

CITY COUNCIL VIRTUAL MEETING

Regular Meeting

July 28, 2020

The one-hundred and one meeting of the City Council of Charleston was held this date convening at 5:00 p.m. over video conference call (Zoom).

A notice of this meeting and an agenda were made available on the City's website July 23, 2020 and appeared in the Post and Courier on July 27, 2020.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

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

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

The Clerk called the roll.

Mayor Tecklenburg said, "Thank you, Madam Clerk. Now, if you all would like to join us, Councilmember Sakran will lead us in an invocation."

Councilmember Sakran opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Thank you. Speaking of justice, we have two soon to be judges joining us. We approved their selection at the last meeting. They weren't on the Zoom call. I think Lindsey had an audio connection, but we'd like to just call on the two of them to introduce themselves to you. Lindsey Byrd, ladies first."

Ms. Byrd said, "Hi, thank you, Mayor. Hi, I'm Lindsey Byrd. I've been the City's Deputy Prosecutor for the last five and a half, almost six years, and I'm really looking forward to continuing to serve the City in this new role for myself. So, thank you all very much for your vote. I look forward to working with you."

Mayor Tecklenburg said, "Thank you, Lindsey. Also, with us is Emmanuel Ferguson. Emmanuel."

Mr. Ferguson said, "Hello. Thank you, Mr. Mayor. I just want to express my appreciation to the City for giving me this opportunity to serve. I have been a Solicitor. Actually, I worked with Lindsey at the Solicitor's Office, and then I moved on to assisting the United States Attorney before turning to civil defense. I, frankly, am quite excited to be able to serve the City in this capacity, and I look forward to working with the Municipal Court staff, many of whom I've met. Again, I am very appreciative of this opportunity."

Mayor Tecklenburg said, "Great. Thank you so much. Does anyone on Council have any questions of either Lindsey or Emmanuel?"

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I just want to welcome you both onboard. Get your running shoes on, both judges. We have a backload of cases, and I think you could be hitting the ground running with the idea of giving out fair justice to our citizens, but also move these cases along. Thank you all for being a part of the process of those interviews that we had. We look forward to working with all of you all. God bless you, and good luck."

Ms. Byrd said, "Thank you."

Mr. Ferguson said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I just want to welcome both aboard. I really do appreciate the diversification, frankly, coming onboard the court system. This is a generational thing right now. When you look at some of the men and women who have served on this court, they've been there for a long time. So, this for us is a shift, and I certainly look forward to you all putting your best intellect to work on behalf of the City of Charleston, and certainly, our citizens at large. Welcome."

Ms. Byrd said, "Thank you."

Mr. Ferguson said, "Thank you, sir."

Mayor Tecklenburg said, "Alright. If there is no one else, we will move on. Thank you all again for being with us and best of luck to you. Glad to have you on the team."

The Clerk said, "Mayor?"

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

The Clerk said, "For the record, Councilwoman Jackson is with us."

Mayor Tecklenburg said, "Oh, great."

Councilwoman Jackson said, "Sorry, I had a computer glitch."

Mayor Tecklenburg said, "No problem. Welcome aboard. Without further ado, we are going to move right into our Public Hearings. We have a number of them, I think fifteen on the

agenda this evening. Normally, Christopher Morgan helps introduce these. Are you around, Christopher?"

Mr. Morgan said, "Yes, Mr. Mayor. I am here. I'll start on these. I am going to go to the screen share, and we are going to go through the maps and slides that we normally have for these. Are you all seeing the screen share?"

Councilmember Waring said, "Not yet."

Mr. Morgan said, "Let's see. I wonder why it's not doing that. Let me try this again. There we go. Are you all seeing the screen share now?"

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "I think so."

Councilwoman Jackson said, "Yes."

Mr. Morgan said, "Okay. We are going to go through here if I can advance it. Alright. E-1, public hearing this is 295 Calhoun Street, Harleston Village. It is a rezoning from Height District 85/30 to Height District by stories, District 7 for seven story height. The applicant and owner have changed during this rezoning process. The applicants had changed because the Medical University of South Carolina sold it to the actual applicant, which is the development firm that we'll be hearing from this evening. I will give an overview of this now. Can you all see the cursor moving around on the image?"

Councilmembers Waring and Jackson said, "Yes."

Mr. Morgan said, "This is Calhoun Street running east and west directly across the street from Roper Hospital. You can see how the Medical District still has the height in feet because that ends up working better for the medical buildings. The other areas of the Peninsula have the Old City Height District which are now by stories. So, the request for this site is to go from 85/30 district, what it is at present, to the 7-story district. It is in our Urban Core, so that is where the most dense type of buildings will go. So, that is appropriate. This is an aerial image of the site. You all know it probably well as an old, MUSC owned, medical office building with one story. Here is an image looking to the southwest of the site. Here is an image from Alberta Long Lake north. You see Roper Hospital across the street, which is a 7-story structure. Here is a ground view, where you see the new Shawn Jenkins MUSC Hospital that has just been completed. Here is a street view from Halsey Boulevard looking to the north. That is Roper Hospital in the distance, and the subject site is on the left. Here we see the subject site, and further down to the right, you see the new Roper parking lot that is under construction there at the immediate right.

Then, there are some slides that the applicant has also given us, which show the overall heights in the surrounding area. Of course, the new MUSC Children's Hospital height is 206 feet. The Ashley House, which is on the same side of the street as this subject property, is 158 feet to the top of the Penthouse, and the MUSC Biomedical facility, down Courtenay Drive, is 190 feet. Of course, across the street is Roper Hospital, which is 7 feet. It is a conceptual concept. It is a concept image of a building on the site that will be up to seven stories or eight with architectural merit. So, this is the request that is before Council. I will go back to our cover sheet for further

discussion. The Planning Commission, at their June meeting, recommended approval of this Height District change unanimously.”

Mayor Tecklenburg said, “So, Jennifer or Vanessa, did we have anyone sign up to make remarks on this item?”

The Clerk said, “It looks like we have two people, Cashion Drolet and Jason Long, who wish to speak.”

Mayor Tecklenburg said, “Okay, terrific. I see Jason Long. Do you want to go first, if we can unmute you? There you go, Jason.”

Mr. Long said, “Yes, sir, Mr. Mayor, and members of Council.”

The Clerk said, “Excuse me. How much time, Mayor?”

Mayor Tecklenburg said, “A couple of minutes, two minutes.”

The Clerk said, “Okay.”

1. Mr. Long said, “Yes, sir. I will keep it brief. Thank you again for hearing us on this matter. It’s good to see you, via Zoom. Thank you just for your consideration on this. We think that the height in stories, again, we’re not changing the density in this request, it is a height in stories, versus the height in feet, which creates a nicer project in our opinion. It gives us better ceiling height and just flexibility to have a nicer, overall project. A better project to go on the tax rolls, quite frankly. So, thank you for this hearing. I don’t want to belabor the point, but we’re available for any questions that come up.”

Mayor Tecklenburg said, “Thank you, Jason. Cashion, are you out there?”

2. Ms. Drolet said, “Yes, Mr. Mayor. I’m here. Thank you, Mayor, and members of Council. This is Cashion Drolet with Historic Charleston Foundation. We have reviewed the rezoning request for 295 Calhoun Street from Height District 85/30 to Height District 7. If all of the applicants are requesting a rezoning in stories rather than feet, we believe this will have a positive outcome for the building design and architecture. After careful study of the surrounding areas of the properties to the east and the small scale development taking place to the south of the property along Halsey Boulevard, we believe that Height District 6 is more appropriate for this property, as we shared at Planning Commission, as well. Thus, we respectfully request that City Council asks the Planning Commission, to reconsider their approval of this application. We believe the development of this parcel will set a precedent for development in the southwestern portion of Calhoun Street, and that precedent abutting the neighborhood should be slightly shorter in height.”

Mayor Tecklenburg said, “Alright, well, thank you for that comment. We appreciate it. Is there anyone else, Vanessa, signed up to speak on this matter?”

The Clerk said, “Not for item 1.”

Mayor Tecklenburg said, “Okay. So, then it comes to Council. Would anybody like to make a motion or either make a comment?”

Councilmember Waring said, "Mr. Mayor, I move for approval on this. I was on the Planning Commission, then later on Council, and they came through with the hospital district and the 80/30 Height District down there. I appreciate Ms. Drolet's comments about the neighborhood, but I think this one's buffeted by, obviously, the lake behind it. As far as encroaching on a single-family residence, it doesn't do that. So, I'm going to vote for approval. Thank you."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Any further discussion?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. This is in my district, at the very north end of Long Lake, as you know. Christopher, I don't know if can you put the screen back up again that shows the aerial view with Long Lake, and the project on the north, but this property has gone through a fairly long history in this process of being acquired from MUSC, and there's been a lot of proposals. It's a pretty challenging site because it stands on its own, and that site next to it, to the west, the Roper site, there was some thought that they might get combined someday, and they might, but for now it stands as its own site. This height, I think, is consistent with that corridor when we went to floor-based rather than foot-based scale there. One of the things I want Council to know is, and Mr. McQueeney was very helpful through this process, at the south end of this property along Long Lake, there is a bulkhead, which has actually failed. There was thought that that bulkhead was the City's bulkhead, and we were actually going to have to go ahead and shore it up, and fix it. Thanks to some really good title work by Mr. McQueeney and some hard work, we have determined that project is now owned by this developer. Along with a good project, when we get through the BAR process, we're probably going to get some great improvements along Long Lake, including, but not limited to a shored up, new bulkhead on the north end of the lake. So, I'm going to vote for this. There's a long way to go before something gets built there, but I think, ultimately, it will be to the benefit of the neighborhood and to the City. So, thank you."

Mayor Tecklenburg said, "I would like to point out to Council that this property was included in what we now call WestEdge, was called the Horizon TIF District, tax increment finance. So, there will be the extra revenue to help make some park improvements and other drainage improvements to go along with this property which, frankly is a good thing. Any further discussion?"

No one else asked to be heard.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 295 Calhoun Street (Peninsula) (approximately 2.1 acres) (TMS #457-02-02-001) (Council District 8), be rezoned from 85/30 Old City Height District Classification to 7 Story Old City Height District classification. The property is owned by the Medical University of South Carolina (MUSC).

Mayor Tecklenburg said, "Mr. Morgan, number two."

Mr. Morgan said, "This is 1144 Folly Road on James Island. It is a request to rezone from Single-Family SR-1 district to Residential Office (RO) and the Folly Road Overlay. The Planning Commission recommended approval of this at their meeting in June. To orient you all to the site, this is Folly Road, running roughly north and south. The Walmart shopping area is down here just off of George Griffith Boulevard. There are smaller strip centers across the street, and there are a variety of conversion of existing single-family houses along this portion of Folly Road into other commercial enterprises. It's in our Century V Plan as a highway designation, which means commercial is appropriate in this location. Here is a zoomed-in aerial of the property. It has been functioning as an insurance office since it was annexed into the City. They are now changing uses and would like to have the Residential Office use permanently put on it rather than being grandfathered. Here is just a view of Folly Road, and the subject property is over here to the left. Then, you see some of the commercial areas to the right. Then, just another view of Folly Road, the subject property is over here to the right. Again, this is something that both staff and the Planning Commission recommended approval of."

