

CITY COUNCIL VIRTUAL MEETING

Regular Meeting

May 12, 2020

The ninety-sixth meeting of the City Council of Charleston was held this date convening at 5:03 p.m. over video conference call.

A notice of this meeting and an agenda was made available on the City's website on May 6, 2020 and appeared in The Post and Courier May 10, 2020 and are made available on the City's website.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

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

Mayor Tecklenburg called the meeting to order at 5:00 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Now if you would like to join us, Councilmember Griffin will lead us in a prayer and the Pledge of Allegiance. The flag is right over there behind me."

Councilmember Griffin opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Good job, Councilmember Griffin. You know, I normally start our Regular Meetings by telling the folks where the exits are in case the meeting gets interrupted. So, everybody is on your own if you need to exit."

There was laughter.

Mayor Tecklenburg continued, "So, approval of City Council minutes for both March 24th and April 28th."

Councilmember Griffin said, "Move for approval."

Councilmember Mitchell said, "Second."

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

Mayor Tecklenburg said, "I hear a second from Councilmember Mitchell. Are there any changes, deletions, or insertions?"

No one asked to speak.

On a motion of Councilmember Griffin, seconded by Councilmember Mitchell, City Council voted unanimously to approve the minutes of the March 24, 2020, and April 28, 2020 City Council meetings.

Mayor Tecklenburg said, "Next for our Citizens Participation Period, Vanessa, are you going to lead that, or Jennifer?"

The Clerk said, "Yes, I have it."

Mayor Tecklenburg said, "Okay."

The Clerk said, "We have a number of people who want to speak. Now I know that all of the Councilmembers should have gotten copies of the majority of these. So, I'm just going to give a portion of what they asked for. So, the first one is coming from Dr. Harriet Reavis and it says, 'I am writing to oppose the new conservation ordinance which is now written. There are several reasons for my opposition, but I will focus on a few of the items today. So, first it's the renaming of the cluster ordinance to the conservation ordinance. It seems like a way to deflect attention to the fact that both of these ordinances are cluster homes in a small area for a very dense subdivision. My neighbors and I are opposed to this density, as it creates a greater concentration of stormwater runoff due to homes, driveways, etcetera, being so close together. There is very limited land and vegetation between the homes to absorb the water. This is not in keeping with the adjacent SR-1 neighborhoods, and it is not good for drainage, despite all of the retention ponds and the models that the engineers are trying to use to get around this.' So, that's a synopsis of one of the things that she is concerned about.

Next, we have a similar concern, and this is coming from Ms. Alice Levette. She says, 'If Dr. Reavis had written her letter as a petition, I would have signed it, as would many of my neighbors. I live in Cross Creek Subdivision adjacent to Marlborough. Residents in Cross Creek have been subject to the same flooding problems and the same lack of maintenance of ditches. The situation has been made worse by the Fleming Woods development and the horrible development of The Standard and the other new development on Maybank Highway.' So, she is concerned about that.

Then, we have Jake Libaire, and he lives at 28 Riverside Drive. He has a question. 'Why was the loop around Hampton Park opened up for traffic again? Daily vehicular trips on the Peninsula are down by a huge percentage, and there is no logical reason to add back the insignificant traffic capacity provided by a loop road. The benefits to the community provided by the closure so obviously outweigh the negligible benefit of a few drivers who drive that route.'

The next item is coming from Katie Zimmerman. She thanks you for the opportunity to speak. 'Each of you has heard from Charleston Moves over the past several weeks about examples from other cities, large and small, across the country that are shifting how they use

public space in order to accommodate social distancing. One of the first things that was necessary to tackle was providing for more outdoor linear space for people to move and socially distance. We ask that you consider doing so with several streets, especially since motor vehicle traffic is down substantially.’ So, she has concerns about that and actually has a lot of suggestions.

The next one will be Lauren Gellatly. She also thanks you for your continued leadership and the many hours of overtime that you have given the community, but she says, ‘Local residents and retailers, despite new limited indoor reopening opportunities, will continue to suffer economic hardship due to social distancing guidelines and appropriate public concern over spending sustained amounts of time in an indoor environment. The City of Charleston has an unprecedented opportunity and responsibility to expand public outdoor auto-space parking and underutilized travel lanes for temporary use of safe walking, biking, dining, retail space, and to give the local business community a fighting chance for survival.’

Then, we have one from Stephanie Barna. I hope I’m pronouncing the name right. ‘I think it’s a good idea for the City to immediately provide more space to citizens in order for us to safely exercise and conduct business. We need to convert parking spaces into places for outdoor dining, widening sidewalks, increase the size of bike lanes, and make it easy for businesses to be creative and conduct business during this unprecedented time.

Next is Rob Brennan. He is from Charleston, South Carolina. ‘Can a private wedding venue within the City limits host a wedding without the following City, State government COVID-19 mandates, and when can the City start hosting events? Weddings, for example, that host 40 to 200 people? Thank you for any response and clarity.’

Then, we have Carolyne Cox, at 330 Concord Street. ‘My balcony which sits back from the river gets black dust particles from the ships. I can only imagine what people breathe. Is it getting to the children who play in the park across the street? Also, the traffic from passenger arrival can block our roads. I understand that the City does not get revenue from the ships to cover this cost for the City.’

Alright. Next is Erin Fennell from 364 President Street. ‘Please keep Hampton Park closed to vehicular traffic. Many children and families are using the park to get outside and trying to stay safe and healthy while following social distancing recommendations. Schools are closed, camps are canceled through June, and the park should be closed to vehicles to allow children and families a space to stay safe and healthy during the continued time of social distancing.’ I thought there was another one. I have the paper that was given to me.”

Councilmember Gregorie said, “I think that’s it.”

The Clerk said, “Is that it?”

The Assistant Clerk said, “No, there was also one, Cashion Drolet, who submitted a comment by telephone.”

The Clerk said, “Okay. You want to do that one, Jennifer? Do you have it?”

The Assistant Clerk said, “She just said that, ‘On behalf of the Foundation, I would like to encourage the Ways and Means Committee members and Council to move forward with Bids and

Purchases for consultants to aid in the 2020 Comprehensive Land Use Plan re-writes. The Comprehensive Plan is an extremely important guiding document for our City and will set forth our goals for the next ten years. As such, we need to have subject matter experts and the appropriate consultants at the table to guide the Planning Commission, City Council, and citizens through this process. I encourage you to move forward with procurement of these consultants tonight. Many thanks.'

Mayor, we also have two people that have signed up to speak by phone, and Tracy is actually going to help us with that. Rory, and I might be mispronouncing the last name, Wojcik, and Lauren Gellatly. Tracy, if you want to--"

Tracy McKee, Chief Innovation Officer, said, "I have it. I've unmuted Rory."

Rory Wojcik said, "This is Rory Wojcik. I live at 30 Gordon Street in Charleston. Mayor Tecklenburg and members of Council, thank you for the time to speak today. I wish to speak about automobile traffic and the interaction with micro-mobility, mainly bike and pedestrians in and around the City. Particularly, I'd like to speak about Mary Murray Drive. First, I want to applaud Councilmember Sakran for his open communication and his continued efforts to express concern regarding bike/ped facilities on Mary Murray Drive. They are appreciated and heard within the community. How our community uses and interacts with our parks and public spaces has changed. The need for public space to support the physical and mental wellbeing of our community is expanding and evolving. From what I understand, there has been some meaningful discussion about the hours of safe riding and safe walking around Hampton Park. The hours that were discussed were 4:00 p.m. to 8:00 p.m. Monday through Friday, 8:00 a.m. to noon on Saturday, and this targets a specific sector of the community. Targeting of these times truly limits the demographic usage of this public space. Creating space for all ages to walk and ride, socialize, while maintaining social distancing promotes physical and mental health during a time of crisis. I respectfully request the closure of Mary Murray Drive 24/7, as to allow for a wide breadth of users during this time. Thank you."

The Clerk said, "Jennifer, did you say Lauren Gellatly?"

The Assistant Clerk said, "I did."

The Clerk said, "Because I read a portion of hers."

Ms. McKee said, "Ms. Gellatly is actually on the call, and I've just unmuted her."

Lauren Gellatly said, "Good evening, Council and Mayor. I won't repeat myself, and thank you for reading my comment."

The Clerk said, "Sure."

Ms. Gellatly said, "I will just add in that I'm a representative of Lowcountry Local First. We have reviewed the proposed restaurant additional space ordinance that was released publicly yesterday afternoon with nine-plus pages of technical information. I think we need a little bit more time to review this and get feedback from the business community. So, I ask that you defer a vote on this this evening, but please keep it forefront and in your minds, as the business community desperately needs creative solutions for more outdoor space. As I'm reading the ordinance right now, I'm not seeing any new benefits truly for them. So, I look forward to working

with you all, as well as Charleston Moves, on how we can creatively and swiftly get this passed for businesses. Thank you.”

Mayor Tecklenburg said, “Well, I want to thank Lauren and Rory both for participating live with us during our Public Participation Period this evening. Thanks to the other citizens who sent in their comments, but it was nice to have you all participate live, so that we can show that we can do this and really increase public engagement. So, thank you all for your comments and being on board. Were there any other public participation items?”

The Clerk said, “That was all I received.”

Mayor Tecklenburg said, “Okay. Terrific. So, I’d like to move on along. I know some Councilmembers might like to comment on some of those comments, but we’ll cover most of those items later in the meeting today. I want to move on because we have a special guest on the call this evening, and he is going to come on right after Tracy McKee does her presentation about our COVID-19 data and dashboards and how we’re building evidence to make decisions. Now, our special guest is Dr. David Cole, President of the Medical University of South Carolina. He’s going to come on after Tracy and add some real interpretation, the real meaning, behind all of these numbers that he has inspired us to track. I’m going to quote him before he comes on in a few minutes and say that, ‘All infections are local.’ Dr. Cole told me this a few weeks ago in one of our conversations. So, I asked Tracy to please drill down on the numbers that we’ve been sharing with Council and the public about COVID-19, expressly to the City of Charleston, as best we could. That’s my zip code and, in fact, there are about eight or nine zip codes that pretty closely, I’d say within 90%, 95%, comprise our City limits. So, it’s real close to getting actual local statistics on what the Coronavirus has been doing in our City. I guess one housekeeping matter before we do that, could I ask for a motion to approve the updated Code Enforcement Officer List?”

Councilmember Shahid said, “So moved.”

Councilmember Mitchell said, “Second.”

Mayor Tecklenburg said, “Okay. Is there any discussion on that?”

No one asked to speak.

On a motion of Councilmember Shahid, seconded by Councilmember Mitchell, City Council voted unanimously to approve the updated Code Enforcement Officer List.

Mayor Tecklenburg said, “So, now, at this time, I’ll turn the floor over to Tracy McKee, our Chief Innovation Officer. She has done a remarkable job really in all of our COVID decisions, and particularly, in gathering and managing the data, Tracy.”

Ms. McKee said, “Thank you, sir. I have a really quick message from Shannon Scaff, our Emergency Manager, tonight before I talk a little bit about data. He just wanted to give a shout-out to both Charleston County and to Fetter Health. Today, Charleston County’s mobile testing effort, with Fetter Health, has been wildly successful. They had hoped to reach 1,000 residents by May 22nd. However, as of today, that goal has already been exceeded. Last Friday and Monday alone, nearly 400 tests were done with results still pending for the Johns Island location. There are still eight mobile testing dates and locations remaining across the country and, I think,

what you're going to see in the data, and I expect also from Dr. Cole, how important it is that we're getting out and getting these tests done throughout the community.

So, with that, I'm going to share my screen. Hopefully, everyone can see the MUSC dashboard now. So, I think, all of you know how passionate I am about using data to inform our decision making. So, I'm really happy to talk to you tonight about the dashboard that we've created and what we've been doing. I hope that what we've created is really going to help City leadership, as well as citizens, make informed decisions as we navigate this pandemic. In developing the content of our dashboard, we've been working really closely with a team at MUSC responsible for creating this Situation Assessment. So, if you haven't been to the MUSC site, definitely go to this page, and take a look at what they've got here. They've got a lot of good data here and a lot of background as to how they're analyzing the data and what the status of green, yellow, and red actually means and the things that they are looking at. So, the MUSC dashboard tracks at the Tricounty level, so it's really great as a region to see what's happening. We really wanted to take a look at, like the Mayor said, to get a better idea of what's happening within the City. The way that we've done this is we're looking a lot at the zip codes, the data that's coming by zip code.

So, most of the numbers that we're polling are from the local zip codes and those that we can't get by zip code, we're actually polling for Charleston and Berkeley counties, so a little bit different from MUSC's site, but we really felt this was important so that you all and the Mayor would really be able to keep your finger on the pulse of what's happening at the City level. Now, the data that we're using on our dashboard, most of it is polling from live data feeds directly from, primarily, DHEC. I know that's a good thing and a bad thing. Number one, it's a good thing because the data is live. So, as soon as DHEC puts out new data, all of this data is updated, and all calculations are run again. The bad thing is that if something happens with their data feed it could impact our dashboard. So, we're trying to monitor this closely and make sure that this dashboard is not interrupted. Let me say, as with everything COVID related, there is no playbook.

So, as the medical community learns more, the things that we measure may change. This is especially true as more early detection systems come online. I'm guessing Dr. Cole might talk a little bit about that, as well. So, just really quickly, at the top of this page are some of the stats that we are tracking and these, again, are by zip code, so they're going to be a little bit different than what you are seeing on the MUSC site or the DHEC site by County. In each box, there is a little information icon and if you hover over those, it gives you a little more information about what that number actually means. So, the top is just a few stats, total positive cases, as well as an estimated number of cases within our zip codes. Further down, we get into some of the metrics. Again, we worked really closely with MUSC, that team, to come up with these metrics. Like I said, they are evolving and changing as we learn more. We are in close contact with them to make sure that we are in line with them as those things change. Again, as you hover over each of these, it tells you kind of what those numbers mean. For example, this first one, New Cases per 1,000 people, that's looking at the new cases that have come online over the last seven days. We do it on a per population basis, or per capita basis, and this is a really good indicator of what we're able to handle for capacity at the hospitals, as well as our ability to do contact tracing. Obviously, the more new cases that we have, those things become stressed.

So, the team at MUSC felt like this was a really important thing to look at and look at it over seven days because things change so much from day-to-day. We're also looking at the trend in New Cases, so that five-day growth rate, as well. Then, another thing I think you all have heard a lot is the amount of testing that we're doing. Johns Hopkins, the School of Public Health,

recommends that as long as we are less than 12 percent in our positives, that indicates that we're doing enough testing. Right now, in the State of South Carolina that's up four percent. So, our testing is really ramping up, and that was looking really good for us. Something that's probably good for us to track on the inside is our PPE Supplies and some other things that are interesting and kind of changing our social mobility. There is a lot of information on social mobility right now. So, you will notice here this probably looks very similar to the MUSC page. That's because we're pulling all of their dashboard right into ours, so that you can come and get it all in one place if you would like. A little more interesting, down at the bottom is just some of this data that's put in chart format, so you can dig down and see the actual trends. Then, further down you can actually look by zip code. So, we've broken it down by Cumulative Cases by Zip Code, as well as the Active Cases Over Time by Zip Code. That's really all I have for you. This dashboard will be made public, so you all can check on it at any time that you would like. We'll be sharing that after tonight. I'm happy to take any questions that anyone might have."

Mayor Tecklenburg said, "Are there any questions for Tracy?"

No one asked to speak.

