

**COUNCIL CHAMBER**

Regular Meeting

July 17, 2018

The fifty-seventh meeting of the City Council of Charleston was held this date convening at 6:25 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media July 11, 2018 and appeared in The Post and Courier July 15, 2018 and are made available on the City's website.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

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

Mayor Tecklenburg called the meeting to order at 6:25 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Now, if you would like to join us, Councilmember Wagner, would you please lead us in a prayer and Pledge of Allegiance."

Councilmember Wagner opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Thank you very much. Now, just an announcement, in the most unlikely event that we would need to evacuate the building, these are our two exit doors from this main room, and there is an exit door from the room over to my right. In that event, please do not use the elevator, but just use the stairways down. There are two and then the one stairway out the front. It's very unlikely but I just want everybody to know how we can get out of here if we need to.

Now, we have 18 public hearing matters before us tonight, and that's quite a few. So, I'm going to ask to limit the folks' remarks that want to speak on the public hearing matters to two minutes each and to please just come forward to speak on that public hearing matter, if that's something that you care to do. Then, we will have, a little later, a public participation period. You don't have to sign up for the public hearings, but if you want to address City

Council during the public participation period on any subject that you like, there was a sign-up sheet, still is, out on the desk. We ask you to please sign up. We'll determine how much time we will allow on that.

Speaking of time allowed, Councilmembers, I fully read, because of a number of issues that came up in the last month, our Order of our City Council protocol and decorum and all like that, and believe it or not, we have limits, too. Two people, I mean you're only supposed to address an item twice and allow everybody to speak. I normally try to do that, but I didn't realize we actually have a 15-minute limit on one individual speaking at one time, so I'm going to have to watch that, as well. Then, when we get to the point and you want to share with the Council why you're voting a certain way, then that's a two-minute limit on that, as well. So, to keep things moving along with 18 public hearings and a number of items on the agenda, let's be mindful of these limits in place.

First, I'd like to ask Queen Quet to come forward, along with anyone that's representing the Gullah Geechee Nation this evening. We have a proclamation for you, and Queen was telling me that she's gotten this proclamation from the City on numerous occasions, please come forward, but this is the first time she's actually received it in the Council Chambers, so we're so blessed to have you with us here tonight and I would like to read the proclamation, and we'll allow you to make a few comments."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

There was applause in the Chamber.

Queen Quet, speaking in the Gullah language, said, "Good Evening, everybody. Glad to be in Chucktown. Glad to be with all the Gullah Geechee folk in the house this evening, all of the sweetgrass basket makers, heirs property, lawyers, everybody be in here, a family reunion. So, glad to be here. I want to say thank you to the Mayor, and thank you, City Council, for this here invitation. I could have been in Hilton Head because they've been wanting me there this evening, too, but I tell them I have to go to the Chucktown this time."

There was laughter in the Chamber.

Queen Quet continued, "This is my first time inside this here Chamber. Alright. Thank you everyone and all of the newcomers, as well. We will be hosting the Gullah Geechee Nation International Music and Movement Festival here in Charleston again this year, the first weekend of August. That Saturday we will be at the Charleston Music Hall for the first time because we cannot go to the Charleston Maritime Center area, because we're about to break ground on the International African American Museum. I have sat on the Board since the beginning. So, we're looking forward to that institution coming. The festival will move into that institution when it's here.

This year, Gullah Geechee is our theme, Mayor, and one of the things that concerned me was, first, I got a Google alert. It said, 'Okay, Charleston and Slavery.' I said, 'What else is new,' but then when I opened it, it said there was an apology. I came tonight because, first, I wanted to thank the City of Charleston for at least apologizing, but I have to also point out, and I see you all are largely men on there (Council). Apology means nothing without action. So, we have to have actions behind apology. Usually there's restoration, there's restitution, it leads to reparations, and that's what happens. It's a four-leg table to that process, so I pray that we can

continue to work together until that table stands, but on it, I would like a bunch of Palmetto Roses. So, it hurt me that right when I was about to say, 'Yes, I've got to tell them thank you', I had to turn around and say, 'Well, now I've got to say something else', because as the Queen Mother, I take care of the children, and it hurts my heart to see one of our children get arrested because someone was trying to rebadge them, rebrand them, in Charleston. We had badges, slave badges in Charleston, and people who owned businesses who looked like me and worked had to have them then. We can't make our children feel like they're re-living enslavement because they're doing something legal by continuing their cultural traditions. The Palmetto Roses hurt no one. They only beautify, and they uplift our cultural community and show that our legacy is still alive. So, I want to sit down with you, with the City Council, with our Wisdom Circle Council of Elders, because we cannot have ordinances that bring disorder. There has been a lot of disorder and pain that has come to the Gullah Geechee Nation in the past couple of weeks because we saw one of our children was arrested for selling a Palmetto Rose, and we see signs that say not to buy from the children. Market Street was where our ancestors were sold, but Market Street was where the Flower Ladies sold their flowers and where they said, 'Strawberries!' and all of that. So, we can't say to the children they can't carry on the ancestors' legacy and then say we're celebrating their legacy. So, thank you, thank you to the City, but I just wanted to bring that in the room, so we know we can all still do as the song says, and walk together as children. We can't get wary. So, thank you, Mr. Mayor, thank you, City Council. God bless you, Chucktown Family. I'm going to leave these invitations right outside for everybody for taking. So, if you signed up or grabbed an agenda when you were coming in, grab this when you're going out. You can follow me at Gullah Geechee on Twitter or Instagram and know all of the events coming up, too, alright? Peace and blessings."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you, Queen. Next, at the beginning of this year our division of Business and Neighborhood Services launched a Non-Profit Spotlight of the Month Initiative. I'd like to ask them to join me up here this evening, the first winners of that Spotlight Initiative, wonderful Non-Profit organizations that serve our community each and every day. So, I would like to invite Brian Porter, if he's here, with the Footlight Players, Dr. Kahn, with the Shifa Clinic, and Cindy Hay Johnson, with Camp Happy Days. Thank you for coming. Who else do I have? Jessica Zserai, with Veterans on Deck.

So, the Footlight Players were launched in 1931 as the Charleston's oldest performing arts group. They first began as a small group and have since become a theatrical tradition in the Charleston Community. Their mission is to provide professional quality, affordable community theater for the residents of Charleston and the Lowcountry. We thank Brian (Porter) for that. The Shifa Clinic has been providing gynecological and primary healthcare to those who do not have health insurance and cannot pay for such services since 2012 at absolutely no charge. In addition to medical services, the clinic also runs three hunger prevention programs, including child hunger prevention, food pantry, and homeless hot meal service. The Clinic also holds back-to-school giveaways each August. Their mission is to provide compassionate and high quality medical care, regardless of race, religion, ethnicity or national origin and to put into practice the Islamic teachings of compassion, mercy, and service to community. They do an incredible job. Camp Happy Days has served over 1,500 children with cancer and their families across South Carolina since 1982. Their mission is to offer support and encouragement to children diagnosed with cancer and their families by providing cost-free year round programs, special events, and access to crisis resources. Their goal is to improve the physical, emotional, and psychological health of the entire family. Finally, Veterans on Deck has been working to prevent and treat the invisible wounds that affect members of our Armed Forces through a

sailing program which has provided holistic support and resiliency since 2011 for those dealing with Post-Traumatic Stress Disorder or any other service related invisible wound. Sailing with Veterans on Deck is a chance to focus on social stress and avoidance, while creating coping skills to work through those challenges. Sailing is always cost free, and all Active Duty or Veteran Service Members are welcome. So, could I just ask you to jointly give this a round of applause to help these fine folks and their organizations with all they do for Charleston.”

There was applause in the Chamber.

Mayor Tecklenburg said, “I have another Certificate of Recognition from the City of Charleston thanking you for your outstanding work in our City and community. God bless you all. I would ask you all to speak, but we have 18 items to go.”

There was laughter in the Chamber.

Mayor Tecklenburg said, “Alright. So, now we’re going to move to our public hearings. I think Christopher Morgan will be introducing some of them, or most of them. We’re going to start with an ordinance to close and abandon Pryor Court, a City right-of-way, and we’ll show it up here on the map. Tom O’Brien is going to introduce this first measure.”

Mr. O’Brien said, “Thank you, Mayor.”

Mayor Tecklenburg said, “You want me to hold that for you?”

Mr. O’Brien said, “Yes, sir. Mayor and members of City Council, this is a request to close and abandon Pryor Court, which is located off of Savannah Highway in the Rick Hendrick’s Auto Mile. Basically, it’s about a 200-foot cul-de-sac that’s dead set in the middle of all of their automobiles, buildings, and car lots. They’re going to do some expansion. We’ve sent out all of our notices to the utility companies and City departments, and we had no adverse comments. So, we would recommend that this be closed and abandoned.”

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

No one asked to speak.

Mayor Tecklenburg said, “Hearing none, the matter comes before Council.”

Councilmember Waring said, “Move for approval.”

Councilmember Griffin said, “Second.”

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

No one asked to speak.

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

*An ordinance to close and abandon Pryor Court, a City right-of-way, said right-of-way being shown on the plat attached hereto as Exhibit 1; and to further authorize the Mayor to execute Quitclaim Deeds and any other necessary documents, approved as to form by the Office of Corporation Counsel, to the fee simple owners of Pryor Court in accordance with applicable law, subject to any and all easements or other matters of record.*

Mayor Tecklenburg said, "Next, we have an ordinance to amend the City of Charleston's Century V Plan. Thank you, Tom."

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

Mayor Tecklenburg continued, "Our Comprehensive Plan, with the Citywide Transportation Plan, and I'm going to call on Keith Benjamin to make an update or a presentation about the Citywide Transportation Plan."

Keith Benjamin said, "Hey, you all. IT is working on a couple of slides for you all. I might have to do a song real quick."

Councilwoman Jackson said, "You can't compete with the Queen (Queen Quet)."

Mr. Benjamin said, "No, I can't. I'm not even going to try. Let me just start by saying that one of the things that was exciting when I came onboard into this position on June 5<sup>th</sup> of 2017 was the fact that you all had already given me homework to do. You all decided to go into a Memorandum of Understanding with the Berkeley, Charleston, Dorchester Council of Governments and said we want to do something about transportation that's not just going to sit up on a shelf, but something that's going to put us in the mode of implementation for what we should be doing for our entire region. So, we've taken that on through this process, and now I have it before you for approval, so I'm really excited to have that in front of you. I think what I wanted to do with this presentation, for just a couple of moments, because I don't want to keep us here forever, I'll give you an understanding of the methodology that we were thinking about with our approach and why we went in that particular way and then, give the 13 projects and take whatever questions that you might have.

So, that's actually a picture on Ashley River Road. I don't know why the PowerPoint isn't moving the way it should, but one of the things that was a concern for us is just our safety concerns, both at the City level and at the County level. Right now, we are number one in the State for both bike and pedestrian deaths and injuries. We're number two in the State, in terms of speed fatalities, and we're number five in the State in terms of DUIs. As we know, last week we just dealt with an 11-year old girl who was killed by an inebriated driver. So, it's something that I think is a driving force for how we articulate transportation and why it's important for that to be a focus area not just for us at the City level, but also regionally. The other piece was what we focused on with our constituencies. One of the things that came out through our outreach to community was the focus on one, making sure that we were aligning infrastructure with design; two, that we were lifting up the idea that our communities need to be more marketable. We've heard it over and over again from constituencies about why that's important and what we should look for and people feeling that it's the City's responsibility to be thinking about that work. Three, the main challenge that we actually heard about was affordable housing, and why am I talking about affordable housing with transportation? I have 53 employees, and I can count on one hand how many of them actually live in the City of Charleston. Our Charlestonian residents are spending up to a third of their income every year just on housing. So, the accessibility piece about how folks are getting from point A to point B to their basic needs is intersectional with these issues of affordable housing, with flooding, with healthy food access, and otherwise. So, we kind of wanted to take transportation out of its siloed conversation and really link it into the broader conversation of building community, overall.

The guiding principles, and this is in the report, but I think it is important to highlight this piece, these five prongs, that helped guide us. One, was that community was going to be first. We were going to be linking the qualitative with the quantitative. We can't make decisions

without knowing how people are experiencing lives on a daily basis, right, and linking those two together. Two, thinking about the connections. We have water, we have bridges, and we have various different land masses. What does connectivity look like in that regard? Three, was about our modes. I believe it's my responsibility and my position, I believe it's the City's responsibility, that every person, no matter what mode of transportation they are choosing or have no choice to choose, is safe in that work. That was the approach we wanted to take with the ease of access. Our citizens have said to us over and over again that they want safe, reliable, and accessible transportation. That's a mantra that, I think, we should be following. Then, finally, the best practices of the work that's happening. We've drawn from different areas around the Country for how this project should look and what implementation should be. This next slide here is just an emphasis of the community engagement portion. Of course, we had the charrette in October. One of the things I'm very proud of is the amount of folks who are involved in the process who traditionally have nothing to do with transportation, to be able to hear from folks in art and culture, from people in the health field, from people in the faith-based community giving us an articulation of what transportation should look like for their community, hearing from neighborhood council leaders who said, 'Look, we looked at this ten years ago. This works for us at Wappoo and Hwy. 17. We think that this still should be a priority.' So, it was encouraging to go about that process and really uplift those voices in that regard. The other thing that I wanted to make sure was clear is that this is not a replacement of the planning work that has gone on before. This is to elevate that work that has been going on before, Rethink Folly Road, the People Peddle Plan, the work that went on with our Traffic Calming Program, and Plan West Ashley, of course, but also things like our 2009 Corridor Study of Calhoun and East Bay that was done during that time to look at what connectivity will look like all the way down to the Aquarium. So, we're really trying to uplift the work that was done before and give credence to it.

The other three different pieces were about policy. In here wasn't just the 13 projects, but we wanted to emphasize the policies that we think will be helping us as a City move forward on implementation, and the first one is resiliency. Again, in the spirit of moving out of the silo that transportation is unto itself, flooding is an issue, but it's not unto itself. It shouldn't be separate. We should be having those conversations together. How are we moving in priorities for that? The second one is complete streets, and we know in 2008 we passed the Complete Street Policy, a Complete Street Resolution, but it's non-binding, and so, should we have a Complete Street Policy? Should we have something on the books that helps us with every single roadway project, establish that all modes of transportation are being taken into consideration, sets a particular tone for all of these developers who are deciding they want to be in our City and play a strategic role in building up our infrastructure. What exactly does that look like? What do we have on the books that obligates them to that cause? Then, the second one, again, is the connectivity part. The reason I keep emphasizing this is because, I think, when you're at this precipice point of various different transportation opportunities that exist, it's easy to grab onto the sexy thing and not necessarily what works for us as a City. If our things are not connected, especially with our waterways, our bridges, but also within our neighborhoods, which traditionally have been set unto themselves, then we're going to have issues. So, acknowledging that from the beginning is going to be important. So, here are the corridors and intersections, and I'm happy to talk about any and all of them, thirteen, again, three corridors and ten intersections: Rutledge Avenue, Clements Ferry Road, Maybank Highway, Savannah and Wappoo, Sam Rittenberg and Orange Grove, Morrison and Lee, Lockwood and Beaufain, Fishburne and Hagood, Folly and Wesley, Maybank and Riverland, St. Andrews and Old Towne, Calhoun and East Bay, and Main and River Road.

The final thing that I'll say is that one thing that I'm really proud of is the collaborative effort that occurred, not just at the City level, but with County, with Council of Governments, and with the State DOT. I'm happy to say, in the spirit of implementation, that there are projects on this list already that are moving forward. Lockwood and Beaufain is already going to be on the County's agenda this week on the 19<sup>th</sup>. Orange Grove and Sam Rittenberg is being incorporated into the suicide merge project right now. Morrison and Lee is a part of our Cooper River Bridge Redevelopment Project. So, again, this is not something that's just going to sit on the shelf. This is a call to action for us to actually implement and be in the mode for funding. So, thank you for the time, and I hope you all will consider approval."

Mayor Tecklenburg said, "Thank you, Mr. Benjamin. He has done an incredible job since he's been with us and particularly on this Citywide Transportation Plan. Now, I'd like to open it up to the public if anybody would like to comment on this matter. Yes, sir."

1. Harry Lesesne complimented Keith Benjamin for the job he had done leading the department and the planning effort. He appreciated the City's offer for him to serve on the Planning Commission, and this plan was the kind of thing that they wanted to see happen in the City. Mobility and connectivity were so important for all citizens, and this plan balanced the importance of vehicular mobility with bike and pedestrian mobility. He also came wearing his Charleston Parks Conservancy hat, another great public private partnership that worked very well in the City, and a number of the projects directly benefited the parks, the Cooper Street project, the Rutledge Avenue project, Wesley and Folly, Lockwood and Beaufain, and the initiative on the West Ashley Bikeway and the Greenway. The connectivity projects were important, and this plan helped the City achieve greater connectivity, which made better public spaces for the Greenway and the Bikeway and a better community for everyone. He commended the plan and hoped Council supported it.

Mayor Tecklenburg said, "Thank you, sir. Yes, ma'am. We're so glad to have you with us this evening, another important piece of putting together our Regional Transportation Plan."

2. Katherine Basha, Planning Services Director at the Council of Governments, said doing this collaborative effort to tie the City's Transportation Plan with the CHATS Long Range Transportation Plan at the same time was a great pleasure for them. It had fostered better coordination between the Regional Plan and with the City staff. They would continue to work with the City on various different projects. They took the projects listed in the plan and identified those that were eligible for Federal aid, and those would move forward in the CHATS Long Range Transportation Plan to be prioritized for their funding. They would continue to work with the City on implementation, and they fully supported the plan.

Mayor Tecklenburg said, "Thank you so much. Yes, ma'am."

3. Katie Zimmerman, Executive Director of Charleston Moves, said she supported the plan and that Mr. Benjamin described beautifully everything she loved about the plan. It crossed the boundaries between many different issues that affected everything the City was dealing with as a community. She was grateful to see this out of the transportation silo into resiliency, affordable housing, etcetera. She also appreciated the public interactions that happened to develop the plan, particularly all of the public sessions. Ms. Zimmerman was excited about

anything that their organization could do to help implement and move the plan forward.

Mayor Tecklenburg said, "Thank you very much. Yes, ma'am."

4. Vanity Reid said she was a political science student at the College of Charleston. She urged discerning the intentions versus the impacts of the studies. In June of 2016, she was struck while riding a bicycle across the Legare Bridge by a car traveling 50 mph which caused her to lay immobile at MUSC for four weeks and for a total of four surgeries. She was told twice by County Council that they would rather she ride her bicycle over the James Island Connector than the Legare Bridge days after the Transportation Study and Pedestrian Bike Lane was conducted, which proved to not slow traffic any significant amount. Ms. Reid urged Council to follow the studies and to actually implement significant change with the studies.

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

5. Kristopher King, Preservation Society of Charleston, thanked Council for getting the ball rolling and thanked Mr. Benjamin, his staff, and the City for their approach to the entire process. They appreciated being part of the working group on this and they thought it was a great first step to help lead in a regional conversation. They thought the plan had really good projects that could be started now, and it put in place a lot of the mechanisms needed as a community to start making better decisions about transportation and multi-modal transportation. He hoped that Council would approve the plan.

Mayor Tecklenburg said, "Yes, sir."

6. Christopher Cody, Historic Charleston Foundation, said the Historic Charleston Foundation completely supported the plan and congratulated Mr. Benjamin on its completion. He thanked him for the tremendous outreach to the community and their organization.

Mayor Tecklenburg said, "Would anyone else like to be heard on this matter? Yes, sir. Please come forward."

7. Don Hill said he supported improvements for pedestrians and bicycling through the community. Living on Rutledge Avenue for the past 15 years, he had seen a lot of increase in traffic and speeds, and it made it more difficult to live there with the street noise and increased cars. He was concerned about one portion of the plan that called for a cycle track down Rutledge Avenue, eliminating parking along one side. A lot of his neighbors didn't know about it, and it hadn't really been discussed with their community. He thought that improvements should be made to Rutledge Avenue to make it more attractive, safer, and to slow traffic. He saw cars traveling 50 miles an hour when they should be going about 25 mph. Mr. Hill appreciated whatever could be done to make it better to live in the City.

Mayor Tecklenburg said, "Thank you very much. Mr. Hamilton."

8. William Hamilton, Best Friends of Public Transportation, thanked Mr. Benjamin for his attention to bus stops at some of the intersections. The first stops going in

were very nice, particularly in terms of how they interacted with traffic and pedestrian issues. The biggest challenge the City had in making transit work in the suburban areas was safely crossing the roads, and attention to pedestrian safety was very important. As Council considered the CARTA budget, he hoped everyone would keep transit on their minds and continue the progress the City had made in the last year with the HOP bus and some of the other projects the City had worked on.

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

No one asked to speak.

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

Councilmember Gregorie said, "Move for approval."

Councilmember Mitchell said, "Second."

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

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. I just wanted to talk a little bit about the process going forward. As I was going through this, and the thing that came to mind was that it seems like every time we go to the South Carolina DOT, and we need something, it kind of gets a 'no'. As we were listening here, we heard from the College, we heard from the preservationists, historians, the COG, but we didn't hear from the Highway Department. So, I don't know how this works, to be honest with you, but it seems to me like we almost need somebody from the Highway Department to be a part of this thing, up front. I'm just thinking, in the process, that would maybe help us, and maybe you're planning that. I know you mentioned the DOT, and the reason I thought you mentioned it was because you can't do a lot of this without them. I think we need to engage them sooner than later."

Mr. Benjamin said, "Can I respond, Mayor? So, a couple of different things, Councilmember. One is that just this morning, and I said this at the T&T meeting, but for the benefit of the full Council, I was with the State Legislative Delegation talking about transportation with the Secretary, with the head of the BCDCOG, with representatives from County Transportation. We actually have established monthly meetings where District Office #6, County Council, County Transportation staff, and my staff are meeting on a regular basis, talking about various issues. One of the reasons why Lockwood and Beaufain is going to be on the County Council's list, and the Highway 61 Bikeway Crossing is going to be on that list, is because there's been a lot of conversation between all of those entities on a regular basis. One of the other pieces that I've been adamant about, outside of just this planning work, is what work we're doing in Columbia relative to those things. I sit on the Committee on Urban Design which was started just about six months ago by Leland Colvin, the Assistant Secretary, specifically because the functionality from Columbia down to the District Offices had some issues. The Secretary has laid out some priorities of how she wants to move, and that's not being followed by the District Office. So, they brought five cities together, including ours, to think about what that approval process is, how we're doing that, and what does that look like for projects, so we're doing our due diligence to move that along. I think a big piece of that, at SCDOT's level,

is their design standards, which we've begun to talk about with them because that's what really gets in the way of the 'no's'. It's not necessarily just carte blanche. It's the MUTCD Guidelines, their list of guideline books that they use, which doesn't include NACTEL design guidelines, for example, even though USDOT co-signs it in the FAST Act. So, part of the responsibility I've taken in working with the Secretary and others is to push that, and we've gotten some encouraging words about that. In fact, the Secretary will be in D.C. in a couple of weeks and going to be talking about major projects that we have going on in our region and pushing for BRT, pushing for the Ashley River Crossings. So, it's been encouraging so far. It's not perfect. I have some issues, but it's moving."

Councilmember Moody said, "Yes, that's really my question. It's not so much Commissioner Hall or maybe our District Director Robbins. I'm talking about the engineers, the people that are down in the District #6 Office that we really need to build a relationship with and bring them in early, and what I heard you say is that's who you're meeting with on a monthly basis."

Mr. Benjamin said, "Yes, in fact, five months ago when we got the first draft of this document, I brought a Committee together of those individuals, of folks from SCDOT, in Columbia. In fact, the Director of Planning for SCDOT came, from County staff, who is actually represented here tonight, to be able to have a conversation about these particular projects and what that looks like. I think that's what's put a number of the projects that are already on the list, already on their radar for focus. The other big thing just from a nuance standpoint, and I know this might sound confusing to folks, but with these projects being in the Long Range Transportation Plan with the Council of Governments, it's essentially saying for our region 'these are priority for funding,' and not necessarily 'the City wants this, and we hope that this happens at some particular point in time.' When funding comes down from the State for the State Transportation Improvements Program and otherwise, it needs to be on that list to be verified. So, the Council of Governments is going through their ranking process for the projects, but the fact that we can offer these 13 and say at the City level that these are priority for us is big."

Councilmember Moody said, "Just one more question, just to follow up, and I think this is a big picture type of effort."

Mr. Benjamin said, "Yes, sir."

Councilmember Moody continued, "I think we need to develop those relationships with those engineers so when the smaller projects come up, that we are already vetting through them. They don't see them when we get down the road too far, that they've already been engaged and feel like they are a part of the process. I think from what I've been hearing and asking about is that, and I'm not pointing fingers at us or anybody. But most of them, they get when the State gets the projects and that's the first they're hearing of some little project, they say, 'Well, it doesn't meet standards.' Then, you've got a big obstacle to come over. So, if you talk about those things early on, they might get through a lot easier."

Mr. Benjamin said, "Understood. Like I said, we are having a monthly meeting. In fact, the next one is on the 30<sup>th</sup>, and they're going to be meeting at my office where District #6 staff, County staff, and our staff are coming together to have that conversation."

Mayor Tecklenburg recognized Councilmember Seekings following by Councilmember Gregorie.