Mayor Tecklenburg said, "Perfect. Vanessa, do you have anyone signed up to speak on this?"

The Clerk said, "I do. We have one person, Jim Owens."

Mayor Tecklenburg said, "Alright. Jim, are you out there?"

1. Jim Owens said he represented the applicant of 1144 Folly Road and hoped that Council would agree that the Residential Office and Folly Road Overlay on the property was the proper zoning for the parcel. He said the property was currently zoned for R-1, and it had been operating for two decades as a commercial designation from its business licenses to its past assessments. Mr. Owens said the City issued permits to the property over the years and made the appearance similar to a grandfathered use. He recommended the City approve the rezoning request and thanked the Planning Commission for their guidance.

Mayor Tecklenburg said, "Thank you, sir. We appreciate that. With no other folks who signed up, it goes to Council."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Move for approval, Mr. Mayor."

Councilmember Shahid said, "Second."

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

Councilmember Mitchell said, "Councilwoman Jackson had her hand up."

Councilwoman Jackson said, "I just wanted to say, this is in my district. I've been in continuing conversations with Mr. Owens, who represents the owner. She is trying to sell the property. I'm not sure if it was a surprise to her, but her husband had not, when they annexed into the City, completed what is usually a one or two-step process of annexing and then obtaining the zoning that goes along with the County zoning. They had been given a use for an insurance office

all these years. It would be the logical outcome for this property. Outdoor is residential, so it would be a very appropriate use. So, I recommend your approval.”

Mayor Tecklenburg said, “Well, is this the side of the street where the new widened multi-use path will be going?”

Mr. Morgan said, “Yes, sir.”

Councilwoman Jackson said, “Yes, sir. Both sides of the street are going to be used, I think, by the time the path gets to this juncture where it is going to be on the east side. Correct, Christopher?”

Mr. Morgan said, “Yes, ma’am.”

Mayor Tecklenburg said, “This was Mr. Woody’s property, right?”

Councilwoman Jackson said, “I think so.”

Mr. Morgan said, “Yes.”

Mayor Tecklenburg said, “Woody Aydlette. So, just to let you all know, Mr. Aydlette served very honorably in the South Carolina State House of Representatives, and then after his service there, he represented the City in matters at the Columbia State House. So, a real fine citizen and a good family. Any other comments or questions from Council?”

No one asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1144 Folly Road (James Island) (approximately 0.38 acre) (TMS #425-13-00-031) (Council District 12), be rezoned from Single-Family Residential (SR-1) classification to Residential Office (RO) and Folly Road Overlay (FRO) classification. The property is owned by Linda M. Aydlette, Trust.

Mayor Tecklenburg said, "Mr. Morgan, number three."

Mr. Morgan said, "Okay. Number three is also part of number four. They are separately listed because number three is existing properties from the City, and number four is properties to be zoned with annexation in the City. They are all part of the same planned unit development. This is on Maybank Highway and to be known as the South Station Planned Unit Development. TMS numbers are 313-00-00-043, 031, and 307 for those properties that are in the City, and then the ones that are being annexed are 313-00-00-306, 034, and 035. It's a total of a little bit over 21 acres to be part of this PUD. At present, the properties that are in the City are Single-Family Residentially zoned and also General Business. You can see the Single Family Residential here and General Business here. The ones to come in have been zoned in Charleston County with their Maybank Overlay. This will become a Planned Unit Development that has no residential entitlements in it. It will just be commercial with office, recreational type services such as boat

storage, other restaurant uses, other office space, and a brewery and special events area. I'll go through that in a little bit more detail.

The Century V Plan shows this as one of our three key nodes, or centers, of Johns Island. The property is right in this area. You can see it with the star there. So, it definitely is in conformance with our Century V Plan, as well as our Johns Island Plan, the Johns Island Community Plan. Again, you see it here. So, the applicants have been working very well with us to make sure those plans are upheld. This is the overall Planned Unit Development area, and there is a small office over here right now. Most of it is an undeveloped area. It backs up to a lake area, and I'll show you some slides from the planned unit development. These are some of the roads and drives servicing parking areas that will be part of this. There is a significant area of preserved wetlands, as well as an area for water storage in line with our new stormwater standards. That was definitely something that the Planning Commission was concerned with, is making sure the stormwater standards were as strong and as innovative as possible. This is an image that shows you the greenspaces on the site. So, again, significant greenspaces that will be part of this planned unit development. Some are preserved wetlands, but others are areas of round ponds and other areas creating common greens and things like that. So, we are very pleased with how that came about. Here is an overall circulation and stormwater plan for the site. Staff has been very supportive of this as this has gone through the process because it has conformed to the plans in the area. Planning Commission also endorsed this PUD, 9-0, at their June 2020 meeting."

Mayor Tecklenburg said, "Alright. If it pleases Council, we'll take three and four together."

Councilmember Mitchell said, "Yes."

Mayor Tecklenburg said, "Did anyone sign up to make comments on those two?"

The Clerk said, "No, not on those two."

Councilmember Mitchell said, "Move for approval."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second. Any discussion or questions? Councilmember Brady, this is your district."

Mayor Tecklenburg recognized Councilmember Brady.

Councilmember Brady said, "I was going to say, it is in my district. I've been involved with the applicant and talking about the stormwater requirements. I wanted to make sure that this project came in under the new standards. I'm very pleased so far with the progress, and I hope that my colleagues will vote for the approval."

Mayor Tecklenburg said, "Terrific. Any further comments or questions?"

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Thank you, Mr. Mayor. Real briefly, I just want to say that this is the exact type of development that we should be seeing out in the suburban areas, Mixed-

Use. It's a way of keeping traffic localized on the various islands, whether it be Johns Island, James Island, etc. This is exactly the type of development we want to see. So, kudos to the developers, staff, everybody involved in moving this forward."

Mayor Tecklenburg said, "Terrific."

On a motion of Councilmember Mitchell, seconded by Councilmember Griffin, 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 properties located on Maybank Highway (Johns Island) (approximately 16.85 acres) (TMS #313-00-00-043, 031 and 307) (Council District 5), be rezoned from Single-Family Residential (SR-6) and General Business (GB) classification to Planned Unit Development (South Station) (PUD) classification. The properties are owned by Pomona/Maybank, LLC, and Bank of Walterboro.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that properties located in Maybank Highway (Johns Island) (approximately 5.52 acres) (TMS #313-00-00-306, 034 and 035) (Council District 5), to be annexed into the City of Charleston August 18, 2020, be zoned Planned Unit Development (South Station) (PUD) classification. The properties are owned by LMC, LLC, and William Stephen Harris, Jr.

Mayor Tecklenburg said, "That was for three and four."

The Clerk said, "Yes."

Mayor Tecklenburg said, "Mr. Morgan, number five."

Mr. Morgan said, "This is a property that you all are familiar with. It's been before you before, and it's also been before BZA and our Planning Commission a number of times. This is a property at the northern end of Coming Street as it adjoins Septima Clark Parkway. It is a residential structure along a row of other residential structures. The applicant is seeking a rezoning from the DR-2F, that it and the surrounding structures are zoned to Commercial Transitional. I think the main reason for the rezoning to Commercial Transitional is that this is in the Elliotborough – Cannonborough Short Term Rental Overlay, and they would like to have it as a short term rental.

Our staff has had a lot of concern about this and not recommended for it on previous occasions, nor are we recommending it for now. I will kind of go through the slides to refresh your memory of the situation with this particular property. Again, this is a zoning map of the Cannonborough-Elliotborough neighborhood. You see how Coming Street is almost exclusively residential, with the exception of a few structures that were built as corner stores. This property was built as a residence, and I will show you the image of the property. It is in the urban recommended area of the Century V Plan that does allow for the urban-type neighborhoods that you see in Cannonborough-Elliotborough. Here is an aerial image. You see the residential in the surrounding area. Here is another aerial image, again, all residential structures in through here. There are some corner stores down at the intersection to the south. Here is the structure. You can see it's very residential in nature. Here is the Septima Clark Parkway here, and there is a 20/30 foot buffer between the parkway and the structure itself. Here are the other residential

structures in the surrounding area, other residential structures on the same side of the street, and then some comparable situations from this.

I think we heard from the applicant before that they feel their property is unique in the area because of its proximity to the parkway. But, the reality is that there are many other residential structures that have been developed or redeveloped along Septima Clark Parkway with very limited parking, and they have still been successful residences. Here are some of these. This is just a cursory ride through the Septima Clark area that shows some of these other residences. You see one right here. It's immediately adjacent to the parkway that has extremely limited parking area. Here is another one that has basically no yard right adjacent to the Septima Clark Parkway here. That's a brand new structure, actually. Our staff is of the feeling that, with the overall character of the neighborhood around this being residential, with the overall concern of the neighborhood about the proliferation of short term rentals, that it's appropriate that this property stay as it's zoned at present. Planning Commission also recommended against the rezoning, as well, with a 5-3 vote."

Mayor Tecklenburg said, "Madam Clerk, did anyone sign up to speak on this matter?"

The Clerk said, "Yes. For number five, we have three people that signed up, and they left comments for me to read. So, we'll start with the first one:

1. Jason Coy wrote, 'I am writing to express my vehement opposition to two requests for rezoning on the schedule for today's meeting of the Charleston City Council. As a homeowner in Elliottborough, I urge the Planning Commission to deny the rezoning appeal for 276 Coming Street. This appeal, which would change the property from Diverse-Residential (DR-2F) to Commercial Transitional (CT), would set a dangerous precedent that would have extremely detrimental effects on our neighborhood and on the City of Charleston as a whole. The Cannonborough-Elliottborough Neighborhood Association (CENA) has worked for many years to preserve the neighborhood and feel that our community, in the face of proliferation of Short-Term Rentals (STRs) in our area, as requested, it would no doubt result in a flood of similar requests for STRs. The results for our neighborhood, of such a zoning change, would be catastrophic, destroying the quality of life for homeowners, and the City would confront ever-mounting problems caused by the increased noise, trash, and parking violations associated with STRs, etc. Don't allow short term rentals.' Jason Coy.
2. Jeffrey Roberts wrote, 'As a current substantial, multiple property owner in Cannonborough-Elliottborough, on both being rezoned from Diverse Residential (DR-2F) classification to Commercial Transitional (CT) classification. These clearly create a back door into an STR use, and the owner is not being disenfranchised in the slightest by continuing its current use. My companies, as I did with other groups, spent millions of dollars in carefully renovating properties that are/were Zoned LB, and did it under the premise of a finite number of these properties being eligible for this use. Allowing short term rentals will be a mistake.' That's Jeffrey Roberts.
3. Leah Worthington wrote, 'Dear Councilmembers, I write to express my absolute opposition to the rezoning requests for 276 Coming Street. As a permanent resident of the Cannonborough-Elliottborough neighborhood, I urge the Planning

Committee to deny the zoning request changes for 276 Coming, a change that would allow the property owner to turn his home into Short Term Rental properties. Please, we ask, that you reinforce our neighborhood's zoning by denying the request. Help us ensure that our neighborhood is able to stay a neighborhood, not a playground and party pad for tourists. The neighborhood has fought for years to maintain a business corridor along Spring Street, where STRs can and do operate, and reserve residentially zoned areas for residents. This request should be seen for what it is, a request to circumvent STR ordinances.'