Mayor Tecklenburg said, "Tracy, leave the first couple of graphs up. So, this daily Trend of New Cases, now this is just for the City of Charleston. You can see that it pretty much flat lined down at zero after about April 27th. So, frankly, you all, this is really a great graph for our City. It shows that we were able to flatten the curve and keep the number of cases down and will allow us to reopen, as long as we monitor and measure and make decisions on this data going forward. That graph, to me, is really a thing of beauty and the one next to it, as well, shows our total active cases over time, how they've been decreasing now since the middle part of April. So, for well over two weeks, our total active cases have been on the decline which, again, is a great thing and another sign that our social distancing and being safe at home and all of those measures, I believe, really made a difference. So, without further ado, I hope he's still on the line waiting patiently, is Dr. David Cole of MUSC. I can't tell you how much he has meant to me personally, not just to the City of Charleston, but now to the County, to the State, and beyond. All of our other health care providers Roper, St. Francis, they're all doing a great job, but given that we're blessed with a teaching and research hospital Medical University, they just can provide another layer of expertise and resource to our whole community throughout this. So, thank you so much Dr. Cole, and you're on."

Dr. David Cole said, "Mr. Mayor and Councilmembers, thank you for allowing me to participate. I hope you can hear me okay. I'm actually doing my own version of social distancing which is traveling in a car between Columbia and Charleston. I'll pause for a moment, and hopefully you can hear me."

Mayor Tecklenburg said, "You're coming in loud and clear."

Dr. Cole said, "Perfect. So, I thought it might be appropriate we all, all of us, our communities, our cities, and our states have been walking down a deep, long path over the last eight weeks. MUSC is no exception to that in terms of trying to manage not only the economic hit, but also being prepared from a health care system perspective, and also trying to help provide, lead and guidance with the expertise that we do have at MUSC. So, I would say a couple of things. First, I would want to congratulate everybody on this phone call because those numbers don't just magically happen that the Mayor pointed out. We have our board meeting coming up later this week, and I was reviewing the numbers. In mid-March in Charleston County, the

infection rate incidence of new infections was about mid-30s, which means that you double every three days, and subsequent to the decisions that you all have made, I think it's made a huge difference.

I've used the term when I'm talking to people, and I say, 'You know, okay, we've got to first base'. First base means that as a community we were not overwhelmed. We were not New York City. I certainly don't wish that on any community, but you can see the examples of what happens when health systems get overwhelmed, when infections get out of control. So, I think, it's appropriate to take a pause, at least for a moment, and say, 'Wow, okay, this actually did have a significant impact', and now it's given us a moment of grace to be able to go to the next step. To then start to figure out how do we move forward effectively, as quickly and as safely as possible, to get our economy back up without stumbling through the next phase.

So, things that I think are important to consider, and to me the big picture really is pretty simple, but hard when you look under the hoods. Our goals, I think, would be two-fold. We have to keep the car in the middle of the road as we start to reopen the economy. Specifically, what that means is two things, that the South Carolina hospital systems in the Charleston area, and the health systems that support our community, have the capacity to treat COVID-19 patients. Now, that means adequate staff, adequate beds, ventilators, PPE, and as a lead to that, that we maintain a low incidence of new COVID-19 infections. It doesn't mean it's going to be perfect. By definition, when we start to reopen things, there are going to be more infections. There is going to be concern. We all have to make imperfect decisions and somewhat, I'm sure every decision, you're sort of taking a breath and saying, 'Gosh, is this the right thing or not?' I think, as long as we can keep the car in the middle of the road and continue to make adjustments as we move forward we'll be fine.

What's critical is having data. Tracy, thank you for your efforts. I couldn't see your graphs, but it sounds like you're awesome in terms of the work you've been doing with Mike Sweat and his group at MUSC. So, if you think about first goals as we move forward, we're transitioning from, I'll use the term 'isolate and quarantine' as our method of sort of, you know, we're transitioning from that. We're going to monitor and respond. So, as we start to open the economy, we need to be strategic. We need to be thoughtful. We need to be able to monitor, and we need to be able to respond, and monitoring equals data. That means tests. It means timely tests and the ability to get the information at the ground level. I totally agree, and thank you for quoting me, 'All infections are local like politics'. If you don't know what's happening at the ground level, you cannot make decisions. It's sort of a statistic, but you can't make it out, 'Oh, this is likely what the source or cause of this is, and therefore this is what we need to do.' I would say, respectfully, that now as we start to reopen, as opposed to sort of being told by the Governor or the leadership across the State and in the cities and so forth, what needs to happen, business leaders, community leaders, and individuals need to take responsibility as they move forward with us. It's not about us telling other people what to do. It's about the community. So, we have to be able to monitor, so we can make informed decisions. Then, most critically, especially as leaders, we have to be willing to respond. Because, if we start being hotspots, we start getting a re-emergence, and we start getting flare ups, and we allow that to occur and don't respond to it, all of the work that we've done is at risk. It's a risk for, in fact, I would say that that setback would be harder than the first one. I'm an optimist, so I don't believe it's going to happen, but I think, it's important to understand that there is still, you know, we've only gotten to first base. We're not sliding around home. I use that sort of imagery.

So, I'll give an example without sort of getting too much into the details. MUSC has had eyes on the communities in which our regional hospitals are present, MUSC Tricounty area, Florence and the four associated counties, Lancaster and the Upstate. In Florence, with this dashboard that you saw, we started seeing green going from yellow to red. We reached out to the local community leaders and said, 'Hey', that was about three weeks ago, and it's like, 'We're seeing these numbers that are concerning'. The first response from those leaders and, again, not inappropriately is, 'Yeah, let's see where that goes.' So, we refreshed in three days. We revisited, and the numbers were still climbing and said, 'This is early enough, this is not a crisis, but it needs to be responded to.' The next words out of those leaders appropriately was, 'We need more ground level information to make a decision. You can't just tell us that there are a ton of infections in greater tricounty Florence. We need to know geo location, we need to know where those are, and where the clusters are. Then we can start making informed decisions.' Fortunately, MUSC was doing testing in those areas, and we could actually, with our own informatics group, pull out the geo location map and we can say, 'Look, hey, northern Florence County. That's where your hotspot is'. At that moment, there was an 'ah-ha' moment, and they said, 'Okay, we have enough information that we could talk in confidence with the people that are involved because we have a good idea here being leaders what's going on here.' By the way, their numbers have reversed, and they've actually gotten back into the green zone as of late last week.

So, the reason I go into all of that is that that's going to happen over and over and over. We have to have the tools and the will to be able to make the right decisions and to do so in a manner that crisis management hopefully, but just can keep us again in the middle of the road. One last point, I think, which makes this whole thing very difficult. We use a term 'leading indicators', but we don't have those. What we have are 'lagging indicators'. The nature of this disease, and the time of this disease is such that when somebody gets exposed to or infected with the Coronavirus, it's two weeks before they show up on the radar screen as a positive, right? We're already two weeks behind in any sort of next steps and/or a more widespread event. By the way, when we make a decision and if we make it rapidly, and Florence was a best case scenario that took a week-and-a-half, we're now two weeks down the line before we even see effects in the decision, right? We're a month into something, in terms of good or bad whether the decision is right or wrong. So, I keep talking to people and, 'Well, we're working hard to get better indicators, but you have to understand we're in a boxing match, and we have to take three shots to the head before we can even hit back because we're way behind, typically, when we start getting this information.' So, I tell you that not to create paranoia, but just to understand sort of the nature of what we're dealing with. I'll pause there. I'm happy to answer any questions. Hopefully, what I said made some form of sense."

Mayor Tecklenburg said, "Well, it definitely did, Dr. Cole, and we'll open it up for questions. I see Councilmember Shahid and Councilmember Griffin have questions."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. Dr. Cole, this is Peter Shahid. I represent an area of West Ashley by Charles Towne Landing. First of all, thank you for your leadership on this issue. Thank you for the Medical University taking the lead on helping our community understand and be available to treat our citizens. You mentioned in the early part of your presentation that as we reopen, we will see more infections, and then you transitioned into the need for information and data and there is going to be, obviously, a lag time between when we do the testing and when we get the information back. How do we balance that? How do we

balance that when we get this information back in and through this lag time, how do we respond to that? What is your suggestion of how we handle that type of information?"

Dr. Cole said, "Well, in many ways that is the question, right? How do we respond most appropriately? I think one thought I would have is just realize that the information you're getting is aged, so you need to respond appropriately. Otherwise, we'll be even further behind. I think the other thing, another imperfect answer, by the way I'm acknowledging I don't have great answers here, and I'm just being upfront with you. I don't have great answers on this question. If you do 20 things at once, and then things start turning sour, it's very difficult to know what one or two things caused it. So, it's like the world's worst experiment, you have like 80 variables, and you're trying to understand. So, the problem is, we can't wait three years to open up the economy and sort of sequence, right? There is a real pressure, which I totally get, to get things open. So, we're going to have to make intelligent decisions and maybe keep one finger on what we think are red flags or high risk areas that we're concerned about and then keep those highly monitored. My concern honestly is in Charleston the bar scene, the restaurants reopening, and people not paying attention to that. I think there has to be an ability to try to keep upstream of what are common sense things that are highly likely to be of concern or could lead to issues. So, I'm not giving a good answer. I'm just saying we all have to pay attention. We all have to walk down the street together, and I think use as much common sense as you can to try to help things be minimized. It certainly can't be, 'Hey, spring vacation is on, and we're all going to just go back to normal', straight up because it will create a risk, I think, of a wave, and we can't deal with that. I hope I answered your question."

Councilmember Shahid said, "Well, you kind of did, but I think what you are telling us is that we're going to have to play this by ear and see how these numbers pan out and what the numbers tell us even if there is a lag time from the point of testing to the point of analyzing that information, and that's just reality."

Dr. Cole said, "Right. Yes, I guess I didn't say it very clearly. In the perfect world, you would make one move, and you would see how it responds and say, 'Hey, that was a good move, let's move to the next', right? When you did your fifth move, and it caused a problem, you would say, 'Oh, that was a bad idea', right, but that's not the way this is going to play out, right? It's going to be multiple phases of things that are sort of layered on top of each other, and it's going to not be all at once, but it's going to be hard to sort through that. So, I think it's going to require, I think, a lot of conversation with people that are on the ground level. I think it's going to be, you know one of the things I skipped over, not intentionally, was talking about in addition to testing is contact tracing and follow up. So, as you're starting to see patterns, when you start to see where things are and where the issues are. Now, I could tell you right now that one of the things that is causing a lot of angst and which is obvious, it's not news, is nursing homes, and add to that close facilities in which people are confined together such as prisons, right? Then, add to that what about churches, right? If people are gathering at this moment where you have high risk people, I mean just descriptively those would be high risk things, I think, at the moment. So, there will be things that either you monitor more intensely, in terms of testing, or have more guidelines in terms of managing and maybe closer monitoring as a community to try to make sure that it's occurring because it's just not going to be perfect. It just can't. The realities are that it's an imperfect balance between an ideal health situation and an ideal economic situation. Both of those have to figure out a middle ground that somehow we, again, will keep that car in the middle of the road. My response is that it doesn't have to be perfect."

Councilmember Shahid said, "Thank you so much, Dr. Cole. I appreciate your response."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilwoman Jackson.

Councilmember Griffin said, "Good evening, Dr. Cole. I hope that your car is in a specific lane and not driving down the middle of the road right now."

There was laughter.

Councilmember Griffin continued, "But, I like how, theoretically, we need to be in the middle of the road. I've got a couple of questions. I'm going to break them down for you so that you don't have to think too hard while you're driving. My first question is we heard a lot about these antibody tests and how they're starting. Can you kind of explain the benefit of getting this test and what's it's going to do for us moving forward?"

Dr. Cole said, "Sure. I'm happy to talk about testing. So, let me back up a moment because these things get confusing. There are actually two major types of tests. One is a diagnostic test which is the preponderance of what's been done thus far. It's a PCR test and so forth and so forth. What a positive diagnostic test says is that you have an acute infection. When people have this testing, they get a diagnostic test. We're running a PCR test, which takes about 24 hours now to run to get a positive or negative. An antibody test basically tells you if you have been exposed to antibodies reacting to the virus. Now, there is a lot out there and part of that, unfortunately, in my opinion, an unfortunate sort of reality, it's just a lot of confusion about antibody testing and so forth. Right now, with antibody tests, certainly in the last several weeks, it's been the Wild West. There are a ton of companies, I'm aware of at least 150, that are putting out different varied qualities of tests. What do I mean by that? Understand the Coronavirus is the common cold, so if you have an antibody test that is not very specific, and all it shows is you got exposed to the Coronavirus and, by the way, the Corona and not COVID-19, you could have a ton of false positives, right?"

So, the first thing and, by the way, MUSC invested a lot of time in the last months to identify the best in class and to validate those tests with about a 99 percent certainty that by golly if this shows positive it means you are exposed to COVID-19. So, that's the first hurdle, to make sure you have a validated test. So, what would you do with a validated test? Well, the first thing we're in the process of doing is trying to understand prevalence in the community. How widespread? How many people have previously been infected? By the way, MUSC's platform in the last six weeks, we performed over 22,000 tests. I would say two-thirds of those are in Charleston County. We are seeing a less than six percent positivity that's in a select group of symptomatic people. So, and at least within MUSC health personnel, with our initial antibody tests, we're seeing a positive of prior infection.

So, the first thing is to understand prevalence. You say, 'Why should I care?' Well, one dimension is perception. Right now, it doesn't change the fact that somebody gets sick and they go in the hospital and some die, but if your prevalence in a community is two to three percent in a half million of people in greater Charleston County, as opposed to 500 COVID positive tests, that means that it's actually probably five times that many. It means that your death rate is one-fifth of what you actually perceived. That helps when we're trying to figure out how much we

should be concerned about this because right now there is a lot of fear, in addition to the biology of the disease.

The second issue we have to get clarified is, 'Well, if my antibody test shows up positive, am I immune or not? Am I good to go, and I can do what I want and not worry about it? That's going to take some time to sort through. The way we're going to be doing this certainly, and others are too, is following those who are positive and following those who show up to be positive and find out exactly, over the next months to months, what the recurrent infection rate is. If you want my personal opinion, and I don't have a crystal ball, this is my opinion, in the human experience in medicine there is always the bell curve. So, there is likely going to be a couple of people or some percent of people that have a recurrent infection. My guess is that if they have a recurrent infection, it's not going to be as severe and being a little bit of an optimist, if you have a recurrent infection, the media can make what they want of it, but if the worst thing that happened is you shut up in your room for a day or two and got better, who cares, really? So, we need to define that, but I don't know that, don't quote me, I don't have that information. I'm just telling you my gut feeling, but we need to define what immunity is to that, and we're only going to do that with antibody testing. So, as communities and businesses start to move forward, we need to have a testing algorithm, including diagnostic testing for high risk individuals and those that are symptomatic and antibody testing to define who has already been affected and start to eventually sort through risk for individuals, businesses, communities, so forth and so forth. It's emerging. I think it's evolving. It's going to be an increase in a useful tool. Like everything else we've been doing, it's been a short runway trying to do a lot at once, and there is a lot confusion. So, that was a long-winded answer. I hope it helped clarify."

Councilmember Griffin said, "It leads perfectly into my next question though which is I like what you're saying, and I'm an optimist too, that if you get it a second time it's not going to be, hopefully, as bad. I was telling the Mayor this last week. I've had pneumonia at least three times in my life, so I understand that you can get things again, but hopefully it would be less severe than the last time. I'm wondering, we've heard a lot of Dr. Fauci mentioned, that he thinks there is going to be another wave of this in the fall. I was wondering what your opinion on that was, whether or not that would mean new people would get it, or I guess we're still waiting to see with the antibody tests, what the word 'exposure' means. Does that mean you couldn't get it again, or you could get it again? Do you expect that there could be a second wave here in the fall?"

Dr. Cole said, "Great question, I think there are two reasons why there might be some, I'll say some, form of wave. One is what we just talked about which is with our current virus, that we sort of respond in a manner that allows it to clear back up and causes a second wave, right? That could be an ever diminishing sort of ripple, right, a ripple effect? It keeps going up, it keeps going down, it keeps going up and, again, I think that as long as we don't actually allow it to become a wave, but we keep it something more manageable, we'll be fine. Now, there is another reason to worry about a second wave. If anybody is sort of a history buff, in 1918 there was an influenza pandemic that rocked the country and the world, and that virus mutated."