Councilmember Seekings said, "Just very briefly, in response to Councilmember Moody's very wise inquiry, through this process and Ms. (Kathryn) Basha will jump in when I say something that's not right, but through this process and in conjunction with what's going on at the COG and CHATS, the District Office, specifically the engineering staff, has seen this plan. This will not come to them after we approve it tonight for the first time, and importantly and significantly, did not give any negative comment to it generally or any of the specific projects that are on there. So, none of this will come as a surprise to them when we pass it through tonight, and I think that's an important part of this."

Mayor Tecklenburg said, "Absolutely."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, just a quick question. Where are we with regards to the round-about on James Island for Camp and Riverland?"

Mr. Benjamin said, "You want to talk about that, Steve?"

There was laughter in the Chamber.

Mr. Benjamin said, "We've got County staff here."

Steve Thigpen said, "Actually I think I'll defer that. Camp and Riverland is a DOT project, not a County project. I know in our discussions with the DOT recently, they bid the project out once, and it came back astronomically higher than the engineers' estimates. I don't know if they've secured some more funding, or if they made some re-design changes, but the last I heard it was going back out this fall for another bid. That's what I know about it, but once again, I'm not managing the project, so that's what I remember of the conversations."

Councilmember Gregorie said, "Can you get a little more specific for me on that, Mr. Benjamin?"

Mr. Benjamin said, "Yes, so, actually, Leland (Colvin) specifically spoke about it to me maybe about two weeks ago, similar in the case of what he aired earlier, but I don't have a problem with following up with him, however you please, to get specifics on it."

Councilmember Gregorie said, "Thank you."

Mayor Tecklenburg said, "Is there anyone else before I go back to Councilmember Moody?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I just wanted to come back to Camp and Riverland. We had the same problem at Avondale. They kept bidding the thing, they kept coming back and coming back to higher bids, and I asked the question, 'Who are you sending the requests to? Are you sending them to Brekford or someone national, and they were. I said, 'Why don't you try Banks?', and they went to the smaller companies, and they had like five or six. So, I'm not sure who they're sending them to, but I'd certainly ask that question."

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

No one asked to speak.

Mayor Tecklenburg said, "Hearing none, we'll call for the question."

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

*An ordinance to amend the City of Charleston Century V 2010 Comprehensive Plan update, adopted by Charleston City Council on February 22, 2011, to incorporate the Citywide Transportation Plan into said Century V Plan as hereinafter provided.*

Mayor Tecklenburg said, "Congratulations, Mr. Benjamin. Thank you for your fine and hard work on this over the last year."

Mr. Benjamin said, "Thank you. Thank you, Council."

Mayor Tecklenburg said, "I'll just echo that the wisest part of what we've done as a City is the conjunction of this City Plan with the County and COGs Regional Plan, and it did involve all of the partners. That's important, not just from a planning point of view, but importantly from a funding point of view because we don't get any direct funding source to build the roads. Those other guys do. So, if we're not on the same page as to what our priorities are, what we've seen over the last decades is what happens. The things that we want to get built don't necessarily get built because they're not on somebody else's priority list. So, anyway, thanks to us all for that.

So, next, is E-3, a rezoning on 1335 King Street, Mr. Morgan."

Councilmember Moody said, "Can we take E-3, E-4, E-5, and E-6, I think they're all about the same subject?"

Mayor Tecklenburg said, "E-3, E-4, E-5, and E-6 are basically all related, and yes, we can take those together. Let's do it."

Mr. Morgan said, "Yes, sir. Good idea. This is 1335 King Street. It's a rezoning from Light Industrial to Upper Peninsula zoning. There is also a request to take it to the 4-12 Old City Height District, which corresponds with the Upper Peninsula zoning for that area. Here is an aerial image of the site. It's a body shop at present. Again, it's Industrially zoned, and here is an image over there and a street view, as well, and another street from the Montford side, I believe. The Comprehensive Plan recommends this type of urban zoning in this area, so we have been very comfortable with it. Then, E-5 is immediately adjacent to the corner. It's a Single-Family lot, of all strange things. It's zoned Single-Family, and it's surrounded by Light Industrial. They would go to the Upper Peninsula zoning, as well, and they would also have the Upper Peninsula corresponding Height District of 4-12 from the Old City categories, and here is another image. Again, it's the property at the very corner adjacent to the auto body, and here is a picture of the property, and again the Comprehensive Plan for recommendation. So, those are good to all take together for those four different items that relate to two properties that are side by side. I should add that staff and the Planning Commission recommend approval of these rezonings."

Mayor Tecklenburg said, "Alright. Would anybody like to be heard on these matters of rezonings and height change for these properties?"

No one asked to speak.

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

Councilmember Mitchell said, "Move for approval."

Councilmember Lewis said, "Second."

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

No one asked to speak.

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1335 King Street Extension (Peninsula) (0.37 acre) (TMS #464-14-00-079) (Council District 4), be rezoned from Light Industrial (LI) classification to Upper Peninsula (UP) classification. The property is owned by Joe Singleton.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1335 King Street Extension (Peninsula) (0.37 acre) (TMS #464-14-00-079) (Council District 4), be rezoned from the 2.5 Old City Height District classification to the 4-12 Old City Height District classification. The property is owned by Joe Singleton.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on King Street Extension and Montford Avenue (Peninsula) (0.10 acre) (TMS #464-14-00-080) (Council District 4), be rezoned from Single-Family Residential (SR-1) classification to Upper Peninsula (UP) classification. The property is owned by Horace A. Rooke.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on King Street Extension and Montford Avenue (Peninsula) (0.10 acre) (TMS #464-14-00-080) (Council District 4), be rezoned from the 2.5 Old City Height District classification to the 4-12 Old City Height District classification. The property is owned by Horace A. Rooke.*

Mayor Tecklenburg said, "So, that will bring us to E-7."

Mr. Morgan said, "This was one adjacent to one that you all have seen before. It's Morrison Drive at Johnson Street, a former Port property. The applicant had left this parcel off the initial application, and so, this is a request to bring in this parcel to the Upper Peninsula zoning, as well. It was zoned Heavy Industrial with a tiny bit of Light Industrial when it was owned by the Ports Authority. Just another image here, again, it's right off of Johnson Street. A part of it traverses under the ramp for the Cooper River Bridge coming off of Upper Morrison Drive. It also is in the area of railroad tracks. You can see some of this, and there is old fill and a container storage on the site. It's in the plan recommended as part of the Port facilities, but again, because the Port facilities are going away, we're comfortable with the rezoning to the Upper Peninsula zoning, and Planning Commission endorsed that, as well."

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

No one asked to speak.

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

Councilmember Moody said, "Move for approval."

Councilmember Griffin said, "Second."

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

No one asked to speak.

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Morrison Drive and Johnson Street (Peninsula) (approximately 0.80 acre) (a portion of TMS #400-00-00-001) (Council District 4), be rezoned from Heavy Industrial (HI) and Light Industrial (LI) classifications to Upper Peninsula (UP) classification. The property is owned by ODP Morrison LLC.*

Mr. Morgan said, "E-8, the applicant has requested a deferral of this item, Sheppard Street at Saint Philip Street. However, it has been advertised for public hearing, so we'll leave the map up. I'd be happy to answer any questions, if folks want to speak on this one."

Mayor Tecklenburg said, "Sure. Did you explain the matter, though?"

Mr. Morgan said, "It's essentially an expansion of the Cannonborough-Elliotborough Short Term Rental zone. That Short Term Rental zone is shown here in the crosshatch to the south, and there are some images. These are properties that are between segments of U.S. 17 where it joins in with I-26, just north of Cannonborough-Elliotborough. Here are some more aerial images. There are older Charleston Single houses in the area that are zoned General Business, overall. Some other images of the houses, there you see the houses, and here is the Cannonborough-Elliotborough Short Term Rental Overlay shown here, and these parcels would be just to the north of that."

Mayor Tecklenburg said, "So, the net effect of this ordinance if it were to pass would allow these properties, that are outside of the Cannonborough-Elliotborough neighborhood, to be eligible for short term rentals, correct?"

Mr. Morgan said, "That is correct. They're commercially zoned, so they could immediately be eligible for short term rentals, by virtue of their Commercial zoning, and be in this Overlay."

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

1. Trenholm Walker spoke on behalf of the applicant. They had asked that first reading be deferred. The properties were orphan properties and across the street from the Short Term Rental Overlay. The Planning Commission voted

unanimously to approve it, but they would like more time to meet with Councilmember Lewis and other stakeholders to talk about concerns they had.

Mayor Tecklenburg said, "We'll be glad to grant that to you. Would anyone else like to be heard on the matter, though, while we've got it in front of us? Yes, sir."

2. Marion Hawkins, President of Cannonborough-Elliottborough Neighborhood Association, said Cannonborough-Elliottborough contained a Short Term Overlay, which allowed Commercial short term properties. A limited number of properties, primarily on the busy Commercial streets of Cannon and Spring, qualified for STR status. The goal was a vibrant diverse neighborhood with a balance of Residential and Commercial activity. This property was not in the Overlay, so it would set a precedent of piecemeal expansion of the Overlay into an area with little or no Commercial activity. The applicant's property would compromise a residential area, and the intensive Commercial activity must be managed by responsible owners to manage and control out-of-town guest activity. The owner's plan would turn a small area into a hotel block and would remove housing stock that was desperately needed. The owner currently had several rental properties in Elliottborough eligible for STR uses, but were not used for STR activities. They had received numerous complaints from renters and neighbors about his buildings being substandard with poor or little maintenance. The most significant example of neglect was 81 Cannon. The historic property was a corner grocery store purchased by the owner in 1977 and had been continually vacant and left to deteriorate, and the owner had been cited many times for the property's condition. It was the perfect example of demolition by neglect. The neighborhood opposed the rezoning.
3. Chris Cody, Historic Charleston Foundation, said they were opposed to the proposed rezoning and asked Council to vote against it when it came back. It was an egregious conversion of multiple historic homes and an inappropriate extension of the Short Term Rental Overlay. It would set a terrible precedent to take a grandfathered in Zoning Ordinance and expand it when the City had a new policy. More importantly, the homes and offices must be preserved for use by Charlestonians in order to maintain a livable City. Every time a rezoning like this was approved Charleston became less affordable, less diverse, and less authentic.

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

No one else asked to speak.

Mayor Tecklenburg said, "Alright. It's being deferred, but if Council would like to make a comment, you're certainly welcome to."

Mayor Tecklenburg recognized Councilmember Gregorie followed by Councilmember Lewis.

Councilmember Gregorie said, "I just had another question for Christopher."

Mr. Morgan said, "Yes, sir."

Councilmember Gregorie said, "What neighborhood does this property fall into?"

Mr. Morgan said, "I believe it's somewhat orphaned here. It's not in Cannonborough-Elliotborough. So, I know we were looking at whether it was in the Westside. I don't think it's in it yet, so it's not in the Westside either. So, it's somewhat orphaned."

Councilmember Gregorie said, "Orphaned?"

Mr. Morgan said, "Yes, sir."

Councilmember Lewis said, "It should be in the Westside, though, because the Westside runs from Race Street right up at Line Street, but it should be in the Westside, and it's not District #4. It's District #3, my district."

Mr. Morgan said, "Well, we will look into that."

Councilmember Lewis said, "I will respect the applicant's wishes for deferral, but he knows my position because what I wanted to say has already been said by the Neighborhood President and the Preservation Society. So, I'll just leave it at that, and if he wants to meet with the neighborhood and meet with me, he knows my position. Since he talked to staff, and they want to defer it, I'll defer it."

Mayor Tecklenburg said, "Thank you, sir."

Councilmember Lewis said, "Thank you."

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

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I can speak to Councilmember Lewis later, but I did want to know your position."

Councilmember Gregorie said, "He opposes it."

Councilmember Waring said, "I want to hear it from my Councilmember."

Councilmember Lewis said, "They know I'm going to oppose it. Mr. Orange knows me. He knows me real well. When it comes back, I'll put it on record, and I will oppose it. I will respect him and his wish to go to the neighborhood organizations and if he wants to have a few words with me he can, but there's nothing he could say that's going to change my mind."

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

No one else asked to speak.

Mayor Tecklenburg said, "Hearing none, we'll move to the next item, Mr. Morgan."

Councilmember Griffin said, "Should we vote?"

Mayor Tecklenburg said, "No, it's been deferred by the applicant."

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Sheppard Street and Saint Philip Street (Peninsula) (approximately 0.69 acre) (TMS #460-04-04-078, 460-04-04-080*

*and 460-04-04-086) (Council District 4), be rezoned to include it in the Short Term Rental Overlay Zone (ST) classification. The property is owned by Lowcountry Marketing Group LLC. (DEFERRED)*

Councilmember White said, "Can we take E-9 and E-10 together as they're related?"

Mr. Morgan said, "Yes, sir, so, E-9 and E-10 together. This is an annexation that would add to a PUD and some minor changes to that PUD. I'm going to have trouble pronouncing the street name there, so I'm not going to pronounce it, but it's off of Clements Ferry Road, in the Cainhoy Peninsula. It's adjacent to the Marshes of the Cooper River PUD that is in the City of Charleston. So, now these three parcels have been added into the City and will become part of the PUD. It will have townhouses on them as this portion of the PUD has, and I'll show you a couple of other images. Then, this is the placeholder for the amendment to the PUD itself, and here is where the whole PUD exists. These are the three parcels right there that would be added to it, and here is an aerial image of that PUD. Here are the changes that are going on with this PUD. They are very minor. It's not changing the total number of units. It was approved for 160 units. It's staying at that number. It is allowing for some elevated homes at the rear of the project, based on the grade changes that they've discovered with final planning of the roads and things like that. They are also working with us for alternative site access. We're trying to one day get a signal at, this is Rebellion Farms, here, that provides access for the Spark Campus, or could provide access for the Spark Campus, and we'd like to have every ability to create access for this neighborhood in this location so that there could be an organized signal in that location. The PUD allows for that, as well, and staff and Planning Commission recommend approval for both the zoning of these parcels into the PUD and these minor amendments to the PUD itself."

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

The Clerk said, "Mayor, mention that it's Items E-9 and E-10."

Mayor Tecklenburg said, "Numbers E-9 and E-10, we'll vote together?"

The Clerk said, "Yes, we're taking those two together."

Mayor Tecklenburg said, "E-9 and E10, would anyone like to be heard?"

No one asked to speak.

Councilmember White said, "So moved."

Councilmember Lewis said, "Second."

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

No one asked to speak.

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Habakkuk Lane (Cainhoy) (1.5 acres) (TMS #267-00-00-015, 267-00-00-016 and 267-00-00-017) (Council District 1),*

*annexed into the City of Charleston June 19, 2018 (#2018-077), be zoned Planned Unit Development (PUD) classification. The property is owned by MSR Clements Ferry Land LLC.*

*An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending the Marshes at Cooper River Planned Unit Development (PUD) Master Plan and Development Guidelines for property located off Clements Ferry Road (Cainhoy) (approximately 36.08 acres) (TMS# 267-00-00-004, 015, 016, 017 and 071 and 267-15-03-001 through 087) (Council District 1). The property is owned by MSR Clements Ferry Land LLC.*

Mayor Tecklenburg said, "E-11."

Councilmember Mitchell said, "They have E-11 through E-14 all zoned as SR-1, and if you'd like to go through the addresses, explain them, and ask if anyone has something to say, you can call on them."

Mr. Morgan said, "I do need to add, E-11 is slightly different because it is Single-Family Residential, but it's also in the Savannah Highway Overlay."

Councilmember Mitchell said, "We can just take that one by itself, and then we can go back to E-12 through E-14."

Mr. Morgan said, "Yes, sir."

Mayor Tecklenburg said, "We're taking E-11 right now."

Mr. Morgan said, "So, this is 534 Savannah Highway. It's a new annexation, and it is recommended for SR-1, which is the surrounding zoning in the area. It's also recommended for the Savannah Highway Overlay, which was part of the original Ashley River Bridge District Plan that all these parcels in this area would be part of the Savannah Highway Overlay one day, as they came into the City. There is an image, a couple of images. There is a current house on the property. It's adjacent to a dental office and a real estate office to the right, both that comply with the Savannah Highway Overlay. In addition, the City of Charleston has our Design Review Board, which reviews any changes for alterations of houses 50 years of age or older and any kind of Commercial uses that would be within the Savannah Highway Overlay, so we think this gives it extra protection that it would not have had in Charleston County. Both staff and Planning Commission recommend approval of the SR-1 and Savannah Highway Overlay for the property."

Mayor Tecklenburg said, "Would anyone like to be heard on the matter of 534 Savannah Highway? Yes, sir."

There was laughter in the Chamber.

Mayor Tecklenburg said, "I thought you were coming to be heard."

Councilmember Moody said, "Move for approval."

Councilmember Lewis said, "Second."

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

No one asked to speak.

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 534 Savannah Highway (West Ashley) (0.24 acre) (TMS #421-03-00-167) (Council District 11), annexed into the City of Charleston June 19, 2018 (#2018-076), be zoned Single-Family Residential (SR-1) classification and Savannah Highway Overlay (SH) classification. The property is owned by Big Pine Acres LLC.*

Mr. Morgan said, "We'll go through the next ones very quickly."

Mayor Tecklenburg said, "E-12, E-13, and E-14 we'll take together."

Mr. Morgan said, "Yes, sir. E-12 is 1758 Jervey Avenue, SR-1. It's adjacent to other SR-1 properties. E-13 is 347 Swift Avenue in West Ashley, again, adjacent to other SR-1 properties. E-14 is 1144 Crull Drive in West Ashley. It's adjacent to a Commercial property at the corner and Multi-Family to the rear, but it is compatible with Single-Family SR-1 along the street frontage that it faces. Both staff and Planning Commission recommend SR-1 for all of these properties."

Mayor Tecklenburg said, "Would anyone like to be heard on E-12, E-13, or E-14, all Single-Family Residential zoning?"

No one asked to speak.

Mayor Tecklenburg said, "Seeing and hearing none, the matters come before Council."

Councilmember Shahid said, "Move for approval."

Councilmember Mitchell said, "Second."

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

No one asked to speak.

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1758 Jervey Avenue (West Ashley) (0.09 acre) (TMS #352-10-00-068) (Council District 9), annexed into the City of Charleston June 19, 2018 (#2018-075), be zoned Single-Family Residential (SR-1) classification. The property is owned by Sarah Boiter Bunting.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 347 Swift Avenue (West Ashley) (0.34 acre) (TMS #350-13-00-047) (Council District 5), be zoned Single-Family Residential (SR-1) classification. The property is owned by Lee B. Blackman and Mary R. Blackman.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1144 Crull Drive (West Ashley) (0.28 acre) (TMS #351-16-00-086) (Council District 7), be zoned Single-Family Residential (SR-1) classification. The property is owned by Middleton Family Partnership.*

Mayor Tecklenburg said, "E-15."

Mr. Morgan said, "Council had sent forward, to the Planning Commission, the Church Creek Drainage Basin extension of the Moratorium and sent forward the concept of it being 90 days, which the Planning Commission did review 90 days to expire August 29<sup>th</sup>, 2018. Planning Commission did recommend approval of that 90-day extension of the Moratorium."

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

No one asked to speak.

Mayor Tecklenburg said, "Seeing none, it comes before Council."

Councilmember Griffin said, "Move for approval."

Councilmember Waring said, "Second."

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

No one asked to speak.

On a motion of Councilmember Griffin, one (1) bill (Item E-15) received second reading. It passed second reading on motion by Councilmember Waring and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Lewis, the rules were suspended, and the bill was immediately ratified as:

*An ordinance to amend Ordinance No. 2017-060 that established a Temporary Moratorium on the acceptance or processing of applications for new construction on properties located in the 100 year floodplain within the Church Creek Drainage Basin, as amended by Ordinance No. 2018-011, extending the Moratorium until May 31, 2018, to extend the Moratorium for an additional period of ninety days to August 29, 2018. **(AS AMENDED)***

Mayor Tecklenburg said, "Next, E-16."

Mr. Morgan said, "Again, this is another one coming from City Council that went to Planning Commission for a review of removal of Residential uses, nursing homes and personal care uses, and school uses from the Light Industrial (LI) and Heavy Industrial (HI) Districts throughout the City. There are about 380 or so parcels that are zoned this way. We have maps here that show you this. I believe some similar maps are in your packages, but the parcels are in the orange and the red color, that are Light Industrial and Heavy Industrial. Again, most of the parcels are in the downtown area associated with the Port areas, but they are also in the Neck area. There is a small area near Savage Road and then off of Bees Ferry in West Ashley. On Johns Island, there is the area around the airport. The vast majority of this area is the Johns Island Airport. On James Island, there is the Signal Point Complex and then some other areas up near Fleming Road. Then, I believe in the Cainhoy Peninsula, the lower portion of Daniel

Island that is currently Port property and then the Charleston Regional Business Park along Clements Ferry Road. Here is an overall City view of the parcels that are Light Industrial and Heavy Industrial. Planning Commission and staff recommend approval of this change.”

Mayor Tecklenburg said, “Would anyone like to be heard on this matter?”

No one asked to speak.

Mayor Tecklenburg said, “Hearing and seeing none, it comes to Council.”

Councilmember Griffin said, “Move for approval.”

Councilmember Shahid said, “Second.”

Mayor Tecklenburg said, “We have a motion to approve.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Thank you, Mr. Mayor. Can you put the map up of just the big parcels on the Peninsula, please? Thank you. So, all of those parcels now, if this goes through, will not be eligible, if they’re zoned Light Industrial, for any Residential use at all?”

Mr. Morgan said, “That’s correct. Yes, sir.”

Councilmember Seekings said, “Why?”

Mr. Morgan said, “Well, where these Industrial parcels are, are very much, especially the ones in red, are Heavy Industrial parcels, waterfront access, and key roadway access. They have Industrial uses on them, in general. The ones that don’t have Industrial uses on them typically are in West Ashley and might be vacant still, like along Bees Ferry, but most of these in Downtown either have Industrial uses on them or are uniquely suited for, because of deep water access, rail access, things like that, Industrial use.”

Councilmember Seekings said, “So, that entire eastern portion of the Peninsula now going forward will be banned and barred, absent another rezoning, from any Residential use, whatsoever, in perpetuity?”

Mr. Morgan said, “That would be the way this ordinance would work. Yes, sir.”

Mayor Tecklenburg said, “They would need a rezoning.”

Councilmember Seekings said, “Yes, you would have to come back and rezone it. Have we noticed every one of these parcels?”

Mr. Morgan said, “No, sir. It’s a text amendment, so we have not done it. It’s not required by State law that we notice.”

Councilmember Seekings said, “I know it’s not required, but it’s a downzoning because they’re losing an otherwise available use of that property. I’d be interested to know what all of those owners say about all of this going forward. Do we have a long range plan for the eastern portion of the Peninsula that includes it being an Industrial site in perpetuity?”

Mr. Morgan said, “Most on the Peninsula, all of these areas that are Industrial, show up in our Comprehensive Plan as either Industrial or job center locations. Yes, sir.”

Councilmember Seekings said, "So, give me an example in the future of what an Industrial site on the Peninsula might look like. What are we going to use it for, other than water-born Port activity?"

Mr. Morgan said, "So, these on the Cooper River side are water born. This very large one up here is the chemical company that used to be Rhodia. I'm forgetting the name of the chemical company that's up there now."

Councilmember Griffin said, "There are three bumper mills up there, too."

Mr. Morgan said, "Yes. There is also the Hagood Plant that SCE&G has, which is a gas fired power plant. There are some other Industrial and warehouse-type facilities along I-26 in this area. This is another Industrial warehouse location here off of Brigade, I believe. I'm just looking at some of the bigger ones."

Mayor Tecklenburg said, "This is Kinder Morgan. This is where the North Charleston Sewer District has their waste treatment plant. Of course, this is the Columbus Street Terminal. Admittedly, at some point, we want to rezone the Union Pier Terminal, but some thought and rezoning needs to go into that. It doesn't need to be Light Industrial."

Councilmember Seekings said, "But, it's about to be Light Industrial without any option of putting housing in, and we've now said it doesn't need to be Light Industrial. I don't think long-term this is a great plan, and I'm going to vote 'no', but I've made my case."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilmember Gregorie.

Councilmember Griffin said, "Like you said, Mr. Mayor, the majority of that big spot right in the middle is Columbus Street Terminal. Then, those properties up in the northern part, I can tell you from personal experience, one of those is a building that my business owns, and we are in the process of getting another one. Warehouse space is so limited in Charleston because we have a booming maritime economy, and I'm telling you, there's very little warehouse space. To be that close to the Port, to be that close to Columbus Street Terminal, and to be that close to the Interstate to get to the Wando and to get to the North Charleston Terminal, as soon as those parcels become available for warehouse space, they will be gone. We have less than two percent available warehouse space, and our economy is booming. Our Port is one of our driving economic forces in Charleston, right up there with tourism, and somebody like my business, we need this badly. So, it's just important for the community, and we have a very strong maritime industry that would support this."

Mayor Tecklenburg recognized Councilmember Gregorie followed by Councilmember Wagner.

Councilmember Gregorie said, "Yes, a couple of questions. We were just talking about the importance of connectivity a little earlier, and as you know, one of the biggest issues, as it relates to affordable housing, is the fact that the housing is not surrounding the employment centers. These will be employment centers, and I'm with Councilmember Seekings on this one. If we don't have the ability to put housing in the employment centers, that's inconsistent with everything that we've been talking about, regarding affordable housing. My second question is, where is Laurel Island?"