Mayor Tecklenburg said, "Nobody signed in to speak?"

The Assistant Clerk said, "Mr. Mayor, Marion Hawkins signed up to speak. I believe he is on the line."

Mayor Tecklenburg said, "I see him right there. I thought maybe you had signed up to speak, Marion. Please proceed."

1. Marion Hawkins said the applicant was a property investor who bought this property in 2017 and operated illegally as a short term rental. Mr. Hawkins said the Neighborhood Association voted to deny the request to upzone. The short term areas were the corridors of Cannon, Spring, and parts of St. Philip Streets, and the remaining areas of the neighborhood were DR-2F. The applicant had been denied twice at BZA, three times at Planning Commission and once at City Council. They felt it would set a dangerous precedent with lack of affordable housing and keeping housing stock, and to up-zone just for the pure commercial viability of a short term would be detrimental to the neighborhood.

Mayor Tecklenburg said, "Thank you, Marian. Now, we will go to Council."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, Mr. Mayor. Mr. Mayor, this came to us a couple of times before. Even with the Planning Commission and the BZA, it was turned down. I was there and a part of it when we first went to Cannonborough-Elliotborough talking about STR. They said they really didn't want any more STRs, except for the locations that they presented in the beginning. I think you were there also, Mr. Mayor, and you heard them talk about it a while ago."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Mitchell said, "This came before us. This particular property, to me, is a very dangerous area to have a STR anyway. I know the area very well on Coming Street. I used to play in that area. I don't see a hardship for him, that they cannot rent that house as a long term rental in that area. They might not want to do it, but it's not something they cannot do. So, I would vote and even make a motion that we go along with the Planning Commission and deny this request."

Councilmember Waring said, "Second the motion."

Councilmember Mitchell said, "This is in Councilmember Sakran's district, so he might want to say something about it. I just wanted to talk about it because I was there when we first started this. Back then, he wasn't here. So, I want to bring him up to speed on that portion of it."

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

Mayor Tecklenburg recognized Councilmember Sakran.

Councilmember Sakran said, "Thank you, Mayor, and thank you, Councilman Mitchell. I was not there, but I got briefed on this a couple of days ago. I just want to thank Marion Hawkins for your continued leadership over at Elliotborough-Cannonborough. I don't want to pour on and pile on, but this was voted down twice by BZA, three times at the Planning Commission, and once in front of this Council. So, I hope my fellow Councilmembers will follow suit and not approve this. Thank you, Marion, and thank you, Councilmember Mitchell, for recognizing me."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Just a question for Mr. Morgan. Has anything changed in this? I remember this has come before us several times. Is there anything that has changed the circumstances of this building at all?"

Mr. Morgan said, "The circumstances are exactly the same."

Councilmember Shahid said, "I didn't think so. I just want to make sure the record was clear on that. This is another attempt to petition this for rezoning. Thank you."

Mayor Tecklenburg said, "Any further comments or questions?"

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "I am completely in agreement with all of my colleagues that spoke just now that this is not an appropriate location for a short term rental. I recall this matter coming before the BZA when I was at the BZA. The one thing that I just would want to say is that, I noticed this during my time at the BZA and my brief tenure on Council. There seems to be this idea when we're dealing with short term rentals, there's just this extreme amount of scrutiny that we apply to variance requests and rezoning requests. Every time we rezone a property, every time we grant a variance to the BZA, we're changing the zoning ordinances. We're changing the rules. We do this all the time. It's routine. I completely agree that this is not the appropriate location for a short term rental, but I just think that we ought to take an open mind to each case, view each case on a case by case basis. Short term rentals are not nuclear power plants. I understand they're controversial. Lord knows I've seen it, dealt with it in any possible way you can imagine, but I just don't think it's quite that easy. It's not as simple to say that 'it's not currently zoned short term rental. Therefore, under no circumstances can this ever be a short term rental property.' I think we have to take each case on its own merits as we see it. At the end of the day, it's a land-use, just like anything else. Sometimes it's appropriate, and sometimes it's not. You have to let the facts and circumstances sort of guide the outcome there. So, just thought I'd comment on that. Thanks."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. Thank you, Councilmember Appel. I wasn't going to speak because I am going to vote against it for all of the reasons that you all said. I do think that maybe, just to continue that train of thought, Councilmember Appel, the distinction of this property and this location in Cannonborough-Elliottborough is that it is a B&B district. We set this apart years ago, much longer ahead of what I would call the scattered-site short term rental licensing ability that we have for all properties around the City. I do feel like this is the distinction for this particular district because it was set apart to be commercially viable as a B&B commercial district on the streets that these gentlemen have put in front of us. I wouldn't want us to ever deny the opportunity for someone to come in and ask for a variance, ask for a license under the zoning that we did put in place for short term rentals. Then, it's up to the neighbors that are being faced with having a change of property use in their own neighborhood to come before us. I do feel like this is the difference between this location. Thank you."

Mayor Tecklenburg said, "Absolutely. Any more questions, comments?"

No one asked to speak.

On motion of Councilmember Mitchell, seconded by councilmember Waring, City Council voted unanimously to deny 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 276 Coming Street (Peninsula) (approximately 0.07 acre) (TMS #460-04-04-003) (Council District 3), be rezoned from Diverse Residential (DR-2F) classification to Commercial Transitional (CT) classification. The property is owned by Matthew Blake Lineberger. (Planning Commission recommends disapproval.) (DENIED)

Mayor Tecklenburg said, "Thank you, Marion, for being with us and your comments and leadership."

Mayor Tecklenburg said, "Okay. Back to Mr. Morgan, number six."

Mr. Morgan said, "This is an ordinance amendment. It's a second reading. This is an ordinance amendment that relates to having the extra foot of Freeboard, which we went from one foot of Freeboard for new construction, to two feet of Freeboard. It deals with the heights that are in certain areas within the special flood hazard, and allowing for an extra foot in all of those heights because of the extra foot required for Freeboard. Here is the actual ordinance amendment itself, and you see that in all of these areas. It adds just one extra foot to the allowance because the two feet of additional Freeboard is now required, as per our new City Code. Both staff and Planning Commission recommended approval of this amendment."

Mayor Tecklenburg said, "Madam Clerk, is anyone signed up to speak on this matter?"

The Clerk said, "I don't have any other people signed up."

Councilmember Shahid said, "Move for approval."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "Council, we have a motion to approve and a second. Any discussion?"

No one asked to speak.

On motion of Councilmember Shahid, one (1) bill (Item E-6) received a second reading. It passed second reading on motion by Councilmember Shealy, 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:

2020 – 088 AN ORDINANCE TO AMEND PROVISIONS OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) TO AMEND SECTION 54-505(C) PERTAINING TO THE EXCEPTION FOR THE MAXIMUM ALLOWED HEIGHT FOR PROPERTIES LOCATED IN A SPECIAL FLOOD HAZARD AREA WITHIN THE CONSERVATION, RR-1, SR-1, SR-2, SR-6, SR-7 AND STR ZONING DISTRICTS.

Mayor Tecklenburg said, "Now back to Mr. Morgan for number seven."

Mr. Morgan said, "E-7 is a zoning. It's at 340 and 342 Woodland Shores Road on James Island. It's seven-tenths of an acre. The requested zoning is for Single Family, SR-1. It was R-4 in Charleston County. SR-1 is the closest compatible district and also matches the surrounding zoning that is already in the City. This was recommended by the staff and Planning Commission for SR-1."

The Clerk said, "No one wants to speak on that one."

Councilmember Shahid said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Any discussion?"

No one asked to speak.

On motion of Councilmember Shahid, seconded by Councilmember Mitchell, City Council voted 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 340 and 342 Woodland Shores Road (James Island) (approximately 0.7 acres) (TMS #343-11-00-111 and 112) (Council District 11), annexed into the City of Charleston March 10, 2020 (#2020-034), be zoned Single-Family Residential (SR-1) classification. The properties are owned by Jennifer Finger Krause.

Mayor Tecklenburg said, "Number eight."

Mr. Morgan said, "This is 513 Arlington Drive in West Ashley. It's a half-acre parcel. Here is Savannah Highway running east, west, or north, south basically. There is a large shopping center area over here. This is Arlington Drive running north and south here, and the subject property is here. It is in Charleston County and will come into the City as DR-1F, which would

match the zoning to the south, to the north, and to the east. It was recommended both by staff and the Planning Commission for DR-1F. We do have a couple of images. There is an existing church on the property, which is no longer functioning, I believe. So, it would become a new development on the site.”

Mayor Tecklenburg said, “Anyone signed up to speak?”

The Clerk said, “No.”

Mayor Tecklenburg said, “It goes to Council.”

Councilwoman Jackson said, “Move for approval.”

Councilmember Shahid said, “Second.”

Mayor Tecklenburg said, “We have a motion to approve and a second. Any discussion?”

Councilmember Mitchell said, “Yes, Mr. Mayor. Did they say what they were going to do with the old church?”

Mr. Morgan said, “I think the church will come down. It’s not in use anymore, and it would be a new development with residential units on the site instead.”

Mayor Tecklenburg said, “Any other questions or comments?”

No one else asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 513 Arlington Drive (West Ashley) (approximately 0.51 acre) (TMS #310-07-00-090) (Council District 11), annexed into the City of Charleston March 10, 2020 (#2020-035), be zoned Diverse Residential (DR-1F) classification. The property is owned by Vaughn Loeffler and Sylvia de Jong.

Mayor Tecklenburg said, “Number nine.”

Mr. Morgan said, “This is 1384 Joy Avenue in Orange Grove Estates in West Ashley. It’s almost a half-acre of land. It’s coming into the City recommended as SR-1. It was R-4 in Charleston County. Surrounding zonings in the City are also SR-1, and both staff and Planning Commission recommended approval of the SR-1 of this property.”

The Clerk said, “No one has asked to speak.”

Councilmember Shahid said, “Move for approval.”

Councilmember Shealy said, “Second.”

Mayor Tecklenburg said, “Any discussion?”

No one asked to speak.

On motion of Councilmember Shahid, seconded by Councilmember Shealy, 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 1384 Joy Avenue (West Ashley) (approximately 0.45 acre) (TMS #352-10-00-015) (Council District 9), annexed into the City of Charleston March 10, 2020 (#2020-036), be zoned Single-Family Residential (SR-1) classification. The property is owned by Gary H Seel and Hope E Seel.

Mayor Tecklenburg said, "Number ten."