Councilmember Griffin said, "The Spanish flu."

Dr. Cole continued, "Yes, from the spring pandemic until September when it re-emerged, and the same virus changed itself and transformed itself into a much more virulent and dangerous virus. That's when you think about what that caused, it was the fall, the second pandemic, that actually wreaked havoc. So, and my gosh, how do you live with yourself or sleep at night because you say, 'was it theoretically possible', and I'd say, 'Well, the honest truth is we don't exactly

know.’ But, I will tell you a couple of things. The category of viruses, these are R&A viruses. The flu virus is a RNA virus, HIV is a RNA, COVID is a RNA virus. They have different sort of fingerprints, just like different children, in terms of how they act. In general, the COVID virus does not tend to mutate or change itself nearly as much or as rapidly as the flu virus. In fact, that’s part of the reason why we’re in this slow death I was talking about, where it takes two weeks to show itself. It’s just a slower virus. It doesn’t tend, if you’re asking that the tendency is a higher risk of flu doing something, by the way, that’s why every year we ramp up the imperfect flu vaccine because who knows what’s heading our direction exactly, right? But the Coronavirus is less likely to have that sort of pathway. We can’t say never, right, in terms of a new virus that actually sort of goes below ground and re-emerges in a new, more dangerous and deadly version. But, I would say, as leaders of a community, you need to have heard at least once that that’s theoretically possible. It’s something that, by the way, if you’ve been exposed to the first one probably, but it depends on the nature of the mutation, you would be immune to the second one, but who knows. So, I think, at the moment, part of it, I don’t want to be sort of myopic in vision, we have to deal with the media seeing what we’re dealing with. I think that it’s far, far more likely and much more realistic that we’re going to be dealing with something we have control over, which is managing that sort of ripple effect, if you will, or trying to avoid that sort of second wave but, yes, it’s theoretically possible. If you’re a virologist, I’m sure they will give you a far, far more detailed explanation of what I’m trying to talk about.”

Councilmember Griffin said, “Well, let’s hope that it’s a small ripple, Dr. Cole, and I appreciate you so much for those answers. That gives me a lot more peace of mind and allows me to kind of understand what we have to look forward to. So, thank you.”

Mayor Tecklenburg said, “Thank you.”

Dr. Cole said, “Sure.”

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, “Yes, thank you, Dr. Cole. I really just wanted to have the opportunity in public to thank you so much for the leadership that your institution, across the board, has shown to the whole region, the State. I can’t imagine the outpour of work and effort that people are sacrificing willingly. I do hope that you will be able to get back to paying full salaries. I know that’s been a big sacrifice for a lot of your dedicated employees, but I know it was out of caution and out of the control of knowing that you lost revenue as a hospital system. I also wanted to thank you for your personal leadership. I remember early on, when we had our last meeting in person, and the Mayor was telling us how he was starting out his journey and learning all about this, and he could not say enough good about the friendship that you all have developed. You could just tell that the Mayor was feeling much more comfortable and able to have that kind of reliable, truth-telling partnership. So, thank you so much for anything that has taken you to new heights of responsibility. I also wrote down some of the words you said early on in helping us understand that we’re going into a new phase. We’re no longer isolating and quarantining because that’s impossible to stay like that forever as a community. We’re now into the monitoring response, but the thing you said right behind that, I think is what elected officials and leaders of public citizens, ‘It’s now the turn of the owners and the citizens to take their responsibility’, and I just want to resonate with that. I do think you’re right on target. People have been educated to every extent possible, on all levels of data and science and human social mobility, so I’m looking forward to being part of your team and the community’s team in leading people to take responsibility. So, thank you very much for being here with us tonight.”

Dr. Cole said, "Thank you for your kind comments. We have a lot of really great teams at MUSC, so it would be wrong for me in any way to take responsibility. I'm in a position to try to push forward with a lot of good people backing me. I think, obviously, these things you wake up at 3:00 in the morning with a lot of things, and I'm sure you all understand and experience. It's not like we're on family vacation, I'm the parent, and I'm telling the kids to quit poking each other in the backseat. It's like the kids need to grow up, and I don't mean that in a negative sense, but it's like everybody needs to take responsibility. It's not us telling somebody else what to do, and I know that's idealistic. I understand that, and ultimately there has to be accountability, I think, from a City perspective. An ability to sort of monitor and have some ground-level eyes would be, in my opinion, useful because there will be crowds of people and people not really thinking that's really relevant to them and so forth and so forth. But, I'm hopeful that enough people pay attention and take enough social responsibility for us to be successful. I had another conversation, by the way, and I'll be quiet in a moment. Somebody was talking over the weekend about football games, and they were talking, 'Yeah, the chance of you dying from COVID virus is like infinitesimal. You should be able to go to a football game. Why wouldn't you?' It's like, 'Well, because if you gather 180,000 fans, and you just tripled the number of people that are infected, they're going to go home and visit grandma, right?' Then, even though it may not necessarily affect you personally, in terms of the chance of dying or being ill, you have to think of the bigger picture of understanding though that we need to protect those at risk, and then you do so in a methodical manner. It requires a bigger view in my opinion."

Councilwoman Jackson said, "Well, keep giving us all of those good ideas and examples, Dr. Cole, because I do think that we have learned a lot from you and your institution, and we will just continue to follow right along. Thank you."

Dr. Cole said, "Thank you."

Mayor Tecklenburg said, "Are there any other questions for Dr. Cole?"

No one else asked to speak.

Mayor Tecklenburg said, "Well, Dr. Cole, thank you again for being with us, and if you're just driving down the road, of course, you're welcome to stay online, but I bet you've got some other calls to make. Thank you for your leadership and for your friendship. You all have just been, you and MUSC altogether, remarkable. Thank you."

Dr. Cole said, "Thank you again. Bye, bye."

Mayor Tecklenburg said, "Thank you. Alright. So, we have a few ordinances up next, and might I suggest without objection from Council, that we take the first three and discuss and take action upon them before the one being the matter of restaurants and outdoor dining, which I understand might necessitate a little more discussion. In fact, one of our Councilmembers has requested that we might have an Executive Session about that. Do you all mind if we do the three, the rest of our Committee Reports, and then save the restaurant matter until the end of the meeting, with the likelihood that we might have an Executive Session? Is that okay?"

Councilmember Shahid said, "Mr. Mayor, I move that Items 1-4, 5, and 6 be approved."

Councilmember Waring said, "I second that, Mr. Mayor."

Mayor Tecklenburg said, "We have a motion to approve 4, 5, and 6. Very briefly, that's to extend the Declaration of Emergency until May 31st, to extend certain matters we've already passed and get rid of others, of the numerous Emergency Ordinances we've passed over the last six or eight weeks. Then, to replace the Stay-at-Home or Safe-at-Home Ordinance. Is there any discussion on any of those three?"

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Thank you, Mr. Mayor. I would just say that Ordinance #6, the new Stay-at-Home Ordinance, has some language in it that I think is relevant to the discussion on Item #7, so it may be necessary to take 6 and 7 together for that reason."

Mayor Tecklenburg said, "Okay."

Councilmember Shahid said, "I have no objection to amending my motion to take 4 and 5 for approval, Mr. Mayor."

Councilmember Waring said, "I second it, and I have no objection also."

Mayor Tecklenburg said, "Alright. Is there any discussion then on #4 and #5?"

No one asked to speak.

On a motion of Councilmember Shahid, seconded by Councilmember Waring, City Council voted unanimously to approve the Executive Order continuing the Declaration of State of Emergency in response to the COVID-19 virus outbreak and to ratify the following Emergency Ordinance:

2020-057 - EMERGENCY ORDINANCE EXTENDING CERTAIN EMERGENCY ORDINANCES RELATED TO COVID-19

Mayor Tecklenburg said, "Are you all okay if we then hold 6 and 7 until we kind of get to the end of the meeting?"

Councilmember Waring said, "It's fine with me."

Councilmember Shealy said, "It's good with me."

Councilmember Shahid said, "I agree."

Mayor Tecklenburg said, "Alright. So, next up is our Committee on Community Development, Councilmember Mitchell."

Councilmember Mitchell said, "The Community Development Committee met on April 30th at 4:00 p.m., and they had three different items, a, b, and c. All of them were approved by the Community Development Committee, and it would later come back to the City Council for approval at a later date."

Mayor Tecklenburg said, "Right. I believe, if I may add, that there were just a few modifications that the Planning Department and Legal still needed to work on, and of course, these ordinances are going to require public hearings and going to the Planning Commission. But, from what I understand from staff, we will probably have them up for first reading at our next meeting in May."

Councilmember Mitchell said, "So, I ask for approval of it from the Committee on Community Development to move forward to City Council and to come back to City Council with various amendments or whatever the case may be from the Planning Commission."

Mayor Tecklenburg said, "This was all for information only, so it's kind of receiving this as information, I believe."

Councilmember Mitchell said, "I know we had it for information, but I think we voted on all of them, I guess."

Mayor Tecklenburg said, "We did, maybe, to accept the Committee Report."

Councilmember Mitchell said, "Yes, as information. I need a second."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "Is there any discussion on any of those items?"

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I would like to ask Mr. Lindsey a question about the smaller lot, have we already given that first reading?"

Jacob Lindsey said, "Councilmember, my understanding is that we have not because that is going to be modified slightly as a result of the discussion at CD Committee. So, those modifications will come to you for a first reading at the next meeting."

Councilmember Waring said, "Okay, that's fine. Thank you."

Councilmember Mitchell said, "That's what it is."

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

No one else asked to speak.

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

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

- a. Conservation Subdivision Ordinance (information only)

- b. Accessory Dwelling Unit Ordinance (information only)
- c. Affordable Housing Subdivision/Lot Standards Ordinance (information only)

Mayor Tecklenburg said, "Next is our Committee on Recreation, Councilmember Gregorie."

Councilmember Gregorie said, "Yes, Mr. Mayor, we had a presentation from the organization that will be implementing the study for our parks, and it was just for information only. There was nothing to vote on."

Mayor Tecklenburg said, "Alright. Do you want to give a report on what that information was from them briefly?"

Councilmember Gregorie said, "They outlined how they would go about assessing our parks and making recommendations accordingly. We also had a discussion with regard to cost and whether they would be able to recommend to us any source of funding. As a part of their study, they will do so. The study is going to be extremely comprehensive. It will assess all of our parks, come up with a needs assessment, and they will make their recommendations accordingly. If I'm not mistaken, that plan and, Jason, correct me if I'm wrong, I think that plan is available online for other Councilmembers to review."

Jason Kronsberg said, "We can certainly make it available. What the presentation was, as Councilmember Gregorie indicated, was the process that we will be going through over the next 10 to 12 months and also piggy-backing on the Comprehensive Plan to come up with a statistically valid survey on many different platforms and come up with a Parks and Recreation Master Plan is commensurate with national standards and, as indicated by Councilmember Gregorie, it will also take an assessment of all of our existing parks and facilities and make recommendations on the end product for what improvements we might need. We will take the 10 Minute Walk Campaign into consideration, and it will really take all areas of the City and evaluate where we have gaps in service that will hopefully guide our capital planning for the future, so that we can provide equitable park access to all."

Councilwoman Jackson said, "Mr. Chairman."

Councilmember Gregorie said, "Yes."

Councilwoman Jackson said, "Thank you. I'm really happy to hear Mr. Kronsberg talk about the process because I tuned into the Recreation Committee meeting online yesterday thinking that I was hearing the presentation about the actual Master Plan. Since we hadn't really heard anything at all about it, I was kind of looking forward to hearing a plan that was pretty much done. So, the fact that this really is the beginning of a process that will heavily involve the community, they emphasized over and over and over again how they get out and walk into every park that they're going to give us recommendations for with community input and literally talk to the people that are in the park at the time and also hold strategically located neighborhood meetings. Chairman Gregorie, you went the extra mile and made sure that they took the opportunity to involve all groups around the whole City at locations where they live and work and play. So, I think that this is an exciting add-on and adjunct to the Comprehensive Plan. I know

we expected that this would actually take place a little earlier in the City's calendar, but the fact that it's now dovetailing right in with the Comp Plan, I think will work really well for all of us. So, it's an encouraging thing, and I think the word precursor should have been on the agenda just so people weren't misled to think that an actual plan has been developed. So, thank you very much."

Councilmember Gregorie said, "We're pretty far from that. Thanks a lot. Are there any more questions?"

No one else asked to speak.

Mayor Tecklenburg said, "Alright. So, Mr. Chairman, would you like for me to give a little update about Hampton Park since it's been mentioned?"

Councilmember Gregorie said, "Yes. Would you please, Mayor?"

Mayor Tecklenburg said, "Yes. So, it was at the Committee meeting, and then it came up earlier today at the Traffic and Transportation meeting, but not everybody is on one of those Committees, and then for the public at large. Prior to the change we made about ten days ago with Hampton Park, it was open, well, it depends on the way you look at it. It was closed to vehicular traffic for eight hours a week. Two hours on Tuesday, two hours on Thursday, and four hours on Saturday. We went, in that decision, from 8 to 54 hours a week, a little over a week ago. So, there were some logistics and staffing issues that came up being the fact that we actually staff whenever we close the park to vehicular traffic because, believe it or not, there are some citizens in their cars who if you see an orange cone up, they'll just drive around it. So, we actually have to have staff present while we do this, and it was a pretty big change to make to 54 hours. In addition, there are some visitors to Hampton Park who might be handicapped, or they might be coming from Daniel Island where they can't just walk over to the park, so they come in their car. The way the park is laid out now, as most of you know, if you want to park in the park with your car, you can't get there if we close Mary Murray Drive off, and so they were parking in the surrounding neighborhoods. In fact, we were getting some complaints from folks in the neighborhood about people who were parking in the neighborhood. Of course, now we've gone back to neighborhood zone enforcement, so they would get tickets. So, anyway, seeking a middle ground, we've proposed and have started a new schedule where the vehicular traffic is closed every day for four hours, and that's in the late afternoon, early evenings, on the weekday 4:00 p.m. to 8:00 p.m., Saturday mornings, and Sunday afternoons. So, let's just try this for a week or so and see how it goes. I know some people would like for it to stay closed all of the time, but then there are some people who drive a car who needs to get to the parking lot. So, this is kind of a middle ground. I must tell you, I would bring this back to Council for an official approval before we do anything long term, but my thinking about kind of finding this middle ground is that maybe this is a precursor to a long-term change. Also at the same time, I must share with you all I've asked Keith Benjamin, Traffic and Transportation, to look at the necessary equipment barricades or bars that easily come up and down that we could invest in to make opening and closing the park easier and require less staff and all like that. So, that's my update, and I just thought I would share that with everyone."

Councilmember Mitchell said, "Mr. Mayor."

Councilmember Gregorie said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes."

Councilmember Mitchell said, "Let Councilmember Gregorie go first. I'll speak afterwards."

Councilmember Gregorie said, "I mean, it's actually Councilmember Sakran, but our districts' abut. I do think, long-term, that we really need to involve the neighborhoods, Hampton Park including the Citadel, including Wagener Terrace, of course, in discussion before we do anything permanently because those are the communities that will be having the most significant impact. Believe it or not, folks who also drive after a long day appreciate driving through that park because that park does, in fact, give them an ability to escape from whence they're coming. But I just want to make sure that before we decide long term, one, I think it should be taken up in the Recreation and Parks Committee before we go permanent and make sure that we involve those neighborhoods that are affected by any changes that we make."

Mayor Tecklenburg said, "Absolutely."

Mayor Tecklenburg recognized Councilmember Sakran, followed by Councilmembers Waring and Mitchell.

Councilmember Mitchell said, "Councilmember Mitchell first."