Mr. Morgan said, "I think a portion of Laurel Island is Residential. So, Laurel Island is over here, and there's marsh. Some of this covers marsh areas, too, so it's kind of hard to make it out."

Councilmember Gregorie said, "There are some specific proposals that I've seen with regard to Laurel Island, some of which, I thought, included Residential. Am I correct? But the zoning would be different."

Mr. Morgan said, "All of the discussions we've had with different developers, who have looked at Laurel Island, have all involved a PUD or a major rezoning on the property. I don't think they were talking about using it from an Industrial standpoint. They were going to rezone."

Mayor Tecklenburg recognized Councilmember Wagner followed by Councilwoman Jackson.

Councilmember Wagner said, "Alright. Same question, but let's go to Johns Island. What do we have there?"

Mr. Morgan said, "The large area is basically the Johns Island Airport. So, the airport is here, and then the other Residential development that you all have been hearing about, the 200-unit development, is over here. Then, there's a little bit of warehouse space up here near the Builders First Source, and that's really everything on Johns Island that's Industrial right now. We've had discussions with Charleston County as we've reviewed Maybank and our joint work with the County on the Maybank Overlay. We've talked about that there might be some other areas along there that would be good job centers or maybe even Light Industrial, but we're going to be studying that."

Councilmember Wagner said, "Okay. Well, a quick question here, we've got some drainage issues in that area. We've got questions about a new subdivision going there. There's a lot going on right in that general area. That's why it caught my eye, but I just think we might be premature in what we're changing this to. We're just taking two or three words out and basically downzoning, as Mike (Seekings) said. I'm trying to figure out why we're doing that. That's all."

Mayor Tecklenburg said, "Well, we're removing the Residential entitlement, and this is a good example. Please turn your phone off, sir. This property, if you remember, included that Oakville development, and we would have liked to have had some authority over what they were going to develop there, but in fact, it was Light Industrial, and they were entitled to, how many units per acre?"

Mr. Morgan said, "In Light Industrial, it's 19.6."

Mayor Tecklenburg said, "19.6 units per acre. So, they didn't have to come to us to be able to develop what was a Light Industrial zoned property into a Residential neighborhood. So, you do get to the issue that Councilmember Griffin raises that to preserve a diversity of use, if you really want to have some Light Industrial uses and Heavy Industrial uses still in our City when the Residential housing market is so strong, you're going to lose the use of these properties to Residential use, as long as they have a Residential entitlement. Does that make sense? So, that's one way of looking at it."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, thank you, Mayor. I guess I would see this as a way to maybe slow things down from the learning lab that we went through with the Oakville Plantation development and some of the places that have that dense Residential. Basically, it's an Industrial zoning, but the developers who are coming through really want to do dense Residential development, and I don't think we have the ability to be thoughtful about that. So, I personally see so many large parcels, and I know the Airport Authority's already thinking about this, that over time these are going to be the places where we get creative and do the one-of-a-kind planning of developments that I think end up standing the test of time. Then, you get all of the variety of benefits that our community needs in a live/work situation, Councilmember Gregorie, and provide for the transit. You can really get a whole lot more out of land use permission if you work with the developers to plan them out one-of-a-kind, as opposed to continuing to allow the dense Residential, hoping that there is going to be some mix of Residential, Industry, or Commercial, by right. I think we've seen that that just isn't working these days. The market is hot for dense, Residential properties, and we need to be thoughtful. Thank you."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Just a question, Mr. Morgan. Is this in the Neck area where the old Rhodia plant is?"

Mr. Morgan said, "Yes, sir. It's right there."

Councilmember Mitchell continued, "Coming back down, will you have Rosemont right there, right by it?"

Mr. Morgan said, "Actually, no, Rosemont is here, and this is the Magnolia Development, which is Mixed-Use and will have a lot of Residential units in proximity to these other Industrial sites."

Councilmember Mitchell said, "That's what I was going to ask. I know the Magnolia part is coming up. In this zoning, the way it's supposed to happen is, they are supposed to be giving us 15 acres of land, or five acres, or whatever. If we get that land, that land is supposed to be going into that area, I believe it's going to be closer to Rosemont."

Mr. Morgan said, "With Magnolia?"

Councilmember Mitchell said, "Yes, they have to give us some property, other than give us money. Will we be able to build the housing for the affordable housing piece by doing this rezoning? We haven't gotten any of the housing piece because the Magnolia project is not up and running yet."

Mr. Morgan said, "Well, the Magnolia affordable housing site is in their PUD. They have a PUD."

Councilmember Mitchell said, "The property that they're giving us."

Mr. Morgan said, "That Magnolia is giving us? That still is within their PUD. It's not Industrial property."

Mayor Tecklenburg said, "It's not in red here."

Mr. Morgan said, "Right."

Councilmember Mitchell said, "No, but I'm saying, how close is it going to be there, and how is it not going to affect zoning?"

Mr. Morgan said, "It's going to be near some of the Industrial, but it's not on the Industrial property. In other words, I believe the site they were talking about for Magnolia is right up here because this is the Hagood plant right up here at the top, and then you move into the old Rhodia plant site, so it's just down from the Hagood plant, was my recollection of that."

Mayor Tecklenburg said, "The site they were talking about giving to us is right above this little red spot right there, as that happens to be a property that they never bought. It's a trucking yard, and it's still zoned Heavy Industrial."

Mr. Morgan said, "But that's part of the PUD that is Magnolia, so this change would not impact that."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Mr. Mayor, I'm looking at this map, and the questions that have been posed by my colleagues on this concern me. I appreciate Councilmember Griffin's concern, as well, about the Industrial space and warehouse space and things of that nature. I'm looking at this, and I'm trying to eyeball these specific pieces of property, and I don't feel comfortable voting on this tonight without knowing, specifically what pieces of property, besides these orange and red swaths of land. We are going to say, 'Yes, we're just going to go ahead and downzone these areas and be done with it.' I would prefer that we have some more specificity with this property and what we're downzoning, because Councilmember Seekings is right on point. These are areas that we want to keep, or maybe want to come back into a Residential area. They could maybe come back for a variance or rezoning part of it, and I'm not comfortable doing that tonight. I would like to have some more information about this and see where we are exactly with these properties, identify them a little bit more, besides just coloring red or orange swaths."

Mayor Tecklenburg said, "Right. We have bigger maps we can give you and the individual listings of the properties. We'd be happy to do that."

Councilmember Shahid said, "Yes, and I think I'd rather have that before I vote on this tonight, so I move to defer this."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "I had one more question, too, because I used to work right in that general area. The little spot there, right below the bigger area where the chemical plant was, I believe that would have been the equivalent of the old Braswell Shipyard."

Mayor Tecklenburg said, "That's Parker Marine."

Councilmember Griffin said, "Parker Marine?"

Mr. Morgan said, "Rigging."

Mayor Tecklenburg said, "Parker Marine. Parker Rigging is a company up in North Charleston."

Councilmember Wagner said, "Now, I'm asking the questions because that used to be pretty contaminated land up through there, especially up there, where the old Braswell-Parker land was, at one time it was contaminated, and they never cleaned it up. In fact, you had to come down a separate little road, and then had to stop because if you went that way, it could have been a bad thing for you. In fact, my office was a trailer that ended up on its roof in that contaminated area after Hugo, so my heart is with this place. I'm just wondering, if we have clear contamination, if we're going to be playing with it. The other side, the Cooper River side, you have some problems over there, too, but one of them was a superfund clean-up site at one time."

Mayor Tecklenburg said, "It still is."

Councilmember Wagner said, "I just want to make sure we're all talking about the same thing, about two more Overlay maps over, so we know exactly what we're talking about."

Mayor Tecklenburg said, "Well, all of the Magnolia property, or a portion of it, not all of it, a portion of it still is an NPL site (National Priorities List). They are supposedly going to get it removed from the list because of the cleanup and the mitigation that they are getting ready to finally finish, after many years. So, yes, but that's not Industrial zoned, so it's not impacted by this ordinance."

Councilmember Wagner said, "Okay, I know that one site was because that's why I was worried about it."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Shealy.

Mayor Tecklenburg said, "We now have a motion on the floor to defer, which has been seconded."

The Clerk said, "Yes."

Councilmember Shealy said, "If we were to defer this, is there a timeline here? I'm concerned because of the Bees Ferry properties, but I don't want us to defer this and there be development going on out there in Residential Bees Ferry, so I'm concerned about the timeline here."

Mayor Tecklenburg said, "So, we don't have another Council meeting until August 24<sup>th</sup>, is it?"

Councilwoman Jackson said, "It's the 21<sup>st</sup>."

Councilmember Shealy said, "Well, in that case I'll be voting against the deferral."

Mayor Tecklenburg said, "In the meantime, we'll be happy to send you all bigger maps and a list of the properties. Is there any other information that you would like?"

Councilmember Gregorie said, "The owners?"

Mayor Tecklenburg said, "Yes, the individual properties would include the ownership. Yes, sir."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember White said, "Mr. Mayor."

Councilmember Seekings said, "Nothing is going to happen along the Bees Ferry Corridor because we've already given this first reading, right? So, if we defer it, no applications can come in."

Mayor Tecklenburg said, "That's true. This is a pending matter, so you're covered on that point."

Mr. Morgan said, "Yes."

Mayor Tecklenburg recognized Councilmember Waring following by Councilmember White.

Councilmember Waring said, "Thank you, Mr. Mayor. I hear Councilmember Griffin, and I agree with him, but I think we need a little bit more input on this, obviously, by the conversation of Councilmembers. Councilmember Shealy, you're right to protect the owners. We've already got first reading on this. I know, Mr. Morgan, that you said, with the law, we don't have to give notification but, my goodness, I think we ought to do business a little bit better than that, as a City. That's not anything against you. You're following the guidelines. I think we should do it a little bit better, so I'm going to support the deferral to have a little bit more input. I know what we're trying to do with Johns Island, and I support that, but there may be another way to go about it. I don't know whether we've looked at the definition of Light Industrial and maybe approach this from that angle, but that eastern side of the Peninsula being excepted from any Residential housing from the bold red to the eastern side, that's a pretty big swath. So, I ask that we have a little bit more input, so I'm going to support the deferral."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I just had a quick question for Christopher or anyone in the Planning Department. I don't recall us seeing any developments come through for Residential use on existing sites that were zoned Light Industrial. Am I wrong about that? Most developments that have come forward have actually requested a rezoning to increase density."

Mr. Morgan said, "Typically, yes. There is that one, of course, that the Mayor cited, on Johns Island next to the airport that is going forward. Of course, they would need a variance to the Fire District, which requires that you build to an Industrial standard, and they would have to be pursuing that but, yes, that's the only one, I can recall, that actually was going to build on Residential property. Then, I guess, 10 Laurens, but they were rezoning that. Was that the Veggie Bin? Yes, they rezoned it."

Councilmember White said, "As I recall, part of some of the zoning categories we have, when you hear 'Light Industrial,' you should think, 'Okay, what should the use be?' The use should reflect what it's called, not 'and/or this, this, or this.' So, I think that taking some steps forward to have properties that, as they are called, they, too, are defined as what the use should be, and I think this does take a step forward. It's somewhat of a downzoning, but I would say that it's about as light of a downzoning as you can get. The reality is, is that if I own one of these sites, and I truly want to put Residential on it, I'm going to rezone it for something that gives me much higher density than Residential to make it make sense financially. Anyway, I'm going to support it, but I would say, furthermore, how many times we've seen rezonings come forward wanting General Business or something like that to get a higher density of something that's totally unrelated to General Business. So, I think there are lots of gaps in our Zoning

Code that when we have a property that's zoned, and it says it's zoned 'X', then its use should look like 'X'. It shouldn't look like something other than that, so I think this is a step in the right direction, and I think over time we can make some changes that have some really positive impact to the Zoning Code for that."

Mayor Tecklenburg said, "Thank you, sir. We have a motion on the floor to defer. Is there any further discussion on that motion?"

No one else asked to speak.

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

*An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to remove residential uses, nursing and personal care uses, and school uses from the Light Industrial (LI) and Heavy Industrial (HI) Zone Districts. (DEFERRED)*

Mayor Tecklenburg said, "We'll get you some more information, maps, and the property list on this before our next meeting."

Mayor Tecklenburg said, "E-17."

Mr. Morgan said, "This is a minor amendment to the Commercial Transitional Zone to allow outdoor dining as a conditional use. There are not many properties zoned Commercial Transitional in the City, but we are seeing some that have interest in having restaurants or have restaurants, and outdoor dining has become much more popular over the last 10 to 20 years. We felt like there were ways that there could be limitations on that, such as making sure it's 150 feet away from Residential uses and making sure that there were limits on hours of operation until 9:00 p.m., no amplified music, and with those criteria, that it would make sense to have outdoor dining in CT. We took that to the Planning Commission, as well, and they recommended for that. It's coming back to you all. Of course, it was initiated by you all, and it's coming back to you all for your final reading on this."

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

No one asked to speak.

Councilmember Griffin said, "Move for approval."

Councilmember Waring said, "Second."

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

On a motion of Councilmember Griffin, one (1) bill (Item E-17) received second reading. It passed second reading on motion by Councilmember Waring and third reading on motion of Councilmember Seekings. On further motion of Councilwoman Jackson, the rules were suspended, and the bill was immediately ratified as:

**2018-079** AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY CHANGING THE CONDITIONS IN SECTION 54-207 TO ALLOW OUTDOOR DINING AS A CONDITIONAL USE IN THE COMMERCIAL TRANSITIONAL (CT) ZONE DISTRICT.

Mayor Tecklenburg said, "Thank you. So, now, E-18. Thank you. Mr. Lindsey."

Mr. Lindsey said, "The next item in front of you is two amendments to the Folly Road Overlay. The amendments are, first of all, a modification to the square footage limit and second, relocation of the boundary of the Neighborhood Preservation Sub-Area. As you all know, last time there was some confusion about exactly what this was all about. So, my colleague at the County, Joel (Evans), wrote a wonderful letter to us where he describes the specific elements that are at play here with the County's Folly Road Overlay. What he says is that the County adopted the Folly Road Overlay in May of 2014. In December of 2014, they moved the District boundary of the South Village and the Neighborhood Preservation Area south to Grimball from Rafeal Lane. In doing so, they erroneously did not have consistent text. So, some of the zoning text said one thing, some of the zoning text described a different thing, and so they've highlighted that. They have not yet adopted this change to correct it. I thought that they had, but in fact, Joel said in his letter, upon me reading it, that they will amend their own ordinances to make it correct in December of this year. So, they are taking those steps, and it will be changed. So, they're going to correct it, and they know that the error exists."

However, when we adopted it, we adopted the text of their original document, and that meant that we were out of sync with them. So, these are the five areas that the County has. They recognize these different sub-areas in the Folly Road Overlay, and this is the map of those different Districts. The ones that are in discussion at the moment are the South Village area, and this shows the boundaries of that South Village area, and then second, the Neighborhood Preservation Area. Now, to orient you, of course, Folly Road is right here, Grimball is right here, and Rafeal Lane is right here. These are the roads that we'll use as reference points. Now, the City's Urban Growth Boundary, as shown here in this dash line. City properties, of course, are in yellow or in whatever the other color is for their zoning. County properties are in white. They are not in our municipality or hatched. Now, at play here are seven City properties, and they are in three projects, in essence. The first is this zoned General Business property right here, which has just completed 48 units of Multi-Family housing, and that's just about to get their Certificate of Occupancy. They're all built. Moving south, of course, is the Residential property, which has been in discussion, and the Commercial property, which has been in discussion, the Multi properties and the Wilson properties which are right here at the corner of Grimball and Folly. So, this is the general area which is at play. Now, this is the map that shows the difference between the two Districts. This line here, if you can see it, this black line, shows the City's, our adopted boundary, of the South Village District. So, for us, everything north of here is called the South Village District. Everything south of here is the Neighborhood Preservation District. This is the County's line which they adopted in their 2014 Amendment. So, this line on the County's books, everything north of this line is in the South Village area, and everything south of this line is in the Neighborhood Preservation area. This is the discrepancy, alright? So, this zone here on our books is designated Neighborhood Preservation. The County sees it as being part of South Village, so that's the discrepancy."

Councilmember White said, "Just a point to clarify, so when they clean up their language in December, that's actually not changing that line, that's just correcting the verbiage to the plat?"

Mr. Lindsey said, "That's correct, Councilmember. What it will do is it will rectify the internal conflict that exists in their ordinance, but it will solidify their location. Their line will not move when they change their ordinance. That's correct."

Councilmember Seekings said, "Is there a reason why they're waiting until December to do that?"

Mr. Lindsey said, "I don't know the answer to that. Do you know why they're waiting?"

Mr. Morgan said, "Because they're taking other ordinance changes and will bring all at that time."

Mr. Lindsey said, "They're taking other items, at that time, related to the Folly Road Overlay, so they'll do it all at once."

Councilmember Seekings said, "Okay."

Councilwoman Jackson said, "I think you're confusing the two dates. You talked about when the County adopted their ordinance in early 2014 and then by process, they went through and amended it in December of 2014."

Mr. Lindsey said, "You're correct. So, they adopted--"

Councilwoman Jackson said, "So, that's different than what they're going to clean up that language this year as they add a few more changes to their ordinance."

Mr. Lindsey said, "That's correct, Councilwoman. However, the discrepancy in the language, which exists in their ordinance, was created in December of 2014 when they moved the line. It was erroneously done. So, we adopted their original text that they adopted in May of 2014, which is why we have the difference between them, but I hear that about them taking other changes forward at that time."

So, to just go through the remainder of our slides here, to zoom in a little bit or just show this a little bit more closely, the City's Urban Growth Boundary is shown in this dashed line here. To talk about some of the context again, here is this General Business property in the City. It's probably fewer than 26 dwelling units per acre. It's just been built. This area here further south, is the Spyglass Development, and it is about 10½ dwelling units per acre. This area here, which is the Ocean Neighbors Project, is about 7 or so dwelling units per acre. The proposal, of course, in the Folly Road Overlay, is between 8 and 12 dwelling units per acre, depending on the density, and it can vary in between that 8 to 12 as our Folly Road Overlay.

Now, to just walk you through the differences between the two districts, the South Village is one district and the Neighborhood Preservation is in the other. First of all, the density is unchanged in either one. The density goes with the base zoning. It's not a function of the Overlay, so the density is unchanged in either district. In the South Village area, gas stations are allowed, and indoor recreation is allowed. There is also, in the South Village District, a 25-foot vegetated buffer along Folly Road, I'm sorry, in the Neighborhood Preservation there is a 25-foot buffer. In the South Village, that is reduced to a 15-foot buffer, but there is a 35-foot buffer on the west side of the property, so there are some buffer changes. Our DRB can modify that, by the way. They can move the buildings around and place them in the buffer. Then, of course, the most substantive one is that the buildings may be larger than 5,000 square feet in the South Village area. Those are the specific differences between the two districts and, of course, drainage and other matters, everything else related to development approval, is the same, regardless of where they are because they all go through TRC and are subject to review by Traffic and Transportation, ADA, Fire, and so forth. I think that's everything that I know about these two properties, and with that said, there are a few more slides that we'll just briefly run through that show where it's located in the Comprehensive Plan. This area is designated as Rural in the Comprehensive Plan. It's outside the UGB. Of course, the other properties that we just talked about that are located here have come in at those densities, 10½ and 7½ dwelling

units per acre, respectively. These are simply District Maps, which were presented at Planning Commission showing Councilmember Gregorie and Councilwoman Jackson's district, respectively, and that's our last slide."

Mayor Tecklenburg said, "Okay, and the Planning Commission acted on this matter, and what was the result of that?"

Mr. Lindsey said, "Thank you, Mayor. The Planning Commission recommended disapproval of both items, meaning that there would need to be a  $\frac{3}{4}$  vote of Council to override."

Councilmember Griffin said, "Why did they vote it down? Did they say?"

Mr. Lindsey said, "I'm going to defer to Mr. Morgan, who served this item at Planning Commission."

Mr. Morgan said, "It's kind of complicated, but I think, based on the discussion that they heard, the folks that were there at the Planning Commission meeting, felt that they wanted the City to be in conformance, and not as much maybe with the County as with the Town of James Island because the Town of James Island has it done a different way. So, I don't think there was any one reason that they gave."

Councilmember Griffin said, "Thank you."

Councilmember Moody said, "What was the vote on it?"

Mr. Morgan said, "I think maybe it was 4 to 2, 5 to 2."

A gentleman said, "3 to 2."

Mr. Lindsey said, "From the audience."

Mayor Tecklenburg said, "3 to 2. Councilmember Seekings, now, remember we have to open this up to the public."

Councilmember Seekings said, "Just before we go to public hearing, I just want to make sure, procedurally, we know how we're going forward here. Did the Planning Commission take both of these items together and vote them as one package or two, and are we taking this up as one package or two? I think that's important to know."

Mr. Morgan said, "The Planning Commission voted on them individually. They discussed it all together, but there were two separate votes."

Councilmember Seekings said, "So, we have this as a single public hearing, but on two separate and distinct matters, the location of the line and then the size requirements of the buildings on the lots. Am I right about that?"

Mr. Lindsey said, "That is correct. It's a two-part amendment."

Councilmember Shahid said, "Can I just clarify one question, Mr. Mayor?"

Mayor Tecklenburg said, "If I may just more fully answer the question because it was in some notes that were given to me that the Planning Commission disapproved the proposed 5,000 square foot change by a vote of 5 to nothing. It was unanimous, but the change to correct

the boundaries was voted down 3 to 2. So, there were two separate votes, and I would propose that we, likewise, handle them separately.”

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, “I just want to get clarification on the boundary line. So, when the property was annexed into the City, the confusion came over the boundary line being at what street?”

Mr. Lindsey said, “Well, so, again, we have Rafeal here and Grimball here.”

Councilmember Moody said, “Where is Rafeal on that map?”

Mr. Lindsey said, “Rafeal is here to the north. Rafeal is the little dirt road. Does that clarify?”

Councilmember Shahid said, “So, wait a minute, you didn’t answer my question. So, when the property was annexed into the City, the County made an error as to the boundary line? Is that the question?”

Mr. Lindsey said, “Well, so, first of all, I think it was clear in the County’s Maps where the County had the line, but that was not consistent with what we adopted. Our text was different from what theirs showed. So, I don’t necessarily know if the applicant was aware of the discrepancy per se, but I don’t think that we were aware of the discrepancy.”

Councilmember Shahid said, “So, the text said one thing and the boundary line said another.”

Mr. Lindsey said, “That is correct.”

Councilmember Shahid said, “The text said what?”

Mr. Lindsey said, “The text said--”

Mayor Tecklenburg said, “The text said here (referring to the electronic presentation.)”

Mr. Lindsey said, “That is correct.”

Mayor Tecklenburg said, “The map said here.”

Mr. Lindsey said, “That’s right.”

Mayor Tecklenburg continued, “We were trying to be in sync with the County, but we took the text, and so, our line became here. So, it thereby got out of sync with the County.”

Councilmember Shahid said, “I just wanted to make sure that everybody was understanding that, the confusion with this, as to the variance between the text and the map.”

Mr. Lindsey said, “That’s right.”

Councilmember Shahid said, “Okay.”

Mayor Tecklenburg recognized Councilmember Moody followed by Councilwoman Jackson.

Councilmember White said, "Don't we need to do the public comment period?"

Mayor Tecklenburg said, "We do."

The Clerk said, "Yes, we do."

Councilwoman Jackson said, "I would just like to speak to this."

Mayor Tecklenburg said, "We're just trying to clarify this."

Councilmember Lewis said, "You all should let the public speak first."

Councilwoman Jackson said, "We're talking about clarification."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Jacob, tell me what the difference is in the slash lines there, the pink or peach color? What are those differences there?"

Mr. Lindsey said, "So, the properties that are in the sort of peach color, well put, are properties in the City. This is zoned General Business, and I can't see the zoning on those from here. Perhaps, you can see those, Mr. Mayor."

Mayor Tecklenburg said, "Limited Business."

Mr. Lindsey said, "The LBs and then HI and LI properties. Those are in the City. If it's got a color on it, that means it's in the City. If it's hatched or if it's in white, it's not in the City. It's in the County."

Mr. Morgan said, "But it is in the Overlay."

Councilmember Moody said, "What I'm trying to figure out here is what's the actual use of this property right now. We've had a lot of discussion about Rafeal versus Grimball and the text and everything. I guess my question really is, do we know why Rafeal was, I think that's a dirt road. My recollection is that's just a dirt road, and it runs through an area there. That's not a Commercial zone. It's nothing. So, why was that road selected to begin with?"

Mr. Lindsey said, "Well, I don't have the answer to why the County specifically located it there, Councilmember. That preceded any of our actions, but I will say this, the Folly Road Overlay only pertains to properties that abut Folly Road, which is a Commercial road in its nature. Our zoning in that area is Light Industrial, General Business, and Limited Business. So, those properties that front Folly Road, at least by our zoning, are Commercial zonings."

Councilmember Moody said, "That's really what I'm trying to say. These two properties here are on Folly Road, and it seems to me, I think that little property is actually, is it two pieces of property there, and one of them is General Business, one is Light Industrial, and they're downzoning it or something?"