Mr. Morgan said, "This is 230 Yates Avenue in Riverland Terrace. It's a quarter-acre parcel. It would come into the City as SR-1. Other parcels that have come into the City in Riverland Terrace and the nearby areas have been SR-1. There is a large planned unit development that is now the new acquisition of greenspace across the street over here, but here is the subject property, and it would be SR-1. It's R-4 in Charleston County. Both staff and Planning Commission recommend approval."

Mayor Tecklenburg said, "Great."

The Clerk said, "No one wants to speak."

Mayor Tecklenburg said, "No one signed up. It comes to Council."

Councilwoman Jackson said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Any discussion?"

No one asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 230 Yates Avenue (James Island) (approximately 0.24 acre) (TMS #343-05-00-042) (Council District 11), annexed into the City of Charleston June 9, 2020 (#2020-076), be zoned Single-Family Residential (SR-1) classification. The property is owned by Elizabeth Lovett and David Stickel.

Mayor Tecklenburg said, "Number eleven."

Mr. Morgan said, "This is also on James Island. It's 1837 Bentgrass Court. It's six-tenths of an acre. It would come into the City as RR-1, which is in line with the surrounding zoning in the City. It is down here in the light tan color. It was S-3 in Charleston County. Both staff and Planning Commission recommended approval of RR-1 for the property."

Mayor Tecklenburg said, "Madam Clerk, did anybody sign up on this?"

The Clerk said, "No one for the remainder of these."

Councilwoman Jackson said, "Move for approval, Mayor."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "Moved and seconded. Any discussion?"

No one asked to speak.

On motion of Councilwoman Jackson, seconded by Councilmember Shealy, 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 1837 Bentgrass Court (James Island) (approximately 0.61 acres) (TMS #334-03-00-023) (Council District 12), annexed into the City of Charleston June 9, 2020 (#2020-077), be zoned Rural Residential (RR-1) classification. The property is owned by David W Dunn Trust.

Mayor Tecklenburg said, "Number twelve."

Mr. Morgan said, "This is former private right-of-way on the west side of the Peninsula. There are some new affordable units that have been constructed by the City on the southern ends of it, and there would be other units constructed further into the area. It is an area that is surrounded by DR-2F. That is the request for zoning of the former private right-of-way. It's only about a tenth of an acre, and both staff and Planning Commission recommended approval of that request."

The Clerk said, "It's up for second reading, as well."

Councilmember Shahid said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Mr. Morgan, it's still a right-of-way, right? No one is going to be building on this, correct?"

Mr. Morgan said, "Right. There is going to be a new configuration of the lots in the area, and it will be easements and access to those lots. It was originally a private right-of-way, and so it needs zoning. Mr. McQueeney had noted that for us, that we needed to go ahead and get it zoned since it was a private right-of-way."

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

No one asked to speak.

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

2020 – 089

AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE), BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT THE REAL PROPERTY DESIGNATED AS NATS COURT, ALSO KNOWN AS GRANTS COURT (PENINSULA) (DISTRICT 3), BE ZONED TO DR-2F (DIVERSE RESIDENTIAL) CLASSIFICATION.

Mayor Tecklenburg said, "Number thirteen."

Mr. Morgan said, "This is 334 Folly Road in the Dogwood Park area of James Island. It's an existing commercial structure. The request is to come into the City with Folly Road Overlay and General Business. That would match the surrounding zoning to the rear and to the south, and across the street. This is something that both staff and the Planning Commission have recommended for approval. This is an existing gas station. You can see the images here. I think we got an image over there. It will be redeveloped for a new convenience store in this location on Folly Road. It would have to adhere to the new Folly Road Overlay standards and will also go before our Design Review Board for approvals."

Mayor Tecklenburg said, "Are there any comments from the public?"

The Clerk said, "None."

Councilmember Shahid said, "Move for approval."

Councilwoman Jackson said, "Second."

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

No one asked to speak.

On motion of Councilmember Shahid, seconded by Councilwoman Jackson, 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 334 Folly Road (James Island) (approximately 0.39 acre) (TMS #424-05-00-030) (Council District 11), annexed into the City of Charleston June 23, 2020 (#2020-080), be zoned General Business (GB) and Folly Road Overlay (FRO) classification. The property is owned by John Clair and Ellen S Clair.

Mayor Tecklenburg said, "So, that concludes our Public Hearings this evening. Thank you all for participating, those that did. Next, we'll have our approval of City Council minutes from July 14th."

Councilmember Seekings said, "So moved."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Any deletions, additions, corrections?"

No one asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Mitchell, City Council voted unanimously to approve the minutes of the July 14, 2020 City Council meeting.

Mayor Tecklenburg said, "Next, is our Citizens Participation Period. Madam Clerk, do you want to take over from here for a little bit?"

The Clerk said, "Okay. We have a number of citizens who sent in requests to speak, and so I'll read those. Then, we'll start calling the names. We have a large list also of those who wish to speak."

Mayor Tecklenburg said, "How many wish to speak this evening?"

The Clerk said, "For the people who signed up to speak themselves, we have fifteen, and we have five for the ones who would like for me to read."

The Assistant Clerk said, "I believe we have twenty people signed up to speak."

Mayor Tecklenburg said, "Twenty?"

The Clerk said, "We only have twenty on this list that I was given; it looks like we have eight people, and I'll be reading what they want to say."

Mayor Tecklenburg said, "Okay. We are going to give 90 seconds on the speaking part. If there are long letters, you can summarize it so you can keep it to 90 seconds. That would be fair. Thank you."

The Clerk said, "The first one is in support of the Charleston Coalition for Wireless Safety Standards' two petitions, the revision to the small cell ordinance, and deny the application request for a small cell site at 81 Spring Street. Thirty-three people are in favor of that. The second is one person who opposes the Charleston Coalition for Wireless Safety Standards' two petitions submitted, a revision to the small cell ordinance, and against denying the application request for a small cell site. This is coming from one person who is against the small cells.

Next, we have many people who are opposing the increase of police presence. Citizens do not want a militarized police force. That's coming from 14 people. I have no names. Next are those opposed to the filling of Gadsden Creek and support the preservation of the Creek. This is coming from 52 people. They feel the toxicity report of Gadsden Creek should be done by an independent engineering firm. That's another 12 people. This is coming from twelve people, and it is called commit to investing in adopting policies to further fair housing, displacement of tenants, learning programs that go beyond the regular school day, reforming school disciplinary procedures instead of punishments, summer employment programs, reduce recidivism and increase re-entry employment, reliable transportation systems, address teacher quality, recruit and train more Latino and black teachers, hire more minorities in city positions for municipalities, hire LGBTQ candidates, minimize racism, increase the minimum wage to at least \$15 an hour,

eliminate policies and practices that lead to arrests and incarceration of poor, black, and brown people.

The next one is a person asking for the removal of a page called 'Current arrests by the Charleston Police Department related to riots/protest.' The page should be deleted from the City's website. As I said, that is coming from one person. Another person is disappointed in the removal of the John C. Calhoun statue. One citizen would like Councilmember Sakran to address complaints raised on, well this is kind of personal, he and his wife along with the cease and desist letters he sent to constituents. This is one person. Finally, this is from two people who are against the proposed ordinance to amend the City Code requiring a permit for parades of 25 people or more. That's it. I'm finished with that."

Mayor Tecklenburg said, "Alright, thank you."

The Clerk said, "Now is the Citizen Participation Period, where people speak for themselves. I will call three people first, and then I will get everything set up for the two minutes. The first three people will be Karen Beard, Emily Walter, and Amy McLeod."

Mayor Tecklenburg said, "Actually, its 90 seconds we're giving them."

The Clerk said, "Okay."

Mayor Tecklenburg recognized Karen Beard.

1. Karen Beard, 537 White Chapel Circle, spoke on behalf of the Charleston Coalition for Wireless Safety Standards, who were advocating for safe, wireless technology for themselves and children. The organization submitted three items for consideration that were already filed at the Clerk of Council's office. All of Council would receive hard copies of that submission in the next mail out. The first item was a set of petitions from residents in the greater Charleston area. It urged a pause in 5G development until it is tested for safety. The second was a petition that urged 'no' to the placement of cell towers on or near school property. Ms. Beard said that 1,726 people total signed the two petitions. They removed all out of state names and most of those outside of the Charleston area names. The second item was a request to deny the small cell site application for 81 Spring Street. The mock-up photo for the proposed antenna showed that it would sit no more than 10 feet from the residents on Spring Street. The organization reviewed the application for the site and found no FCC compliance report with the application. Ms. Beard said the organization listed, with evidence, five reasons the application should be denied for Spring Street and urged Council to consider its denial. The third item was a list of revisions that should be made to the City's small cell ordinance to provide safety precautions for residential areas and schools. Ms. Beard said Andrew Campanelli, a well-known cell tower attorney, spoke with the organization, 'even if the local government violates the Telecommunications Act, there is no need to fear.'
2. Emily Walter said law enforcement should expand their presence in Charleston. She said the recent murder of Tom DiLorenzo was heartbreaking and she sent her condolences to his family. Ms. Walter continued to say that

police escalation in Charleston was out of control. A few months ago, the Charleston Police Department participated in mass police violence against people at protests held in Marion Square. Later on, the department shot into the crowd of protesters using tear gas, shooting less than lethal weapons, and arrested large numbers of protesters. Many citizens reached out to Chief Reynolds, Sheriff Al Cannon, and SLED to issue public apologies and they have yet to do so. The Latina and Hispanic community did not feel safe because Sheriff Al Cannon continued the 287 (g) agreement with ICE officers. The increase in police patrols were announced in only English and excluded translation for the Hispanic community.

3. Amy McLeod spoke on behalf of herself and the Charleston Coalition for Wireless Safety Standards organization. The organization spoke with several lawyers across the country. Congress preserved power for local government to regulate the placement of wireless facilities found in 47 U.S Code, Section 332 (c) (7a). Elected officials in communities where telecom companies installed the infrastructure, were responsible for protecting their constituents' health and the environment. The FCC's December 4, 2019 order was challenged in Federal Court. The DC Circuit Court of Appeals 20-10-25 was consolidated with 20-11-38. The Environmental Health Trust, the Natural Resources Defense Council, challenged the order as arbitrary standards and had not been updated in 24 years. It did not take into account anything other than thermal heating. Ms. McLeod assured there would be changes made nationwide that municipalities could do to limit radiation that would be exposed.
4. Dr. Merrie Koester said she carried forward her father's, Dr. Louie Koester's, longtime legacy throughout the City. She was a science literacy specialist, a teacher and served on the Sustainability and Literacy Institute at the College of Charleston. Dr. Koester said her works took place in Title One schools, serving the poorest youth who lived in flood-prone neighborhoods and at greatest risk caused by hurricanes. She worked to educate those communities on hurricanes and what to do. In support, she gave a shout out to Mayor Tecklenburg, Shannon Scaff, Mark Wilbert, Mindy Stern, Daniel Flessas, Juan Morales, Councilwoman Jackson, and others who stepped up to help her build the curriculum. Her work was centered in Gadsden Creek and its importance, while mitigating stormwater surge and binding pollutants. Working with the environmentalists and waterkeepers helped her develop a relationship to care for the children and care for the Creek.
5. Petar Lemajic, Peninsula resident and Vice President of Wagener Terrace Neighborhood Association, said he polled 40 other residents in his neighborhood. On July 21st, Chief Reynolds and Sherriff Al Cannon posted a memo regarding patrol interactions and traffic checkpoints. Traffic checkpoints and the use of special weapons were heavy handed policing and would result in more violence. Traffic checks would give police more power to stop people without probable cause and harm those who fit the description. The use of special weapons and tactics were concerning and questioned Chief Reynolds and Sherriff Cannon to present the data that supported the police plan and if there was federal funding to implement the plan.