Mayor Tecklenburg said, "Oh, Councilmember Mitchell is first."

Councilmember Mitchell said, "Well, I was going to allude to the second thing that Councilmember Gregorie said about getting into the neighborhood and getting in contact with the Neighborhood Association and the neighbors in that area. I think a lot of the Councilmembers might not be aware of the big fight that we had when we closed the park because there were two lanes at one time. We closed one lane to make sure that the people had a bicycle lane and to be able to walk and to be able to exercise. That's what we did, but it was a big fight, and a lot of Councilmembers are not aware of that big fight that we had. We took a lot of hits because we did it. So, we've got to be very careful in permanently closing the streets now when we already closed one lane to be able to have a lane for the bicycles, for people to walk safely, and exercise safely. So, these are the things I wanted to say because I know how hard it was when we brought this up the first time and did it."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor. I just want to applaud you all for coming to what I think is a great compromise with the hours. I know folks in my community, and Councilmember Gregorie and Councilmember Mitchell are probably going to say we should do more, but I think this is a great compromise. I want to say thank you to Laurie, Chief Reynolds, Keith, and Jason. I just know it requires a lot of effort and coordination. So, thank you for that, and I've made it very clear I, personally, would like it closed, but this is a conversation for the community, and we should involve the community. They should ultimately make that decision, in partnership with the Citadel. So, thank you for coming up with a great compromise."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I think Keith had his hand up."

Councilmember Waring said, "Yes, I did."

Councilmember Gregorie said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Did you call on me?"

The Clerk said, "I think he did."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "Okay. I'm sorry. I didn't hear it on this end. Thank you, Mr. Mayor. Councilmember Mitchell is exactly right. Now, my English teacher probably wouldn't like that, but he is spot on. There are two roads going around Hampton Park, I don't know 50, 60, 70 years, and when the attempt was to close the inner road, that was strictly for bicycles. The reason you go around Hampton Park now, and you see half of that lane being striped because a bicycle doesn't need ten feet, and the lane was ten feet wide. So, half was for the bicycles, and half was for the pedestrians and also on the inner circle, just beyond that striped portion on the inside of the park, you will see a gravel portion because some people, when you jog on the asphalt, you get shin splints. So, there is a circle on the inside of the park so you can jog on the dirt and not get shin splints. All of that happened, and the crosswalks coming in by the Citadel, coming in by Ashley Avenue and the like, making it a little bit safer. I've noticed, with great attention the letters that have been coming in, but I think what we have to look at is Hampton Park is a regional park. It is unfair to the citizens from around the rest of the Charleston metropolitan area to only make this decision based on the communities that live the closest to Hampton Park. You're right. There was a huge fight to close that inner lane, Mr. Mayor. That happened during the last term. Well, not the last term, maybe the next to the last of Mayor Riley's term. So, I think, when we send out a survey, I think we ought to not just do it, with all due respect, to the neighborhoods that are closest to it. Those things need to come out, West Ashley, Daniel Island. We all use these parks. That's one thing about the City of Charleston. We have wonderful parks, and one reason you're going to hear me stand up hard on this one is because I represent an interior district. The majority of District #8 doesn't have access to the waterways, so I want all of you who have access to waterways, or all of you who have access to regional parks to expand them, make them to increase their quality of life for it because the people in District #8, and from some of these interior districts as far away as Johns Island and Daniel Island to come to Hampton Park and be able to enjoy their parks. So, it would be short-sighted, with all due respect, to only take into account the neighborhoods that are abutting Hampton Park. By the way, by the time you've taken the full view of the neighborhoods that are abutting, in particular, the neighborhoods on the northern portion of the park that's where you're going to find the pushback of the majority of people saying 'no' because that's what we found before. So, this is a topic that's been up for discussion and, quite frankly, hotly debated previously on Council. So, that's why it's good to pass along some of this institutional knowledge, but it's some of the initiatives that the park conservatives are trying in Hampton Park. Believe me, that was a big debate, and the lease that they have is how long, Councilmember Gregorie? Is it twenty-five years, and that can go as much as 50 years with a 20-year renewal or a 25-year renewal eventually with a café being there?"

Councilmember Gregorie said, "Yes."

Councilmember Waring said, "This is designed to help the entire City, not just four or five neighborhood associations. So, it would be short-sighted to look at it only from that perspective. I just wanted to share that. Thank you, Mr. Mayor."

Councilmember Gregorie said, "Hey, Mr. Mayor. This is Gregorie again, just two points. The first is we need to make sure that the users of the park follow the rules. We now have runners running in the crosswalk. They never use the graveled area. As a result of that, they are right next to the cyclists. I mean, we're waiting for an accident to happen because we purposely put those crosswalks to separate the cyclists from the joggers. That doesn't happen in the park. We need some enforcement. The second thing is, we need to make sure that people are running, and riding in the same direction. We have people walking and riding in different directions, and as a result, again, it's an accident waiting to happen. Lastly, I don't think that we should just be concentrating on Hampton Park. I think that we have other parks in the City that are conducive to cycling and jogging, and the one that comes to mind is White Point Gardens. Why are we going to just focus on Hampton Park without looking more comprehensively at the parks in the City, and I mean Citywide, where we may be able to do similar things? The reason why I only talked about two or three neighborhoods is because of the direct effect that it may have on those neighborhoods, particularly as it relates to parking. It has already increased the volume of traffic coming down Grove Street and 10th Street in our neighborhoods. So, I do think that we need to think a little more broadly in terms of the effects that we don't want to happen on our peace and our serenity in the neighborhoods that butt the park. So, while I totally agree with Councilmember Waring that the park is for all of Charleston, it's not for any specific neighborhoods, but my issue is when we make those kinds of decisions, we have to consider the effects that it may have on those neighborhoods that border the park. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you. Alright. So, without further ado, let's move on to the Committee on Public Safety, Councilmember--"

Councilmember Waring said, "Well, wait a minute, Mr. Mayor, one last point. I think it would be good if the plans that the Parks Conservancy, in particular for the entertainment facility that's envisioned to be built there, be shared with the new members of Council. Ingress and egress, when weddings are being held at that facility, where are those people going to park? That means you're going to push that parking out in the extremities of the neighborhood, as opposed to being able to entertain some of that parking inside the park. So, you were right about the handicap and the like on your initial comments. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Yes. When we have the community-wide input and discussion about long term, we'll include that, as well. Good point. Councilmember Shahid, Committee on Public Safety."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor and members of Council. The Committee on Public Safety met on May 1st around 2:00 p.m. in the afternoon. We received an update from our one and only Dan Riccio on the Short term Rental Ordinance and enforcement. I'm going to read some numbers to you as to where we stand following the enactment of our Short Term Rental Ordinance in July of 2018. Since July 10, 2018, 646 permits have been issued for short term rentals, 1,718 advertisements for short term rentals have been removed, and 1,209

advertisements are still in existence. There have been 241 criminal summons issued for violations of the short term rental, of which 198 of those 241 have led to a conviction either by a plea of guilty or an adjudication by being found guilty. Now, 43 cases are still pending. I think this is a very interesting statistic. Seventy-five houses have been returned to the housing stock, and 110 properties have been returned to long term rental status. So, the impact of our Short Term Rental Ordinance has had a tremendous positive impact on the community, and I thank Dan and his team for the diligence on this, and we'll get further updates as this progresses. The other issue that we addressed was concerning the interviews of several candidates for a judicial appointment. I will update you that we have met last week to start that process, and we have tomorrow or Thursday more interviews scheduled. We'll be able to vote and pass on to the Mayor some recommendations for a judicial appointment. Just one side comment, great thanks to my Committee for their work and diligence on this. We did meet for the interviews in person at 2 George Street. We were properly socially distanced from one another and from the candidates, and it worked really well. I mentioned that to the Mayor earlier this afternoon so that when the appropriate time comes back up for us to meet in person, this was a good trial run for us to see how we can do social distancing and have meetings in person. So, I was encouraged by that, and I look forward to that opportunity when we can properly transition into our Council meetings when we're all together in the same facility, but adequately distant from one another. So, that's my report, Mr. Mayor. Thank you."

Mayor Tecklenburg said, "Great. Thank you. Are there any questions or comments for Councilmember Shahid?"

No one asked to speak.

Mayor Tecklenburg said, "Alright. I don't think we need to, that was just an update, so no action taken."

Councilmember Shahid said, "Yes, sir."

Mayor Tecklenburg said, "Next up is our Committee on Public Works and Utilities, Councilmember Waring."

Councilmember Waring said, "Thank you, Mr. Mayor. I still want to give a shout-out to Mr. Riccio and Councilmember Shahid on that report. That was a good report. You remember the problems with short term rentals. Houses being returned to the long term housing stock, that is great. The Committee on Public Works and Utilities did meet Monday, and Item a.i., Acceptance of the 2018 FEMA Grant Award for the acquisition of two properties with a Federal award of \$481,794.35 and a City Match of \$53,532.72 was voted on and passed unanimously, and I so move for its approval with City Council."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Mitchell, City Council voted unanimously to approve item a(i) of the Public Works and Utilities report as presented:

---INSERT PUBLIC WORKS AND UTILITIES REPORT---

a. Stormwater Management Department Update:

- i. Acceptance of 2018 FMA Grant Award for the Acquisition of 2 properties with a Federal Award of \$481,794.35 and a City Match of \$53,532.72. The City matching funding is from the Drainage Fund.

Councilmember Waring said, "Thank you. Item a(ii) will be our Stormwater Project Updates. I ask all Councilmembers to listen up because in most cases Mr. Fountain is going to touch on projects in most of the 12 districts around the City, Mr. Fountain."

Matt Fountain, Director, Stormwater, said, "Thank you, Councilmember Waring. Just as a brief update again, as our first meeting of the month, we went through the major projects ongoing with the status update since our last update on each project. So, starting with the Spring/Fishburne Project Phase 3, that project is getting close to wrapping up. We do expect to be complete in the next couple of months. It's a long process for the tunnel work. This is the tunnel component of the project, but we are coming to a close. We did have our ultimate tunnel inspections this week where we established punch list items, and then we'll come back and clear up any remaining issues on the underground work. The contractor is continuing with surface work. The Harmon Field surface connections where they tie the surface piping drainage systems into the deep tunnel system are now complete and we'll be restoring sites back to existing condition at a number of tunnel locations and shaft locations around the City.

Spring/Fishburne Phase 4, this is the wet well and the outfall between the two bridges. We've now completed our pipe pile installation, which Councilmember Shahid had some commentary about my descriptions of pipe piles, but that's the driven pile that is a very memorable sound to anyone who has been near a pile driving site where you hear a loud clang with a pause between clangs, but the pile driving is complete at that site. We are still installing sheet pile on the outfall level. Those are the large flat sheets of steel that go into brace excavation. We have 82 percent of our sheet pile installed, and that's what you can see from the bridge sitting out into the marsh and blocking off the excavation where the wet wall will be constructed. That's in our sheet pile, and they are well underway now on excavation within those structures, as well, and they'll be adding in bracing as they continue that excavation.

The Low Battery Project the project is also proceeding well. We've completed the pile work primarily on the project and are working on the construction of the platform. In order to construct the wall platform, we're actually saw cutting and removing sections of the old wall. That's the facing that comes out into the harbor area. They remove that in small sections where they'll build a temporary mobile flood wall, cut the existing wall, remove that wall, and then pour back the concrete to build in the new wall. If you go look at the site, you will be able to see where the promenade will sit, though right now it's mostly a gap between sections of concrete retaining wall that will later on be filled with blue stone and faced. So, that project is continuing well, and it's also been a really good sign that we've made good production on this project because it's let us test the temporary flood wall work outside of hurricane season, so it's a good way to make sure the process is moving smoothly as we get into higher risk portions of the site from a weather perspective.

Lake Dotterer Project, Weston & Sampson is preparing our construction drawings and encroachment permits with DOT for the ramjacking of the pipes under Glenn McConnell, and we're staying in coordination with the County on that project. Dunoon Drive, this is one of the smaller drainage easement restoration style projects. We've issued our notice to proceed to the contractor. The contractor is mobilizing and should be underway with work within the next week. That's in the Shadowmoss area. Lord Calvert Drive, this is a roadside drainage improvement for repairing of a failed section of roadside pipe on what is a rather large drainage system along this smaller road. The pipe and box installation work has all been completed. We did have one more small utility issue. We had a major utility issue earlier in the project. We had a much smaller issue at the end of the project that we were able to resolve by just shifting to elliptical pipe. We will have a small change order coming for that. That shift is about \$6,000. That's what we're expecting for the elliptical pipe adjustment, but we were able to avoid the sewer impacts or having to do any other re-design on the project. We are now in the point of backfilling, and we're restoring driveways and returning the site to normal. So, that should end the substantial work on that project, as well, and get that drainage working again.

Sherwood Forest drainage improvements, another one of the smaller projects we've been working on with the restoration of a backyard system and reconnection of some existing drainage. We have two primary contractors on this one. There is a fence removal operation where the fence removal contractor has visited the site and is scheduling their removal work so the tree removal contractor can come in, clean up the tree system, and we'll be able to restore the drainage system then through these rear lots that we've obtained temporary construction easements for and permanent drainage easements and then place the fencing back.

We had a discussion on Lochmore Terrace. This is another community in Shadowmoss. This one is a little bit different, and we've been looking at the potential for abandonment of the last section of a drainage easement that doesn't have any actual system constructed in it, so that a homeowner can basically do some drainage improvements along that system that they've been looking at doing themselves. We've contacted some of the properties surrounding that parcel to see what the other homeowners have as concerns. Three of the properties we've contacted have been supportive so far, and we're still waiting to hear back from two more of them. Mueller Drive, it's also on a smaller rear drainage parcel project in West Ashley. We have our notices drafted. We're scheduled to do our door-to-door visits tomorrow on that project and hand out information and discuss just possible disruptions in the drains that have been in the rear yards with the property owners. Arrow Wind at Emerald Forest, this is the installation of a new drainage inlet also in West Ashley. That project the contractor is underway. They've done the initial excavation work, and they're working to add in the inlets and restore that system.

The King/Huger Project which is a slightly larger drainage project at the intersection of King and Huger, obviously, downtown. We do have our DOT encroachment permits now for that project. We've completed those agreements with the DOT. We're working right now to obtain temporary construction easements from the property owners, so that we have access to install the pipework on the project. We'll be cutting back into people's properties and then restore them, but it's a temporary disruption to those properties. We're also coordinating with Charleston Water Systems, as they have a waterline improvement project that they're planning to do this summer, as well, along that corridor. So, we're trying to put that in as an in-contract utility relocation like we've done with the Low Battery where Charleston Water Systems reimburses us for the work, and it helps prevent conflict between the two agencies. It also means you only have one cost between the two agencies for restoring the street back to its full condition after all of the utility work. For the Central Park Drainage Project, this is the project where we are currently evaluating

the drainage system on James Island north of Central Park. We have a draft report, a final report, that we have received from the consultant AECOM. So, we're going through that in our internal review process, and we should have something ready to discuss with the stakeholders and the neighborhood in that area in the next month. Then, we'll be able to incorporate that into, hopefully, a design and permitting approach for recommended improvements.

The Barberry Woods Project, this is the drainage improvement just north of Maybank on Johns Island in a number of communities that have flooding issues. The Selection Committee has met and has ranked the two highest qualified firms and is finalizing and having interviews for that project. They will be bringing the most qualified firm into negotiations and then bring a scope to Council for that improvement project. The Windermere Drainage Improvement, this is similar to Barberry Woods, again, but in Windermere in West Ashley where we now have a request for qualifications that has closed. We've had a number of submittals from interested firms, and the Selection Committee is currently reviewing those qualification packages. We'll meet to discuss and see if we need to do interviews on those packages. The Forest Acres Drainage Improvement Project, this is Phase 2 of the work where Phase 1 was the large culverts that extended under Sanders Boulevard. We do have a path forward with AT&T now. We've given them enough information on our requirements for the project that they're able to finish their applications for DOT encroachment permits, so they're working through that process at this time. While they're doing that, the City is actually combining our Phase 2A and Phase 2B projects into a single phase which will make our construction a little more efficient and our design a little more efficient. So, we'll be able to take advantage of that delay to at least improve our efficiencies on the project, as well.

