think, that is totally the incorrect way to go about a situation like this. I think we do need to create value for this right-of-way. It might be a right-of-way on paper, but it turns out to be land to the developer. So I don't care what we call it. We're actually helping the developer create value, as you were saying Councilmember White. I would submit that, even though I represent Lowline James Island, where we have restricted height density and everything else, the people of James Island are equally passionate about growth on the Peninsula. They know that that is the rise and fall of their sustainability as a City and a Municipality where we're all in this together, and no one wants to see the Peninsula overbuilt in ways that are potentially disserving to our long term future, so I support you on that basis."

Mayor Tecklenburg recognized Councilmember Waring followed by Councilmember Wagner.

Councilmember Waring said, "Councilmember White, I'm going to support you on this, but I think we need to have some book ends, and I'll tell you why, because this one can begin to have the feeling of a Sergeant Jasper to me. With all due respect, there were certain aspects of the community that really never wanted to come up with a solution. They continuously wanted to kick the can down the road, and I think on this one, there is the will to come up with a solution on this, a glorified parking lot. The communication that you did not have, I agree with you. If I were in your position, you should have had that communication on some of the specifics that you brought up. The value, I think we're moving in the right direction. As a matter of fact, what this project brings up is hopefully a teachable moment for all of us because this is going to come up in the future. Right now, we have this fee-in-lieu on workforce housing. Why is it not on additional zoning? Probably in the near future, we're going to have another hotel that's going to come up on part of the old Anson Street home site, and we're going to be asked a similar question, to increase density. The property was contaminated for the low income people, but it's not contaminated for high income people. Now, for monies for that to happen, we need to have a system in place to where, should that increase in density occur, they contribute to create affordable housing on the same piece of land where affordable housing was. So, I'm going to support your piece, but how much time do you think you need?"

Councilmember White said, "Well, I would say that in my mind, they've had a year to answer these two questions that haven't been answered, and I can only suggest that they didn't want to answer them, so the ball is in their court. If they want to answer them tomorrow, this could come back up two weeks from now, and I'm ready to truck on."

Councilmember Waring said, "Okay. I think after your leadership tonight, they're going to answer your questions."

Councilmember White said, "I hope we'll have a good common sense discussion moving forward."

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

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "The first time Councilmember White and I discussed this was about 14 hours ago. He's really calm tonight, and it might have been the 14 hours or the lack of coffee, but I just thought I'd mention that."

Mayor Tecklenburg said, "He's really what tonight?"

The Clerk said, "Calm."

Councilmember Wagner said, "Calm. He was a little bit more wound up earlier, this morning, real early this morning. He hadn't talked to Bill (Councilmember Moody) yet but, anyway, bottomline here is the only question I asked him this morning was the one I think Keith (Councilmember Waring) just asked. Nothing's happened in a year. What's different? He gave pretty much the same answer. Now, I have not talked to the developer or any of his representatives, except in passing this evening. I think we ought to try and set up a time schedule out here, 30 days, 60 days, whatever, two weeks even. We've got to get it off dead center. There are two pieces, the dollars, and the fact that, yes, when this first came to us eons ago, there were 100 on this side of the street and 100 units on this side of the street, and we were trying to figure out how to put them together."

Councilmember Griffin said, "50 and 50."

Councilmember Wagner said, "50 and 50, I'm sorry. I told you, we just talked 14 hours ago. But, the bottom line is, we need to get resolution to that question and the potential for the money. Like I said, he referred to it as a picture book. It's a beautiful facility. If we can pull it off, man we've done something, but let's do it the right way. Thanks."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Lewis said, "Call for the question, Mr. Mayor. I think we're going to take this up in a couple of weeks."

Councilmember Seekings said, "I would like to talk to this."

Councilmember Lewis continued, "He put a motion on the floor to defer it."

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

Councilmember Lewis continued, "The motion on the floor supersedes all other motions. We have been dealing with this for a year. He said he needs some time, and he asked for a motion. We can defer it, give him some time, and hopefully this will come back before us very shortly. We don't need to discuss something that's going to be deferred, and everybody else knows what's going to happen. He's going to get his two weeks or three weeks or whatever he wants. If the developer doesn't give him the answers that he wants, then it comes back before Council, then the Council votes it up or votes it down. Why are we going to belabor this thing for another hour or so?"

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

There was laughter in the Chamber.