6. Jason Crowley, Director of Communities in Transportation for the Coastal Conservation Leagues, said the City tested contaminants from the Creek. In the 1940s, the City dumped household waste, medical debris, and other debris in the Creek until forced by EPA to not do so in the 1970s. Forty years later, the dump deposited into what was known today as Gadsden Creek. During high tide and coastal flooding, the contaminated waters flooded and eroded the land, even into the homes in the nearby community. He and the League were eager to hear the results of the recent contamination test done in the Creek. They were open to solutions on how to clean and manage the area as well and would like for the City to address residents of the area with a plan for pollution and flooding.
7. Everton Jacobs said he was against the increase in police patrols for the downtown area, as it would lead to more violence and deaths. Mr. Jacobs said when he lived in Ardmore of West Ashley, during a murder a few years ago, the City turned the neighborhood into an open prison with police being violent and checkpoints. This would be a repeat of the same actions and resembled a steroid version of stop and frisk. It would be the wrong thing to do, as the police would come off as armed and militarized. It would not make the citizens safe.
8. Jason Jones, West Ashley and a representative for Stand as One activist Group, encouraged City Council and the Mayor to watch the full press release in its entirety about changes needed in the City. Mr. Jones said the City should focus on proper policing rather than over policing. Taxpayers paid too much money for the City to over police and aggravate the streets by bringing in SWAT and SLED. Funds should be allocated to fix the issues found in the Racial Bias Audit to better the community. Mr. Jones encouraged City Council to revisit the current permitting policies and guidelines and put a stop to those groups who were issued permits, and held a background of violence and arrests.
9. Zachary Swanson said he opposed the expansion of police presence in Charleston. He said black and poor people were still being arrested for simple possession of marijuana and other drugs. The research proved that black and white people used marijuana at the same rate. Black people were 4.2 times more likely to be arrested for possession in Charleston County. He exclaimed it needed to stop. Marijuana and LSD had less harmful effects than alcohol and nicotine. The War on Drugs was a failure and was created to discriminate poor people and those of color. The Racial Bias Audit done by the police department showed that black people were twice more likely to be on the other end of an officer's use of force than white people. Having more police on the street would increase the likelihood of another white cop murdering innocent people of color and the poor.
10. Andrew Wunderley, Charleston Waterkeeper, said they were looking forward to hearing the water quality report that was taken from Gadsden Creek. He said landfills and water did not mix and was the perfect recipe for pollution. Studies had shown signs of contamination from the landfill and surface water sediment and soil. He said there was a history of injustice around the issue. The City should find a way to seal off the pollutants to protect the health of the

community and the Ashley River. This was a unique situation where letting nature take its course was not the best option. Action needed to be taken to protect the health of the Ashley River and the surrounding community.

11. Emma Collins, Hydrologist at Robinson Design Engineer, said she was concerned about the WestEdge development and their attempt to cap the historic unmined landfill and replace Gadsden Creek, along with surrounding wetlands with pavement. The water quality report submitted by the developer tested only the surface water within the Creek. Groundwater was not tested, but other results came back positive for contamination. Development could not move forward until groundwater quality had been tested clear of contamination, or the Charleston community risked public health and safety. Unmined contaminants migrated through soil underground that would put the Ashley River at great risk of contamination, further threaten the ecosystem, and would create financial hardship for the City in the future. Wetlands and saltwater provided huge benefits and would be threatened by pollutants like a cancer that ate at its host.
12. Nolan Williams, Hydrologist at Mogul Water Resources, an environmental engineer consultant, said he opposed the filling of Gadsden Creek and the surrounding wetlands. The water quality and flooding along the Creek into surrounding neighborhoods was a pressing issue that must be addressed. The approach proposed concerned him. The Creek needed to be enclosed with a number of pipes, and as a scientist, the approach was not consistent with current practices for mitigating flooding or water quality issues. Scientific research and peer reviewed academic literature on the topic overwhelmingly supported the preservation, as it would be the most effective for combating the long-term issues. He supported the health to protect the Gadsden Creek, surrounding wetlands, and the nearby communities.
13. Annie Doran spoke out to express her opposition to the police department's present expansion in the communities, as it would become militarized. An increase in the number of police officers would not equal a reduction of crime. The City must address why there was crime committed and should put in place youth programs, quality education, access to food, drug and alcohol rehabilitation, and health care. Charleston failed to address the sources of mistrust of the police among minority communities. Ms. Doran ended with her condolences to Tom DiLorenzo and the family.
14. Marcus McDonald, Matter Chapter of Charleston, spoke his wishes to block the WestEdge proposal and protect Gadsden Creek and the surrounding community and encouraged it not to be filled. Several communities asked for a reduction of police presence because the militarization method discouraged citizens. He spoke with Chief Reynolds and expressed to him his opposition. Chief Reynolds showed a lack of accountability when mentioning SWAT and SLED officers would be joined on the same channel in case of incident. Mr. McDonald said it wasn't enough accountability.
15. Emily Hansbager spoke to oppose the expansion of police officer presence in Charleston. She did not believe citizens wanted this. There were already

protests and activists who fought against police brutality. Citizens wanted less police and more community resources to fix existing issues within the community. Ms. Hansbarger referenced Councilman Shealy's speech on June 23rd's Council meeting about the removal and relocation of the John C. Calhoun statue. His vote was for the people from the cleanup crew on Sunday, May 31st, the black community leaders, and the families of the Emmanuel Nine shooting because they wanted peace in Charleston. He mentioned the statue was a wedge that split the City apart. The same would happen with more police presence in Charleston. The increase would further criminalize the African American community who were already disproportionately targeted. It would lead to distrust of the police in those communities. Deploying SWAT, and SLED was an escalation of force, and the neighborhoods would become warzones. Ms. Hansberger said to Councilmember Shealy, if he was with the people, he would be against the expansion of the police and reinvest in community resources and the people. She challenged the other Councilmembers to work with the City against, targeting those who were already disproportionately against and protect the Charleston community from SWAT and police expansion.

16. Tom Bradford, Chairman of the Board of Friends of the Lowcountry Low Line, reported the relationship between his organization and the City continued to grow strong. Mr. Bradford said they had made progress toward relieving the neighborhoods with the world class mobility corridor, and doing so. The process was inclusive and equitable. To reinforce this, Mr. Bradford said they were working on a Low Line history project. The project would include the African American population as it was the richest history of the Upper Peninsula. The neighbors of the Low Line would be able to tell their stories and achievements and would make good use of their stipend to pursue the project, further community outreach, planning, and construction. Mr. Bradford gave a shout out to Allen Davis of the Civic Design Center who had put in work of this project.
17. George Palmer, Westside Association Neighborhood President, spoke to support the current proposal of the Gadsden Creek by the WestEdge developers to fill in the Creek and help fix the flooding issue. Mr. Palmer said a letter was sent to DHEC in support coming from the Association. Individually, Mr. Palmer said as a native Charlestonian, Cainhoy was named after his great grandfather, and he did not appreciate his story being used to stop a current problem where the public came together to solve a problem. He said as a parent was alarming, knowing that contaminated water flows into the park that his children used to play soccer in. The problem needed to be fixed, and the people who lived in the Westside and Gadsden Green safety needed to be focused on.
18. John McCollum, Westside Association Neighborhood Vice President, spoke on the polluted mess at Gadsden Creek. It was important to be concerned about the future of Gadsden Creek. Gadsden Creek had been a topic discussed by The Westside Neighborhood for years. The citizens impacted had been involved. The solution for the pollutant flood into the neighborhoods was what was presented by West Edge. The current condition of the Creek should not

be continued. The estimated cost to restore the Creek to its original condition would be \$10 - \$12 million. However, that was not reality, and did not reflect the desire of those immediately impacted by the project. To return it to the marshland it was once before would require digging out an old garbage dump, cleaning the pollution, and complete restoration of endless cubic yards of material. The City would be responsible for these costs.

19. Arthur Lawrence said he was a long time longtime resident of Fishburne Street, just a half block from Gadsden Creek. Mr. Lawrence said he was raised in this area and watched the City create the landfill dump years ago. The quality of water was not more important than the quality of life for the surrounding communities on President Street, Ashton Street, Nunan Street, and Hagood Avenue. The storm water that entered the area from Ashley River traveled through Gadsden Creek and threatened the health. When there was an inch of rain or more, the area became flooded. For 73 years, he had lived and watched this fight, and now was the time for the City to make it right.

Mayor Tecklenburg said, "Was that everyone?"

The Clerk said, "Yes."

Mayor Tecklenburg said, "Well, thank you, everyone, online who participated, sent emails, messages, and spoke to us this evening. We appreciate your involvement and your comments to Council here tonight."

Mayor Tecklenburg said, "So, now moving along, we have our Petitions and Communications. We're going to have our appointment of Code Enforcement Officers for T&T and one for the Real Estate Division. May I entertain a motion to approve?"

Councilmember Shahid said, "So moved."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "Tyrone Lawrence, Thomas Tisdale, Stacia Townsend, and Peter Rascoe. Any discussion?"

No one asked to speak.

On motion of Councilmember Shahid, seconded by Councilmember Shealy, City Council voted unanimously to approve the following code enforcement appointments:

Department of Traffic and Transportation:

- Tyrone Lawrence – Director, Parking Enforcement
- Thomas Tisdale – Assistant Traffic Operations Manager
- Stacia Townsend – Manager, Parking Enforcement

Real Estate Division:

- Peter Rascoe – Parking Contract Manager

Mayor Tecklenburg said, "Next, is a Resolution to designate the City of Charleston as a

Bee City USA. I think this came from Parks and Recreation. I don't know if they have any comments to make on it. I do know my son, John Henry, is basically in charge of the gardening at my home. He is planting all of these particular pollinator attracting plants. You wouldn't believe the number of bees I have in my yard now. They haven't stung me yet. It seems like a very healthy thing. They help pollinate and spread our plant life. I guess that's what this is all about. So, can I entertain a motion?"

Councilmember Shahid said, "So moved."

Councilwoman Jackson said, "Second."

Mayor Tecklenburg said, "Any further discussion?"

No one asked to speak.

On motion of Councilmember Shahid, seconded by Councilwoman Jackson, City council voted unanimously to accept the Resolution designating the City of Charleston, South Carolina, as a Bee City USA.