Mayor Tecklenburg said, "It says Limited Business."

Councilmember Moody said, "I'm trying to figure out what the use is and maybe what it should be before I start moving the line. It seems to me like this is all Commercial, as opposed to Residential. I know that this whole zoning that they did was Commercial, Heavy Commercial, and as they got on out to Folly Road, they did more neighborhood. It just so happened that this

happens to be between the neighborhood and the, I can't remember, there are two of them. One of them is more Residential or less Commercial than the other, so it seems to me like Grimball Road maybe is the correct delineation point there, as opposed to Rafeal, which is a dirt road that hadn't been developed. So, I'm just trying to figure out why it was done like that, if there was any reason to do that, or what's the best solution, and I need some clarification."

Mayor Tecklenburg said, "It sounds like we don't know why."

Mayor Tecklenburg recognized Councilwoman Jackson.

Mayor Tecklenburg said, "Then, we'll go to the public hearing."

Councilwoman Jackson said, "Yes, I just wanted to say what I understand from the Town, County, and City sources that the three ordinances that became the Folly Road Overlay for all three jurisdictions, and two of them were adopted. They were all discussed, planned, and agreed on as the three jurisdictions. Back in 2013 was the work, and 2014 was when they came with the final draft of the ordinances. They were all matching in terms of dividing up the entire Folly Road Corridor, which has your traditional evolving Commercial Districts. In recognizing that, the Folly Road Corridor ended up with distinct sub-areas, is the way the ordinance describes them. The sub-areas were identified with a few different terms for each sub-area based on the Land Use Map that both the County and the City had in play in 2013, and the Town had followed along with that. So, the whole, if you follow from the north of Folly down to the Folly River at the very south, it's basically the pattern of Commercial density for over 100 years. The areas that were mapped originally to be Neighborhood Preservation, as Councilmember White was saying earlier, were really descriptive of what the land had facilitated over that length of time. Yes, you need Commercial to have shops and things like that. So, they all wanted retail on Folly Road, they came up together, and then the County decided to move their boundary in order to entertain more dense development. At that time, they made the decision, but they all started the same. So, I think that's really where we are. Now, we can have the public hearing."

Mayor Tecklenburg said, "So, we have this somewhat complicated matter before us. Who would like to be heard on this matter? Please come forward. Yes, sir."

1. Stewart Weinberg said he lived on James Island, and the real issue was density. There were rumors about what would happen to the property and how it would be developed. When Spyglass was built, there were issues with flooding in the surrounding areas because stormwater management, or things under the ground streams, weren't considered. He thought the City shouldn't do anything until after a stormwater study was completed. There had been so much conversation about the 5,000 square foot issue. He asked why it was now being changed when everyone was concerned about the density. The area where Spyglass was being built had almost 300 apartments and the traffic was flooding into Folly Road. He suggested putting brakes on the entire issue and keeping the boundaries and 5,000 square feet total where they were currently, finishing the study, and bringing it back to reconsider.

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

2. Trenholm Walker said he was there on behalf of Grimball Road Partners. They had a contract to purchase approximately ten acres that would be included in the South Village if the boundary was moved. The County, in December 2014,

moved the boundary to Grimball Road and had honored it for over three years. His Client's property was heirs property, and the heirs spent three years to clear title in order to sell it. The Planned Development was townhomes, less than the allowed density, with 20 percent Workforce Housing that was not even required. It was a great project. The property wasn't in the City a year ago and was annexed believing that the map the County had was accurate. They had meetings with City Planning staff who gave tips on the proposed development and supported the development only to find out later that everybody was in the dark, and the property was annexed in and annexed out of the South Village. They were asking for consistency. There wasn't going to be a drainage problem. There was no reason why the boundary was ever at Rafeal Road, and it made no sense. He encouraged Council to listen to the other speakers, the owners, and to vote in favor of the amendment to adjust the line consistent with the County.

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

3. Wofford Stribling said he was a professional civil engineer with Earthsource Engineering and he was there on behalf of the prospective buyers of the Moultrie Tract, Grimball Road Partners. They understood there were concerns about the drainage, and he was contracted to design, review, and help implement a drainage system for the proposed townhome project. His firm produced an initial design and report which they submitted to TRC and the City that showed no adjacent or downstream properties would be negatively impacted. Their current and final design would meet and exceed all State and City Regulations for stormwater management through the use of engineered stormwater ponds on site. They would reduce the stormwater leaving the site, as compared to what it was now, which would help improve some of the drainage in that area. Any development of the property would require extensive stormwater review and approval through the City's processes. The City's engineering department was capable and professional, and he asked that Council trust his firm and the City staff to devise a good drainage system for the area.

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

4. James Wright said he had a few concerns with the proposed ordinance change regarding the volume of traffic on Folly Road, affordable housing, and flooding. The City needed to engage in a comprehensive assessment first on the impact of future growth and rely on those findings and studies to make a determination on change. He hated for the City to go into a situation having to reverse or change things that weren't good for the community. He begged Council to check into everything first before making a decision.

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard on this matter? Yes, sir."

5. Scott Smith, President of Ocean Neighbors Homeowners Association, said there was a reason why the bill was voted down 5 to nothing the first time. A lot of thought went into the original Overlay, and he thought Council needed to consider why that was designed as it was.

Mayor Tecklenburg said, "Thank you, sir. Would anyone else like to be heard on this matter? Yes, ma'am."

6. Eileen Dougherty thanked Council for adopting the Overlay, as the zoning promoted economic benefit to the Island in the Commercial Corridor, which highlighted the rich cultural heritage in the Neighborhood Preservation area, and it showcased their natural beauty in the conservation area. That was part of a long-term vision that protected the economy, culture, and the natural environment. Grimball Road was now a commuter thoroughfare, and she and her family experienced the dangers of more cars and pedestrians sharing the same road. They experienced more frequent and severe flooding and they were concerned about their property's value. Since Spyglass was built, the soil was soggy and prone to complete saturation. The area from Rafeal Lane to Grimball Road was mostly rural, and properties were low lying. The ditches and drains on Grimball Road Extension needed maintenance and grading to carry stormwater out of the larger bodies of water. Growth was exploding in the area, but there still was a lot of undeveloped land that offered a huge opportunity to the City to build in a way that accounted for the changing weather, addressed drainage, road connectivity, and preserved the existing culture of the area. The City could create a model of how new development in historic neighborhoods could exist harmoniously and sustainably into the future by studying drainage and implementing building and drainage standards that protected the investment of both new and existing property owners. She asked Council to vote no on the proposed changes for the Folly Road Overlay.

Mayor Tecklenburg said, "Thank you. Yes, ma'am."

7. Penny Wilson said she was the manager of the family business at the corner of Folly Road and Grimball Road Extension. Her family had owned property on James Island since 1952, and two of her siblings were longtime residents. She did not blame the residents, old and new, for being concerned about overdevelopment with the recent proliferation of apartment complexes, but the City made it difficult for a small business owner to succeed. Because they weren't a big corporation with lots of projects and a big legal team, they were held to a different standard. The builder of Spyglass, across from their property, was required to install a sidewalk and was later given permission to drop that requirement and did nothing to add to the community. Lennar Homes built a small neighborhood down from their property and another one at the corner of Sol Legare and Folly and hadn't put in sidewalks at either location. However, her family's business would be required to put in sidewalks on both Folly Road and Grimball Road Extension, plus pay for an underground drainage pipe to go alongside the road. They believed sidewalks were very important and wondered why the big builders kept getting away without doing their share. They kept building without giving back to the County.

The Clerk called time.

Mayor Tecklenburg said, "Thank you very much. Please wrap up."

Ms. Wilson said, "Thank you."

Mayor Tecklenburg said, "Yes, ma'am. Who else would like to be heard? Yes, sir."

8. Willie Heyward said he was with the Heirs Property Law Firm in Charleston and represented the co-owners of the 10-acre parcel on the corner of Folly and

Grimball Roads. He said when it came to preserving culture, it was always the heirs that didn't have a seat at the table. The property had been passed down for generations with people making sacrifices and people who worked with their hands to acquire the property. They had paid taxes through generations on property that was zoned Commercial. The taxes on a 2 acre parcel were \$17,000 every year. With the downzoning, the heirs would lose the benefit of the labor that their ancestors had put into the property, and they were descendants of people who, at one time, were considered property themselves. One of the heirs told him that they needed 1,500 feet, which was the difference between Rafeal and Grimball Road. They asked Council for equity because it was time to sew.

The Clerk called time.

Mayor Tecklenburg said, "Please wrap up."

Mr. Heyward said, "Thank you."

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

9. Rusty Gladden said he was one of the 42 heirs of the property, was a Navy Veteran, and had worked for the City of Charleston for 31½ years. The property had been in their family for 125 years, and most people didn't understand heirs property and that it was their inheritance. The idea that they should do nothing with their property was wrong, and it was wrong for a small group of people who believed they were saving his property. They weren't his neighbors, had never met him, and didn't know his history. What was best for his family was for the City to make the line right and move it to the south to Grimball Road. They weren't developers, and they didn't have the income to develop the property in a positive way. If moving the line would allow them to include Workforce Housing, then there shouldn't be any argument or debate about it.

Mayor Tecklenburg said, "Thank you, sir."

10. Beatrice Pinckney said she was an heir of the property, and they had the property for 120 years. She said her ancestors went through a lot to keep the property. Her grandfather died at an early age, left a wife with nine children, and she was pregnant at the time with the tenth child. After his death, she had to sacrifice to feed her kids and to make sure that the property tax was paid. It was their inheritance, and it was the only thing her ancestors had to give them, and now they couldn't do what they needed to do with it. They asked Council to consider putting themselves where the heirs were and where their parents were trying to save the property. There were 42 family members involved, who lived all over the place, that weren't going to stay. She asked Council to consider working with Councilmember Gregorie to get this passed.
11. Mary Grace White said she became part of the family in 1972 when she met her husband. His mother grew up on the property, as well as her husband, for several years as a child. She became very close to his grandmother. A couple of years after her husband died, her horse died, which is what she used to farm the property. She asked members of the family to keep the younger children, and she went to New York to work until she made enough money to buy another

horse. Then she came back down and continued to raise her family on the property. She worked hard, was a very intelligent woman, and she also helped some of the neighbor farmers. The family worked hard, but they were now in California, Florida, Georgia, Michigan, and New York. The family had tried to see what they could do as a family with the property, but it was almost impossible. They asked Council to vote to move the 1,500-foot property line.

12. Amy Fabris said she was a member of the Charleston County Planning Commission and had been on the Commission for eight years. In 2013, there was a Committee, including Mr. Morgan, and it was a joint multi-jurisdictional planning effort for the main corridor on James Island. The City decided not to adopt it at that time, but in 2014, the County, the Town of James Island, and the City of Folly Beach all adopted the ordinance. The reason was they wanted to have the same playbook for that area of Folly Road, so that they wouldn't have developers jurisdiction-shopping because there was a little bit of Town, Folly Beach, unincorporated County, and the City. In the area of what was currently for the City Neighborhood Preservation from Rafeal to Grimball, on the Land Use Map for the Century V Plan it was designated as rural land use, which had nothing to do with the Folly Road Overlay.

The Clerk called time.

Mayor Tecklenburg said, "Please wrap up."

Ms. Fabris continued that there were community meetings, and the people who came out and spoke were residents of Grimball, Sol Legare, and Battery Island Drive. These were primarily African American neighborhoods, and they asked to have their neighborhoods preserved. This area of James Island was ripe for development and the picking of developers, and that was why they coordinated the multi-jurisdictional effort. She asked Council to honor what was adopted by the Town and the City.

13. Charles Wilson passed out a copy of what James Island used to look like in 1945 which showed the corner that they owned. In 1946, across the road became the wholesale, and retail was on the corner. It was farmland, but this was the last area of business on James Island and had been a location of business for a long time. He spoke in favor of correcting the line. When they annexed their property in from the County, it was in the South Village, and no one knew when the line was changed, as they weren't notified. He said he went to high school with the Mayor's daughter, and had been around his family his whole life and discussed his time as a student in high school and college.

The Clerk called time.

Mayor Tecklenburg said, "Please wrap up."

Mr. Wilson continued that an award was created for him as the best non-traditional student which meant he made mistakes.

The Clerk called time.

Mayor Tecklenburg said, "Please wrap up."

Mr. Wilson said, "This is my property. I've spent three years working on this. Please, let me finish."

Mayor Tecklenburg said, "We're fair with everyone. Please wrap up."

Mr. Wilson continued that everyone's time was different. He was a member of the Sol Legare Community, where he was creating a farm at the Overlay meeting where Charleston County worked with them. He spoke with Joel Evans and his staff after annexing into the City where he was laughed at in front of his entire staff because of what the City did. It had been three years since they had this property, and it was a debacle. He had something else he wanted to pass out to Council.

Mayor Tecklenburg said, "Sir, no, I really can't."

Mr. Wilson said, "Please pass this around. You can pass it around, sir. I spent a lot of time doing this."

Mayor Tecklenburg said, "Sir, I'm going to ask you to please wrap up."

Mr. Wilson said, "That's what we've come to. You can read that, and you can understand where I'm going with this."

Mayor Tecklenburg said, "Okay. Thank you very much."

Mr. Wilson said, "Two minutes is not enough time."

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

Mr. Wilson said, "Please move the line back where it's supposed to be."

Mayor Tecklenburg said, "Thank you."

14. Dr. Stan Wilson said he was Charles Wilson's father and he appreciated the public service that Council was doing. He came to Charleston in 1972 when they could walk down King Street where there were unique shops. He was afraid they were going to lose the uniqueness and the special things of creative people. He thought there was a lot of history of service in their family. He was a surgeon, and if he had an x-ray and a report that conflicted and he didn't look at the x-ray and he operated on someone, the word for that was malpractice. He said the source documents must be looked at. There was a family of 42 descendants who potentially were in a bad place. He thought they could do something special on the property that added to the uniqueness of Charleston, and they had paid for the property as a Commercial Zoning. He begged Council to keep the Limited Business Commercial zoning for the South Village, which he thought was the right thing to do. He had a picture from the Post and Courier, and it talked about a few months ago how hard it was to develop in the City of Charleston.

The Clerk called time.

Dr. Wilson continued that the little guy got squeezed out, so if they waited for a water table study, he didn't believe the West End Project would proceed because they still didn't have the water controlled downtown, so how many decades would

it take to do it on James Island? If they waited for that to happen, he didn't think it would ever happen.

15. Mohammed Idris said this was the problem, poor people for justice. The doctor talked about malpractice. Council gave him 30 seconds to talk, and he was interrupted and told to shut up or he would be locked up. Council let the people break the law over and over, and it was going to cause trouble in the City.
16. Erika Harrison said she had been working with the Wilson and Moultrie families and Grimball Road Partners. She knew the Planning staff and Council worked tirelessly to get things right on the first go-round, but they were not infallible, and planning was not always perfect. Sometimes, it required pivot and correction. Four years ago, the County adopted the Folly Road Overlay, and seven months after its adoption, it was amended. In December 2017, the City adopted the Folly Road Overlay, and they were now asking for a correction. The families had told their history of the 100-plus years they had been on the Island. The Moultrie Family had actually worked their land. It was their reality, but it was not their reality right now. They presented requests to have their Councilmember, who supported them, move the line, yet they were having to, along with the Wilson Family, justify moving 1,500 feet from a dirt road to a real road with an intersection and obtain ten votes from Council, which was an arduous task. They had overcome each battle regarding their lands. Most would have given up, but they were still here, which showed their true character and tenacity. She didn't think it was a mistake to annex into the City last year because she believed strongly in the Planning staff, as it had a vision for the City. She asked Council to make the change to be consistent with the County. They needed to support Workforce Housing, and they needed to make sure they took care of heirs' property. They had to start leveling the playing field in terms of access, so there could be more young people like Charles Wilson willing to take a chance to build something and be creative in their communities.

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard on this matter?"

No one asked to speak.

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

Councilmember Griffin said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "I heard a motion to approve, but could I respectfully ask to take it in two pieces, just like the Planning Commission did?"

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, Mr. Mayor, before we take a vote, I think it's important for my colleagues to understand how long this process has taken. The Moultrie Family and I met, I think the meeting was in 2014, for them to just simply decide whether or not it's more advantageous for them to stay in the County, or to annex into the City. We met with our Planning Department, at that time, and it was the consensus that it would be most advantageous for them to annex into the City. If they had known then what's going on now,

their decision might have been different. At that point, they had not even begun to notify the 42 family members to pull this together. That, alone, was a very significant task to accomplish, but they did. This is a family that has been working toward this for many years. As the Councilmember for that district, I strongly recommend to my colleagues that we overturn the Planning Commission's vote. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, thank you. I, obviously, voted against these amendments at first reading, and I have done my absolute best. You can ask my husband. I've spent hours and hours looking at this, researching it, scrubbing things, to understand why we need to make changes right now that are uninformed about the long-term responsibilities that we have, as stewards of our area. I know that James Island, itself, is a very unfamiliar place to most of you. It's out of the way. If you go down Folly Road, you see it as the blur on the way to the beach, but it's truly, as you called it last year, Mr. Mayor, a borough that has a history of being an agricultural community. It was the bread basket of the City, in its day, for 100-plus years. I promise you, if I didn't think that the property owners that are in Councilmember Gregorie's District would be harmed by not changing the boundary, then I would go against my stewardship role and values of needing to be looking into the long-term future for what we are doing with our zoning, in sort of a hopeful way. It still is not informed by the climate and the sea level rise that we know is coming to our region. We've all heard the complaints about traffic, and the transportation plan reflects the challenges that we have in that kind of infrastructure planning, so I have literally prayed about this long and hard. James Island is a hot market for developers to come in, and I think the challenge, for each of us, is we're being counseled that this was a mistake. In fact, this was not a mistake to establish the different sub-areas where they were placed during the planning process. They reflect the City and the County's Land Use Map and, importantly, they now reflect what was a hard community process of hundreds of hours that was collaborative to come up with the vision that everyone knows, called the Re-Think Folly Road Plan.

Basically, this plan establishes the guidelines for the different sub-areas that are now mapped out on Folly Road. Each one of them has a distinct way of planning for the future. So, the Neighborhood Preservation zone works with the land that's there. That is truly where we're coming from. When we look at the land, and we figure out what can we do that will be beneficial to the use of it by the people that deserve to live there in safety, I just can't take a vote that brings more density. The reality of the South Village, now that we've put a 40-foot height limit, is that it will be townhouses. That's what's being proposed for the Moultrie Family property, and it's described as 1,500 feet. All of the properties on that map have entries from Folly Road and can be combined across a span of forested area, just like Johns Island, and it's going to be combined and then made more dense because it's an entry way on Folly Road. I know that there are Single-Family housing developers who want to build in this part of James Island. I know that four or five years ago, when the Moultrie Family, and I totally admire the effort, I'm an affordable housing career person. So, the effort that this family has made and hung together to be able to get their family property ready to sell to a land buyer is so admirable. I wish that I could just turn a blind eye to my stewardship responsibilities and come along with you, Councilmember Gregorie. I think you've done a noble effort to represent the landowners."

Councilmember Gregorie said, "My constituents."

Councilwoman Jackson said, "Your constituents. I asked Christopher Morgan to put the District Maps up and, unfortunately, when you bring them up our laptops, you see purple and green and then the County, and it's much easier to understand. James Island is a checkerboard of jurisdictions and districts. District #12 literally goes all the way around and fans the heart of the corridor that we're talking about right now. Those are the people that are experiencing the hardship of trying to commute on Secessionville Road, that's a two-lane road. It is on no one's plan to improve. We have to put a traffic light at the corner of Fort Johnson and Secessionville because there are accidents there two or three times a week. It's a blinking light. There are neighborhoods that were annexed and developed. I call them the spider web neighborhoods, as I was getting to know my constituents, that spin off of Secessionville Road one way in. Then, there are hundreds of houses back there, and they all go one way out, and there's no other way to commute. So, we've got road challenges that have no solution. We have evacuation problems, just like Johns Island does. Thankfully, we have bridges that are bigger and that work, but we have five miles to go before we get on any of our bridges. We have the beach that creates an amazing amount of traffic that's only going to continue, so traffic is one thing that everybody lives with right now.

The water that is being created from the stormwater runoff is just beginning to be experienced in the last few years as more building has been done, and the storms have gotten worse. We all have the experiences of the last three major years. That's only the beginning of the worries. We don't have studies that understand how we're going to manage the water. We need to do that, and it's on the list to be studied. I know that the Moultries could either amend their plan or have a developer that would just build within the Neighborhood Preservation Sub-Area that this was always planned for. I have tried as hard as I possibly could to understand what the Wilson Family, knowing what they want to do, why they can't do it with the current zoning that's in place. They have a beautiful plan. Everybody has heard them talk about how they want to use their land for small, local retail that will be a feature of that whole part of Folly Road. They could do it today, and I really feel sad, but they have an understanding that they've been held back from their vision and their accomplishments.

The disconnect between the City's ordinance and the County's current ordinance came about because all three ordinances were the same at the beginning of 2014. The Town has never changed theirs. The City went with the original County ordinance when they put our current ordinance on the table in 2017. The problem came about when we found out that the landowners, the constituents in Councilmember Gregorie's District, had been looking at the County Map and not our actual ordinance text, so that's the inconsistency. I feel bad for all of the people that went down a road that can't be accomplished without us trying to make an amendment change to help these people that read the wrong document. So, I really feel like I've done my best to help us think long term and be the stewards that we need to be for our whole region when we're facing environmental changes that we can't predict. I know we have flooding all over the place on the Peninsula, and I know the Peninsula is our 'fix flooding first' challenge, but why would we create potential problems or produce certain problems knowing what we know now about the flooding and the water management that's in front of us. So, I can't be peaceful about that, and I apologize. I have always been on the side of people that need a helping hand, and this is really killing me to take a vote that I know is going to be disrespected in many parts of my community where I'm trying to be known, a friend, and a reliable resource for leadership.

I just have one other more detailed thing to say that I wasn't going to bring up, but Mr. Stribling came before us, who is the civil engineer for the existing development that's made their application to the TRC for the Moultrie Tract Build-out. He said that their plan was put in front of

the TRC, which is true. I went to the meeting where it was reviewed. I don't think Mr. Stribling could be there that day, but I took handwritten notes of the review that was conducted on behalf of the City by Matthew Blackwell, our City Water Engineer. He said that they're very worried about where the water goes out of the wetland that is at the bottom of this property. The retention ponds, one at the top and one at the bottom, are going to be connected by a stormwater run-off pipe that's going to be buried 12 feet under the ground, and the infrastructure for this development is going to be owned by the HOA. So, that means there's going to be a condo regime that will be tasked with saving the money and being able to make any improvements for replacements of anything that goes wrong for the streets, the curb and gutter, or the water system. They really objected to the fact that there was going to be three to six feet of fill dirt placed on top of the land once the trees are taken out. I wrote down the quote that the City has real concerns on the amount of the fill dirt that's being proposed to use. I wrote down the quote that, 'It's not at all a good design.' That's what Mr. Blackwell told the engineer representative for the Moultries. He said, 'Why do they need the jacked-up fill dirt? It's going to be feeding water to the properties all around the site.' That's what Mr. Blackwell told the applicants' engineer.

I just came from a meeting at 1:00 this afternoon where our water engineers were meeting with people from Crescent Homes. They were talking about green infrastructure and opening up the retention ponds, so we don't have pipes everywhere that break and are inadequate. So, I just wanted to make that one particular point because I don't know about you all, but that's what keeps me up at night for the responsibilities that we have as a City Council. I totally appreciate the people that are here to support this project. I wish I could be one of them, but in good conscience, I can't on this basis. I do think the Moultries will have an amazing outcome for this property, if we can be thoughtful and help them reduce the density, live on the land, or at least use the land the way that their ancestors did, who I admire from the bottom of my heart. Thank you very much."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, thank you, Mr. Mayor. I know we talked about zoning and we've talked about this and that. This family is looking at this, and they go back a hundred and something years. Just like I've said, on Johns Island my family goes back hundreds of years. My family goes back on James Island for 200 years. If anyone knows James Island, who is a part of the City of Charleston, and grew up in the City of Charleston, they know James Island is actually mostly African American, especially if you go down Grimball Road, Sol Legare Road, or Riverland Terrace. I can tell you I played there while in high school. My parents and my family, like I said, go back there for 200-plus years. So, people who come into this area or move into the City of Charleston, they don't really know what James Island is all about. They say they know, but they really don't know. I can give them actual facts because I've played there, been there, done that. So, when you have families there that now cannot afford it because they have family members, and the older family members have died out. Now they have to try to get rid of their property because they can't afford it, so to speak. They can't do that because we as the City, or we as the County or we as the Town of James Island have gotten together, and we have these different zoning ordinances there that are causing them harm, but they were here before you. So, we can't forget about the people who came here before us, and that's what we are doing. We are forgetting about the people who made their way here, who made James Island the way it is now, that so many people love James Island. We've got to stop it. We've got to come to a point and realize the people who were at these

places made these areas the way they wanted, and that's why we want it now. All of this, 'Ooh, I moved here five years ago. Oh, I moved here ten years ago.' Whoop-de-doo! Yes, but these people have been living here 50, 60, 70, or 100 years ago, because it's the City of Charleston. I was raised in the City of Charleston. I'll be 70 years old next month. I know the City of Charleston. I was a person that liked to go to all the parties, so I know all of the areas on James Island. I know them all. We can't forget about these people who are struggling now because the taxes are different, and they can't afford it. Now they want to get rid of it, and now they can't because of various zoning issues. So, we have to straighten it out. I'm going to support it because I think we need to get rid of it. If they can't hold it, I don't want to see them leave there and lose it. That's what's happened to a lot of African Americans. Go on Johns Island and see how Johns Island is. It wasn't Seabrook and Kiawah Island. I used to play out there in the 1950s while I was growing up. It was dirt roads. River Road was a dirt road. Many of the people on Johns Island are my family, the Freemans, Capers, and all. That's what it is on Johns Island. So, when I hear people talk about these things, they really do not know exactly where they came from because they didn't know the people that made those Islands the way they are. It's not the same Islands anymore, because it has changed. Development has destroyed them."