Mayor Tecklenburg continued, "In all due respect, we have a motion on the floor to defer. We're still in discussion mode. I had just recognized Councilmember Seekings, and also respectfully, I would like to make a couple of comments before we vote."

Councilmember Seekings said, "Thank you, Mr. Mayor, and I know the hour is late. I don't want to belabor this too much either. First, to Councilmember White, this is his district, and the passion in which he speaks about, if you've known Councilmember White, that's about as animated as I've seen him on this floor in the nine years that I've been here, so I get it. He is not only my colleague, but in the interest of full disclosure, he is my Councilmember, for purposes of this, because I own the property that is the most contiguous property to this project of anybody in the City. I own 34 Pinckney Street, which is right across the street. So, let me just say this, the only way, ultimately, to put full daylight on this project is to put it out into the public for debate. As we defer this, it will go nowhere in the public for debate. If you're asking for a couple of weeks, I'm okay with that, but if it's another year, we need to get this into the public for a debate to find out. This project is going to have to go through the BAR, the BZA, the Planning Commission, I think the BAR twice, through the neighborhood, through City Council, TRC, all sorts of places, and it's going to be a long and arduous process.

At some point, what I'm going to recommend that we do, and it's not going to be tonight because I'm going to vote to give you a couple weeks on this, whatever you need, is to give first reading to the abandonment and then put that on the shelf. Put the first reading on the shelf, and send them out into the World to see if they can forge a project that gets through the BAR, the BZA, the Planning Commission, the neighborhood, the City Council, probably back to the Planning Commission, because that's how this is all going to go. So, someday, something is going to be built here. No road is going back to Hayne Street. I do believe that part and parcel of whatever this development looks like will include all sorts of rights-of-way easements through the City for pedestrian and getting through all that. It's things we can require, and we should, but we can't get there until this is debated in the public. So, I would ask this Council to demand the developer, who is sitting here, to get with Councilmember White and anyone else that wants to hear what these issues are, especially financial, in the next two weeks. Let's take this up, and then let's send them out into the World and present what this project actually looks like. I agree, what they have presented doesn't meet their entitlements. So, they're going to have to go through a lot of places before they get to us, a lot. So, this project either needs to go thumbs up or thumbs down through the process. The Councilmember who sits there, and it's your district, you've got to get right with him before I think this Council is going to give it the green light to go through the process, but it can't be forever. It's got to be soon, so that's my piece."

Councilmember Shahid said, "I'll be very brief with this, but I wanted to echo something that Councilmember Waring had brought up. I had thought about this, as well, that there's got

to be an end game to this, and the Sergeant Jasper is the exact same thing that came to my mind, that if we're not careful with how we proceed with this plan, we're going to end up with something we're not going to be happy with. I agree that we need to put this out there and get the ball rolling on it. Councilmember White, yes, I know you've been working with them. Let's defer this for two weeks, but let's keep the ball rolling, the momentum going, because it is going to take a whole lot of review through our normal process before this project has any kind of dirt turned on it. By giving up Hayne Street, unless I misunderstand this, and Councilmember Wagner made reference to this earlier, the number of rooms available is not going to increase, if I understand that correctly. So, we're giving them something, but we're not giving them a windfall. They have the ability to come back and apply for more, but as it stands right now, there's 50 on one lot and then 50 on the other, so by joining the lots into one lot, they're not automatically getting a windfall by that happening, so that's important for us to recognize. I don't know what the value of this property is because the definition of the value of the property is what a willing seller and the willing buyer are to pay for it. It's more valuable to them than it is to us, honestly, because they need it more than we do. We can keep the status quo on this. So, let's get this thing, let's defer for two weeks, get all of these other things ironed out, and let's get moving on the project."

Mayor Tecklenburg said, "So, you all, if I may weigh in just to make a couple of observations. It's clear the intent of Council is going to be to defer this this evening, but I'm thinking of this Hall and Oates song, 'How Long Has This Been Going On?'"

There was laughter in the Chamber.

Councilmember Griffin said, "That's Ace."

Mayor Tecklenburg said, "Oh, that's Ace? Okay, I got the wrong band."

Councilmember Griffin said, "Sing it, Mayor."

Councilmember Seeking said, "That song came out way before he was even born, Mayor, and he knows the answer on that."

Mayor Tecklenburg continued, "So, it got deferred a year ago, right?"

Councilmember Seekings said, "Right."