Mayor Tecklenburg said, "We are now a Bee City. Our Keep Charleston Beautiful team will be working on this, as well, to promote the planting of those kinds of fauna that will attract pollinators, which is a good thing for the environment. Next, kind of together and related, is a presentation on Gadsden Creek Surface Water and leachates from Bob MacPhee from GEL. Then, we'll have a presentation from Michael Maher with the WestEdge Foundation. I will go ahead and call on Councilmember Shahid."

Councilmember Shahid said, "Thank you, Mr. Mayor. I just want to put on the record, I've had discussions with Legal Counsel, with you, and the Clerk's Office. I have to recuse myself from any discussion regarding that. You all may notice my wife, Mary Shahid, joining us tonight. We call her the 'real lawyer' in the Shahid family. She is representing and has an interest in the proposal, so I have a conflict of interest and need to recuse myself from any discussions on this. I will put myself on mute and remain muted. Thank you."

Councilmember Seekings said, "Probably the best trade we've made in years, right there."

There was laughter.

Mayor Tecklenburg said, "Thank you, sir. So, earlier this year, or maybe it was late last year, we had a request from WestEdge Foundation to do an update to Council about their permit application to provide drainage relief in the WestEdge area and to deal with the liability that we're about to hear from this evening that the City has, due to the fact this whole area, as has been noted numerous times this evening from our public input, was a dump. I was looking at the pictures even back to 1939. I have an aerial photo. This entire area, everything west of Hagood Avenue, Hagood Avenue wasn't even there in 1939, the whole area was marsh and creeks, and it was filled in over the decades by the City of Charleston as a refuse and garbage dump.

So, we got a report. Terracon was the Engineering Company that did the sampling and results. It was presented to the City earlier this year. Frankly, the results of that test were a bit alarming, given the high level of certain contaminants that were shown in the test results. Hence, in order to make sure that there wasn't some immediate public health hazard, and also just to

have an independent verification, it's always good to follow a result if it's elevated particularly, the City of Charleston independently hired GEL Engineering, LLC to do some analysis, both of surface water and of some of the leachate that's coming out of the landfill. That led us tonight to bring you a report now that those results are in from GEL. Then, we'll go to Mr. Maher and hear the presentation that, frankly, was requested some months ago. Without further ado, Bob MacPhee from GEL Engineering, you're up first."

Mr. MacPhee said, "Thank you, Mayor, and Councilmembers. Can everyone hear me okay?"

The Clerk said, "Yes."

Mayor Tecklenburg said, "You're good. Loud and clear. Yes, sir."

Mr. MacPhee said, "I'm Bob MacPhee with GEL Engineering. We were contacted by the City to evaluate the surface waters within Gadsden Creek. I thought I would start by telling you a little bit about Gadsden Creek. Much of it, I think you have already heard. I'll talk about a typical landfill, and discuss some of the results moving forward. As we have heard, Gadsden Creek has been rerouted many, many times over the years. Particularly in the 1970s, a portion of it was basically brought directly through the landfill itself. So, there are portions of the landfill that literally flow directly over the trash, and then you have banks where the cap has been eroded, and you have trash fluffing off into the banks of the Creek.

A typical landfill, what you do is you have a liner that collects any of your landfill leachate. You'll be hearing a lot about that in my talk. Landfill leachate is everything that percolates down through a landfill. That's the rainwaters, and in this place with Gadsden Creek in this instance, you have the tidal water flowing up into the waste. So, that then would also be causing some leachate. Typically, that's caught up in a liner that's brought to a collection point that is hauled off and treated. Then, when you're done filling in your landfill, you go ahead, and you build a cap, which is usually two to three feet of fill. It's graded to bring all of this water off of the landfill, so you're not creating any leachate, or you're minimizing the quantity of leachate.

Back in January, Terracon went out and collected two samples of what they considered to be the leachate. It's a seepage off of the banks of the exposed waste. They did it from areas where there was discoloration in the flow that was coming off of the bank. What they found were polynuclear aromatic hydrocarbons, which are bi-products of controlling compounds of PCBs and metals. The metals and PCBs exceeded EPA's screening levels. There's a number of screening levels these things can exceed. These are, when you exceed one of these levels, it's an action level. At that point, you really want to start addressing the issue and look at what needs to be done to mitigate the situation. This is where the City contracted GEL to go ahead and get involved and conduct an evaluation of the surface waters in the Creek, mainly under the concern that there is an imminent threat to public health, though I don't think there is a lot of people going down into the Creek, but we still went ahead and evaluated that. We prepared a sampling and analysis plan and collected seven surface water samples. I'll attempt to share my screen here. Can everyone see that?"

The Clerk said, "Yes."

Mr. MacPhee said, "We collected seven surface water samples. I would direct you to SW1 and SW2. Those are the locations of the original Terracon samples that were collected from the

leachate coming off of the bank. Our goal is to go ahead and take a look at the overall surface water quality of the Creek. We anticipated going into this that the concentrations that we would detect would be less than the Terracon results. We sampled them at a low tide to avoid the maximum amount of pollution that you would get at a high tide. We collected those seven surface water samples. Those results came back with no SVOCs, or those pH compounds the Terracon results found. We did not detect pesticides, and we did not detect PCBs. However, we did have multiple metals that were detected in each of the surface water samples that exceeded their respective screening levels. One of the things that we do when we evaluate any type of environmental media is we go ahead and take a look at the background. Yes, we have all of these various screening levels to look at. But what is the actual background? So, for background, we took a sample from the Ashley River itself, so we could compare those concentrations in the Ashley River to what we're finding in the Creek. What we found there is the surface quality in Gadsden Creek does not appear to be significantly degraded, and it's pretty similar to what you see in the Ashley River. That's not to say that it's not being degraded. It is being degraded because we know from the Terracon leachate samples that we are having some of the leachate getting into the Creek.

What we also like to do whenever you have results like this, we like to confirm the prior results. Terracon had their results. We wanted to go back to those locations and conduct the confirmation sampling of that to see how our sampling event and analytical results might compare. We did not find any PCBs in our leachate sample. We did have numerous metals that exceeded screening levels. We did detect four pesticides that were also exceeding screening levels. Some of the pesticides, what I think is good to note here is, were banned back in the 1970s which is really, I think, indicative of what's coming out of the landfill because there are certain compounds, particularly PAH compounds, even a lot of stormwater flowing through there, as well. I think that points to the fact that some of these things are leachate from the landfill. Multiple PAH compounds were also detected, relatively low concentrations, but some of them are exceeding some of the more conservative EPA screening levels.

We had a couple of volatile organic compounds detected. They were minor levels, which were below screening levels. I have some photos to share with you. These photos are, we like to take samples of our surface waters sampling locations. It also gives you a good indication. I can move through these really quickly. Here are just some typical views along Hagood Avenue. That's looking down toward the Ashley. Here are a couple of areas where you have, this is what we're discussing, this exposed cap that has been eroded. You have the landfill waste sloping off into the Creek. Again, here is the discolored water or seepage that we went ahead and sampled. Here is SW1, the trash associated with the Creek. Here are a couple of better views of the Creek. I just wanted to share that with you.

Our results, just to summarize, the surface waters within the Creek are quite similar to what's flowing in the Ashley River. The Ashley River has its own issues, obviously. The path forward is to make the correction. There is no way around that at this point. You're obligated by permit conditions to go ahead and address the cap issues that are clearly stated in your permit. So, the City of Charleston is going down that road. As has been stated earlier, this is a very complicated project. Much of this work would be performed in tidelands regulated by the Army Corps of Engineers and DHEC. There will be permits required and it will be a lengthy permitting process, upwards of 18-36 months, assuming that there's no opposition to the project.

Once you complete this project, you really haven't addressed any of your flooding, your stormwater issues, or any of those issues that are up there on Hagood Avenue. I tend to look at

this from a more holistic approach. If you can tie in the issues and concerns, with respect to the tidal flooding and stormwater issues in with this project, I think it would certainly be less expansive. It's a daunting project from a cost standpoint. I've also had the opportunity to review the Terracon documents from the WestEdge project, and there is certainly a comprehensive plan to address the issues with respect to Gadsden Creek, as well as addressing the drainage and the flooding issues. I think it's just a decision of how the City moves forward, to go it alone, or work with the WestEdge project to go ahead and address these issues."

Mayor Tecklenburg said, "Bob, I appreciate that presentation. I did also want to recognize Chaun Pflung, who is with us, and he is an Environmental Attorney. He represents the City, and has been following this story all along, but particularly since we hired GEL to do this test. Chaun, I'd ask if you have anything you'd like to add to Bob's remarks."

Mr. Pflung said, "I want to summarize that, at the end of the day, whether it's leachate or tide going in and out, there are contaminants continuously going into the water. At some point, that needs to be addressed. At the end of the day, that's a take home message. The City needs to act."

Mayor Tecklenburg said, "Thank you. Do any Councilmembers have any questions for either Bob or Chaun at this point before we move to Michael?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I really appreciate hearing from them directly. I think it was the right thing for the City to do, to have our own independent report done. I do know that there were several citizens who wrote in their own comments about that, so I hope that we can communicate that clearly, that this is an independent report. My question would probably be more for you, Mayor. I know we're going to hear from Mr. Maher next, but are you going to be sending us a 'what's next' action plan, the process of what you're expecting the Council to work through in order to make this sort of decision our engineers have laid out? Either go it alone or work with the WestEdge program as they're presenting it to us?"

Mayor Tecklenburg said, "I think that is certainly up for our discussion both tonight and at our next meeting. I think, given that we just got this report tonight, we'll share it with you, and Susan sent an executive summary along with some of the data to you this afternoon. We'll also be making it available to the public to be able to see. Then, basically, I guess you'd come down to the decision of supporting the WestEdge application as we've addressed both of those major issues; the flooding, and the liability of landfill or whether we 'build on it.'"

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "As all of you know, Gadsden Creek is in my district. Not only is it in my district, my family has lived on the Westside and has lived in the area since 1898. So, there is very little that anyone on this panel can tell me about the Westside and Gadsden Creek. What we are looking at now is not Gadsden Creek. Gadsden Creek was much, much, much more expansive than what is left. Actually, boats could go out to the Ashley River at some point through Gadsden Creek. What we're talking about in terms of calling it Gadsden Creek, it really isn't. It's the remnants of the Creek. In addition, Mayor, for those on the panel that don't know, that at one point that landfill really started at President Street. Then, we built Burke school on Potters Field. That dump burned, Mayor, as you know. Speaking of environmental justice, that

dump burned, and that landfill burned 24/7. So, in terms of a neighborhood that has struggled with environmental justice for a very, very, long time, to me, I'm getting a little tired of kicking this can down the road. At some point, I think we need to make a decision. Yes, I'm on the board, but I'm not talking as a board member right now. I'm talking as a Councilman and also talking as a long, long resident of the Westside of the City. We can go through presentation after presentation but, to me, public health and safety is our City's number one priority. The people on the Westside have suffered for years with the pollutants and the environmental justice issues back there. We've got to move on this, Mayor, and move on this as quickly as possible instead of just kicking the can down the road and continuing to let the pollutants affect the children of CDA because it goes right in front of CDA when there's a high tide, as well as the Gadsden Green community. I just had to put that on the table because it just seems to me that we have been pushing this thing down the road for a long time now, and I think it's decision time, so that we can move forward and eradicate, not address, the environmental hazards that exist now, that have existed there all of my life. I just had to put that on the table for the record."