Councilmember Lewis said, "Call for the question, Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Please call for the question."

Mayor Tecklenburg said, "Well, I will as soon as we allow Councilmembers who would like to be heard."

Mayor Tecklenburg recognized Councilmember Moody followed by Councilmember Shahid.

Councilmember Moody said, "I'll try to be quick. I'm going to support this motion, but I want to point something out here that I think we're going to be dealing with later. It's just that 75 percent, that ten-vote rule, that we've got to get over. Several of us around this table have talked, and at our last meeting we talked about apologizing. Apologizing without works is really no apology, but what we're seeing here tonight. We've seen an African American family that's been working on this land all this time. We see a young guy, an entrepreneur, a small business person, that wants to do something with their property, and I don't think there was anything devious. Just mistakes were made. We've got a problem here that we need to fix, and for us to fix this problem, we've got to have a supermajority. We've got to have ten people of this 13 body. I don't know whether it's ten people that will do this, but I tell you what, what we're seeing here tonight is exactly why that is a bad idea. We've got nine people on our Planning Commission. We only had five of them there, and they split 3 to 2. We've got to have twice that many to vote. If we've only got eight people, we still have to have ten people. That rule, that ordinance, that part of our law is just wrong. I didn't listen to my friend, Councilmember Waring, but it's come back to me with this apology stuff. We kept asking why was this law put in place back in 1937, and I didn't think about it. He told me that, and I kind of dismissed it, but he said, 'That was just part of the old Jim Crow laws'. That was his response to me, and I said, 'Well, I don't know about Jim Crow, but I do know about small business', and it impacts them the same way. What we have here is both groups, small business and the African American community, that have been wronged and we need to fix it, so that's my point."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor, members of Council. I met with several people concerning this issue. Councilwoman Jackson came to me earlier about it, and I had an opinion of what I was going to do with my vote on this, but then I got a phone call from Dr. Wilson. I met with his son, Charles, with Councilwoman Jackson in my office. I then went out to the property, and I walked this land with Mr. Wilson. I've also had conversations with Councilmember Gregorie and with City staff. It seems like a very complicated issue, but it's really very simple. It's an equity issue. It's a fairness issue that we need to deal with tonight. This land was in the County, at one point. These folks annexed into the City with an understanding as to what their zoning was going to be. By some error, some misunderstanding, a boundary line became a problem, and we're just here to try to fix that boundary line. That's really what this is all about. It's an equity, a fairness issue that we just need to correct, and we can do that tonight. I'm going to support moving this line back to where I think everybody intended it to be. That's back on the Grimbball Road Extension, and I think we all should support that motion."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I'm almost speechless, and I'll tell you why. These people, we always hear the term of being 'salt of the earth'. That's what they are. These people are the essence of the Lowcountry. Look at the boom cranes around here. Look at the Wall Street money that's coming in here, and look at the lengths that the small business people have to go through to circumvent a rule that wasn't designed for them. Now, I know what they're talking about because many of you all have been to my office in West Ashley. It was ruled very much like this. It was a family farm, but then things changed. I stand on the shoulders, and these people do, too, they stand on the shoulders of the people that came before trying to use their property. My family has been on that property for over 100 years. We've seen the conversion from the hog pens, cow pastures, chicken coops, a barn, and now, a professional office park that, fortunately, our family was able to do. It has employed people, it has contributed back to this community, but I wouldn't be there if it wasn't for the people who straightened out heirs' property. That's what these people are doing in wanting to develop their property. With all due respect, if you are Greystar, you have a team of people to come through in a professional way and lobby us to get these ten votes. These people have to pull out their soul and literally almost beg, to get around a rule that was designed to eliminate those who are not connected and do not have influence, the 75 percent rule.

Now, I did not know that this was going to be on the agenda and this turnout to be on the same agenda that I have the 75 percent rule. I work with Dr. Wilson on the Roper St. Francis Board. I've seen him give back when he doesn't have to. The Moultrie Family, if we go back far enough all of us are kin. So, obviously, I'm going to support the overturn of this rule, but there are so many other people that couldn't put together an organization like this. I think we all had fallout, positive, maybe some negative, but positive after the apology. I always kid Councilmember Shahid about being Deacon Shahid in the Catholic Church. We both are Catholic. I spoke about this after the vote, 'Faith without works'. That's right. Now, it's time to go about doing the work. So, I met with Kristopher King last week and had a very, very, very good conversation, and I'm going to meet with Mr. Cody over there. We've gotten along well. We've had one or two issues we don't agree with, but we've probably had 900 where we did agree. I spoke to Councilmember Seekings earlier about the 75 percent rule. I think we have never put together an effort to where the members of City Council, the Preservation Society, Historic Charleston, and the Planning Commission came together to say, 'Let's revisit this 75 percent rule', so I'm skipping down on the agenda. I'm planting that seed because that's what I'm going to propose, when we get to that portion of the agenda, I am going to support the salt

of the earth, the essence of the Lowcountry, the people that are really the fabric of the Lowcountry, having a chance to do with their property what they should really have the right to do. Thank you.”

Mayor Tecklenburg said, “So, may I indulge Council for just a minute to try to clarify something because I don’t want to vote on something and have an unintended consequence. If we want to use the parlance of Councilmember Moody to fix the problem, this came up at our last meeting towards the end when we were just trying to figure out how complicated this was. One of the ways originally thought to fix the problem was to do this first part of the proposed ordinance which was to permit a maximum footprint of over 5,000 square feet in the Neighborhood Preservation Sub-Area. That’s the way it reads and so, if you fix the problem by moving the line down to Grimball Road, then everything south of Grimball Road, you all, is still going to be in the Neighborhood Preservation Sub-Area. Does that make sense? We’ll still have a sub-area called Neighborhood Preservation and so, if we disagree with the Planning Commission on the first part of this, then what we’re going to do is allow larger development to occur below Grimball Road. I don’t think we want that and so, I think that we should try to preserve or protect the size of buildings that are built in the Neighborhood Preservation Sub-Area which, again, would be south of Grimball Road, if you move the line. Does that make sense? So, I would respectfully ask that we agree with the Planning Commission on the first part of this and then if you want to, using Councilmember Moody’s language, fix the problem, then agree to overturn their decision on moving the line. Does that make sense?”

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “Just a point of clarification, the Neighborhood Preservation Sub-Area, if we just move the line, and we leave that Preservation, that would be the same way the County has it? Everybody is the same?”

Mayor Tecklenburg said, “That is correct.”

Councilmember Moody said, “So, that’s really what I’m saying is to fix both the problems, to get us all on the same page, move the line and have the Village on the north and the Neighborhood on the south. Then, we’ve got the same zoning or characteristics in the two areas.”

Mayor Tecklenburg said, “So, if I understand it right, in Neighborhood Preservation in the County below Grimball Road, you can’t build more than 5,000 square feet, right?”

Mr. Lindsey said, “That’s correct.”

Mayor Tecklenburg said, “So, I would respectfully ask that we agree with the Planning Commission on Question #1 and then move the line, if that’s the pleasure of Council.”

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, “I thought we decided last time that the first part of this was about the words ‘maximum footprint’ or ‘maximum gross floor’. It’s not about what the size is in the different parts. It’s the wording of that, the text. Instead, we’re asking to change the text from a maximum footprint of 5,000 feet to a maximum gross floor area of 5,000 square feet.”

Mayor Tecklenburg said, “You’re right, but I’m telling you that would now make us different from the County.”

Councilmember Griffin said, "If we change the text, it would be different from what the County is. I thought--"

Mayor Tecklenburg said, "Isn't that correct?"

Mr. Lindsey said, "That's correct."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I'm just saying that what you were reading is the other way around."

Councilmember Griffin said, "No, I'm reading it the way it's written here. If we want to stay the same with the County, we have to leave that the way it is."

Councilwoman Jackson said, "We all agree that it should be the total size of the building. Our ordinance is the only one that uses the words 'gross area,' The County uses 'total maximum 5,000 square feet,' but we all understand it the same way. The entire size of the building can't be more than 5,000 square feet."

Councilmember Moody said, "In the Neighborhood Preservation."

Mayor Tecklenburg said, "In the Neighborhood Preservation Sub-Areas."

Councilmember Moody said, "It's not applicable to the Village."

Mayor Tecklenburg said, "That's correct."

Councilwoman Jackson said, "That's correct."

Councilmember Moody said, "If the line would come down, the Village would be north, and that's where these properties are, in the Village, not in the Neighborhood."

Mayor Tecklenburg said, "That's right. So, maybe this is somewhat of a compromise, but I would respectfully ask that we preserve or protect the Neighborhood Preservation Sub-Area and that, if we move the line, the density is the same. We do address the equity issue of the fact that when these folks annexed into the City, they really did think that the Village Sub-Area went all the way to Grimbald Road."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mayor. I know that I'm in a minority, so I'm not going to speak about the change to the density any longer. Mr. Wilson gave me the honor of talking to him directly after I had met with him and Councilmember Shahid for the first time, and we talked at length. I really appreciate and totally support the understanding that I have of what the Wilson Family wants to accomplish on their two acres on the commercial corner. Then, I just wrote down what Mrs. Wilson said tonight about the things that were a hardship to them in comparison to the bigger developers. She mentioned, in particular, having to build 800 feet of sidewalk on both their street frontages and then put stormwater underneath. I just want to clarify here that nothing that we're doing tonight will change that requirement. The zoning is what creates the parking requirements, and the infrastructure. The Folly Road Overlay, itself, asked for sidewalks. So, just by moving the boundary, the boundary change really won't help the Wilsons, in terms of total building size, if I understand correctly what it is they want to do. I

certainly wouldn't want them to leave here tonight thinking that they weren't still being held to the standards of the City's zoning requirements on that basis."

Mayor Tecklenburg said, "Understood. So, could I entertain a motion for the first portion of this and basically ask a 'yes' or 'no' vote, a 'yes' being that we would approve to change this 5,000 foot issue in the Neighborhood Preservation Sub-Area. Now, the Planning Commission said 'no', so if we're saying 'yes', we would overturn the Planning Commission on this first question, which is about the 5,000 feet. I'm going to vote 'no', because I agree with the Planning Commission on this first portion. Did I say that right?"

Mr. Lindsey said, "Yes, Mayor, you said that correctly."

Councilmember Waring said, "As a point of order, what are we voting on? I want clarification of what we're voting on."

Mayor Tecklenburg said, "I'm trying to entertain a motion. If you would like to make a motion on the--"

Councilmember Waring said, "I'm trying to get clarification of your motion."

Councilmember Shahid said, "I think I've got this Mayor. I think that what you want to do is to vote 'no' as to changing 5,000 square foot rule, but say 'yes' to changing the boundary line to Grimball Road Extension."

Mayor Tecklenburg said, "There would be two separate votes."

Councilmember Shahid said, "Two separate votes."

Mayor Tecklenburg said, "The first vote is, do you want to change the 5,000 square foot rule?"

Councilmember Moody said, "So, it would be 5,000 square foot total, and that's the way the County's is and not have gross. The County doesn't allow that. The County allows 5,000 in the Neighborhood Preservation. So, I'll make a motion, however you want to say it, I'm going to vote in favor of limiting it to 5,000 in the Neighborhood Preservation."

Councilmember Waring said, "Second."

Councilmember Moody said, "Then, I'm going to vote 'yes' to move the line."

Mayor Tecklenburg said, "I knew this was going to be complicated. Restate your motion, please."

Councilmember Shahid said, "I think this is the issue. The Planning Commission voted 'no', so to overturn the Planning Commission on the 5,000 gross floor area, we have to have a ten-vote, right?"

Councilwoman Jackson said, "You need four votes voting 'no'."

Councilmember Shahid said, "That's right."

Mayor Tecklenburg said, "I don't want to overturn the Planning Commission."

Councilmember Shahid said, "I know. So, what we're trying to clarify is this, leave the ordinance as it is written, and the way it is written right now, it says, 'No single building structure shall exceed 5,000 square feet in gross floor area.' Do we want to preserve that language?"

Councilmember Moody said, "In the Neighborhood Preservation."

Councilmember Shahid said, "In the Neighborhood Preservation Sub-Area, so we want to preserve that. So, in order to do that, you need to vote 'no'. Then, if you want to move the line, you vote 'yes' to the Grimball Road Extension, two parts."

Mayor Tecklenburg said, "You want to help us out?"

Mr. Lindsey said, "Councilmember, I'm just listening closely. Councilmember Shahid has got it. It is correct. So, I do think, we were just discussing this, I do think you need two motions and two votes here. I think you should separate those out, and if you would like, as the Councilmember said, if you disagree with the Planning Commission, then you would need a total of ten votes to overturn, and that is related to the boundary line move. That's one thing you need to do, and if you would like to agree with the Planning Commission, then you would only need a majority, and that relates to the change in the square footage. That's what I think you need to do. Those are two separate matters. Does that make sense?"

Mayor Tecklenburg said, "Well, let's take the change in the square footage first, just because it's on here first."

Mr. Lindsey said, "Correct."

Councilmember Shahid said, "I move to preserve--"

Mayor Tecklenburg said, "We have a motion on the floor from Councilmember Moody."

The Clerk said, "There's already a motion."

Councilmember Waring said, "I seconded."

Councilmember Moody said, "My motion is, I'm just reading this thing that says by changing the building size restrictions in the Neighborhood Preservation area in the Folly Road Overlay to permit a maximum square footage of 5,000, that's what I want to approve."

Councilmember Waring said, "That's what I'm saying."

Councilmember Shahid said, "So, the motion would be to vote 'no' as to the Planning Commission's vote on that area, on the 5,000 square feet."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I just have a question for Mr. Lindsey. I understand what the vote is and all of that stuff. I want to know, on the Wilson property, specifically, on the Neighborhood Preservation Sub-Area, is that going to affect their plan, and is it going to change the game on them from the time they came from the County into the City? I want to know the answer to that."

Councilmember White was excused from the Chamber at 9:21 p.m.

Mr. Lindsey said, "So, I want to be specific about this. I've never seen a site plan from them, so I don't know what they intend to do. However, I'll be very clear about this. They've said they want a Commercial development, and the way that things stand presently in our system, they cannot build a building, which has a large footprint, that goes above 5,000 square feet. If the line is moved, they could build something larger."

Councilmember Shahid said, "Got to move the line."

Councilmember Seekings said, "If we vote to agree with the Planning Commission on preserving the Neighborhood Preservation Sub-Area and limiting the 5,000 gross square feet, does that change the zoning for them from when they came in from the County?"

Mr. Lindsey said, "When they came in from the County, they were in under our system, which was constraining them to a smaller footprint, but they didn't realize that when they came in. They thought, I think, that they, I thought that they were intending to come in thinking that they could do up to 5,000 square feet gross footprint."

Councilmember Seekings said, "My question is more specific than that. Is that different than what the rule was had they stayed in the County?"

Mr. Lindsey said, "In the County, they would have been under the South Village area, meaning they would have no limit on their square footage."

Councilmember Shahid said, "We are helping them out by voting this way."

Mr. Lindsey said, "That would be the effect of moving the line if we were to take that action. They would have no limit on the square footage of the building."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I'm still a little bit lost here. You just said that you would vote 'no' on the first one, right?"

Councilmember Shahid said, "That's correct."

Mayor Tecklenburg said, "That's correct."

Councilmember Griffin continued, "But, the first part is saying that we're going 'to permit a maximum footprint of 5,000 square feet'. That would be 5,000 square feet total, in place of the maximum gross floor area of 5,000. That would be the 5,000 per floor, right?"

Councilmember Shahid said, "No."

Councilmember Griffin said, "Yes, the maximum gross floor area is 5,000 per floor."

Mayor Tecklenburg said, "The footprint is per floor."

Councilmember Griffin said, "Yes, that's the first part, so we would have to say 'no' to vote for it."

Councilmember Shahid said, "We have our lawyer over here to clarify this for us."

Mayor Tecklenburg said, "Chip is going to try to help us out."

Chip McQueeney said, "Yes, I was just going to try to simplify things. I don't know if you can get to page 246 of your packet, but the actual ordinance is attached to your packet. Section 1 is the part that would amend the current ordinance from gross floor area to footprint area. You, as I understand it, most of you would want to move, well, you don't want to move to accept the Planning Commission's recommendation, which is to not accept that amendment. Then, secondly, someone would need to move to accept the amendments in Section 2 and Section 3 of the ordinance, which would simply moot change the boundary line. It would require ten votes of you because you're rejecting the Planning Commission's decision, but essentially, if you move to accept the Planning Commission's decision as to Section 1 and move to approve the amendment shown in Sections 2 and 3, two separate motions."

Mayor Tecklenburg said, "Maybe it would simplify it for us if we voted on moving the line first. Can I just put this simply, can we have a motion? Do you want to move the line to Grimball Road?"

Councilmember Gregorie said, "So moved."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "If we get ten 'yes' votes, that would overturn the Planning Commission, right? So, do we have a motion to move the South Village line to Grimball Road?"

Councilmember Gregorie said, "Yes."

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

No one asked to speak.

On motion of Councilmember Gregorie, seconded by Councilmember Shahid, City Council voted to approve moving the South Village boundary line to Grimball Road and give second reading to the following bill:

*An ordinance to amend Section 54-229.8 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by changing the boundary of the Neighborhood Preservation Sub-Area. (AS AMENDED)*

The vote was not unanimous. Councilwoman Jackson voted nay. Councilmember White was not present for the vote.

Mayor Tecklenburg said, "So, the motion passes and, hence, we have more than ten votes, so we overturn the Planning Commission."

Councilmember Waring said, "The City of Charleston made history tonight."

There was laughter in the Chamber.

Councilmember Waring said, "That's the first time that an African American family or small business person has been able to come and override the 75 percent rule. That's the first time in the history of Charleston."

Mayor Tecklenburg said, "Alright."

Councilmember Waring continued, "I know you're shaking your head 'no', Christopher, but I tell you what, that's the first time in 24 years, and I know that. It's wrong. We need to fix the law. Congratulations, Mr. Wilson and the Moultrie Family."

Many people said, "Thank you."

There was applause in the Chamber.

Mayor Tecklenburg said, "So, on the second part about changing the 5,000 square foot rule, let me just put it this way, and we have a motion. Do you want to change the 5,000 square foot rule in the Neighborhood Preservation Sub-Area, and if you say 'yes', then we're--"

Mr. Lindsey said, "Ten votes to override, your supermajority."

Mayor Tecklenburg said, "Yes, but we don't want to override the Planning Commission. 'Yes' to affirm and 'no' to disagree, but I'm going to vote 'no' because I want to preserve the Neighborhood Preservation requirement. That's me."

Councilmember White returned to the Chamber at 9:26 p.m.

The Clerk said, "Mayor."

Mayor Tecklenburg said, "Yes, ma'am."

The Clerk said, "We have to complete the vote. We gave it second reading. We have to give it third reading."

Mayor Tecklenburg said, "We were on second reading. We've got to give that other vote."

Councilmember Lewis said, "So moved."

Councilmember Mitchell said, "Second."

On motion of Councilmember Lewis, seconded by Councilmember Mitchell, City Council voted to give third reading to one (1) bill (Item E-18), the rules were suspended, and the bill was immediately ratified as:

**2018-080** AN ORDINANCE TO AMEND SECTION 54-229.8 OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY CHANGING BY CHANGING THE BOUNDARY OF THE NEIGHBORHOOD PRESERVATION SUB-AREA. **(AS AMENDED)**

The vote was not unanimous. Councilwoman Jackson voted nay.

Mayor Tecklenburg said, "Now, do we have a motion to change the 5,000 square foot rule in the Neighborhood Preservation Sub-Area?"

Councilmember Shahid said, "So moved."

Councilmember White said, "Second."

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

On motion of Councilmember Shahid, seconded by Councilmember White, City Council voted to consider amending the 5,000 square foot rule in the Neighborhood Preservation Sub-Area.

The motion failed 13 to 0.

Mayor Tecklenburg said, "So, we've, in effect, agreed with the Planning Commission, right? Because they voted against it, too. They disapproved it, and we disapproved it, so there is no change in the Preservation Sub-Area."

Councilmember Moody said, "Just for clarification, now we are in conformity with Charleston County, the Town, and everybody."

Mayor Tecklenburg said, "Charleston County."

Councilmember Seekings said, "We will be in December."

Mayor Tecklenburg said, "No, not yet. We need third reading."

The Clerk said, "No."

Mayor Tecklenburg said, "No, because it failed. The motion failed, so we don't need third reading, right?"

The Clerk said, "You don't and you don't need to ratify it."

Mayor Tecklenburg said, "A poll of Council, would you all like to proceed with Citizens Participation right now, or take a five-minute break?"

Councilmember Seekings said, "Yes."

Mr. Lindsey said, "Mayor."

Ms. Herdina said, "Mayor. Can we get the clarification on the last vote?"

Mayor Tecklenburg said, "Yes."

Ms. Herdina said, "If the idea is to affirm what the Planning Commission did, which was a disapproval, you just need a simple majority that says 'aye'."

Councilmember Lewis said, "That's what we did."

Councilmember White said, "What we had stated in the motion was to make the change of the language, so by voting 'nay' we were, in fact, saying that basically that we will not support this."

Mayor Tecklenburg said, "They disapproved it. We just disapproved it. We disapproved it by saying 'no'."

Ms. Herdina said, "Just for clarification, could you state what the issue is that Council wants to approve?"

The Clerk said, "Then, I need you to raise your hands. I have to record names."

Mayor Tecklenburg said, "We didn't want to approve it. We voted 'no'. We voted it down."

Ms. Herdina said, "Can we just clarify what we're voting 'no' on?"

Mayor Tecklenburg said, "We voted 'no' on changing the 5,000 square foot rule in the Neighborhood Preservation Sub-Area. We did not change it."

Ms. Herdina said, "That was a unanimous 'no'?"

Mayor Tecklenburg said, "That was a unanimous 'no'."

The Clerk said, "It was unanimous?"

Councilmember Lewis said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Lewis said, "Before you go any further, under E-8 under Public Hearings can we push the rezoning? I will not be here at the next meeting."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Lewis said, "Can we move it to first reading in September?"

Mayor Tecklenburg said, "On E-8?"

Mr. Lindsey said, "That's the one they asked to defer."

Councilmember Lewis said, "On E-8, yes, the one I asked you to defer because I'll be in the Bahamas."

Mayor Tecklenburg said, "No problem with me."

Councilmember Lewis said, "Okay. Thank you."

Councilmember Seekings said, "Mayor."

Councilmember Griffin said, "We can keep going?"

Mayor Tecklenburg said, "We can keep going."

Councilmember Seekings said, "Well, I have a motion. I would like to move to adjust and amend the agenda. We have an engineer, that we're paying an enormous amount of money to, sitting here to give us a presentation tonight on the Low Battery. Can we get that up and done before we get to Citizens Participation?"

Mayor Tecklenburg said, "With a three-quarters vote of Council, we can."

Councilmember Seekings said, "Because there is money that's going to pay him for sitting here doing nothing."

Mohammed Idris shouted, "Justice doesn't count until there's money."

Councilmember Waring said, "So moved, to move it up on the agenda."

Mayor Tecklenburg said, "We have a motion to change the agenda to move up our Petitions and Communications to be our next item."

Councilmember Seekings said, "Yes, please."

Councilmember Waring said, "So moved."

Mayor Tecklenburg said, "We have a second."

On motion of Councilmember Seekings, seconded by Councilmember Waring, City Council voted unanimously to move Petitions and Communications before Citizens Participation on the agenda.

Mayor Tecklenburg said, "So, next on the agenda will be our Low Battery Presentation. We welcome Jim O'Conner, who is the Vice-President of JMT, and our very own 'Mr. Check Valve,' Frank Newham, Senior Engineering Project Manager. Frank, Jim, you all got it."

Frank Newham said, "Thank you, Mayor and Council. I'm the Project Manager for the Low Battery. Tonight with me is Jim O'Conner with JMT, and we'll wait for the presentation to come up. The Low Battery Project goes from Tradd Street to East Bay Street to Battery Street at the turn. It's about 4,800 feet long. It's built in two phases. We're just going to do a little background and then jump into the status of the project today.