Then, just moving on if that's okay with you, Councilmember Waring, to the Flood Updates. There is only a single flood update this week which was the buyout grant that we had just voted on that is a FEMA award for the acquisition of two residential properties, one of which is in Church Creek and one of which is in Oakcrest on James Island."

Councilmember Waring said, "Okay. Great. Thank you, Mr. Fountain, for all that you do. I'd like to ask, in case any Councilmembers had any questions on projects that Mr. Fountain addressed that's in your particular district? Are there any questions?"

Councilmember Mitchell said, "No. I'm happy to see that we got to King and Huger."

Councilmember Waring said, "Somehow, I thought you would feel that way. Now, there was one question that came up, believe it or not, from maybe out of turn, Mr. Mayor, but Councilmember Shealy called me about the housing development at the very end of Ashley Hall Plantation Road where they took part of the street and, we think, encroached with sidewalks being put there. It's a new subdivision. You remember the one that was going to be annexed into the City and opted to remain in the County? So, I don't know if Mr. Benjamin had a chance to look into that as of yet. This just happened yesterday. Councilmember Shealy, you want to have any input on that?"

Councilmember Shealy said, "Yes. Thank you, Councilmember Waring. I know that Keith Benjamin is looking into it. He did get back with me a little bit. I see he's on there, but he's muted. But, yes, I guess it's Captiva Road where the stop sign was, the road used to go to there, is a big gap. I see Mr. Benjamin is on now."

Keith Benjamin, Director, Traffic and Transportation, said, "Yes, I can't speak to the plan or the development because that was permitted and assessed by the County. The concern that

I had was whether or not they were encroaching on City right-of-way. The entirety of Ashley Hall Plantation Road is a City street. It's not a DOT street, and so I did send an inspector out there to check out what was happening. If they're doing any operations of their business over there on their private property and taking up any of our right-of-way, they need to have a City permit to be able to be in our right-of-way. So, I had an inspector out there today. He is going back out there tomorrow to verify what work is happening and getting the right permits for whatever they're trying to do so we can get an understanding of what they're doing that's on the City side and what they're doing that's in County ownership."

Councilmember Waring said, "Okay. Listen, thank you. Councilmember Shealy, listen I ride through there in the morning when I'm exercising on my bike route, so they have taken in some of what I think is the City's right-of-way, but I appreciate your due diligence on that and looking into that, Mr. Benjamin, and look forward to your information. Beyond that, Mr. Mayor, that's the extent of my report. Thank you."

Mayor Tecklenburg said, "Thank you so much. Alright. Next up is Committee on Traffic and Transportation, Councilmember Seekings."

Councilmember Seekings said, "Thank you, Mr. Mayor and fellow Councilmembers. I will be brief. The Committee on Traffic and Transportation met today at 2:00 p.m. We had all in attendance. We took up two maintenance agreements, one for the Clements Ferry Road Phase II Project and the other was for the Folly/Albemarle Maintenance Agreement with the County. Both of those were approved unanimously. If there are any specific questions about either one of those projects, and I see that Mr. Benjamin is here, but those are maintenance agreements between us and the County for two distinct areas of the City. One is in, I think, Councilmember Delcioppo's District, and the other is in Councilmember Appel's District. We then got an update with no need for action on the towing contract. For those of you who aren't aware, our towing contract in the City expired on May 1st. It was put back out to bid, and there are five zones, I think, Johns Island, James Island, West Ashley, Downtown, and Daniel Island. Those contracts have been let, Turkey's Towing for Johns Island and James Island, Jennings Towing for Downtown and West Ashley, and Daniel Island. They went into effect on the 1st. There is no cost to the City on the change of those contracts or the re-letting of those contracts, and if there are no other questions that is my report. I do believe we probably need an approval on the two maintenance agreements, so I would so move."

Mayor Tecklenburg said, "Second. Is there any discussion on those?"

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Mayor Tecklenburg, City Council voted unanimously to approve items (a) and (b) of the Traffic and Transportation report as presented:

---INSERT TRAFFIC AND TRANSPORTATION REPORT---

- a. Clements Ferry Road Phase II Maintenance Agreement for Approval
- b. Folly/Albemarle Maintenance Agreement for Approval
- c. Update on towing contract (*INFORMATION ONLY*)

d. Director's Update (*INFORMATION ONLY*)

e. Discussion

Mayor Tecklenburg said, "Thank you, sir. Next is Committee on Ways and Means, Councilmember Gregorie."

Councilmember Gregorie said, "I move for approval of the report as submitted, Mr. Mayor."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We have a motion, and it's been properly seconded. Is there any discussion?"

No one asked to speak.

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

---INSERT WAYS AND MEANS REPORT---

- (Bids and Purchases
- (Budget Finance and Revenue Collections: Approval of Year 2019 Amendment to General Fund Expenditure Budget (Ordinance)
- (Budget Finance and Revenue Collections: Approval of Year 2019 Amendment to General Fund Revenue Budget (Ordinance)
- (Police Department: Approval to submit an application for the Rotary Club of Charleston Leadership Grant and approval to accept the grant award for \$50,000. The grant will be used to fund leadership training focused on professional development, empowerment, recognition of implicit bias, and higher levels of accountability. There is no match required for this grant. This is an after-the-fact approval.
- (Police Department: Approval of an agreement between CPD and The Submarine Way. The contract is for leadership training being paid for by a grant from the Rotary Club and funds from the Police Fund.
- (Police Department: Approval to submit the 2020 DOJ Strategies for Policing Innovation Grant for \$437,895. If awarded, the grant will fund the acquisition of data analysis program software and hardware to accelerate search and analysis capabilities for use by the Department's Analysis and Intelligence Units. There is no match required for this grant. The grant is due May 12, 2020.
- (Police Department: Approval to submit an application for the 2020 Crime Gun Intelligence Center Integration Initiative Grant for \$605,530. If awarded, the grant will fund NIBIN technology, equipment and personnel used to establish a Crime Gun Intelligence Center in Charleston. There is no match required for this grant. This is an after-the-fact approval.
- (Office of Cultural Affairs: Approval to apply for an emergency relief grant from the SC Arts Commission funded by the CARES Act, to offset lost revenues during the months March through June 2020. The amount anticipated for the grant is \$3,126. No City match is required.

(Parks-Capital Projects: Approval of Police Forensic Services Building Fee Amendment #2 with Stubbs Muldrow Herrin Architects, Inc., in the amount of \$40,570 for the extension of services from 12 months to 16 months and 1 additional month for closeout services due to an increased duration of the construction phase of the building. Approval of Fee Amendment #2 will increase the Professional Services Contract by \$40,570 (from \$812,309 to \$852,879). Funding sources for this project are: 2015 IPR Bond (\$7,392,186) and 2017 IPR Bond (\$5,000,000). **(Councilwoman Delcioppo abstained from voting on this item and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council.)**

(Parks-Capital Projects: Approval of Municipal Golf Course Renovation Change Order #1 with NMP Golf Construction Corp. in the amount of \$120,231.48 for the addition of irrigation loops required on the fairways and greens on Holes #13 & #15 due to the proposed fill material. The new depth of fill causes the existing irrigation loops to be too deep for City personnel to maintain. Approval of this change order adds 30 days to the date of substantial completion. Approval of Change Order #1 will increase the Construction Contract by \$120,231.48 (from \$2,038,535.68 to \$2,158,767.16). Funding sources for this project are: 2018 GO Bond (\$1,500,000), Hospitality Fund (\$300,000), 2018 General Fund Reserves (\$500,000), and Capital Contribution (\$25,507.50).

(Parks-Capital Projects: Approval of Municipal Golf Course Renovation Change Order #2 with NMP Golf Construction Corp. in the amount of \$80,652 for the removal, storage and over-excavation of 10,000 cubic yards of unsuitable soil discovered while performing improvements to the pond on Hole #13. Approval of this change order adds 21 days to the date of substantial completion. Approval of Change Order #2 will increase the Construction Contract by \$80,652 (from \$2,158,767.16 to \$2,239,419.16). Funding sources for this project are: 2018 GO Bond (\$1,500,000), Hospitality Fund (\$300,000), 2018 General Fund Reserves (\$500,000), and Capital Contribution (\$25,507.50).

(Stormwater Management: Approval of a Flood Mitigation Assistance Grant (FMA) FMA-PF-04-SC-2018-004 for the acquisition and demolition of two (2) flood prone structures. This award is for \$535,327.07 with a Federal Share of \$481,794.35 and a City match of \$53,532.72. Funding of the City match amount of \$53,532.72 will come from the Drainage Fund.

(Housing and Community Development: Mayor and City Council are asked to approve a funding request from the Humanities Foundation in the amount of \$1,000,000 for the redevelopment/development of the Archer School Building located at 220 Nassau Street. Previously, City Council approved \$3M in General Obligation Bond funds to the Humanities Foundation. The organization requested an additional \$1M due to the acquisition costs and the cost to construct. The goal is to develop 88 affordable apartments for senior residents earning thirty (30%) to eighty (80%) of the Area Median Income. The funding to support this request would be derived from the Affordable Housing funds until such time as the bond funds are available June-end.

First reading was given to the following bills:

An ordinance to make additional appropriations to meet the liabilities of the City of Charleston for the fiscal year ending December 31, 2019.

An ordinance to recognize the usage of additional funds to meet additional appropriations authorized by Ordinance 2020-_____ for the fiscal year ending December 31, 2019.

Councilwoman Delcioppo abstained from voting on Item #11 of the report and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council.

Mayor Tecklenburg said, "Next, we do have two bills up for second reading regarding some General Obligation Bonds and an Anticipation Note. We've got a little presentation, remarks by our Finance Director, Amy Wharton. Is she on the line?"

Amy Wharton, CFO, said, "I am."

Mayor Tecklenburg said, "You want to share the news of what we got here?"

Ms. Wharton said, "Sure. So, we received bids today on both of the bonds, the Bond Anticipation Note and the Refunding, and we had for the Refunding Bond three things that had bids. The lowest interest rate was 1.17 percent and on that refunding, that will give us a \$344,000 savings."

Councilmember Waring said, "That is wonderful."

Ms. Wharton said, "Then, for the Bond Anticipation Note, we had a 1.20 percent interest rate."

Councilmember Mitchell said, "That's good."

Councilmember Waring said, "Maybe we should borrow a billion dollars at that rate."

There was laughter.

Councilwoman Jackson said, "We may need to."

There was laughter.

Ms. Wharton said, "We will be accepting that tomorrow by noon. We have to accept with the bank, and so we will be doing that, and then we're expecting to close June 3rd."

Councilmember Waring said, "That's great work, wonderful work."

Mayor Tecklenburg said, "I see our bond counsel on the meeting as well, Jeremy Cook. Do you want to add any remarks?"

Jeremy Cook said, "No. Amy did a great job, but I think particularly in these times to get seven bids from, I think, five different banks between the two, shows the strength of the City's credit even in these most unusual times."

Mayor Tecklenburg said, "Can I entertain a motion to approve?"

Councilmember Shahid said, "So moved."

Councilmember Mitchell said, "Second."

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

No one asked to speak.

On a motion of Councilmember Shahid, two (2) bills (Items L-1 and L-2) received second reading. They 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 bills were immediately ratified as:

2020-058 AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$6,000,000 GENERAL OBLIGATION BONDS OF 2020 OF THE CITY OF CHARLESTON, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF THE BONDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO.

2020-059 AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT EXCEEDING \$11,800,000 GENERAL OBLIGATION REFUNDING BONDS OF 2020 OF THE CITY OF CHARLESTON, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF THE BONDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO.

Mayor Tecklenburg said, "Thank you, Jeremy and Amy, for your fine work on that. So, that will bring us back up to the two Emergency Ordinances, one replacing the Stay-at-Home Ordinance which I guess has some relation to the restaurant matter. It might need a little updating because Governor McMaster has made a change since it's been written up, and then the Ordinance regarding restaurants. I see Councilmember Brady's hand up, so I'm going to recognize you first."

Councilmember Brady said, "Thank you, Mr. Mayor. I move that pursuant to State Statute 30-4-70(a) Item 2 regarding Executive Sessions that we go into Executive Session to receive advice from our Legal Counsel regarding these two ordinances."

Councilmember Waring said, "I second that, Mr. Mayor."

Mayor Tecklenburg said, "Is there any discussion about going into Executive Session?"

Councilmember Griffin said, "Yes."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I'm just wondering why we need to go into Executive Session over these issues?"

Councilmember Gregorie said, "Same here."

Mayor Tecklenburg said, "Councilmember Brady, do you want to respond?"

Councilmember Brady said, "Yes, I think there is some conflicting language in between the two of them, as well as just some legal questions that I know some other Councilmembers may want answered."

Mayor Tecklenburg said, "Alright."

On a motion of Councilmember Brady, seconded by Councilmember Waring, City Council voted to go into Executive Session at 6:46 p.m.

The vote was not unanimous. Councilmember Mitchell voted nay.

On a motion of Councilmember Mitchell, seconded by Councilmember Brady, City Council voted unanimously to come out of Executive Session at 7:37 p.m.

Mayor Tecklenburg said, "Let the record show that there was no action taken while we were in Executive Session. Alright. We're back in regular session. We have those two ordinances to consider. One, the Stay-at-Home, the other is an ordinance regarding restaurants. Really, basically, contains two parts. One was about, even though it's kind of long and complicated, it's easier for temporary approval of restaurant use for outdoor dining on their own personal property and in the public realm on the sidewalk. For example, giving a lot of authority to the Zoning Administrator to be able to kind of bypass our normal procedures, but try to quickly approve those if some restaurants want to do it. So that's one part of it, and then the other is to codify, if you will, the recommendations by Accelerate South Carolina, the Governor, and One Region for safely reopening restaurants in general. That's what's before us. There was some discussion on a thought that we might separate those restaurant related things because they are a little bit different, even though we put them together. Can I entertain a motion?"

Councilmember Mitchell said, "I move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Okay, and that's a motion to separate the items in the Restaurant Emergency Ordinance."

Councilmember Griffin said, "Mr. Mayor, just to be clear, we're separating section 3 from sections 1 and 2, correct?"

Mayor Tecklenburg said, "Right."

Councilmember Mitchell said, "Yes."

Mayor Tecklenburg said, "I believe that's correct."

Councilmember Griffin said, "We're still going to take 5 and 6 together, or are we going to do those separately?"

Councilmember Shahid said, "6 and 7."

Councilmember Griffin said, "6 and 7, excuse me."

Mayor Tecklenburg said, "You mean the overall ordinances?"

Councilmember Griffin said, "Yes, sir."

Mayor Tecklenburg said, "I would recommend we take them separately."

Councilmember Griffin said, "I agree."

Mayor Tecklenburg said, "They each had some issues that were worthy of discussion by themselves. I'm looking for my original agenda. So, right now, I'm discussing, if it pleases Council, item number 7. Item number I-7, the Emergency Ordinance to Decrease the Risk of Exposure in Restaurants. The motion is to separate I-7 into two pieces. One would be the portion that was to facilitate outdoor dining, to make that, even though there's a lot of pages here, easier for restaurants. Then, the second matter, basically, section 3, I believe it is to codify the recommended protocol for businesses to operate. Does that make sense?"

Councilmember Mitchell said, "Well thought."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I think that's right. I think once we get through 7, that will naturally lead us back to that one issue that Councilmember Appel brought up on 6, so I agree with that."