Mayor Tecklenburg said, "Thank you, Councilmember Gregorie. I appreciate that message. That's exactly why we're bringing this information to Council tonight. I know we had planned to do this earlier in the year. Like I said, before Bob's remarks, when we saw those test results from Terracon, we felt like we needed to get an independent engineering lab to take a look, not just at the material coming out of the landfill, but also of the water quality in the Creek. The bad news is that the leachate results from Terracon, and verified by General Engineering Labs, show that contaminants truly exist from the landfill and definitely, as Mr. Pflung mentioned, need to be addressed sooner rather than later. That's clear. I guess, if there's some good news, the water surface sampling indicates that it's similar to the Ashley River. So, the immediate threat to health is not like an imminent danger or something along those lines, but it's time to deal with it. That's why we're here tonight. That's why we're bringing this information to Council, so that we'll be able to move forward. So, without further ado, Michael Maher, would you give us your presentation about what is being proposed?"

Michael Maher said, "Thank you, Mayor. I'm assuming you can hear me okay?"

The Clerk said, "We can."

Mr. Maher said, "Okay. Mayor Tecklenburg, Councilmembers, and everybody out there in Zoomland, we're pleased to be here tonight, as Mayor Tecklenburg mentioned. We've been eager to give you an update on WestEdge but, obviously, the most poignant issue right now is to talk about our permit application. So, I think we'll focus this update on that issue and our efforts moving into Phase II of WestEdge. Nevertheless, this update is also, for us, an opportunity to tell you how excited we are and proud of the progress that we have made at WestEdge. I'm going to share my screen at the same time and hope that it comes up for you. I'm assuming that you can see my screen now which is an image of WestEdge."

The Clerk said, "Yes."

Mr. Maher said, "So, as I mentioned, we're very excited about the progress that we have made, especially the recent completion really of Phase I of the WestEdge project and the opening, in particular, of 22 WestEdge, the keynote project in the WestEdge District today. As you may know, this new office research lab building provides a cutting edge space for the growth of our life sciences economic cluster in Charleston and the Charleston region. In addition to housing the City's flagship, we also have our first star tenant, if you will, which is Vikor Scientific which, if you

don't know, is one of the leading companies in South Carolina's efforts to respond to the COVID-19 pandemic. They're in the 8th Floor of 22 WestEdge and have actually been growing onto other floors as their activity has continued to ramp up during the pandemic. So, the vision we've all had as to what WestEdge could become is coming to fruition already within the first phase. We still have much work to do, and as we move into Phase II of WestEdge, to begin looking at, in addition to some of the other infrastructure challenges that we have with our site.

The most challenging aspect of the WestEdge site is its history, as everybody has alluded to, as a municipal waste landfill. Of course, this wouldn't be allowed today, particularly in the configuration that it's in, but it is a regrettable fact that in the 1950s this unlined landfill obliterated the saltmarsh. As a part of the closure of the landfill in 1973, the landfill was capped, and several watercourses that originally existed in the marsh area were combined into a perimeter drainage channel that originally went around the landfill and then, ultimately, was shifted and moved so that it now flows through much of the landfill. It outfalls where Gadsden Creek originally connected the Ashley River. In the past 40 years, the site has gradually settled, the landfill cap has eroded away within the water channel, in particular due to effects of tidal ebb and flow and stormwater outflows, and many of the challenges the landfill has below the surface have now come to be exposed at the surface.

WestEdge has been working with a team of experts for over ten years to identify the issues that underlie the site to craft the most responsible, economically viable, and environmentally responsible approach to implement long-term solutions to resolve the challenges of the site that have impacted the Westside, as Councilmember Gregorie has mentioned, for decades. These efforts have included outreach to the Westside neighborhood, Gadsden Green, and the surrounding community, advocacy groups, the regulatory authorities of the United States Army Corps of Engineers, the South Carolina DHEC, and the City. The process includes multiple submittals of detailed analysis, engineering, and drainage reports, a multi-step process that has been going on since 2012. We have also had two separate public comment periods and two public hearings during this process. Throughout the process, in collaboration with our many stakeholders, we have refined the permit application. We have adapted and changed the permit application, and the design of the project in response to a lot of input from the stakeholders that work with us and exist around us. We're now at the point of meeting a clear message of the City's support and collaboration in this effort to the U.S. Army Corps of Engineers and to South Carolina DHEC, and the Ocean Coastal Resources Management office of DHEC.

An important component of WestEdge's holistic approach is a drainage improvement plan necessary because of the tidal flooding situation and the risk of exposure to landfill contaminants that create negative impacts in the health, safety, and welfare of the public with disproportionately high, adverse, effects at risk on the adjacent minority and low income populations, particularly of Gadsden Green and the Westside. On the slide, what you see is essentially four challenges that we summarize within this slide. The increasing magnitude of tidal flooding exacerbated by the land subsidence, the settling of the landfill, and sea level rise combined, plus the overwhelming risk of storm surge. This challenge is, we think, documented very well in some of the application materials that we have. We identified that, for example, the Hagood and Fishburne intersection in 2019 flooded over 166 days and the Line and Hagood intersection over 143 days where water flowed over the street. We've also estimated that these intersections had one foot or more over the crown of the road on 23 days in 2019. This frequency and magnitude of flooding, tidal flooding, is only going to get worse as sea level continues to rise. This tidal flooding would be eliminated when the proposed new system on this permit application is implemented. Some have argued that the wetlands help to solve stormwater problems. When the low lying areas of these wetlands

are filled with tidewaters, there is no capacity for the stormwater, and that is one of the issues that we have in this location along Hagood is the stormwater capacity is very often taken up by tidewaters. So, in heavier rain events, especially on an incoming tide, there is no place for water to go but into the community. Again, that water is being exposed to those contaminants that were described by Bob MacPhee earlier.

We have strategies to deal with the stormwater, and I'll go into detail with that in a little bit. The flooding that covers Hagood also impedes access to the community, access to schools like the Charleston Development Academy, businesses, and to homes, but it also creates an impediment to emergency access both in and out of a community in a hurricane event, but also on a daily basis when there might be an emergency in Gadsden Green or the areas that are impacted by this flooding. Then, of course, as we've mentioned, the landfill contaminants threaten the community because of the landfill cap erosion, because of the exposure of those, and because of the intermingling of tidewaters and stormwater with those contaminants.

In addition, the discussions about environmental justice have also been alluded to. The environmental conditions of the site, as have already been outlined for you by Bob MacPhee, represent a very significant risk to the community. In addition to collecting the data that we have collected over the history of the site, and doing testing that we've done during our process and other testing that's been performed on the site, we have tested surface waters, soil, as well as the sampling. The contamination is real, and that's been affirmed by the City's independent engineer. The contamination is significant. Some particularly notable levels of contamination, and Bob talked about those toxic pollutants as metals and PCVs, and we're talking about metals like arsenic, lead, and mercury. These are not benign situations, and these are not things that we would typically find in the background of our recreational or surface waters, nor would we want to find them.

In addition, we've also done water sampling that identified high levels of E.coli and enterococcus bacterias that, again, are being exposed to the community whenever we have a high tide or a heavy rain or a combination thereof. The Post and Courier did its own studies several years ago that also affirmed much higher levels during the heavy storm events of those bacterial levels. Permanent capping of the landfill would protect the public's exposure from these toxic pollutants in perpetuity. When we remove them from conveyance, then tidal stormwater flows into the community and out to the Ashley River. While these issues impact the whole community, they also create environmental justice concerns as these impacts may have disproportionately high adverse effects on established minority and long-term populations adjacent to the site. The Federal Executive Order 12898 requires that those considerations are particularly poignant when we're talking about vulnerable populations. WestEdge is focused on working to remove these negative impacts on the health, safety, and welfare of the public, particularly in this community.

I want to talk, in particular, about some of the stormwater improvements. I think very often, as has occurred during the Public Comment Period, people say, 'I'm opposed to filling the creek.' This is not a project to fill the creek. This is a project to solve significant problems of flooding, contamination, that are caused in part by the creek itself. So, the effort is a detailed and holistic approach which includes a very significant investment in stormwater drainage. This is a strategy that has been developed by our engineering team with collaboration with the City's Stormwater Department and others. The proposed stormwater system will restrict the tidal inflow and subdivide the drainage basin into more manageable areas directing stormwater more efficiently to the Deep Tunnel System or to the closest outfall. If you can see my cursor, I'll describe this

very quickly in this diagram. This is the WestEdge area. This would be the Gadsden Green and Harmon Field areas. So, the strategy takes what, right now, is a singular watercourse that runs through the site out to the Ashley River, but then also has tidal flow that flows back up into the community and would divide that up into three new systems that divide the drainage basins into smaller components and then directly deal with the drainage in each of those basins.

The first of those is to take lands of Gadsden Green and the Ashton Street area and Allway Street area, and with the overall holistic approach by cutting off the tidal influence to this area, we then would be able to connect this drainage basin to the City's Spring/Fishburne Deep Tunnel System. Right now, it cannot be connected because of the tidal influence. If you let the tide fill up the Spring/Fishburne Deep Tunnel, there won't be any capacity for any more stormwater. Once we cut off the tidal influence to Gadsden Creek, we are able to make that connection and would do so with a new stormwater pipe that would go underneath Hagood Avenue and connect up the existing stormwater system in this area and connect it to that deep tunnel.

The second component would be the creation, if you will, of a new stormwater basin that would not be tidally influenced, would not be filled with tidewater, and would not cause tidal flooding. It would actually be connected to the north to the basin that exists north of The Joe and adjacent to The Citadel. This connection will go through an existing outfall and goes between Stoney Field and the National Guard Armory. As a part of this new system, that connection from the lowest lying area of the site, this stormwater basin along Fishburne, and out to that outfall would also include a tide gate at Fishburne. So, the tide would not be allowed to flow back into this low lying area and create tidal flooding for Gadsden Green and Harmon Field and Hagood.

The third component of the system would be the actual stormwater drainage within WestEdge, some of which we have already put in place as a part of Phase I, and other pieces of which would go in as the project develops in these next phases. Those would be connected to the existing outfall at Gadsden Creek. Because the new parts of WestEdge are engineered with large capacity pipes and greater elevation changes, and the raising of the streets and the draining of surfaces that are actually the roofs of buildings, we don't need to have a tide gate at the large culvert at Lockwood Boulevard because we would be preventing the tidal water from actually coming through WestEdge and into the community. We would essentially be cutting it off from doing so. That would be the strategy that, as you can tell, is a far more inclusive and integrated system than simply 'filling the creek'. It's essentially creating a whole new system to deal with both stormwater and tidal influence and in the process segregating for, in perpetuity, the landfill contaminants that occur underneath the site.