The first phase from Tradd to King was built between 1909 and 1911. Then, the second phase from King to East Battery was built 1917 to 1919. To do a little historical perspective, the Battery wall is on this outside red line pretty much. This is an 1878 map, I think, long before the Battery was built. The Chisolm Mill, which is now part of the Coast Guard Station, is on the upper part, and it goes down to White Point Garden and the old bath house that was in the water in 1878. This is a photograph of them actually building the Battery. They're driving wooden piles out in the river. You can see on the left hand side the cross section. There are wooden piles with a wooden deck, so they basically built a dock out in the water and then constructed a concrete wall on top of it. The reason they did this was, it was a land development project. They actually brought in 47 acres of fill and 191 residential lots as part of this project. So, this part of the project was in 1911. They then completed it from 1917 to 1919 in front of White Point Garden.

A lot of you have seen all of these conditions of the Battery today. This is 100-year old concrete. The upper part had rebar in it. The rebar is corroded, and it has caused falling of the concrete. During Hurricane Irma, we had some of the posts actually break off because they were so rusty and so corroded. You can also see the damage to the concrete from just weathering for 100 years with the tide. This is something we found when we did the turn at the High Battery. We excavated the end of the Low Battery. Again, you see the construction, the wooden piling, the wooden platform, and the metal connectors on the left hand side. Most of that's gone in that picture. You can see, in this upper area here, the pilings totally rotted away. You basically have an unreinforced concrete wall sitting on pluff mud. This other condition you all are aware of, this is around Rutledge, but the sidewalk has a 16-inch drop and ten feet. It's about a 13 percent crawl slope, so we have accessibility issues in those areas. Pointing at these charts, the sea level rise portion of the project, in October 2015 was when we had an eight-foot tide, and this was during Irma when we had a ten-foot tide. The water in the Ashley River and the water on Murray Boulevard are the same elevation. Irma did a really destructive job on the Battery. We had to do \$250,000 of renovation to the concrete after that storm

because we had rebar sticking out and posts falling over. So, with that, I'm going to turn it over to Jim and let him talk about where we are now in the process and permitting."

Jim O'Conner said, "Thank you, Frank, and just for the record, my wife would argue I don't make an enormous amount of money."

There was laughter in the Chamber.

Mr. O'Conner continued, "So, this has been about a year long process actually from about this time last year and a lot of credit to the Design Center, Allen Davis, Jacob (Lindsey), and a lot of other City staff. They all participated in several planning charrettes and a lot of public engagement to basically engage what should happen when we do rebuild the sea wall as an opportunity to re-create the space on Murray Boulevard and put something back better than what's there now. There are some names up there, everybody, including Keith (Benjamin) in Traffic, and a lot of different departments that participated in this process to make sure that it was an integrated design that addressed a lot of issues in the area. That little chart right there just kind of shows some of the results of the public process, and you can see that some of the highlights there are fixing the flooding, fixing the wall, the public access, and that's what we tried to do as the design of this evolved, is make sure we addressed everything that was heard through the public outreach.

So, what you're getting is a raised wall and promenade that's going to basically increase the flood protection. It's the start of trying to get the tip of the Peninsula a little better for sea level rise by coming up a couple more feet, improved accessibility, the sidewalks that have been sunk that you have seen, fixing all of the sidewalks so the accessibility will be better. There will be handicap access ramps, handicap parking, and a lot of other better accessible areas along the whole corridor and enhanced public space. At some of the main intersections, they're going to be built out a little better, so it will create a little sense of space along the length between the Coast Guard Station and White Point Garden. We'll create an entryway down at Tradd Street which will be kind of a bookend to White Point Garden, and overall increased safety for pedestrians, for cars, for bicyclists through the whole corridor. What you see here is something that we took to DRC last week to kind of finalize this geometry and the concepts. What we have here is, the green nodes represent each of these intersecting streets, and it has this park-lit design where you have the promenade coming along at the width that it is, and then it widens out a little bit at that intersection, create a place to put some seating, some landscaping, and then building out the crosswalks. You will have a fully developed intersection for better safety at the crossings.

Eventually, as we work our way down to White Point, there will be similar crossings down here, smaller in scale, but basically where the paths come through White Point Garden now, instead of just goat-pathing across the median and the street, you will have an actual form of crosswalk. Then at King Street, as kind of a formal intersection, it will be a little more fully built out. Just some renderings of what we're looking at down at Tradd, there is a current park down there now called Cheney Park, very small. It has some landscaping and a sign, so, this is trying to incorporate and build that out a little bit more as a little bit of a plaza down there, just to create that bookend as you enter the corridor. Here is what happens at, it's cut off at the top right there, that would be at the White Point Garden crossing, so you would be able to have a more formal crossing, a little sitting area on the other side, but still keep the landscape median. There is still parking on both sides of the street through the whole corridor, still two lanes of traffic, and then here is one of the typical residential areas. It's a little bit bigger as far as the seating area that gets built out, a little more landscaping around it again just creating that sense of space and place as you're going through.

These are some things that were brought to DRC, as far as some materials choices that we're looking at, expecting some feedback from them within the next week or so to move it forward into a final design mode. Basically, a lot of things that you see around Charleston now are using Belgium block and blue stone and other types of materials that you see around the Peninsula. This is just more of an engineering sketch blowing up that area to show the different things that will be going on, probably hard to see from the screen back there, but it gives you an idea of the things we're looking at. This entire intersection is going to be built up as kind of a speed table, as we call it. So, right here as you enter it, there will be a ramping at the crosswalk, you will stay at one elevation, then go down the other side as a safety measure to enhance, again, pedestrian crossing and the mixing with vehicles there, to get everybody to slow down as they're coming through the corridor, kind of like a speed bump would do, but a little bit better than having just an individual speed bump. Then, these are just blow-ups of some of the different material choices that are being looked at right now, again, cobble, brick, Belgium blocks, very consistent things that would be in the City of Charleston.

For the sake of brevity, we're going to keep this very short, but this is the staging we're anticipating as starting at Tradd Street for about 800 feet getting past Ashley Avenue, so we could fully build that up. Currently, we're planning on segmenting the job. That will be refined as we see how the first piece comes out, we see what the bids are, we refine the design and the pricing, and then we'll kind of re-order this segment as we work down. Permitting is under way. That's going to be a critical timeline item, so we have submitted for the Corps and OCRM permits. We hope to have a design done by the end of the summer and then be waiting on the permit process before we can put it out to bid. We are also coordinating with DOT, folks like SHIPO, the Historic Preservation Office. We had an onsite meeting with them a few weeks ago. They are pleased with the way the design is going, so we're trying to pave the way for all of those types of reviews when the formal permit is put out on public notice, and with that, I guess we'll go to questions."

Mayor Tecklenburg said, "Alright. Does anyone on Council have any questions of Jim or Frank?"

No one asked to speak.

Mayor Tecklenburg said, "Well, thank you. You all have done an excellent job. I know it's been a long process so far and a ways to go, but Jim and Frank both, we thank you. You all have done a terrific job. Thank you for the presentation tonight.

So, next, will be our minutes, to approve our City minutes from June 19<sup>th</sup>."

Councilmember Griffin said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Since we made a motion to amend and move Petitions and Communications up, I'd like to make a motion to amend the agenda and move these items under Miscellaneous Business, that should be under Petitions and Communications, up under that same heading."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Well, you can certainly make that motion, and is there a second? But I would like to share with everyone, as I mentioned a little while earlier, I actually went through, maybe for the first time, and completely read our Rules of Order. By ordinance, it

states what the order of our meeting should be, which is advertise public hearings first, Citizens Participation second. You can change the agenda with a three-quarters vote at any meeting. Third, is reading of the minutes. Fourth, is Petitions received and disposed of. Petitions actually refer to Petitions from the citizens of our City. Five is for Reports and Communications from City Officers or Boards, just like we just had and that communication from Frank Newham. Then, our Standing Committees, Joint Committees, our bills already in possession, introduction of new bills and Resolutions. Then, Miscellaneous Business is not included in any of the previous orders, so in essence, New Business, and I don't know how many Boards or groups you've been a member of, but normally you dispose of Old Business before you take on New Business and new requests. So, I know it's been the City's custom to take new requests or New Business during the Petitions and Communications period, but my reading, and verified by our Counsel, of what our ordinance actually says is that New Business ought to come last. So, of course, at any meeting the Council can change the agenda with a three-quarter vote, but if you want to permanently have New Business come before Old Business, in essence, we'd have to change the ordinance, as well."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I think we could say that all of these items are Old Business. We've talked about them before, and it's not fair to the citizens of Charleston to wait until midnight to hear us discuss the items that the Council is requesting to be put on the agenda. We're going to be here until very late tonight. We have an Executive Session, which is also under Miscellaneous Business, and it's not fair, especially when all of these items have been brought up before at Council, so they would be considered Old Business, I believe. Petitions and Communications, Communications to me would be the discussion amongst the Council and the Mayor. It's always been that way. We could go back years, and it's been that way, so I don't understand why we would change it now."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Mr. Mayor, I think we need to go to the Citizens Participation Period because that's the next item on the agenda, and we've got citizens here waiting properly to speak through the Citizens Participation Period. So, I think we just need to go forward with the agenda because that's the next item on the agenda."

Mayor Tecklenburg said, "The next item on the agenda would be our City Council minutes because we passed over that and then our Citizens Participation Period, which we've had a lot of citizens patiently waiting to express their concerns or feelings to the Council. We have a motion on the floor to change the agenda to bring forward all of the Miscellaneous items. Is that the motion as I understand it at this time, and it was seconded?"

Councilmember Griffin said, "Yes, sir."

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

Councilmember Waring said, "I have something to say."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Yes, this is really a pushback for Councilmembers putting items on the agenda after, this is fallout from the apology for slavery and Jim Crow. Since we're in the public square, the Mayor disagreed with us City Council people adding items to the agenda. So, he puts it at the bottom of the agenda, takes a privilege to put it at the bottom of

the agenda, so by the time we get to it, you're right. Councilmember Griffin is right, the majority of citizenry would have been gone. That's not the way that we have done it.

Now, the apology for slavery and Jim Crow was New Business. Where was it on the agenda? You've been Mayor for two and a half years, where was it on the agenda? It was not in Miscellaneous. So, if we're going to play these kind of games back and forth, then I guess Council can exert its privilege and change the ordinance. Then, we'll maybe get a better writing of the ordinance. The thing about getting Legal to support a position, when the Mayor feels that we should go through him and his staff to get something on the agenda, has not been the precedence of this Council for decades. I would say for 40 years, and if you want to make the change, then I guess we would have to come back and make a change in the ordinance. I think, as my grandson told me, 'Can we all just get along,' especially on the other side of apologizing for slavery and apologizing for Jim Crow. The pushback is 'put them down at the bottom of the agenda, everybody will be gone.' Yes, it's a political maneuver, but is it in the better interest of Charleston? I think not. So, I guess the next time, Councilmember White, if you want to put something on the agenda that the Mayor disagrees with, and you didn't go through his Executive staff, or Councilmember Shealy or Councilmember Lewis, Councilmember Mitchell, Councilmember Wagner, Councilmember Gregorie, you're under Miscellaneous."

There was laughter in the Chamber.

Councilmember Waring continued, "Councilmember Seekings, Councilmember Shahid, Councilmember Griffin, Councilmember Moody, and yes, ma'am, Councilwoman Jackson, this can happen to you. That's what's happening to me tonight, that's what's happening to Councilmember Griffin tonight, and that's what's happening to Councilmember Gregorie tonight. You also see the Gaillard Agreement was down here under Miscellaneous, and certainly, the Gaillard was Old Business. So, I've had my say. I appreciate you all looking, but I think we can conduct Council in a way that we can agree to disagree and still have a debate in the public square when the public is here. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Absolutely, and with that last part of your statement, I totally agree, and I would respectfully disagree that I prevented any request to be on the agenda. Everything that was requested was on the agenda. We meet during the summer once a month. We had 18 public hearings and a lot of business that had been scheduled for us to complete, and yes, Councilmembers, I am concerned about getting our business done in a proper and orderly fashion. I just admitted to you that really, for the first time, I totally read the Rules of Order. I welcome you to change the Rules of Order, if you would like to do that. My reading of the interpretation, and in fact it's like I mentioned, every Board I've ever been a member of, you deal with the Old Business first, before you bring up the new stuff. Anyway, let's call the question. If you want to move the agenda tonight to have all of the Miscellaneous items next, I believe that's the motion, and it's been seconded."

On a motion of Councilmember Griffin, seconded by Councilmember Gregorie, City Council voted to amend the agenda to move the items under Miscellaneous Business to Petitions and Communications.

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

Councilmember Mitchell said, "I'm saying 'nay' because we've had these people sitting out here since 4:30 p.m., 5:00 p.m."

Mayor Tecklenburg said, "Next, on the agenda is--"

Councilmember Griffin said, "We've already amended the agenda to move the Petitions and Communications."

Mayor Tecklenburg said, "Next, is Miscellaneous Business, M-1, to provide the authority to the Planning Commission to consider financial hardships when rezoning properties."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "This is a rule that, if it doesn't go back to Jim Crow, is certainly Jim Crow-esque. What it does is, 124 Spring Street, we just spoke about that, adding four Workforce Housing units to it. That used to be Plymouth Congregational Church historically, an African American Church. They sold trying to buy another church. That zoning came in front of us. This rule that our Planning Commission cannot consider financial hardship, I'll give you an example how that's punitive, in particular, on non-profits and small business. That Plymouth Congregational Church, had they come to our Planning Commission and said they wanted to do a PUD to enhance the value of their property so they could sell it to get a new church or buy a piece of property to build a church, that would have been considered a financial hardship. Now, the developer buys it, goes to the church Pastor, all of this is in our records by the way, gets him to sign a letter supporting the zoning change, and of course, we approved the zoning change. The developer can't use it as a church. He wanted to change it to a high density-type use. What happened there is the church received less money for its property because it could not get the same zoning that the developer could get. This rule comes in and says, well, if you're doing this for financial reasons, we can't consider financial hardship. That's the rule of the Planning Commission. The developer can't use it as a church and they want to go to a higher and best use, they can get the zoning changed."

A similar situation happened with the YMCA on Cannon Street. It was zoned Limited Business, they wanted to get a higher and best use for financial reasons, really. I think everybody knows that the YMCA had been having financial problems for years. They went to the Planning Commission. It did get a vote, and it lost by one vote. Then, again, the 75 percent rule comes into play. Why do we, and I had this conversation respectfully with Kristopher King, and we made good movement on this, and I look forward to more conversations. Why should the small business, or non-profit business have to have this financial hurdle in front of them? If you're doing it for financial reasons, we can't consider financial hardships. That's wrong. That's just wrong. Now, it's a financial hardship if the developer buys it and can't get the zoning changed to the higher and better use."

Councilwoman Jackson said, "Would you explain the financial hardship part of it?"

Councilmember Waring said, "The financial hardship, for example, we see this in a lot of African American churches on the Peninsula right now. The demographics on the Peninsula are changing, so the people who come and go and attend those churches no longer live on the Peninsula. So, these congregations are now selling their churches and moving closer to their congregations. They're selling the churches under the existing zoning that they have."

Councilwoman Jackson said, "Because you're saying they can't afford to even go through the zoning process?"

Councilmember Waring said, "In some cases, frankly, they are very unaware of zoning. This is almost similar to in the timber industry years ago, so many people were getting ripped off

on the value of their timber until the timber industry came up with Public Service Announcements to inform people, to make sure you get yourself a licensed forester before you sell your timber. I'm almost of the belief that the City of Charleston should have Public Service Announcements where people will be become more aware of their significance of the potential wealth, frankly, that zoning can create. We've almost, gotten over, it's been written in the newspaper, over a billion dollars worth of development either in process or being finished from Calhoun Street to Line Street, on Meeting and King, over a billion. How many small businesses are being involved with that? How many women-owned businesses and how many African American businesses are being involved with that? How many non-profits are being involved with that? I think we know the answer to that. So, I would hope, under doing good works, that we could simply allow the Planning Commission to be able to allow financial hardships when they deliberate on whether to change the zoning on a piece of property or not. That's what this proposal is about. Thank you."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I want to answer a little bit about Councilwoman Jackson's question, because the church would go down there, and they would say 'Our congregation has disappeared. They're moving to West of the Ashley, and we can't afford to keep this property. We can't afford to keep it up, so we want to change the zoning to housing and Mixed-Use.' The Planning Commission would then say, 'Well, that's a financial hardship, we can't consider that.' So, that would not be a reason for changing the zoning. That's the way it works. Now, I want to caution Councilmember Waring about this financial hardship thing. I think we've got to be careful, and I wouldn't vote on it tonight because there's a financial hardship out there that somebody just has a bad risk, an ownership risk, they make a bad decision, and they're losing their behind or something. They just want to sell it because they made a bad decision. I don't think that ought to be a financial risk that they can, that's just part of doing business, but there are instances where they have these non-profits or these churches that, in effect, give away a lot of their value because they're not going to build a housing unit, or they're not going to develop it. They just want to get their money out of it, but they can't. The contingency for the sale is that they can get a rezoning, the buyer. So, I think, we've got to be a little bit careful here, as to how we identify. So, my suggestion, Councilmember Waring, is that we maybe get Legal staff and Planning to kind of look at this issue, bring it back to us, and see if there is some way we can put that hardship in for these non-profits or something, so that they get their value."

Councilmember Waring said, "I'm in agreement with that. Mr. Mayor, as a matter of fact, when I, again, that conversation was a good conversation with Mr. King. He said we have to make sure that, quite frankly, developers don't exploit the hardship provision, if it were to be changed. So, I think we need to not only include Planning and staff and Legal, but obviously, the Historic and Preservation groups, as well."

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

No one asked to speak.

The Clerk said, "Okay. So, what are we saying? Are we deferring that?"

Councilmember Waring said, "I think we can agree to meet with Legal, and if it's Council's will, meet with Legal and Planning, and bring in the preservation groups. Hopefully, we can work to change what we have in place right now. I know one thing, that hurts certainly, and particularly, it's punitive on non-profits."

Mayor Tecklenburg said, "So, can I ask you a question? You served on the Planning Commission for how many years?"

Councilmember Waring said, "Seventeen and a half years."

Mayor Tecklenburg said, "You were prohibited from making any consideration of a financial matter in a zoning change?"

Councilmember Waring said, "Yes, Mr. Mayor. As a matter of fact, all of us on the Planning Commission were. I actually called a member of the Planning staff last week to pull up the part of the ordinance that says that, and they couldn't find it, but I can tell you the practice for decades with the Planning Commission has been that we can't consider financial hardships. I can't tell you how many times I heard that over the years."

Mayor Tecklenburg said, "Now, if I may interject, I've heard that before myself, but not at the Planning Commission, but when people are getting a variance in front of the BZA, or getting some kind of special exception."

Councilmember Waring said, "It happens there, as well."

Councilmember Lewis said, "They consider it."

Councilmember Waring said, "No, they can't consider it."

Mayor Tecklenburg said, "You get your special exception for a hotel, I remember Mr. Krawcheck saying that they're not allowed to consider a financial hardship, but I've never heard the Chairman of the Planning Commission say that."

Councilmember Waring said, "Not only the Chairman, you used to hear all different members of the Planning Commission say that. It happens in both venues is what I'm saying. It happens when you try to get a variance, and it happens at the Planning Commission."

Mayor Tecklenburg said, "Mr. Lindsey, could you enlighten us on this?"

Mr. Lindsey said, "Well, I can't speak to what was done historically, but I can tell you that the Board of Zoning-Appeals is prohibited, in State law, from considering matters of economic hardship, and to my knowledge, in our policy and our practice, that is not the case in our Planning Commission. We don't limit, in modern practice and certainly, under my time as Director and under the previous Director, we do not limit their ability to consider that matter. So, I just want to be clear about that. I'm not aware of that being on the books or in our practice. The Board of Zoning-Appeals is different, however. They can't consider it by State law."

Councilmember Waring said, "With all due respect, you're wrong. I was there for 17½ years. Sunday Lempesis has been there for over 30 years. Mrs. Ellison was over there for over 30 years. Frank McCann was there for over 30 years, and numerous times, that's the first place I heard it. I didn't even hear it. I know it happens at the variance. You're right about that, and you're right about the State law. Personally, I think the State law is wrong on that. We put in for a change of the State law in uses of accommodation sales tax monies for flooding. We should ask for a change in the State law on that, as well. What is the purpose that that serves, for financial hardships not to be considered? For example, let's say I have and I do, a 90-year old mother-in-law, and let's say we want to put my mother-in-law cottage in my backyard, so she can have some independent living. We have to go and get a variance to do that, and frankly, it may be because of financial hardship. In other words, we need to have her close by, and there

are other people like this, I'm not giving you a hypothetical. If a financial hardship can't be considered when you're trying to get infill to include a senior to be closer to the family member, and a financial hardship can't be considered, why not? So, they can age closer to family in affordable means. So, it happens in the Planning Commission, and I would say they all are honorable people. Call Mr. McCann, and Mr. Morgan, you shook your head up and down, but you've heard it. You were at those Planning Commissions a lot of times right along with me. You never heard that at the Planning Commission?"

Mr. Morgan said, "I've heard people say it in error, but it's not in the law."

Councilmember Waring said, "Well, I agree with you, and I found that out recently when I called to say, 'where is the ordinance', because I wanted the ordinance to be pulled to give to Legal. So, I appreciate you saying that, Mr. Morgan. He's heard people say, not people, I'm talking Commissioners say that in error. So, the Commissioners believe that, that perception becomes reality, and it's applied to the citizens. Hopefully, we can work to make that change. I make a motion that we get with the Planning staff and Legal and with the Planning Commission to make that change."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

Mayor Tecklenburg said, "I would just say, I think it's a good idea to resolve."

Mr. McQueeney said, "Mayor."

Mayor Tecklenburg said, "Yes, sir."

Mr. McQueeney said, "As far as making a motion, are you moving that we get together to put financial hardship as a consideration as part of a rezoning, or are you just saying that you want us to all meet and figure out how to do that? The reason is, it's sort of like two different languages. Zoning always speaks to properties and not people, unfortunately, but all of zoning law is written property-specific because it runs with title of the land. So, you don't always concentrate on an individual's circumstance because they can immediately sell the land to somebody who doesn't have that circumstance with the same zoning. But I think there's, looking, doing some research into this, I think there are ways, if we can discuss specifically about how to address financial hardship, whether it be part of a special exception test or something like that, I think there are certainly ways we could look at it."

Councilmember Waring said, "That's what I'm asking, Mr. McQueeney."

Mr. McQueeney said, "Okay, I just want to make sure you weren't adopting."

Councilmember Waring said, "That's what I'm asking. Thank you."

Mr. McQueeney said, "Okay. Thank you, sir."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, I'm sorry, maybe it's just because it's so late, but I feel like I'm missing something. I don't understand why, when you would go for a rezoning, you ever have to say why you want it, if it's an eligible zoning in the City's list of zoning types, and

you can document that your property achieves the requirements that you need for the rezoning. I'm looking at the one on second readings, maybe when we talk about K-3 under Second Readings, we can use that as illustration on how that would actually work, why these people, that are asking to be rezoned to Upper Peninsula from Light Industrial and General Business into a new classification for Upper Peninsula, have to say what the reasons are at all? Don't they just have that right to ask to be rezoned? So, that's what I'm having a hard time with. I'm not trying to say that we don't have people that don't need a lot of help and counsel and maybe some ombudsman services that can help people get the zoning that they're eligible for, but I don't understand financial hardship. So, maybe we can use that as an example."

Councilmember Waring said, "I'm just asking what Mr. McQueeney said."

Mr. McQueeney said, "I'll volunteer to be on the Committee."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Well, there are many nuances to our development rights, entitlements, processes, and when I learned a little bit about real estate, we studied the definition of what a developer is. That's anyone, in a broad sense, who makes any kind of change in the entitlements in order to enhance the value of their property. One example of that would be the example you just gave, that those property owners, one of whom I know, Mr. Singleton, and you might know him, runs the body shop up there. He has apparently decided to sell his property. Well, the property is already on the market for sale, and he's come to us asking for this change of zoning into the UP District and to change the height ability on his property which, in my view, probably would not just double, but maybe quadruple the value of his property. We all gave Mr. Singleton, the African American business, small business owner, an incredible entitlement and increase in value of his property by way of the zoning change, right? So, a good realtor would advise his client, prior to trying to sell his property, to enhance the value as much as he could to get a better return. In a similar fashion, in fact, Plymouth Church, even though they did not request the zoning, they did go to the BAR and request permission to demolish their building, and that's an approval that had to be given by a City Board in the development process. Their right to be able to demolish that building actually enhanced the value of that property. Now, for whatever reason, they did not choose to request the rezoning. They could have, if they had wanted to. So, that situation of why they didn't ask for it is hypothetical because they could have done that. I represented clients before. I always advised them to try to enhance the value of their property before they put it on the market for sale. I was looking out for my client, and there was never anything about a financial hardship, so much as trying to enhance the value of the property. So, I'm all for getting straight with everybody, be it our Legal and our Planning staff and the Planning Commission itself, first of all, just to determine what's really legal or not. I'm hearing tonight that they can consider financial hardships. Maybe nobody has ever told them, and we'll get to the bottom of that and let them know. Are there any other questions or comments?"

Councilmember Waring said, "Thank you."

On a motion of Councilmember Waring, seconded by Councilmember Lewis, City Council voted unanimously to authorize Planning staff, Legal staff, and the Planning Commission to discuss how to address financial hardship when rezoning properties.

Mayor Tecklenburg said, "M-2, is to request that business license revenue collected for short term rentals be designated for permanent affordable housing."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "We are looking for streams of revenue that repeat themselves to create permanent affordable housing. I think, by all accounts, short term rentals remove long term rentals off of the market."