Mayor Tecklenburg said, "A lot of good work has been done in the last year. The primary objection, that I recall, a year ago, from nearby neighborhoods was about the traffic. I frankly couldn't believe when they came up with a solution that basically kept all of the traffic away from Anson Street and moved it back towards Meeting Street and that was huge. My compliments to the chef of whoever figured that out because I looked at it myself and couldn't figure it out, not that I'm a great traffic guy, but that was amazing. So, a couple other things, and when I first became Mayor, and this whole matter came forward, I did exactly what Councilmember White did, figured out the square feet, what's the market rate per value, and all like that. It was about \$1.9 million dollars or whatever, but I've got to share with you all, there are some other considerations that I think we need to put into the equation here. We need to try to move this along shortly and get it going, so that they can go through the rest of their public processes. I would make the contention to you that the matter of Hayne Street, even this doesn't seem the way we normally do it, to me, is a different issue as to the room count, the density of the development, and one other thing that I can't even remember right now, it is getting late, the height. We spent a long time in the last year re-doing the height districts for the

whole Peninsula and so they got what they got, and if they want to build a higher building than what we've allowed, they've got to get that approval. There's no guarantee, I'm telling you here tonight, that even if we abandon Hayne Street, that you're going to be able to get the height variance and the increase in the hotel rooms that you want. You've got to go through the process. It's going to be a public process. Everybody is going to be able to weigh in, and that's the way it ought to work. But, here's the thing, if you look at what they're proposing to do, we get per square foot back what we give up in terms of public space that we do not currently have enjoyment of. By that I mean, the pedestrian walkway that they've proposed to put through where Hayne Street now rests, and also there are little pocket parts that they've proposed along Anson Street and on Pinckney Street and the park that's on Church Street, as well. If you add up the square footage of all of those little pocket parts and public right-of-ways that they're giving back, it actually exceeds the number of square feet that we would abandon by abandoning Hayne Street.

So, here's the other thing that's real important to me, the drainage project on Market Street. We got the tunnel under there, it's ready to recede the water, we've got these three down shafts, but we really don't have the rest of the street connected to the down shafts from all of the gutters up and down Market Street. It's critical that we get that drainage project going and completed. The whole reason that we've been waiting to get going is to resolve this issue of the undergrounding of the utilities, and you say, 'Well, we're just giving up. They're just giving us back a little spot to do the electrical generator or whatever it is'. I would contend to you that, that, plus the square footage of those pocket parts and pedestrians right-of-ways is a good deal for the City. It really is. It's not a bad deal for the City. I'm not saying anything about extra height or extra hotel rooms or anything like that, but I feel like we need to resolve this matter with Hayne Street, and the undergrounding of the utilities, and some, if we can get an allowance for affordable housing, that would be terrific and a guaranty from the developers as to that square footage that those pocket parts will comprise, that would be a package that would be a good deal for the City. Then, let them go on through the public process of talking about the hotel rooms and the height of the building. I wish them good luck on that, but I think we need to move this thing along, and I hear the voice of Council. We're going to defer this thing tonight, but we really need to resolve this, if not by the next meeting, two meetings at the most, and get this thing voted on up or down and be able to get them on their way to see if they're going to be able to build a project. I remind you that it is adjacent to a Residential District, and I greatly appreciate it, but North Market Street is a Commercial street. It's right across from The Market that was given to the City in 1789 by Thomas Pinckney, the signer of the Declaration of Independence, to be used as a public Commercial market in the City of Charleston. This site should be developed as a Commercial property. It should be. That should be the purpose of it. So, we need to figure this out, get on our way, wish them good luck, and try to get the thing rolling. So, we have a motion before us to defer."

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

An ordinance authorizing the Mayor to execute on behalf of the City Quit-Claim Deeds, approved as to form by the Office of Corporation Counsel, to the owners of those properties abutting each side of Hayne Street, running from Church Street to Anson Street, conveying to such owners one-half of the width of Hayne Street as said street abuts the respective owner's property, subject to any and all easements or other matters of record (AS AMENDED) (DEFERRED).

Mayor Tecklenburg said, "I've got one more thing, and that's Item M-3. I need a motion to withdraw Item M-3."

Councilmember White said, "So moved."

Councilmember Waring said, "Second."

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

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

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-229.1 to change the maximum building height in the Tech Corridor Overlay Zoning District. (WITHDRAWN)

Mayor Tecklenburg said, "Next meeting is in two weeks. God bless you. We are hereby adjourned."

There being no further business, City Council adjourned at 9:40 p.m.

Vanessa Turner Maybank
Clerk of Council