Mayor Tecklenburg said, "Yes, sir. If I may call on Jacob Lindsey if he's on the line because he really put a lot of time into this whole issue of outdoor dining, and his department would really administer it. There are a lot of words here on the pages, and it's almost a little scary. I'll be honest with you, it's the longest. But, Jacob, can you condense this down for us and explain to us what we're doing here in section 2?"

Mr. Lindsey said, "Yes, sir, Mr. Mayor. This is not so much as a condensing of the ordinance as much as it is just some talking points. If you would allow me, I'm just going to share my screen here. So, I think that there was some concern, perhaps among some members of the public and an industry who reviewed this, that this was going to somehow increase regulation, and that's definitely not the case. In fact, it does the opposite. If you all can see my screen here, I think you can, just a few basic points here, an overview. This ordinance, first of all, waives all fees for approvals. It reduces the steps for approval for restaurants to expand their dining, and it only enforces the minimum standards for public safety. Typically, a restaurant seeking approval would have to go through a very rigorous permitting process, and we've repealed all of that in order to assist our restaurants to get back on track. It has a couple of things on private property that are very important. One is it allows expansion of what's called the 'patron use area' without permitting. So, if you have a restaurant that has some outdoor property, or maybe you use it for a parking lot, that restaurant can expand into that space with no permitting process, and they can use that space for outdoor dining in accordance with the Governor's guidelines. It also suspends parking requirements. As you all know, I can't think of a time in the history of the City of Charleston when we've ever suspended parking requirements. This is a big deal, and it loosens the rules here during this emergency period, so that restaurants don't have to worry about the parking requirements on their property. Now, that's what the town of Mt. Pleasant has essentially done, and we're more or less doing the same thing they have done, very, very loose rules there.

We've also gone above and beyond what Mt. Pleasant has done, and this is based on what the City of Tampa has worked on, which is to allow sidewalk dining. This eliminates the regular sidewalk dining rules that we already have in place, and again, spacing for public safety is the only set of requirements for approval. Now, it doesn't mean that every restaurant can have sidewalk dining. You still have to have six feet of clear space to maintain basic public safety, but we do think that it will open up the rules significantly. It does open up the rules significantly and

lightens that approval process more than it ever has done before. So that's the first thing, and a couple of other just brief items in overview for the Council. If you recall on the 6th, Meg Thompson, in my office, presented to you some great ideas about business recovery and what we can do. 10 of the 13 points that she reviewed with you all are beneficial to restaurants.

The other thing that we did organize on May 7th, this past Thursday, was a meeting with the restaurant industry folks that include restaurant owners, restaurant operators, as well as those from the restaurant association. We heard four kind of key concerns from them, and we'll briefly run through them. They voiced concerns regarding the 50% occupancy limit in this ordinance, and we've removed that. So, there is no 50% occupancy requirement for outdoor seating areas. That's been removed. They wanted us to look into exploring outdoor dining spaces on sidewalks, onsite parking, offstreet parking on streets, parallel parking spots, and etc. They wanted us to consider relaxed zoning. They wanted us to look into considerations for businesses without access to any outdoor space, and we've done all three of those things. Those are incorporated into the ordinance with the exception of the street closure discussion, which I understand the T&T Committee is going to refer to the Bike and Pedestrian Committee, which is a wonderful thing. The third thing that the restaurateurs told us was that this is time sensitive. Those who are in the Paycheck Protection Program have a very strict deadline. They need to get back on track soon. So, we understand the importance of doing this quickly if we're going to do it because there are real financial concerns that these restaurant owners have. The fourth thing is there were some punitive measures in the ordinance before, threats of jail time, and things of that nature. They said that's overkill, so that's been removed from the ordinance draft that you all had. We had a great conversation with the restaurateurs and we did hear their feedback and incorporate that into the ordinance.

There are two more slides here in regards to how we would implement this. Just as we've done with the retailers, from the City's standpoint, we would focus on education, compliance, and cooperation first. Our Livability Department would not immediately go into an enforcement mode, but they would work cooperatively with restaurants, which is exactly why we're doing this, to help get our hospitality sector back on solid footing. The last thing is that the goal here is to keep our citizens safe. Public safety is always job number one, even for the Planning Department. We trust that our restaurateurs are going to operate within these guidelines. These are two photos that the Mayor sent to me by text message. There are those who will flaunt the guidelines. This is already happening in our City. We know this is happening, but this is not the majority of our restaurant operators. We have a phenomenal hospitality industry here, and our job is to support them while protecting public safety. That's really what this ordinance is about, and that's why we've drafted it for you all. So, that's just a very brief overview. I probably said too much and will also say in closing that many, many folks in the City have worked on this, from Police, Fire, my great folks in Business Neighborhood Services, as well as Legal, who drafted the ordinance, and we're here to answer any questions you may have. With that said, I'll turn it back over to you Mr. Mayor."

Mayor Tecklenburg said, "Any more questions for Mr. Lindsey? So, I do think the last couple of slides were mostly section 3 of the ordinance where he was talking about enforcement. We're not voting on that right now. We'll vote on that after we vote on just the sidewalk portion if that makes sense. I will point out that the last pictures that he showed you on the screen were pictures that were taken this past weekend in a restaurant. There was an outdoor patio. They weren't even sitting down at tables to eat dinner. It was just a bar scene, and a lot of people were jammed together. So, I just wanted to share that with you. Even though we have a lot of good

actors out there, we're going to abide by the rules, and this will be, again, we're not voting on this right now, but since he showed the picture, I wanted to share that with you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "No, I withdraw my question. I do want to hear from my colleague, Councilman Sakran, being in the restaurant business. I'm interested in his opinion."

Councilmember Mitchell said, "Do we need a motion first to go into discussion?"

Mayor Tecklenburg said, "Sir?"

Councilmember Mitchell said, "Do you need a motion to go into discussion? I'll make a motion that we approve it, and then we can go into discussion."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "I have a motion to approve the section 2 of the Emergency Ordinance regarding restaurants which would facilitate outdoor dining."

Mayor Tecklenburg said, "We have a second?"

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Alright, now, for discussion. The question was directed to Councilmember Sakran, if he's willing to respond."

Councilmember Sakran said, "Yes, absolutely. Thank you, Mayor, and thank you, Councilmember Waring. As I read the ordinance, I mean it is long. I do want to say thanks to Jacob and his team for listening to the restaurant owners on that call. I think you incorporated a lot of the changes. Initially, as a restaurant owner, it seems a bit long and seems a bit wordy and litigious, but I think the question I got from a lot of folks was, quite frankly, when you send the application into the administrator, what does that process look like, requiring drawings, adding the City as an indemnity on the insurance? If we can make this more of a streamlined process for the restaurant owner, I think he or she would be much more welcomed to get it done, but I do appreciate the fact that some of that stuff was incorporated. I guess what I'm asking, what I'm hearing, is more of a streamlined process. So, Jacob or Mr. Mayor, if you could just talk to me a little bit about what their process would look like if I'm a restaurant owner that needs to get approval in a timely fashion because PPP is, the clock is ticking on that loan."

Mayor Tecklenburg said, "Back to you, Mr. Lindsey."

Mr. Lindsey said, "First of all, it depends on if you want to expand into a private , or if you want to expand into sidewalk dining. We'll talk about the private property side first. Essentially, the way this is written is that a restaurant owner who wants to expand their dining into a private property can just go ahead and do that. They provide us with photographs of how they want to configure it, and they need what is termed in the ordinance and approval. It is not a permit. We will review it, and then Dan's folks in Livability, once you're all set up, we'll stop by, check it out, say hello, and make sure that everything is going on in accordance with the basic information that we have received. It is very lightweight. It suspends zoning ordinances. It suspends parking

requirements, and it allows business owners to go ahead and expand out into private property without a permit with something that is really just a very lightweight approval. They just send us photos, essentially, of what they want to do, and it's very, very simple.

The sidewalk dining is a little bit different. We are asking for business owners who want to expand onto a sidewalk to provide us with a very simple drawing. It can be a hand drawn that just shows some basic dimensions of how they're going to configure it, as well as two photographs that show us how they want to set it up. We will review that. Zoning staff will review that to make sure that it works. If we need to go look at it to see if they've got six feet clear, we'll go out there on site. So, that does have a formal approval process associated with it, but even that is very lightweight and extremely simple, only enforcing the minimum guidelines for public safety. So, it's about as simple as an approval process can get."

Councilmember Sakran said, "One more follow-up question to that, Jacob, turnaround time. If I'm a restaurant owner, and I've got an idea that I want to get set up. I'm obviously not in the right-of-way, and I'm not in the sidewalk, do I do that and then ask for approval? Or am I waiting on the approval for me to get those tables outside and start generating income?"

Mr. Lindsey said, "If it's on the sidewalk, you're waiting for approval. If it's on your property, you can go ahead and set up. Let us know about it, and then we'll go from there. But, I just want to also emphasize that I have five folks in my staff from Zoning, as well as my Operations Manager and myself, who are all able to look at these. We're standing by and ready to go."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, and this is another question for Jacob, Mr. Mayor. The only question I had on this was under section D-10, and the language says 'the Zoning Administrator may impose other conditions or limitations on the restaurant to protect against adverse impacts from noise, traffic, parking, fire, etc.' What are you anticipating with that provision, Jacob?"

Mr. Lindsey said, "Thank you, Councilmember. I've also noticed Chip has had his hand up, so I'll give him a chance, as well, to speak after this. I really do think that language is something that comes from Chip and our great colleagues at Legal that gives our Zoning Administrator a little bit of leeway if there's some kind of exceptional issue or problem. As you know, every single site, every street in downtown Charleston, is unique and abroad, not just downtown. So, it just gives discretion to the Zoning Administrator, should there be some unusual or exceptional condition that requires safety focus. I think it's really just to make sure that we got our bases covered. But, again, we want to work with the restauranteurs to help them solve problems. We're not trying to be here in a punitive mode to say 'no' to everyone."

Councilmember Shahid said, "Thank you, sir."

Mayor Tecklenburg recognized Mr. McQueeney.

Mr. McQueeney said, "I was going to say that 10 is a catch all. Keeping in mind we're, I've told people this. The most important sentence in section 2-B, the sentence that suspends all current zoning ordinances and regulations applicable to outdoor dining areas and to sidewalk dining. The existing sidewalk dining ordinance alone, I pulled it up from 2009, was 16 pages. It already requires insurance, and requires a survey by a licensed surveyor. It's much more. The

affidavit if you haven't had any municipal violations. It's much more sensible what we're talking about. The section 10 for outdoor dining areas, keep in mind that, think about the Waffle House parking lot or something like that. With parking lots, there are going to be no minimum requirements. So, we need some discretion on the Zoning Administrator's behalf to deal with parking issues, traffic issues, and those kinds of things that are going to rise on a site specific basis. We need that in there so that we can react on a site specific basis, especially neighbor complaints."

Mayor Tecklenburg said, "Thank you so much."

The Assistant Clerk said, "Mayor, Susan Herdina has her hand up and Councilwoman Jackson."

Mayor Tecklenburg recognized Ms. Herdina and then Councilwoman Jackson.

Ms. Herdina said, "Mayor, I just wanted to address one question that Councilmember Sakran raised about the insurance and the indemnification. Again, that only applies to the public sidewalk permit. It does not apply to the private property outdoor dining provisions. So, the City is asking for that protection because obviously, if there is some sort of injury that occurs on the City property as a result of the dining activities of a private party, we just need that in protection. But, it does not apply to the private property dining permit."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I really appreciate hearing the discussion ahead of this. I don't know how you communicate, and maybe it's to put some beautiful flyer out there, but when you read this document as a potential user of the permissions that we're trying to accommodate in a quick turnaround for small businesses, who have maybe never done anything like this before, it reads like it's going to be very burdensome. Why would I want to put myself through this for two months of use that's going to disappear by July? It's so hot in Charleston that most people don't want to be outside. So, I appreciate knowing that this is going to be the inverse of what's written here. I don't know how to soften what's written here to make it any more comfortable for the potential owners who might attempt to use their space more creatively. I hear the catch all in number 10, for example, but the same language is essentially introduced in item two, where it says the Zoning Administrator may impose all these additional conditions. So, I don't think we need that twice. That to me really sends a message that we're trying to make it at least less hospitable than what I'm hearing Mr. Lindsey and Mr. McQueeney say to us tonight. I think we can eliminate at least one of those. I do feel like I don't know that we've pragmatically tried to test how difficult it is for very small business owners to get an expansion to their insurance in this season that would cover the City for sidewalk use. So, Councilmember Shealy would have some insight on that? But, again, I think that's just a prohibitor. I can't even get my insurance company that easily. We're dealing in times that are inhospitable to everyone's lifestyle, whether you're an owner or just a customer."

Mayor Tecklenburg said, "I have an insurance agent that I would recommend that I know you could get on the phone."

There was laughter.

Councilwoman Jackson said, "Yes, once you have the policy, then you're supposed to deal directly. Anyway, I do feel like there are some other things in here that we could be friendlier about, maybe it's just putting out a user friendly version of the same. We've got that 'width of the sidewalk shall not exceed the width of the frontage of the restaurant's property'. I know, legally, that's probably the kosher way of trying to control property by property use. But, let's say you had a ten foot wide property, you have a little hole in the wall, and you can put two tables out there. Why would someone want to go to that trouble? If we have public sidewalk on either side that isn't restaurant, and they're not clogging that establishment's door, some cleaners, or flower stores, or something like that, why not be more flexible in the way that this ordinance could be a benefit to an owner? So, I'd now like hearing you all say you are going to, you know, basically invert the process and make it accessible and quick and easy for any unskilled owner to go through. But somehow we have to communicate that, and I don't like the fact that we can go back to the legal, may impose other conditions and limitations, but at the same time, try to open up a business. So, I'm sorry to be complaining about this, but it just doesn't spell out 'Come along with the City, we really want to help you.'"

Mayor Tecklenburg said, "Right. I understand that, and honestly, I had more thoughts when I read it myself. I'll commend our Legal staff for covering all the bases. But, could I just suggest, I'm going to ask a question, and then make a suggestion. I believe that the Planning Department plans to have a simple one-page application form put on our website, and the process that Mr. Lindsey described is actually very simple and straightforward, which could be identified on the form. But leave us the fine print, just in case we need it for liability purposes and to cover all the bases like our Legal staff likes to do. Most people, I bet, will fill out the simple form, get the approval from the Planning Administrator, and not ever read the ordinance itself. So, I would suggest we proceed in that simple fashion. Mr. Lindsey, is that possible?"

Mr. Lindsey said, "Mayor, it is. In fact, my wonderful staff have worked on the one page, extremely simple explainer for the layman, and they have also already built the online application process with the IT staff. So, any restaurateur who wants to apply for this, we can be ready to launch it tomorrow. They can go online and apply through an online portal with no paperwork. It's really ready to go in a simple, straightforward fashion."

Mayor Tecklenburg said, "Right."

Councilwoman Jackson said, 'Can we see that now?'

Mayor Tecklenburg said, "Councilmember Shealy, can I come to you now to address that question about liability insurance? Is that, I mean, it is on City property when they get on the public right away. It certainly seems like a reasonable request."

Councilmember Shealy said, "Yes, it would be the liability of whoever's property it is, I'm assuming, as long as that person gave them permission. We've got attorneys here that may be able to tell you liability better than I can. I would think that the liability would fall back with different opinions, yes."

Mayor Tecklenburg said, "I think it was more if you had a customer who has a liability with you, a restaurant, how hard is it for them to extend that right to the City by being on the City's property? Is that the right way to ask it?"

Councilmember Shealy said, "Yes. To be honest with you, I don't know, Mr. Mayor. I do some commercial insurance, but I don't do it to that extent. I don't know how to answer that question, to be honest."