Councilwoman Jackson said, "I second your motion."

Councilmember Waring said, "If we're in favor--"

Mayor Tecklenburg said, "Is there a motion on the floor?"

Councilmember Waring said, "I didn't make a motion."

Councilmember Gregorie said, "So moved."

Councilwoman Jackson said, "Second."

Councilmember Waring said, "I would like to add something to that, actually."

The Clerk said, "Can somebody repeat the motion?"

Councilmember Waring said, "The motion was the business license revenue generated from people buying business licenses to operate short term rentals, that the revenue off of that go to create permanent affordable housing."

The Clerk said, "That's your motion, and she's the second?"

Councilmember Waring said, "You made the motion, so I'm going to amend your motion."

Councilmember Gregorie said, "Go ahead."

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

Councilmember Waring said, "Councilmember Gregorie, seconded by Councilwoman Jackson. To add any enforcement revenues to it, as well, any net of court costs, be added to that revenue stream, as well. It is not a stream of revenue that's identified for a purpose, so we're not taking it from one neighborhood and giving it to another or one project giving it to another. Hopefully, this is going to be new revenue, so we can actually capture that to create permanent affordable housing. So, the business license revenue, as well as the fines and assessments from those operating an illegal establishment go to it, and that's not my idea. That's actually Mr. King's idea, which was a good idea."

Mayor Tecklenburg said, "Is there any discussion?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you. Just briefly, Mr. Mayor. Obviously, with this new ordinance coming into place on short term rentals, we've increased staff, we've increased costs, we've got a new whole software program that's going on. I do think that we probably need to make sure that's a self-sustaining proposition, that we use some of the revenues that are generated from the licensing and the fines, and all of that, to make sure that we've properly staffed those divisions, have our software up and running and working, and then take a revenue

stream and put it to places it's needed. Of course, affordable housing is part and parcel of the priorities of this Council and of this administration, but I want to be careful that we don't limit ourselves and then put some burdens on our budgeting process. We're all on the Budget Committee, so I think we really ought to work that out and see what it looks like. No one knows yet what it's going to look like. We're not there yet. So, I don't think we should put this in place in advance of our budgeting process. This is an idea that we need to look at when we get into the budgeting process, put it in there, and then we'll have a much better idea. I know Dan's probably gone by now, but what those numbers really look like and what it costs to get up and running and enforce."

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

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Well, I respectfully disagree with that. I know we can work this out in the budget process, but it is so difficult. You would think building permits would be the proper place to go get it, but that's against the State law, so we couldn't do it that way. The affordable housing problem is so large, we have to begin to identify permanent streams of revenue to do it. We have positions budgeted now, but I hear you, there may be additional positions to come, but I do believe we can work that out through the Budget Committee. I think the Budget Committee needs some direction and, obviously, those directions can come from Council, so I would support the motion."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I was just going to say maybe we could amend our motion to make it budget revenue neutral, so that we do cover the new costs of operating the short term rental program, including enforcement, and then take the net, and that always goes to affordable housing."

Councilmember Waring said, "That's palatable, but let me give you an example. Ms. Wharton, any of the people out of Mr. Riccio's department, does any of it come out of Accommodations Tax dollars?"

Amy Wharton said, "Hospitality."

Councilmember Waring said, "Hospitality. Right now, if we wanted to take some Hospitality money and create affordable housing, could we do it?"

Ms. Wharton said, "No."

Councilmember Waring said, "We cannot do it."

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

Councilmember Waring said, "So, it would almost behoove us to do that out of Hospitality money, staffing, and I know court fees, we can get some to pay for those out of there."

Ms. Wharton said, "The software and the Tourism officers we added are all out of Hospitality funds."

Councilmember Waring said, "There you go. So, I think we have a wonderful opportunity in creating a pretty good stream, and it's going to grow over time. Right now, it's zero, but it will grow over time. Thank you."

Councilmember Lewis said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I agree with Councilmember Waring for one reason. The gentleman, who we deferred, that wanted to do the rezoning on St. Philip Street from housing, wants to change it to do short term rentals, and you're going to see a lot of that in this market. People are going to see that they can make a fast dollar instead of being fined. A bunch of them are going to come here and want different zonings. That's why we need to look at this thing carefully before we see it come back here and vote it down. If we set this precedent, there are going to be more people coming here, and that's the way the market is. He bought property, and he rehabbed it on that street years ago. He used to rent it to families. The college got so big and started growing, students needed to find a place to move, and he decided he wanted to rent out his property to the college kids. Now, he's saying the college kids couldn't keep it up, and now he's coming to us and wants us to rezone it, so he can do short term rentals. So, we need to think just as well as these developers think. They're thinking about how to make a dollar. We need to think about how to get a dollar, and make sure we support the citizens who need the support from the City, so we need to really take a careful look at that, and I appreciate your idea. Thank you."

Mayor Tecklenburg said, "I guess I would ask the question, at this point, how much of a business license fee are we expecting to collect for short term rentals? I did ask staff what kind of fees we're going to have for STR's. There is an application fee, and there are inspection fees that we charge when we send the Fire Inspector out, but, the business license itself is based on dollar sales and is not going to be a very big number. In fact, the estimate that I have here is only \$80.00. So, I don't know how many short term rentals we're going to end up with in the City. In the first year, I doubt we'd have more than 500. If you only had an \$80.00 business license fee, that would only be \$40,000.00. If you had a thousand, that would be \$80,000.00. Every little bit helps, and I'm all for getting a secure funding stream for affordable housing, and, thankfully, the expenses are being covered by the Accommodations Tax, but it is a little like robbing from Peter to pay Paul. Anyway, I would recommend that we also send this matter to our Business License Committee and ask them to review just what kind of business license category and fees that we, in fact, plan to charge on the STR because I don't think that's really settled. Would you say that it is?"

Ms. Wharton said, "Yes, you have that, and also there's a special code specifically for short term rentals, so we'll know, and we'll be able to identify which business licenses are specifically for short term rentals."

Mayor Tecklenburg said, "Great. Terrific."

Mayor Tecklenburg recognized Councilmember Gregorie followed by Councilwoman Jackson.

Councilmember Gregorie said, "Yes, I think the money is going to be in the enforcement end of this. If we know that there are 1,500 illegals out there, and we've got a rule in place now and a database, let's go get our money. It's just that simple, and if we're talking about, and I've heard on television, I don't know if it's true, it's 1,000 a day? It is, right? That could be

considerable, so to me, the cash cow is on the enforcement side, especially if we can go right now at the list that we know may be illegal. Now, some of them may be applying, etcetera, etcetera, but there will be a large portion that won't and will continue, so I think the money is in enforcement."

Councilwoman Jackson said, "Yes, Councilmember Gregorie beat me to that. That's just what I was going to say. We know there are thousands of people that are using their homes that way, so I think we would be able to get the money from the enforcement side."

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

No one asked to speak.

Mayor Tecklenburg said, "We have a motion on the floor to do just what we said, or could you restate the motion?"

Councilmember Griffin said, "We amended it."

The Clerk said, "I don't know what the sentence is, and there was an amendment that I could not hear. The first part of it is to request that business license revenue, collected for short term rentals, be designated for permanent affordable housing, and then somebody amended."

Councilmember Waring said, "But the amendment was to include monies from enforcement, as well."

The Clerk said, "Okay."

Councilmember Waring said, "Thank you."

Councilwoman Jackson said, "So, it's two sources."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Do we have an issue with that when we collect money through our court system, which that money will be collected, do we have some hooks on that money from the State already or not? We need to look at that, as well. We collect all kinds of funds there for all kinds of manner of violations."

Ms. Herdina said, "In Municipal Court, the violation could be as high as \$1,092, I believe it is now, but a good percentage of that goes to the State. So, we collect approximately 50 percent, if that, per violation."

Councilmember Seekings said, "Can I just make a suggestion, Mr. Mayor and fellow Councilmembers? I think this is all rooted in a really great idea without sort of knowing what the revenue stream is going to look like. Can we please send it to the Licensing Committee to look at all of these different issues, so we have an idea of what we're actually putting in place before we put in a policy where we don't exactly know how that stream is going to work and look. There may be a better way to do it and a better way to match up the fines that we levy with our obligations to the State through our court system and all that, which also brings me back to the idea that we really do need a Judiciary Committee, but that's a whole different conversation. So, I do think we should send this to Licensing to take a look at it, I would move that we do that, and I would ask that you accept that amendment to your motion."

Councilmember Mitchell said, "Second."

Councilmember Waring said, "That's an amendment to the amendment."

Mayor Tecklenburg said, "What's our motion, Madam Clerk?"

Councilmember Seekings said, "It's to send this issue to the Licensing Committee for consideration."

The Clerk said, "I have that. It included that be sent to the License Committee for consideration, and request business and enforcement revenue collected for short term rentals be designated for permanent affordable housing."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Mitchell, City Council voted unanimously to send to the License Committee for consideration the request that business license and enforcement revenue collected for short term rentals be designated for permanent affordable housing.

Mayor Tecklenburg said, "Next, M-3, request for the two finalists for the construction of the IAAM (International African American Museum) to provide requests for proposals to all City Councilmembers and the Mayor and hold a special meeting of City Council to present their proposals for a vote to be taken."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mr. Mayor, I'm going to ask that be included in an executive session because of sensitive issues that need to be discussed, in particular, with Legal, so if we can include that in executive session, we can go beyond that."

Mayor Tecklenburg said, "Do I hear any objections?"

No one asked to speak.

Mayor Tecklenburg said, "M-4, consideration of an amendment of the Operating Agreement by and between the City of Charleston and the Gaillard Management Corporation."

Councilmember Moody said, "I don't think we need to do that."

Councilmember Seekings said, "We've already done it."

Councilmember Moody said, "I think that's going to be part of Ways and Means in the report."

Councilmember Seekings said, "That's moot."

Councilmember Moody continued, "Council will approve that same stuff. We've already had that discussion, have we not?"

Councilwoman Jackson said, "Right."

Ms. Herdina said, "Yes, although after you voted on it, I got an e-mail from Mr. Bedard, and he has proposed an amendment or two along the lines of some of the concerns that we

had, and so, I would like to talk with his lawyer, the lawyer for GMC, tomorrow. I'm possibly going to be bringing back an amendment to you all, if you would be willing to consider that."

Councilmember Waring said, "But it's still going to be considered just part of your report."

Councilmember Moody said, "When we vote on Ways and Means, this will be covered, right?"

Ms. Herdina said, "Yes."

Councilmember Moody said, "We don't need this right here."

Ms. Herdina said, "No, and I would just ask if you all would be willing to give the Legal Department the authority to go ahead and make a few changes that would be in the nature of protecting the City, in the event that there would be some financial crisis or concern. If I could get that authority to do so, I would appreciate it."

Councilmember Moody said, "You want to put that language in the Agreement?"

Ms. Herdina said, "Yes, sir."

Councilmember Seekings said, "As does Mr. Bedard."

Councilmember White said, "We need to make that a motion."

Councilmember Gregorie said, "So moved."

Councilmember Waring said, "Second."

Ms. Herdina said, "Thank you."

Councilmember Waring said, "Well, I can't second it. I'm on the Board."

Councilmember Seekings said, "Second."

Councilmember White said, "Call for the question."

Mayor Tecklenburg said, "What's the motion? I'm sorry."

The Clerk said, "Councilmember Gregorie made the motion, and who was the new second?"

Councilmember Seekings said, "Me."

Mayor Tecklenburg said, "One person at a time, please."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "To give our Legal staff time to talk with the Corporation Legal staff to make any necessary amendments, correct?"

The Clerk said, "With the Gaillard Legal staff."

Councilmember Gregorie said, "The Gaillard. Yes."

Ms. Herdina said, "Yes, and then if I'm given that authority, I don't need to bring it back to you again. Thank you."

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

No one asked to speak.

On a motion of Councilmember Gregorie, seconded by Councilmember Seekings, City Council voted to give Legal staff authority to talk with Gaillard Management Corporation to make any necessary amendments to the Agreement between the City of Charleston and the Gaillard Management Corporation.

The vote was not unanimous. Councilmembers Waring and Moody, and Mayor Tecklenburg abstained.

Mayor Tecklenburg said, "M-5, discussion regarding decorum in the Council Chamber while discussing matters for a vote."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "So, I brought this up because we had, obviously, a very important, but sensitive meeting last month, and at times, I felt like we were about to lose control a little bit. It got to the point where I cut my comments off because I wanted us to kind of keep order. But, there are some problems with that. We're here to conduct business, and we have a Citizen Participation Period for a reason. We sit here in these seats, and we take the heat from everybody that wants to come give it to us, and I don't blame them at all, anybody in the crowd, for being a little emotional. That was a very crucial dialogue that we had. Emotions were high. This place was packed. I hold us accountable, and I especially hold you, Mr. Mayor, accountable, to keep order in this Chamber. I think that it's hard for you to do that when you're down here sometimes whenever it's getting to that point. I know you said you read the rules. There are a lot of rules that we don't always follow. A lot of us play on our phones at times. We check our messages, just checking with our spouses and stuff. Technically, that's against the rules."

Councilmember Gregorie said, "Not really."

Councilmember Seekings said, "No, we changed it."

Councilmember Griffin said, "It's not changed."

Mayor Tecklenburg called for order in the Chamber.

There was laughter in the Chamber.

Mayor Tecklenburg said, "Councilmember Griffin has the floor."

Councilmember Griffin said, "Anyway, all I'm saying is, I want us to do a better job of policing it because this is a sacred place, and we're here to conduct very important business. None of us ever say a word whenever anybody else speaks up here. We give everybody respect and trust me, all I'm saying is, I want everybody that sits around this table to have the opportunity to voice their opinion, especially on something that is important to us."

Councilmember Gregorie said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I totally agree, but I also think it is very important that when the Mayor uses that gavel and says that's someone's out of order, that they are in fact out of order. That's all."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Yes, just very briefly. I know it's ridiculously late, and we all want to go home, but it does bring up one issue. The way we're configured is really different, unique, and I've never seen another political body like it. We are actually in the flow of the public with us, and people walk around us, behind us, and plunk stuff down on our desk and stuff. I do think it would be nice if we had a workspace that is our workspace. We've got the press here and people are handing stuff out. So, when people give us things from the public, it should be done through the Clerk, distributed, and all that kind of stuff, rather than having chaos all around us all the time. It's just creates an interesting work environment for all of us, I think. I brought this up before, and it kind of makes me just personally crazy when there are people all flowing around and we're trying to work. We're here to listen, we're here to be part of it, but this is our workspace, and I think we should have some rules to help that, just to put it out there. In January, when we think about all of our rules, put something in there. Thank you."

Mayor Tecklenburg said, "So, may I ask, do you have any suggestions?"

Councilmember Seekings said, "Well, I do. I think one of the things is when the public addresses us, when they distribute things, they do it through the Clerk. They don't come wandering around behind us while we're doing stuff. You have your workspace where people don't just walk up there, unless invited. I think this is kind of the same thing for us that we just have some space to work in that people aren't just right over the top of us, and it happens very regularly."

Mayor Tecklenburg said, "Well, the only thing I could think of would be to have like a little cordoned off area that surrounded you all."

Councilmember Seekings said, "I don't want to put up barriers and all that kind of stuff, but I do think having some understanding in a meeting. It could just be an announcement from the Mayor. If you want to address Council or present them with something, please do it through the order of the Clerk."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I can turn around all day long and my back is turned, and I don't like my back turned in a room. I learned that long years ago."

There was laughter in the Chamber.

Councilmember Mitchell continued, "Living in New York, that's the way we have it. We don't sit like that. Tonight, somebody was up there dropping water on my head. It's the way City Hall is set up."

The Clerk said, "They shouldn't have even had water in the Chamber."

Councilmember Seekings said, "Right."

The Clerk said, "Right."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I think people don't understand exactly what the decorum is. I really was upset last week when Councilmember Griffin was trying to speak, and he actually quit speaking because the group was interrupting him. They were cheering, jeering, leering, whatever you want to say. Sitting here, I could feel the pressure of him, he just quit. I know you quit. He had some things to say, and when we're in discussions, what the people don't seem to understand is that they're not really supposed to be part of that discussion. They're here to observe, and that's really their role. They have a time to speak, and then we have a time to listen. So, when they start clapping, they're out of order like that, and then they don't adhere to your admonition that we don't allow that, I think at some point, some people ought to be asked to leave. I don't say that lightly because, if necessary, maybe we could have a T.V. down in the little room down there where we have that display of stuff and say, 'You're welcome to listen, but you can't stay in here if you can't be quiet'. So, that's really what the rules are. We're supposed to speak and debate, and they're supposed to be observers, and I don't know that they understand that. They think that clapping is fine, and they think jeering and stuff is okay. So, anyway, I just think we need to control it a little bit more."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I think, in particular, I was actually looking at Councilmember Griffin when that happened. It was unintentional on your part, but you happened to be down from what I call 'the well', so when the jeering started, you weren't even in a position to gavel. You don't know when that's going to happen, so that's why it's almost imperative that you stay close to the gavel. Again, it wasn't intentional on your part. None of us know when somebody is going to break out spontaneously. So, I just pass that on because he did stop speaking, not because he forgot his thoughts, he realized that he would have just been adding fuel to the fire and more of an outbreak, and decorum would have been lost. That can happen to anyone of us. It can happen to you. Certainly if you're down in 'the well' and you say something that somebody doesn't like, who is going to gavel? Should the Mayor Pro Tem have a gavel just in case you are away from yours? That wouldn't be appropriate."

Mayor Tecklenburg said, "Well, if I may add my recollection, of course, I keep the gavel when I'm standing up here, and I just hit it on the desk, and this knocker is right there. So, when I'm standing out front after I've started responding, and I called for order, I think, almost 10 or 11 times the minutes would reflect, and I would stand right here, and I was gaveling as I was standing. So, I certainly try to be as mindful as I can to keep order, but I would respectfully say, I think I can gavel from anywhere."

Councilmember Waring said, "Well, I'm not saying you did it on purpose. In that instance, you didn't gavel. You can go back and look at the film, and I'm thinking normally it would happen when we have an overflow crowd, so to speak. It doesn't happen at a normal City Council meeting when you have these short term rentals up, and in this case, the apology was certainly more of an exception than the rule. I would just be mindful, if you're not close. Anyway, just be mindful, as the presiding officer, you have to be close to the gavel."

Mayor Tecklenburg said, "I'll be glad to do that. Are there any other comments?"

No one else asked to speak."

Mayor Tecklenburg said, "M-6, is that really deferred?"

Councilmember Waring said, "It is."

Mayor Tecklenburg said, "So, M-7 is our Executive Session, an update on the LDC UDAG Agreement, and then we want to add M-3, as well. So, can I have a motion to go into Executive Session on those three items?"

Councilmember Mitchell said, "Mr. Mayor, we forgot about Citizens Participation."

The Clerk said, "Well, this is all a part of Miscellaneous Business."

Councilmember Mitchell said, "Citizens Participation."

The Clerk said, "No."

Mayor Tecklenburg said, "We're still in Miscellaneous Business, as ordered by this Council tonight."

Councilmember Mitchell said, "I think it's a disservice to the people who have been sitting here since 4:00 p.m. I believe we just did a disservice to them because they've been sitting here a long time."

Councilwoman Jackson said, "Yes."

Councilmember Mitchell said, "I mean, I'm tired."

Councilmember Waring said, "Make a motion. I am too. Make a motion. We can defer Executive Session until after Citizens Participation."

Councilmember Mitchell said, "I think it's a shame."

Councilmember Waring said, "I agree with you."

Councilmember Mitchell said, "A lot of people left because they couldn't stay, and they wanted to really speak. We had some good issues, but they left. It's a shame. That's not right. That's why we have it on here."

Councilmember Waring said, "Well, I'll put a motion on the floor that we defer Executive Session until after Citizens Participation."

Councilmember White said, "Second."

Councilmember Waring said, "Until the end of the meeting."

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

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "No discussion."

There was laughter in the Chamber.

Councilmember Seekings said, "We're on page 4."

Mayor Tecklenburg said, "The third change in the agenda tonight requires three-quarters of a vote."

On a motion of Councilmember Waring, seconded by Councilmember White, City Council voted unanimously to defer Executive Session until the end of the meeting.

Mayor Tecklenburg said, "Next, we'll go to the minutes, the June 19<sup>th</sup> minutes."

Councilmember Griffin said, "Move for approval."

Councilmember Wagner said, "Second."

Mayor Tecklenburg said, "Are there any additions, corrections, or deletions?"

No one asked to speak.

On a motion of Councilmember Griffin, seconded by Councilmember Wagner, City Council voted unanimously to approve the minutes of the June 19, 2018 City Council meeting.

Mayor Tecklenburg said, "Next, is the Citizens Participation Period. We had 18 people signed up. A few of them already spoke. They signed up, I think, not knowing they didn't need to for the public hearings, so there are at least 15. So, let's do two minutes per person, please, starting with Mohammed Idris."

1. Mohammed Idris said everyone should read Donald Trump's book titled 'Why We Want You to be Rich'. He said Councilmember Seekings sanctified it when he said people who had money made the rules. Donald Trump said to follow the Golden Rule, but the people who had gold made the rules. Mr. Idris said the Country apologized for slavery and Jim Crow in 1965, and there shouldn't be any more apologizing. Politicians used race constantly to keep the argument going. There wasn't a race problem, but there was a greed, jealousy, envy, and ignorance problem. He said Council tried to change the law to benefit powerful people, and it should be stopped. The U.S.A. was the greatest Country on the planet, and Charleston shouldn't be apologizing.
2. Kristopher King, Preservation Society of Charleston, said with regards to the 60 percent override of the Planning Commission, they questioned how it was being heard because Council had sent it back to the Planning Commission, and that had yet to take place. They respectfully asked that Council deny this item. He appreciated the opportunity to sit down with Councilmember Waring and understood his concerns, but they respectfully disagreed. The planning process was fair and evenly applied to everybody, and they encouraged Council to give it careful consideration. It was not a time to weaken their Planning Commission. As to the financial hardship issue, they supported helping the little guy, but financial hardships would be exploited by developers. They welcomed the idea of having a focus group to study the issue further and urged caution. On short term rentals, they had to make sure money was not taken away from administration and enforcement. The biggest impact of short term housing was in affordability, so it warranted further consideration, and they would welcome being a part of that conversation if that opportunity arose.
3. Christopher Cody, Historic Charleston Foundation, said they supported the idea of using STR with business licenses and enforcement fees for housing. Those two issues were linked, and they would do anything they could to help. They disagreed with allowing the

Planning Commission to consider financial hardships as they didn't believe the South Carolina Planning Act empowered the Planning Commission to consider that. It was the charge of the Planning Commission to think about the common good, not an individual's financial hardships. They didn't think the Planning Commission was equipped to make those financial decisions, but they shared the concern about the effect it might have and would like to help figure out another kind of exception to deal with the issue. With regards to the Planning Commission veto, they appreciated Councilmember Waring's offer to meet. While they disagreed on the origins of the law and how widespread the use was, they could argue that Council proved that it worked that night. They were not deaf to those concerns and the impacts on the community and would be happy to have a dialogue on how to improve that.

Mayor Tecklenburg said, "So, that's the end of our Citizens Participation Period. Next, is our Council Committee Reports. First up is our Committee on Public Works."

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

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "Alright. Is there any discussion? This is the Committee on Public Works. I did want to bring up the update on the old Fire Station at King and Simmons Streets because this matter also came up in the Real Estate Committee, and we decided that we would update Council about it since it had gone to two different Committees. So, could I ask the Chairman to please give us an update on that?"

Councilmember Waring said, "Well, actually, Mr. Mayor, you actually have a little more information than I did if you would do the summary on it."

Mayor Tecklenburg said, "Well, I will. I saw Edmund Most earlier, but he's gone."

Councilmember Waring said, "But if it helps, I did give Councilmember Lewis an update of the Public Works meeting yesterday and the termite damage and the repairs, unless you want the additional explanation tonight."

Councilmember Lewis said, "The neighborhood just wanted to know what you're going to do with it because for the last 30 years, we've been having neighborhood meetings about that also. I understand if there's a problem there, and we're going to take a look at it and see if it's feasible to redevelop that building, so we'll wait. I'm good right now."

Mayor Tecklenburg said, "Okay. Well, Mr. Most came back in the room, and he can give us maybe a two-minute summary."

Edmund Most said, "Sure. I'll be happy to. Sorry, I was thawing-out out there. So, there was damage that occurred inside the facility. The ceiling caved in inside of the back first floor there. So, facilities staff went in there, they did some investigative work, and they realized that there was more extensive damage than what they could see initially. We didn't feel like, at that point, it was safe to have people inside of the building. Some of the ceiling and what not was removed on the lower floor, and they realized it was termite damage from water going up into the second floor in the back and the restrooms there and the locker room area there. So, a little bit more investigative studying was done. We had a structural engineer go out there because there are very noticeable cracks in the exterior of the building. So, they did a structural assessment, and they looked at the wood members that actually hold up the second floor. They

said it is not safe to have a gym on the second floor, and the reason being, when you're moving, that's called a live load that requires more structural members below there. I know it's been like that for a long time, but we have to go with what the professional engineer told us. So, what I've done is we, in Capital Projects, have put together a cost estimate to bring this thing back up to Code and make it safe. We've put that on our budget request under structural repairs for next year, so that's the position that we're at right now."