Councilmember Seekings said, "I might jump in really quickly. I think it's pretty easy to add additional insured onto an already existing commercial policy. Restaurants have specifically tailored property policies that mirror sort of general CGL policies, not hard to get on it and not particularly expensive. I think of all the things that are in here, that's one of the things that is reasonable, and we definitely need to keep in there."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor. The only thing for Jacob and any outward facing public documents, it would be great to give folks, obviously, an email address, but some sort of turnaround time that we can probably commit to. 'You'll receive a response in 24 hours or 48 hours.' I think when folks just send an email to a generic email and don't receive a response or have no way to connect, that exacerbates the frustration, so just some thoughts, suggestions."

Mayor Tecklenburg recognized Mr. Lindsey.

Mr. Lindsey said, "Thank you, Councilmember. I couldn't agree more, and we understand. We are actually not going to do things through an email. We actually have an online form, and anytime someone fills out that form, it will tag it. It will have a GIS address. We'll know where they are, and it just allows them to proceed immediately. We understand and don't want to hold anyone up. It's not an email based process, long story short, and we have staff standing by who would proceed immediately."

Mayor Tecklenburg recognized Councilmember Shahid followed by Councilmember Appel.

Councilmember Shahid said, "Quick follow-up question to either Chip or Susan. If we don't pass this ordinance, particularly Section 2, then these restaurant owners will not be allowed to expand their services into the public domain? Is that a fair assessment?"

Mr. McQueeney said, "I'm going to pull up our current ordinance, Councilmember Shahid. They would be allowed to, but they would have to prepare and comply with the current code, which again, is 16 pages. Can you all see this?"

Councilmembers said, "Yes."

Mr. McQueeney continued, "These are sidewalk café regulations. In a residential area, you need a special exception, which means you have to go to the BZA. In any area, you would have to pay a filing fee to get a survey by a licensed surveyor, proof of insurance, sign an affidavit saying you had no code violation over the last 12 months, and get approval from the Design Review Committee. I'll scroll through it. That's the codified version."

Councilmember Shahid said, "I think we got the point. We got the point."

Mr. McQueeney said, "Yes."

Councilmember Shahid said, "The point being, and why I asked that rhetorical question, is if we don't pass this ordinance, then the unintended consequence is that we're going to harm our restaurant industry. This is a way to make this thing user friendly, to give them some flexibility to open up within the parameters of what Section 2 is trying to address. I think that's sort of a fair assessment, so I would urge us to go ahead and pass this ordinance and include Section 2 right now, so we can move on to the discussion. I think we need to move on to Section 3."

Councilmember Mitchell said, "Call the question."

Mayor Tecklenburg said, "I did want to call on Councilmember Appel."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Thank you, Mr. Mayor. I'll be very brief on this. This is exactly what we need to be doing right now. We've been in a mode of what I would like to call 'negative regulation' for about two months, telling people what they can and can't do, all for very good reason due to this unprecedented emergency. But now, as we begin to turn the corner, we need to find a way to not just tell restaurants and other businesses what they can't do, but to provide the space for these restaurants to actually exist. Not just exist, but thrive in this new world that we're entering into. This does that. I know it may not look to be the case when you're sort of reading through the ordinance itself. But, I'm confident that Jacob and his team can facilitate this in a user friendly way, and if we need to make tweaks to it, we can make tweaks to it. I think we need to go ahead and get this thing adopted so we can give restaurants some additional flexibility. Thank you."

Mayor Tecklenburg said, "Amen. Alright, anyone else?"

No one else asked to speak.

On a motion of Councilmember Mitchell seconded by Councilmember Shahid, City Council voted unanimously in favor of Section 2 of the Emergency Ordinance to Decrease Risk of exposure to COVID-19 in Restaurants.

Mayor Tecklenburg said, "So, can I entertain a motion--"

Councilmember Mitchell said, "Move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg continued, "Section 3 of this ordinance. We have a motion and a second."

Mayor Tecklenburg said, "So, if I may make a brief presentation, and we've all pondered on this ordinance a bit, I admit. Earlier tonight, we had a presentation from Tracy McKee, where she showed you the number of cases, the rate of incidents in the City of Charleston, not the County, not the State, not the United States, not the world, but the City of Charleston. I want to thank Council, thank our citizens for their collaboration and cooperation in keeping the numbers

down. We've really been successful. It doesn't seem like a time to be celebrating yet, but we should be proud of that. We should be proud that those numbers in the City of Charleston's active cases are really low. How did we get there? We got there by keeping public safety first for our citizens. First in mind, protecting our citizens, and now we're at a point, we've got the numbers low, we can reopen, but we have to measure and monitor. Yes, there's responsibility for everyone to continue to cooperate and be a part of the success, but there has to be some accountability, I believe, to what we do. There's been accountability in what we've done to date, over the last two months. This is no different than what we did for our retail businesses, where we took those recommendations that were supplied for the reopening of retail businesses, and we were able, in a very positive and good fashion, to send our livability and police officers to educate that the buzzword was 'compliance' and not enforcement, to do the right thing, so that Charleston remains as safe as it can be, not just for our citizens, but our employees who are working in these businesses, and for visitors who we look forward to the day to welcome back to Charleston and to be apart again of this robust hospitality business that we've enjoyed here in Charleston.

So, I know there's an issue. We basically get down to the issue of, 'are we going to ask folks to nicely comply, or are we going to codify the same recommendations that the Governor and the regional group, One Region, have put in place', that is basically what we're saying to just add the accountability so that we can ask the businesses and educate them. We know that 90-95 percent of them will comply. They want to be safe. They want to have successful businesses, and they want Charleston's economy to come back strong. We do that by staying safe, but unfortunately, like that picture you saw just a few minutes ago, taken just last Saturday night of a bar scene in Charleston under the guise of dining on an outdoor patio, dozens of people were closely gathered. They weren't even dining, and if you allow bars and restaurants, there will be some folks that need to be brought into compliance. So, that's why we brought this forward to you. I feel like it's the right way to go. It's consistent with what we've been doing all along. It's the way to maintain public safety. It's the way to maintain our numbers from going up and Charleston becoming a hot spot and getting that stigma that would come along with that.

I know some of you all feel strongly that it ought to just be a recommendation and not an ordinance. I respect where you're coming from. I mean, I hope she's not listening, when my wife wants me to do something, I don't always want to do everything she asks me to, and, we all have a good independent streak of running business and all of that. I was a small business owner for years and years, and I didn't like the government telling me what to do and all like that. But the way we've approached this City all along, so far for the last two months, has not been about strong-arming anyone. It's been about education, compliance, and making sure we get cooperation. We've been successful doing that. So anyway, that's my pitch. I certainly respect your all's opinions too, but I would respectfully ask your support for this ordinance tonight."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Mitchell said, "I'm ready to vote."

Councilmember Gregorie said, "I am, too."

Mayor Tecklenburg said, "Alright. Can we call the question?"

Councilmember Mitchell said, "I'll call for the question."

Mayor Tecklenburg said, "Alright. Any comments? I will call on you, Councilmember Griffin. I did recognize you and saw your hand. Yes, sir."

Councilmember Griffin said, "Let me just unmute myself. I completely understand where you're coming from, Mr. Mayor. Trust me. I'm looking at that picture that Jacob Lindsey just showed us. It literally just makes me so mad. Number one, that particular place doesn't even really serve food at all. Let's be honest, it's a bar, and they totally took advantage of a loophole in an ordinance that allowed outside dining and said 'you know what, we're going to open back up, and we're going to try to have a night where other places are following the rules, and we're going to open up knowing we're the only bar pretty much open up doing that and see if we can have a banger night and try to make up for a couple of months of lost revenue.' I was talking to some other restaurant owners today, that run restaurants who do serve alcohol in our bars later at night. I told them that if anyone thinks that they're going to be able to make up for this Coronavirus by having a couple of banger nights where they just break all of the rules, it's not going to happen. Number one, we're not going to allow it to happen and number two, what they're going to do is, they're going to do what Dr. Cole just basically told us. If people do not have common sense, there won't be a ripple effect we have to put up with, it will be a wave. That's what we're trying to avoid here.

What I'm worried about with number three is that the impression could be that we're kicking a dog while it's down. When I say that, I understand we go, we opened up outside dining, and we opened up retail. It's my impression that we had a very, very low number of cases or infractions. Maybe Mr. Riccio or Chief Reynolds can speak on that, but the restaurant community has been hit the hardest. The most number of unemployment claims, the most number of people on unemployment in the United States, are food and beverage workers. They were given an extra \$600 through the stimulus package, and now they're better off at home than they are at work in some cases, and a lot of people are refusing to go back to work. I've talked to business owners that can't even get their employees back and may have to turn them into the Federal government in order to get them back to work. I mean, we're in an unprecedented situation here. So you're talking about businesses who had to fight and claw just to stay open, if they were able to do that. You look at a place like Hall's Chophouse. They, for the first time in their history, have been selling raw steaks that people can go cook at their house. People have had to think outside of the box like never before. The way that I look at it, everyone keeps throwing around this term 'common sense', and we're having this discussion.

Do we trust people enough that they will exhibit common sense in a public setting? Do we have enough trust in people that they're going to be able to go inside a restaurant and stay at 50 percent capacity or less and not break the rules? Integrity is doing the right thing when no one is looking, and that's what we're asking people to do. It's a tough question, and it's something that, it's one of those issues that keeps me up at night. How much trust can we have in people? We want to trust everybody. We want to trust every small business. We want to give them every opportunity that we can to be successful again. Then, you see an example like Saturday night, and you just wonder what that person was thinking. Do they actually care about our City? Do they care about the people that they were serving? Did they have a moment where they looked around, and said 'you know what? This is wrong. I'm putting people at risk, and I'm doing it anyway.' It literally breaks my heart. I would love for us to give small businesses an opportunity to prove themselves. We meet a couple of times a week at least. I would love for us to give them an opportunity. For that reason, I'll probably vote against it because this because I think a recommendation just to give them a chance, would be a good faith effort coming out of this really difficult circumstance. But, my leash would be so short that if I saw one other case like what

happened Saturday night, I would vote for this to be a law, 100 times out of 100. But, I feel like they deserve at least one chance, and after I read that letter that I forwarded on to the rest of you all from that Coalition of Small Business restaurants, over 30 restaurants downtown who have already come together and said they have no problem handling this themselves within the restaurant community. I know they would do a great job, and I have to support them today because they've been so good to me, calling me every day with different info about how to reopen their business, and I've seen how they've adapted to these tough times. I feel like I, personally, need to give them an opportunity or a chance, so I'll vote to support them today. But, in no means do I mean that as any disrespect to you, Mr. Mayor, or anyone else on Council.

I'm heartbroken at what I saw in the picture because that is the epitome of what's wrong with society. We are here doing what nobody else wants to do. This is work we never thought we'd ever have to do, and we do it because we love this City. The person that runs that business does not love our City, and honestly, I'll never visit that establishment ever again because of that. That breaks my heart because, at one time, I thought that was a pretty good establishment. It's mostly for young people, so don't worry, I see you looking at me pretty hard. All I'm saying is that, we have so many good apples. It just breaks my heart that one has to spoil the bunch, and I just want to give kudos to all those. I said this last week, the people that have done outside dining and the way that they're able to think outside the box, I've never seen more parking lot restaurants in my life. I laugh a little bit. Technically, these guys have been doing this against the rules because we're not actually putting new rules into place until just now. We've been very lenient on that, as well. Our restaurant community makes up a lot of the money that we're able to put into our budget every year. They help us immensely. They bring thousands and thousands of millions of tourists into Charleston every year. There's hush puppies being handed out by Hymans. They bring them in, so we've got to love them. We've got to do everything we can to love them and help them. That's why I say this is one of the toughest decisions we've ever made. I know some say it's a pretty easy one, but for me, it's torn me in two opposite directions. I support the restaurant community tonight. If it fails, I'm still at peace that we're doing the right thing, but I just feel like we have to give them one more chance because they've been so good to us. Thank you."

Mayor Tecklenburg said, "Thank you, Councilmember Griffin, I appreciate that. I see a number of hands. I know we want to call the question, but I think this issue deserves public comment."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Thank you, Mr. Mayor. I just can't say how much I sympathize and appreciate Councilmember Griffin's comments just now. I think they were spot on and right on the money. I just want to add a little piece of information to that picture and a little bit of context behind that story. I can tell you that that group of restaurants downtown read those guys the riot act. This is an example of the community sort of acting like white blood cells, if you want to use a health analogy, to sort of fight off an infection within their own ranks, if I may be so bold with that analogy. I think that is healthy, and I think that's the way this ought to go. I don't think there's anybody on this Council that disagrees that shouldn't have happened. Frankly, our City's law enforcement and livability folks should have been able to go in there and break that thing up. My only question is, is there a way for us to go in with more scalpel, as opposed to a one size fits all kind of general regulation across the board? I can't agree with Councilmember Griffin enough about this. The restaurant industry has been kicked to the ground. It is on the ground right now. This is an industry that is responsible for bringing Charleston to where it is today. They've meant a lot to this City in a whole lot of ways, employing people, and funding city government. They've

been hanging on for dear life for two months. They need some love right now from us. We just did a great thing by passing this outdoor dining ordinance. Let's give them a little bit of time to figure out a way to make this work. During that time period, let's see if we can maybe come up with a legal mechanism that will allow our City to go in with legal authority to break up ridiculous, irresponsible public gatherings and let that be known far and wide. I think that can be a good way to go on this, so I'll yield back the floor. I appreciate everyone's time on this issue. I agree. It's a tremendously important one."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mayor. I will be very brief, too. I really do appreciate Councilmember Griffin's heartfelt words. I share them. I mean, you're a great salesman, Mayor. You were swaying me with your logic, but my heart is sort of in the place where I think we are never going to be able to regulate ourselves out of this season of crisis and now recovery, and then innovation. We do have to trust our people, our business industries, and our customers. I said to a few of you today, I personally am not going to go to an establishment that doesn't have their wait staff wearing masks. I really do think we have to give that kind of integrity and responsibility to the people who are going to vote with their feet to the places that are being responsible and wanting this virus to be done with, compared to those who are just going to go wherever beer is flowing. I do think that we should maybe have some conversation about what we could do to regulate the party scene at restaurants that are maybe open a little too late, in this day and age where everybody needs to be mostly at home. You go out to eat, you don't go out to drink. So maybe we should be talking about how we can have some sort of additional early closing of establishments that we all saw in that photo of the weekend. But, I am going to go along with Councilmember Griffin. I do feel like we need to give the 95, let's even say 98 percent, of the ownership some credit. But yes, if we find out after two days that no one is respecting their fellow man, then we come down with this very responsible ordinance that would give us the enforcement that you're asking for, Mayor. So I want to take the chance and give people credit for doing the right thing."

Mayor Tecklenburg recognized Councilwoman Delcioppo.

Councilwoman Delcioppo said, "Thank you. I agree with everything that's said before me, and I'm going to try not to repeat what's already been said because I'm sure everyone's backside is hurting as much as mine from sitting for so long. I think that, to think that if we don't pass this as something enforceable in any way, lends that we're irresponsible, or we're not taking this as seriously as it needs to be taken is ludicrous. All 13 of us, and everyone else, understands just how severe this is on a lot of fronts; medically, economically, etc. So, none of this is an act of irresponsibility or not caring or not taking something seriously. Restaurateurs is already a heavily regulated industry. When you look at what One Region, Reignite and Accelerate SC have put out as guidelines, it's extensive. I had the privilege of being on that call with the several restaurant owners, associations, and other Councilmembers on Thursday, and they appreciate those guidelines, and they want to follow those guidelines. In a lot of ways, those guidelines actually go further than what's stated in this ordinance. I think, no matter what you do, there's always a bad egg. There's always someone who is going to do what they're not supposed to do, and we see that everywhere. The majority of people have the best of intentions, and there's always that one person who's going to be hurtful. Again, are we throwing out the baby with the bath water? A lot of these restaurants, even with the guidelines that they're willing to follow, it's still not economically feasible for them to be open, but they understand. I think the analogy used in that call, 'they have to crawl before they can walk, before they can run.' So, they're willing to make these sacrifices

now to get themselves to those points. So, I'm with Councilman Griffin and Councilman Appel. I can't support this as something that's enforceable. Guidelines, absolutely, and I think that you will see all of us have been inundated with phone calls, emails, and text messages from our constituents when they see things. Then look at social media, and it's a blood bath of calling each other to the carpet. I have no doubt in my mind that a restaurant acting out of line is going to get called out and be financially hurt because of it. So, I think those are the factors we have to weigh, and also, again, I get into the consistency of this. Even when it came to parks, I had residents on Daniel Island that didn't know if they were allowed to sit. They had to keep walking. They didn't know what they were allowed to do in a park because Mount Pleasant apparently was doing something different. So, again, when just speaking from my district, I have two Counties with Mount Pleasant in the middle. There's a lot of moving parts. People are so confused and don't know which end is up at this point, and are we are just further muddying things if we're different from Mount Pleasant and other jurisdictions? I think just keeping consistency is the most important thing at this point. I'll close with that thought."