Councilmember Lewis said, "Thank you."

Mr. Most said, "You're welcome."

Mayor Tecklenburg said, "Thank you, Mr. Most. Alright. Is there any further discussion?"

No one else asked to speak.

Mayor Tecklenburg said, "We'll accept the report."

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

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

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

Sidewalk at 55 Romney Street and North Hanover Street . Approval to notify SCDOT that the City intends to accept maintenance responsibility for LF of concrete sidewalk to be constructed at 55 Romney Street and North Hanover Street within the SCDOT right-of-way (S-126) and (S- 488).

- Letter

- Map

**b. Miscellaneous or Other New Business  
(Action may or may not be taken.)**

- (i) Update on Church Creek Drainage Basin
- (ii) Discussion and update on the proposed location of the pump station in the Church Creek Basin
- (iii) FEMA Buyout Status
- (iv) Sidewalk on Orange Grove Road adjacent to CVS
- (v) Update on the status of the old fire station at King and Simmons Streets.

Mayor Tecklenburg said, "Next, the Committee on Traffic and Transportation."

Councilmember Gregorie said, "Move for approval."

Councilmember Griffin said, "Second."

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

No one asked to speak.

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

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

- a. Application for Original Certificate of Public Convenience and Necessity:  
-- Mohamed Ali DBA Champion Transportation (Taxi)
- b. Update on Traffic Calming Program (*Councilmember Griffin*)
- c. Director's Update

Mayor Tecklenburg said, "Committee on Ways and Means."

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

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Mr. Chairman, Chairman Moody."

Councilwoman Jackson said, "No, Chairman White."

The Clerk said, "Councilmember White."

Mayor Tecklenburg said, "I'm sorry, Chairman White."

The Clerk said, "Yes, he moved for it."

Mayor Tecklenburg said, "Okay. Let the record note that Mayor Tecklenburg and Councilmembers Moody and Waring abstained from that vote on the Gaillard."

The Clerk said, "We'll carry the votes for those Councilmembers."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I do think Ms. Herdina got up to the microphone and asked that there at least be a provision added to the Ways and Means Report on the Gaillard piece, that there be a conversation between she and counsel for the Gaillard Management Corporation about some provisions in that agreement. So, I would just amend it to give her that authority to get with, and my understanding is, Mr. Bedard has contacted you since he left with the agreement."

Mayor Tecklenburg said, "Do we need a motion on that?"

Councilmember Seekings said, "We just need to amend the Committee on Ways and Means Report to reflect that portion."

Mayor Tecklenburg said, "Alright. So, with the report, as amended. Is there any further discussion?"

The Clerk said, "Susan will give us the language to amend this."

Councilmember Moody said, "Do we need to recuse ourselves on the amendment?"

Councilmember Seekings said, "Yes."

Mayor Tecklenburg said, "Yes."

On a motion of Councilmember White, seconded by Councilmember Mitchell, City Council voted unanimously to adopt the report of the Committee on Ways and Means Report, as amended.

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

(Bids and Purchases

(CARTA FY2019 Budget

(Budget Finance and Revenue Collections: Approval of the additional cost of the design and construction of the temporary Park and Ride location in the amount of \$18,200. The original approval was for \$40,000. The total cost of lot was \$58,200. The original amount budgeted was \$100,000. The additional cost will come from the remaining project budget.

(Office of Cultural Affairs: Approval to accept \$5,000 from South Arts to support creative placemaking efforts in the Upper Peninsula. The project period will be 7/1/2018 through 6/30/2019. A 1:1 City match is required. Matching funds will come from foundation support for the MOJA Arts Festival and the Piccolo Spoleto Festival.

(Office of Cultural Affairs: Approval to apply for \$5,000 from the South Carolina Ports Authority Community Giving Program to support outreach programs of the 2018 MOJA Arts Festival. No City match is required.

(Office of Cultural Affairs: Approval to apply for funding from the Gaylord & Dorothy Donnelley Foundation Lowcountry Artistic Vitality Grant. Awarded funds are based on the GDDF Board's recommendations. Funds will be used to support local artists and arts organizations in Charleston during the Piccolo Spoleto Festival, MOJA Arts Festival and Free Verse Festival. No City match is required.

(Office of Cultural Affairs: Approval to apply for funding from the National Endowment for the Arts in the amount of \$50,000. Funds will be used to support public art initiatives and festival events in conjunction with commemorations of the 350<sup>th</sup> anniversary of the settlement of Charleston. The project period will be 7/1/2019 to 6/30/2020. A City match in the amount of \$50,000 is required. Matching funds will come from corporate sponsorships and paid admissions.

(Parks-Capital Projects: Approval of a Design Contract with Liollo Architecture in the amount of \$277,418 for Phase I design services for the retrofit of CFD Station 8 at 370 Huger St. Phase I shall include conceptual design through construction documents with cost estimating in preparation of a future Phase II for construction. The Project is a 75/25 match FEMA Hazard Mitigation Grant. The Scope of Project is to encompass the retrofit of the existing historic facility to a Category IV Emergency facility incorporating current Code and CFD Program guidelines in a flood-prone location. The Design Contract will obligate \$277,418 of the \$340,309 project budget. Funding sources for this project are a FEMA Hazard Mitigation Grant (\$255,232) and 2015 General Fund Reserves (\$85,077).

(Public Service: Approval of Change Order #1 with Palmetto Gunitite Construction Co., Inc. in the amount of \$173,102 to install one new manhole at the brick pipe due to access issues along Smith Street and to line the existing pipe due to utility damage and deterioration of grout along the pipe. The approval of CO#1 will result in an increase of \$173,102 to the construction contract (\$74,250 to \$247,352). Funding will come from the Drainage Fund.

- (Fire Department: Approve a Memorandum of Understanding between the City, MUSC, and MUSC-HA whereby MUSC residents will be provided on-site clinical and didactic training experiences in Charleston Fire Department basic life support protocols and procedures. The MOU will be in effect until June 30, 2019.
- (Consideration of an amendment to the Operating Agreement by and between the City of Charleston and the Gaillard Management Corporation, as amended to authorize the City's Corporation Counsel to discuss provisions of the agreement with counsel for the Gaillard Management Corporation. *(Councilmember William Dudley Gregorie)* **[Councilmembers Moody and Waring and Mayor Tecklenburg abstained from voting on this item and the amendment and completed Conflict of Interest Forms which are on file in the Office of the Clerk of Council.]**
- (Discussion regarding the old fire station at King Street and Simons Street *(Councilmember James E. Lewis)* (Referred to discussion at Public Works and Utilities; no action taken)
- (Request authorization for the Mayor to execute an Agreement to Provide Workforce Housing with 124 Spring, LLC (the "Owner"), in which the Owner agrees to provide 4 workforce housing units as part of its development at 124 Spring Street (Charleston County TMS No. 460-11-02-027), in accordance with the zoning regulations for the Sanctuary Court Planned Unit Development.
- (Request approval of the Perpetual Easement across a portion of 28 Woolfe Street as a connection to the Lowline Bike and Pedestrian Path (TMS: 459-09-01-052; a portion of 28 Woolfe Street) The property is owned by CRP/SSCP Woolfe Street Owner, LLC.
- (Request authorization for the Mayor to execute an easement agreement, together with the appropriate easement drawing, under which the City will grant an overhead electric transmission line easement to South Carolina Electric and Gas Company ("SCE&G"), utilizing approximately 16 feet of the western portion of the City's property located to the east of Nassau Street, between Lee Street and Cooper Street (TMS No. 459-05-04-208). The Mayor will be authorized to execute the agreement and drawing without further action by City Council upon approval of the form of the agreement by Corporation Counsel. *(DEFERRED)*
- (Request approval of the Purchase and Sale Agreement for the sale of a portion of the City property on the SE corner of Lee and Nassau Streets to RCCBB Properties, LLC. (a portion of TMS: 459-05-04-208; Southeast corner of Lee and Nassau Street). The property is owned by the City of Charleston. [Ordinance] (Request approval of the Amendment to extend the closing date of the Purchase and Sale Agreement relating to the City acquisition of the property on Nassau Street (TMS: 459-05-03-005). The property is owned by Edward K. Pritchard, III.
- (Request authorization for the Mayor to execute a temporary access agreement, under which the City will permit Sabal Homes at Bennett's Bluff, LLC, to access and use a portion of the City's property located off Fort Johnson Road in the area known as Bayview Farms on James Island, in the City of Charleston, Charleston County, South Carolina (TMS Nos. 428-00-00-040, 428-00-00-042, and 428-00-00-043) for the purpose of conducting tree installation, tree maintenance, and related activities within or near the right-of-way of Elliott's Cut Drive in accordance with the City's Street Tree Manual. The Mayor will be authorized to execute the agreement without further action by City Council upon approval of the form of the agreement by Corporation Counsel.
- (Request authorization for the Mayor to execute an Agreement of Purchase and Sale for the vacant parcel located at the address referenced above from the Seller, 8B Dogwood Road, LLC in the amount of \$375,000 contingent upon a

Market-Rate appraisal and a Phase One (1) Environmental Report (TMS: 355-16-00-083; 1816 Dogwood Road). The property is owned by 8B Dogwood Road, L.L.C. (DENIED)

(Executive Session: Discussion regarding the City's acquisition of the parcel on the NE corner of Morris and St. Philip Street (TMS: 460-12-02-053) for use as a storm water shaft site related to the Calhoun West Drainage project. The property is owned by Vanderking 535 LLC. Action may or may not be taken.

***The Committee voted to purchase the land for the drainage shaft.***

(Executive Session: Discussion regarding Forest Acres Phase II acquisition. Action may or may not be taken. (No action taken.)

(Request authorization for the Mayor to consent to the Children's Museum submission of tax credit applications

(Request approval of \$1,617,200.00 in funding from 2017 General Fund Reserves for the City to close on the purchase of approximately 1.502 acres of real property, as shown on the plat attached hereto and incorporated herein by reference as Exhibit 1, from Norfolk Southern Railway Company, as set forth in the purchase and sale agreement between Norfolk Southern and the City dated October 10, 2017 attached hereto and incorporated herein by reference as Exhibit 2, as amended, contingent upon receipt of a purchase and sale agreement, executed by BCDCOG, under which BCDCOG will purchase the property from the City for \$1,617,200.00, with reasonable contingencies acceptable to corporation counsel, and closing of the transfer of the property from the City to BCDCOG to occur on or before September 14, 2018; provided, however, it would be preferable for the City to procure an agreement among the City, Norfolk Southern, and BCDCOG, under which the City would assign the purchase agreement with Norfolk Southern to BCDCOG, but such preference shall not qualify or limit approval of this request.

(An ordinance authorizing the Mayor to execute a Purchase and Sale Agreement with the Berkeley-Charleston-Dorchester Council of Governments ("BCDCOG"), under which the BCDCOG will purchase from the City approximately 1.502 acres of real property to be acquired by the City from Norfolk Southern Railway Company, bounded to the south by Mount Pleasant Street, to the east by Meeting Street Road, to the west by King Street Extension, and to the north by a line extending from Courtland Avenue, with the purchase price being the amount paid by the City to acquire the referenced property from Norfolk Southern, and with closing to occur on or before September 14, 2018.

First reading was given to the following bills:

*An ordinance authorizing the Mayor to execute on behalf of the City a Purchase and Sale Agreement, under which the City would convey to RCCBB Properties, LLC, certain real property owned by the City at the northeast intersection of Nassau Street and Cooper Street, measuring and containing approximately 0.04 acres, more or less, and generally shown on Exhibit B to the attached Purchase and Sale Agreement, being a portion of Charleston County TMS No. 459-05-04-208, to include the authority to execute any and all deeds or other documents as may be necessary to consummate the sale of the property under the terms and conditions of the Purchase and Sale Agreement.*

*An ordinance authorizing the Mayor to execute a Purchase and Sale Agreement with the Berkeley-Charleston-Dorchester Council of Governments ("BCDCOG"), under which the BCDCOG will purchase from the City approximately 1.502 acres of real*

*property to be acquired by the City from Norfolk Southern Railway Company, bounded to the south by Mount Pleasant Street, to the east by Meeting Street Road, to the west by King Street Extension, and to the north by a line extending from Courtland Avenue, with the purchase price being the amount paid by the City to acquire the referenced property from Norfolk Southern, and with closing to occur on or before September 14, 2018.*

The vote was not unanimous. Councilmembers Waring and Moody, and Mayor Tecklenburg abstained from voting on the amended Item #13. (Consideration of an amendment to the Operating Agreement by and between the City of Charleston and the Gaillard Management Corporation) and completed Conflict of Interest forms which are on file in the Office of the Clerk of Council.

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

Councilmember Griffin said, "Move to take K-1 through K-7 together."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We've got a motion to take K-1 through K-7 altogether. Is there any discussion on any of those, K-1 through K-7?"

No one asked to speak.

On a motion of Councilmember Griffin, seven (7) bills (Items K-1 through K-7) 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 Griffin, the rules were suspended, and the bills were immediately ratified as:

**2018-081** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1144 CRULL DRIVE (0.28 ACRE) (TMS# 351-16-00-086), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 7. THE PROPERTY IS OWNED BY MIDDLETON FAMILY PARTNERSHIP.

**2018-082** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 347 SWIFT AVENUE (0.34 ACRE) (TMS# 350-13-00-047), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 5. THE PROPERTY IS OWNED BY LEE B. BLACKMAN AND MARY R. BLACKMAN.

**2018-083** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 838 MORRISON DRIVE AND PARCELS ON MORRISON DRIVE AND JOHNSON STREET (PENINSULA) (8.34 ACRES) (TMS #459-07-00-010, 008, 009, 016, 017, 018, 024, 025 AND 459-02-00-001 AND 015) (COUNCIL DISTRICT 4), BE REZONED FROM LIGHT INDUSTRIAL (LI) AND GENERAL BUSINESS (GB) CLASSIFICATIONS TO UPPER PENINSULA (UP) CLASSIFICATION. THE PROPERTY IS OWNED BY ODP MORRISON LLC.

- 2018-084** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1357 SOUTH EDGEWATER DRIVE (WEST ASHLEY) (0.58 ACRE) (TMS #349-13-00-017) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON MAY 8, 2018 (#2018-055), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY WILLIAM D. WOLF AND MARY W. WOLF.
- 2018-085** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1791 WILSHIRE DRIVE (WEST ASHLEY) (0.35 ACRE) (TMS #352-09-00-035) (COUNCIL DISTRICT 9), ANNEXED INTO THE CITY OF CHARLESTON MAY 24, 2018 (#2018-064), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY DAVID KAUFMAN AND DEE ANN KAUFMAN.
- 2018-086** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2947 FOXHALL ROAD (WEST ASHLEY) (0.31 ACRE) (TMS #358-10-00-065) (COUNCIL DISTRICT 10), ANNEXED INTO THE CITY OF CHARLESTON MAY 24, 2018 (#2018-065), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY ALEX L. WETHERELL AND JESSICA WETHERELL.
- 2018-087** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON CENTRAL PARK ROAD (JAMES ISLAND) (0.21 ACRE) (TMS #340-00-00-046) (COUNCIL DISTRICT 6), ANNEXED INTO THE CITY OF CHARLESTON MAY 24, 2018 (#2018-066), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY MARION GREEN.

Mayor Tecklenburg said, "So, next, would be K-8."

Councilmember Moody said, "Move for approval."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "We've got an ordinance to amend to extend the boundaries of Cannonborough/Elliottborough Residential Parking Permit Boundary. Was there any discussion on that?"

No one asked to speak.

On a motion of Councilmember Moody, one (1) bill (Item K-8) received second reading. It passed second reading on motion by Councilmember Shealy and third reading on motion of Councilmember Griffin. On further motion of Councilmember Moody, the rules were suspended, and the bill was immediately ratified as:

- 2018-088** AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTION 19-277(8) TO EXTEND THE

BOUNDARIES OF THE CANNONBOROUGH/ELLIOTSBOROUGH NEIGHBORHOOD RESIDENTIAL PARKING PERMIT BOUNDARY TO INCLUDE A PORTION OF COURTNEY DRIVE FROM SPRING STREET TO CANNON STREET.

Mayor Tecklenburg said, "Next, is K-9."

Councilmember Griffin said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Griffin, one (1) bill (Item K-9) received second reading. It passed second reading on motion by Councilmember Lewis and third reading on motion of Councilmember Lewis. On further motion of Councilmember Mitchell, the rules were suspended, and the bill was immediately ratified as:

**2018-089** AN ORDINANCE TO AMEND CHAPTER 21, ARTICLE X, SECTION 219 OF THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, TO PROHIBIT THE BRANDISHING OF A DEADLY WEAPON WITHIN THE CITY LIMITS AND TO AMEND CHAPTER 19 OF THE CODE OF THE CITY OF CHARLESTON, TO PROHIBIT THREATS TO SAFETY ASSOCIATED WITH PARADES.

Mayor Tecklenburg said, "K-10."

Councilmember Griffin said, "Move for approval."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "It's the Motorola lease. Is there any discussion?"

No one asked to speak.

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

**2018-090** AN ORDINANCE TO AUTHORIZE THE EXECUTION AND DELIVERY OF LEASE/PURCHASE AND SECURITY AGREEMENTS WITH MOTOROLA SOLUTIONS CREDIT COMPANY LLC IN ORDER TO PROVIDE FOR THE ACQUISITION OF CERTAIN POLICE AND FIRE RADIO EQUIPMENT; TO PROVIDE THE TERMS AND CONDITIONS OF SUCH LEASE/PURCHASE AND SECURITY AGREEMENTS; TO PROVIDE FOR THE GRANTING OF A SECURITY INTEREST TO SECURE ALL OBLIGATIONS OF LESSEE UNDER THE LEASE/PURCHASE AND SECURITY AGREEMENTS; TO AUTHORIZE THE EXECUTION AND DELIVERY OF ALL DOCUMENTS NECESSARY OR APPROPRIATE TO THE CONSUMMATION OF SUCH LEASE/PURCHASE AND SECURITY AGREEMENTS; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

Mayor Tecklenburg said, "Finally, K-11."

Councilmember Moody said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "These are some franchise agreements. Is there any discussion?"

No one asked to speak.

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

**2018-091** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON FRANCHISE AGREEMENTS WITH MARK RYERSON, JASON LLEWELLYN, SASSYASS COFFEE, CHUN HONG CHAN, AND KING OF POPS FOR CERTAIN DESIGNATED SPACES WITHIN THE CITY OF CHARLESTON FROM WHICH FOOD OR DRINK OR READING MATERIAL SOLD IN CONJUNCTION WITH THE SALE OF FOOD OR DRINK MAY BE SOLD FROM STATIONARY CARTS OR OTHER DEVICES.

Mayor Tecklenburg said, "So, next, is our Ordinance K-12. This is regarding the 60 percent override."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "What I'm going to ask is, in the spirit of collaboration and reconciliation, that we remove the request to go forward to the Planning Commission tomorrow, this item, and we collaborate with some members of Council, the Zoning Commission, as well as the Preservation Society, and the Historic Charleston Foundation, to see if we can find a better way to amend this rule."

Councilmember Gregorie said, "Second."

Councilwoman Jackson said, "Did you say Legal Counsel as well?"

Councilmember Waring said, "Yes, Legal Counsel, as well. I'm sorry. Thank you, Councilwoman. The reason I'm saying that is we've been talking at one another on this for about the better part of the year. You talk at me. I talk back at you. Council speaks at one another, and then the Planning Commission, they talk at one another, but we actually have not had a situation where a lot of the major stakeholders are in the room at the same time talking about the potential effects, and we saw it with these people tonight. I'm in hopes that we can work something out a little bit better. For a body of nine to have a quorum of five and a three to two vote come forward, and we have to go through the consternation that we came through tonight, there's got to be a better way of doing that. So, that's why I'm saying let's roll up the sleeves and try to go to work and try to figure out a better way."

The Clerk said, "But how are you asking to dispose of this?"

Councilmember Waring said, "Yes, defer it. We'll have time to meet. We can bring it back next month, but I'm also asking that it not go forward to the Planning Commission tomorrow night. My understanding is it's on the Planning Commission agenda, so I'm asking that it not go forward to the Planning Commission."

The Clerk said, "That's separate from this."

Mr. Lindsey said, "Well, it is separate. It doesn't matter, however, in this case City Council is the applicant. So, if the applicant requests to withdraw from the Planning Commission agenda, staff could take that, and we would withdraw it tomorrow. So, if the applicant requests that, we can do it at Planning Commission."

Mayor Tecklenburg said, "A deferral is different from a withdrawal."

Councilmember Waring said, "Yes, I'm asking to defer it."

The Clerk said, "Yes, it is, but he's saying defer."

Councilmember Seekings said, "We're going to defer it here and pull it from the agenda tomorrow until we come up with something. We can always put it back on."

Mr. Lindsey said, "Withdraw or defer from the agenda tomorrow?"

Councilmember Waring said, "I think we just defer it. We'll bring it back. We'll defer it."

Mr. Lindsey said, "Okay, understood."

Councilmember Waring said, "We can defer it on the agenda for how many months?"

Councilmember Griffin said, "Nine."

Councilmember Moody said, "It's not really deferred on theirs. It's just deferred on ours."

Mr. Lindsey said, "So, whatever they do, staff will take that recommendation, and we'll move on that."

Mayor Tecklenburg said, "Okay. So, we have a motion to defer K-12."

Councilmember Waring said, "Defer K-12, and hopefully in the next month, we can get with members of Council, Planning Commission, Historic Charleston, Preservation Society, and the Legal Department and get in the room to see whether we can figure out a better way."

Mayor Tecklenburg said, "Did we have a second?"

The Clerk said, "Yes, Councilmember Gregorie."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, thank you, Mayor. Councilmember Waring, I agree with you. I think this is a decision that needs a lot of background and study and understanding of the pros and cons for why we have this ordinance. I came from a whole different State, and this is the exact way that our communities were established, as well, to have the supermajority that needed to overturn a difference of opinion from a Planning Commission."

Councilmember Waring said, "They had 75 percent of the total elected body?"

Councilwoman Jackson said, "Yes, sir."

Councilmember Waring said, "What State is that? I need to get a copy of that one."

Councilwoman Jackson said, "Virginia."

Councilmember Waring said, "Not of a quorum, 75 percent of the total elected body."

Councilwoman Jackson said, "Yes, sir."

Councilmember Waring said, "Well, we need to get a copy of that."

Councilwoman Jackson said, "So, I'm just saying I think this would be very educational and helpful to any one of us, and I would suggest that we broaden that opportunity to look at it through a work session, so we really can have a full body."

Councilmember Waring said, "I agree with you. What City in Virginia was that?"

Councilwoman Jackson said, "I lived in the City of Falls Church, but it was the process for all of the communities that surrounded us."

Councilmember Waring said, "For the whole State of Virginia or just that City? I'm asking."

Councilwoman Jackson said, "No, within Virginia. I haven't ever surveyed the entire State, but it was common practice."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I was just going to suggest that I think, as Councilwoman Jackson said, we probably need to form a little bit of a task force, with the people you recommended, to look at it, and make sure we've got specific members of City Council on that to bring this. We're going to spin our wheels on this thing again and again until we get this thing resolved. I think certain Councilmembers need to be on that Committee to look at it and get it worked out and study it. Let's move on."

Councilmember Waring said, "We need volunteers."

Councilmember Shahid said, "I volunteer you."

Councilmember Griffin said, "I volunteer."

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

No one else asked to speak.

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

*An ordinance to amend Section 54- 943(c) of the Code of the City of Charleston (Zoning Ordinance) to modify the vote required of City Council in the event a matter is disapproved by the Planning Commission or when a petition in opposition to a matter signed by owners of twenty percent of the area of lots subject to the matter, or of those immediately adjacent on the sides and rear or directly opposite thereto is presented to*

*Council to a simple majority of a quorum of the City Council. (City Council voted to send this ordinance back to the Planning Commission with a recommendation of a 60% override at the December 19, 2017 City Council meeting.) (DEFERRED)*

Mayor Tecklenburg said, "K-13 is deferred, as is K-14. We have one bill up for first reading to amend the member terms and the composition of the Sustainability Advisory Committee."

Councilmember White said, "So moved."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

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

*An ordinance to amend Chapter 2, Article IV, Division 7, Sec. 183 of the Code of the City of Charleston so as to change the name, the composition and the member terms for members of the City Council/Citizen Sustainability Advisory Committee.*

Mayor Tecklenburg said, "So, next, is a motion to go into Executive Session to update on the LDC and to discuss the proposal for the International African American Museum."

Councilmember White said, "So moved."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a motion to go into Executive Session."

On a motion of Councilmember White, seconded by Councilmember Gregorie, City Council voted unanimously to go into Executive Session at 11:02 p.m.

On a motion of Councilmember Mitchell, seconded by Councilmember White, City Council voted unanimously to come out of Executive Session at 11:56 p.m.

Mayor Tecklenburg said, "Let the record show that no action was taken during Executive Session. We received legal advice on two matters, one regarding the International African American Museum and the other is the LDC. Is there any further business to come before this Council tonight?"

Councilmember Mitchell said, "Move to adjourn."

Mayor Tecklenburg said, "Hearing none, we are adjourned."

There being no further business, City Council adjourned at 11:57 p.m.