Mayor Tecklenburg said, "Alright. So, there are other Councilmembers that would like to address. Earlier on, we had a call for the question. It seems clear to me that the consensus here is that we give the restaurant community a chance to prove themselves. They say they're willing to step up, but we've talked about bad apples and bad eggs. Maybe, we wait and see what happens."

Councilmember Griffin said, "Let's give them a week."

Mayor Tecklenburg said, "In the event there are more bad apples than eggs out there than we like, can I move then for a motion to defer and then we can adjourn for this evening?"

Councilmember Griffin said, "Can we take it up Monday, Mr. Mayor?"

Councilmember Gregorie said, "Mr. Mayor, I just think that we've come too far."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Gregorie said, "I really think we've come too far to start becoming lax. What I mean is, our numbers are what they are because we had been taking the positions that we're taking. I think there is a reason why that happens because of what we've been putting in place. The bottom line for me is people are dying, folks. The last thing that I think we need is a wave as Dr. Cole just spoke to us about a little earlier. I think that we're taking a risk with our lives, not just the folks who go to the restaurants and party and don't adhere to rules. They go to other places, and they go into other communities. As you know, some of these communities are hit much harder than others. I don't think we should take this risk at this point, given how far we've come. I think it's important for us to put these measures in place. We can defer it, and when we defer it, perhaps one other person may die. Even if we don't defer, the same thing might happen. I'd like to err on the side of caution, here. I understand, clearly, the challenges that small businesses and restaurants have, but I still think the risk can be pretty costly to folks. I'm not going to vote for deferral. You probably have the votes to do it, because I want the record to clearly reflect my opposition to delaying this matter. I really think that we should be consistent with our efforts. The minute we start relaxing, we make ourselves more vulnerable. People are dying. This is serious business to me. I totally respect all of the positions that have been articulated and clearly understand them, but I think that this moment is bigger than all of us. History will reflect this action if people begin to start spreading this virus. That's not the only place where people are

partying. If you go to certain places, this City looks like it's wide open already. I think it's important for us as keepers, as protecting the public interest, as protecting and making sure we keep our residents safe, we get paid the big bucks to often make very unpopular decisions. That's called leadership, and I think this is a moment where we, as Councilmembers, must lead even though it may be unpopular because we need to protect the public interest, and we need to make sure that we don't create a wave, then more people start dying. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you very much."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I concur with my colleague. All we're doing is trying to keep people safe. I know they say some people are going to adhere with what we put in place, but a lot of us are not going to do it. I live on King Street. I drove up and down when the places were open, the restaurants and bars were open. You should come down there and see what is happening when these bars and restaurants are open. I'm there every day and every night, so I can tell you wholeheartedly it's not going to work. We have to have someone there to tell them, 'hey, you're violating this'. We are doing this for safety reasons. I had four people die already, two in my family, because of this virus. It's very, very important to me, and that's why I'm saying. This is not something that we stop them from doing. They're going to be able to open, but we just want to have something in place to say 'look, you need to adhere to what we're asking you to do'. That's it. We're not stopping them from opening. So, if they do this we can come back and pull it out and say, 'okay, we can relax now, we can put this away'. But we need to put something in place and let them know that we are talking about faithfulness for everyone, the staff, the people who are patronizing these restaurants and the businesses. That's what we're doing, and that's all we're doing. We're not stopping them from doing anything at all, so I believe I'm not going to vote for the deferral because I set in my mind that we always need to have something in place just to make sure that we as a City, that we as Council, are doing the best we can to put a curve on this virus that's happening in the City of Charleston. That's what it's all about."

Mayor Tecklenburg said, "Thank you. I never heard a second, so as far as I'm concerned, we're debating the question."

Councilmember Griffin said, "Second."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor, and I know the hour is late and we've been talking about this for a long time. My phone rang for the first time about this at 7:00 this morning. I've literally been sitting in front of this computer since then, so that is what, hour 13 or 14? I appreciate everyone's comments and agree with a lot of them. Councilmember Appel touched on this very briefly, but the picture that we saw was at Trio Club downtown. The next day the restaurant owners around them didn't not just read them the riot act, they sat them down in a room, had a meeting, and said this will never happen again. By passing section two of the ordinance tonight, we've yet again entered into a partnership with that industry, and if we're going to have a partnership, there's going to have to be some trust between us. I would suggest that we defer this tonight and we go to Monday. This would still be divisive, and I do think there's another approach we can take. I've talked to some of my fellow Councilmembers today, and I spoke to Susan. I think there's another approach we can take, and if we're going to defer this or take it up again, I'd like to distribute it to everybody and sort of get your thought about how we can put

something in place that is effective, that shows the partnership we have out there, that puts in place a system where there will be the problems that we just saw, but isn't a divisive matter that we talked about tonight and doesn't basically make it a criminal offense. So, I do think further debate, on this but by passing section two tonight, we're in partnership with this industry. What we've said is, 'we're waiting for you to slowly but surely take those steps that we talked about in that conference call,' that Meg Thompson did so well last week and talk about taking the baby steps along the way. I think we need to be partners with them as we do it, whether before tonight or not we're going to have this conversation.

As a matter of procedure out there, if we don't defer this, I think it's going to take nine votes to pass which I suspect won't be out there. That's going to leave us with bringing it up again next Monday anyway. Right, am I right about that?"

Mayor Tecklenburg said, "Right."

Councilmember Seekings said, "So, anyway, I think that where we are now with section two in place, we need to think about it, partner with the industry, and come up with a scheme of partnership and ability to call out those who have not done this properly and make it, so that it's got some teeth to it. We can do that. I'm all in for that so, thank you."

Mayor Tecklenburg recognized Councilmember Waring.

The Assistant Clerk said, "Mr. Mayor, I think Susan Herdina had her hand up."

Mayor Tecklenburg said, "Yes, I'm trying to get through our Councilmembers who want to be recognized. Let me come back to her, if I may."

Councilmember Waring said, "Mr. Mayor, let me defer and listen to what Ms. Herdina has to say. She's the Legal Counsel. Maybe she has a point I would need to hear."

Ms. Herdina said, "Thank you, Councilmember Waring. My only question was I wasn't clear what exactly we were voting on at this point. That was my question."

Councilmember Griffin said, "Mr. Mayor, I seconded your motion to defer."

Mayor Tecklenburg said, "I did end up getting a second to my motion, to my entertaining a motion to defer. Did someone actually make the motion?"

Councilmember Brady said, "I did."

Mayor Tecklenburg said, "Okay, Councilmember Brady did. So, there is a motion to defer on the floor right now."

Mr. McQueeney said, "Is it just section two that we're moving to defer?"

Councilmember Griffin said, "No, it's section three only."

Councilwoman Jackson said, "Three."

Mr. McQueeney said, "We have four through seven sections. I can redraft it to take out three if we need to."

Ms. Herdina said, "Also section one, so we'd basically be talking about section one, two, four, five, six, and seven."

Mayor Tecklenburg said, "Well, let's see here. What do we have in four, five, six, and seven? I think you defer all if you're going to defer three at this point."

Councilmember Seekings said, "We've certainly got to defer four."

Councilmember Griffin said, "Three through seven, defer please, if Councilmember Brady is okay with that amendment."

Councilmember Brady said, "Yep. I'll amend as proposed."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Thank you, Mr. Mayor. First of all, I just want to say thank you to Ms. Herdina and Mr. McQueeney for all the work that you've put into this. I know when we started talking about this ordinance a few days ago, there were some things in there that the Governor had, and I think we've cleared that up, and it's a good, solid ordinance if we need to use it. I believe, though, the largest obstacle we have right now is patrons having the confidence. They're safe when they come to dinner right now, and I think they feel that, and they need that. I know that we have the exceptions like what we're talking about, but I agree that that industry will regulate themselves and come together and make sure that people feel safe to come out, go to dinner, go have a drink, or whatever. I think that we need to give them that opportunity because I think the pressure is on them to prove themselves."

Mayor Tecklenburg said, "Understood. We have a motion on the floor to defer everything except for section two that was already passed."

Mr. McQueeney said, "Mayor, I apologize. I need it to make sense. Section one needs to be adopted in some form, findings of fact. Section three can be taken out, and I can amend which I've done while everyone was debating, and amend portions of section two to eliminate references to section three. I think, section, let me go through it now, section four needs to stay in because that's the enforcement of two. It just wouldn't be used to enforce three now because three is out. Section five would be taken out because I think those are health and safety regulations. Section six should stay in because those are enforcement mechanisms for either two or three. Now that three's out, they just enforce two, and section seven needs to stay in because that's the effective date. It will automatically expire July 12th. I would recommend just deleting three and five while leaving everything else in except for references to three in existing section two."

Councilmember Griffin said, "Mr. Mayor, like Mr. McQueeney is saying, can we take three and five out and then take them up separately on Monday?"

Mayor Tecklenburg said, "Correct. Three and five out. We're going to defer section three and five, and then we're going to come back and vote on two again to include the other sections."

Councilmember Griffin said, "Right."

Mayor Tecklenburg said, "Sounds like a plan. We've got a motion on the floor and that's if that's okay with you, Councilmember Brady."

Councilmember Brady said, "That's right."

Mayor Tecklenburg said, "Okay, we're going to defer sections three and five of this ordinance regarding restaurants."

On a motion of Councilmember Brady, seconded by Councilmember Griffin, City Council voted to defer section three and section five of the Emergency Ordinance to Decrease the Risk of Exposure to COVID-19 in Restaurants.

The vote was not unanimous. Councilmembers Mitchell, Shahid, and Gregorie voted nay. The motion carried 10 to 3.

Mayor Tecklenburg said, "Now, if I may ask your forbearance to have a motion to pass the ordinance with everything but three and five, which would include one, two, four, six, and seven."

On a motion of Councilmember Mitchell, seconded by Councilwoman Delcioppo, City Council voted unanimously ratify the following ordinance:

2019-060 EMERGENCY ORDINANCE TO DECREASE THE RISK OF EXPOSURE TO COVID-19 IN RESTAURANTS AND TO AUTHORIZE THE USE OF NEW OR ADDITIONAL SPACES FOR OUTDOOR DINING (AS AMENDED). [05/12/20](#)

Mayor Tecklenburg said, "I got that right, Chip?"

Mr. McQueeney said, "Yes."

Mayor Tecklenburg said, "Now, finally, sorry to keep you all up so late, but we do need to take action one way or the other or defer the ordinance replacing the Stay at Home Order. Chip, do you have any science to that? Does any part of the replacement of the Stay at Home have to do with three and five that we just basically deferred from the other one?"

Mr. McQueeney said, "Mayor, I did not draft the Stay at Home, so I'm going to have to defer to Susan on what needs to be changed on that. I don't have the word version, I don't think. I apologize."

Ms. Herdina said, "Section eight needs to be modified."

Councilmember Appel said, "And also section-I."

Ms. Herdina said, "Okay."

Mayor Tecklenburg said, "H and I would have to be modified."

Ms. Herdina said, "I would think we would want to keep in 'h' 'businesses it is permitted to be open to the pursuant to the Governor's order,' and this is in 'h'. 'Shall comply with all state,

local laws, and regulations'. We would take out businesses listed in the above section and section 'i', 'shall comply with the guidelines issued by the Governor as of the effective date of this ordinance'. So basically, the first line of 'h' should be kept in there, that way the occupancy levels and all the other state and local laws and regulations that apply to these businesses would still be in place. What we would be doing is deleting the last two sentences of 'h' that say 'you will also by this ordinance be complying with the guidelines in the legal fashion.' It's basically the version of three that's in 'h', and 'i' really becomes irrelevant because we're taking the dining ordinance up instead of that. What I would recommend then, is we modify in the Stay at Home ordinance, section 2-h, and we would keep the first line in 'h' but we will delete the last two sentences of 'h', eliminate 'i' all together because, in effect, that's been replaced by the other ordinance dealing with dining outdoors and indoor dining."

Mayor Tecklenburg said, "Should we be keeping the first sentence of 'h' as in Harry and deleting paragraph 'i' completely?"

Ms. Herdina said, "Correct."

Mayor Tecklenburg said, "Correct."

Councilwoman Jackson said, "Mr. Mayor, may I ask a follow-up question of Ms. Herdina?"

Mayor Tecklenburg said, "Sure."

Councilwoman Jackson said, "I appreciate that 'i' needs to come out, but why wouldn't we want the businesses that we are retaining in this list of subsection 'f', to comply with the guidelines issued by the Governor?"

Ms. Herdina said, "Well, basically, the language that's in here is it says 'shall comply', so rather than encouraging them to apply, we are basically making it a part of this ordinance. So it's that enforceability issue that we've been talking about before. The Governor has not said you must comply with my guidance. He's only urging them to, and, so what the last two lines here basically keep converted his guidance into law."

Councilwoman Jackson said, "I see, thank you."

Mayor Tecklenburg said, "Can I entertain a motion to accept this ordinance, but to include only the first sentence of paragraph 'h' and to eliminate paragraph 'i'."

Councilmember Mitchell said, "So moved."

Councilmember Shealy said, "Second."

On a motion of Councilmember Mitchell, seconded by Councilmember Shealy, City Council voted unanimously to ratify the following emergency ordinance:

2019-061 EMERGENCY ORDINANCE REDUCING RISK OF EXPOSURE TO COVID-19
AND REPLACING STAY AT HOME ORDINANCE NO. 2020-048 [5/12/20](#)

Mayor Tecklenburg said, "Thank you all for sticking through a long meeting here. I think it was important for us to listen to everyone on these issues. You're right, Councilmember Seekings, and others. We have a partnership with the restaurant businesses here. I think that's shown by

facilitating outdoor dining. I do want to make clear that by no means, by trying to promote safety and compliance, was I or we indicating that we have anything but a partnership with that important industry of our City. It's just a matter of trying to proceed in the safest way possible, more to come on this. We hope we won't see any bad eggs or bad apples out there, and maybe this is all we need to do. We're trying to set the tone so that three months from now, six months from now, a year from now, ten years from now, Charleston will be known for staying as safe as it possibly can. So, God bless you all."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, 'I just wanted to reiterate to you that the passion of this Council is unprecedented. The way that we have worked these past few months and your leadership is the best I've ever seen, and I'm just proud of this Council. No matter what, when we get off these calls, you know we care so much about this City, our State, and our Country. I know when we get off these calls we're all going to be good again. We may take different sides, but I'm so impressed by everyone in this group that I have nothing but respect for everyone here. I'll tell you that."

Mayor Tecklenburg said, "God bless."

Councilwoman Jackson said, "That's nice."

Mayor Tecklenburg said, "Thank you. No further business comes before us. We stand adjourned."

There being no further business, the meeting was adjourned at 8:54 p.m.

Vanessa Turner Maybank
Clerk of Council