We did some analysis of the costs and the funding challenges of this project. We provided those in this table, which I won't go through in detail, but the first column is essentially an economic model of the costs and the revenues that are created within WestEdge to create new TIF revenues in order to fund these important and expensive public infrastructure and investments. The overall model includes what we've already spent and will spend in this permitting process of close to over \$400,000, ultimately, in engineering, design, and planning work to actually execute this permit. All of that combined together with the, as I mentioned, this sort of very detailed funding model that we've developed creates a project that, we think, is economically viable, as well as environmentally responsible and implementable in a phased approach. The other options, as were alluded to by Bob MacPhee, are for this not to be a WestEdge problem, but for it to be a City problem. In that case, either the City would have to take on repairing the cap or a full-fledged restoration. We tried to map out what those costs might be. We did not fully estimate them as we did with the costs of our proposed system, but we did extrapolate from the costs that we've

identified to come up with what we thought were generally the costs you would expect. What's also important is also the opportunity costs, the lost TIF revenues, the lost land values that would also become part of that balance. That's where you see the very drastic difference between a project we think is economically viable and two approaches which do not, if you will, 'pencil out' as economically viable for the City to be able to execute.

An important component that I mentioned is that Hagood Basin. This is a part of a project that has come quite significantly through the collaboration with some of the advocacy groups and the neighborhood groups that we have been working with, and that would be the establishment along Hagood of a new stormwater basin. We would be over-excavating the existing low lying area, re-capping and re-lining that area, and creating a new stormwater basin that would be freshwater and that would be tidally protected, so that the capacity for stormwater would not be compromised by tidal waters. That would then convey along Fishburne and out the outfall between Stoney Field and the National Guard Armory. This would be a kind of teaching environment of showing, as an extension of both the public realm on Hagood, but also Harmon Field and the tool for the adjacent Burke High School and Charleston Development Academy for students to really understand, in this amenitized environment, how freshwater goes to the sea and how the processes of filtering in wetlands from freshwater into saltwater out from marsh areas and then into the Ashley River and then into the Atlantic Ocean, how that whole system works.

So, we think this would also bring great new public realm benefits and a much more, as I mentioned, amenitized and aesthetically pleasing environment than the current situation along Hagood Avenue. It would also include, in time, the ability to re-envision how Hagood Avenue is configured with sidewalks, safe bike paths, as well as maybe a road diet, so that it would not be a sea of asphalt but, in fact, a new piece of public realm that, ultimately, we would hope to connect across Septima Clark Parkway to the Medical District with the Hagood Crossing that we are currently working on with the City and with the Medical University and others to try to implement with the collaboration of the South Carolina DOT. In addition to these on-site improvements, we have also been working with the Open Space Institute on a 20-acre saltwater wetland mitigation project upstream within the Ashley River Basin which would increase wildlife habitat, would increase recreational opportunities but, most importantly, improve water quality in the Ashley River in its headwaters as it comes down through the site. We have already heard from Bob MacPhee that the waters of the Ashley River, as they pass by Brittlebank Park, are already compromised, and the more that we can to help clean further upstream also improves the water quality and the quality of life along Brittlebank Park for recreation and other uses.

Finally, I'd also like to address how what we're proposing is in alignment with the Dutch Dialogues. The Dutch Dialogues assumed, as a part of their project on the downtown Peninsula, a Perimeter Protection System which also included the creation of surface storage areas called polders. In the overall Peninsular map on the westside of the Peninsula, they identified the area north of Joe Riley Stadium, alongside The Citadel, as one of those significant holding basins polders to be part of an integrated system into the long-term future in coordination with the Perimeter Protection System. These two slides, if you will, overlay the Westedge current proposal with the Dutch Dialogues in the same area. You can see that what we're proposing is, essentially, putting in place what the Dutch Dialogues team recommended as a long-term solution to a combination of a Perimeter Protection System with sea level rise and the need to store stormwater behind that Perimeter Protection System. The link that we would create from the lowest lying area of the site at Fishburne and Hagood out to that would be, essentially, putting in place that first part of the Dutch Dialogues. That is also in keeping with the current proposals of the Corps of Engineers and its Coastal Flood Risk Management Study.

In summary, and I'm going to go through the text on this slide, what I will say is this whole presentation will be on our website under the News and Events. Also, all of our documents that have been submitted to DHEC, all of our permanent materials and our testing information is also available on our website. This demonstrates for us, we think, that the permit application details commitments for specific investments that will result in significant community benefits beyond the specific community benefits of the permit application. The WestEdge Development, also as a whole, is bringing long-term benefits to the City, to the community, and those that surround WestEdge. All of these commitments are consistent with WestEdge's mission to advance economic development and to improve the quality of life in the surrounding neighborhoods. They represent community investments on behalf of the WestEdge Foundation and all of our partners as over \$20 million investments in public infrastructure and TIF revenues that were created because of the success and will be created through the success of the development WestEdge to the benefit of the Westside, the Gadsden Green communities, and to the City as a whole.

It's important to note that WestEdge is developing with no displacement of any existing residents, and it will continue to be that way. WestEdge is contributing significantly to the City's affordable housing programs. Already, we have contributed through the projects that have occurred in WestEdge almost \$3 million that the City has to deploy for affordable housing and, at full build-out of the project, potentially over \$7 million and/or more workforce housing within WestEdge. The Publix Super Market is another important public benefit because the Westside has long been a food desert. For especially vulnerable communities that don't have the ability to access healthy and economical food options, a super market becomes a really, really important community resource. All of this together, we think, demonstrates a huge community benefit that will come out of all of this work, and we believe is fully in keeping with the ethic that we've tried to develop with WestEdge and on behalf of the City and the Medical University and its Foundation. With that, I'll be happy to answer any questions."

Mayor Tecklenburg said, "Alright. Thank you, Michael, for that presentation. Are there any questions or comments? Councilmember questions first, if you will."

No one asked to speak.

Mayor Tecklenburg said, "All quiet. Are there any comments?"

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmember Waring.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I really appreciate the sense of your report tonight, Mr. Maher, on behalf of the Foundation. We've all heard as clearly as they can communicate it and they've done a wonderful job the advocates who are speaking out on the future life of the environment on the Westside. So, I do appreciate that we have a plan that is much more holistic on its face than I think some of the earlier grounds that I'm familiar with, just from knowing about them, but not being part of that process at all. I think that we have a basis for bringing the Westside residents into a more holistic, community process. I'm really looking forward to the leadership of our Councilmembers from that area. It's serendipitous that both Councilmember Sakran and Councilmember Gregorie are the new co-Chairs of the Commission for Equity, Inclusion, and Racial Conciliation, and I don't take that as a coincidence. So, I do feel like that is an amazing opportunity for our Commission to sort of put its actions to where our words are hoping to take us in all of those goals. I think this is just an amazing opportunity, but I do feel

like, as Councilmember Gregorie said so eloquently from his own life experience, it's really time for us to step up and be the elected representatives that we are and make decisions that we know are difficult and being advised to us on all directions. So, I'm ready to make the decision, whenever you call us to that question, Mayor. I do feel like this is going to be an adventure that we can only begin for Westside, but we need to make sure that it starts out as, like I said, holistically as possible to create the kind of community and the benefits that these residents and the people who have a future here really deserve from the City and all of the stakeholders. So, thank you very much. I really appreciate knowing all about the drainage, and I hope that we can get it done."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you. Out of deference, I think I should sit back and listen to Councilmember Sakran first. It is his area and Councilmember Gregorie's area, before I speak. Councilmember Sakran, do you have a few words? I'd like to hear from you, if you choose to speak."

Councilmember Sakran said, "Thank you, Councilmember Waring. I was going to defer my time to Councilmember Gregorie. This is squarely in his neighborhood, but certainly my district butts up against it. I do have some thoughts, and I'll share them. I agree, wholeheartedly, with Councilwoman Jackson in regards to a holistic approach to this. I've already spoken with Councilmember Gregorie, and looking at this through the lens of our Special Commission, particularly in our realm of environmental justice and taking a comprehensive overview and a holistic approach to making sure that we just not only address the creek itself, but certainly address the entire neighborhood. That's something that I'm particularly interested in. I can't speak for Councilmember Gregorie, but I do think it's time to make a decision. I will be ready to make the vote. I just want to thank Michael from WestEdge, and I also want to thank Robert MacPhee from GEL for your information. It certainly helps me, from a rational and data standpoint, figure out what's best. But, I will defer the rest of my time, or defer to Councilmember Gregorie, because I'm sure he wants to chime in. I think we have an opportunity here to make a decision as a Council and really bring this and intertwine this with the work we're doing on the Special Commission. Those are my comments."

Mayor Tecklenburg said, "Terrific."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, Mr. Mayor. In terms of a community that is well-informed on this issue, the Westside and even Gadsden Green is very informed. We started talking about this in 2009. I became a Councilmember representing the Westside. There was nothing that would happen with regard to the Horizon, because that's what it was at that time, without them knowing. We had lengthy discussions about the effects of the development on property values. We had discussions with regard to the type of job creations that will occur as a result of the WestEdge. We had discussions about having a new knowledge-based economy in our backyards, giving our children the opportunity to compete for those jobs. We talked about WestEdge in terms of The Citadel, Burke High School, the Medical University, the College of Charleston as institutions of learning. We're talking about high tech, bio research, knowledge based industry, right in our backyard. So, the Westside has been waiting for this for years. Now

that it's coming to fruition, it looks as though we're getting obstacles in our way of completing something that we've been working on for years. The WestEdge Foundation is at every neighborhood meeting over these years to keep the neighborhood informed of what's going on. That's why there is overwhelming support from the Westside Neighborhood for WestEdge. I wish it was on the agenda tonight, so we can vote for this thing and get it out of the way and to make sure that the people on the Westside clearly understand that we're in full support of their interest. Their interest is, number one, public health and safety. We have stomached this issue of environmental injustice for years. I do think that if we do anything other than what we're supposed to do, at least in my opinion is to support this permit so that we can move forward, time is money and the support of the City is very, very important with regard to our application. So, I'm just a little frustrated because I thought that we were a bit further along than what I'm getting. I'm ready to get this thing rolling and give the kind of support that I think our City should give and give them the community benefits. The community benefits are pretty high here."

Mayor Tecklenburg recognized Councilmember Sakran followed by Councilmember Waring.

Councilmember Sakran said, "Thank you, Mayor. Just one thing I would be remiss if I didn't mention, is we've heard from Mr. Palmer, Mr. McCollum, Arthur Lawrence, all living in the neighborhood. My job is to represent my constituents, and if I was to do anything otherwise, it would be against my job and the oath I took. So, what I hear from my constituents loud and clear, they actually live in that community and hear from Councilmember Gregorie and other folks at the Westside meeting about where they stand, it makes my decision much easier. So, I just wanted to say I support it, I'm calling the vote, and I just want to say thanks to Mr. Palmer, Mr. McCollum, and Mr. Lawrence for their comments tonight. Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Mayor Tecklenburg said, "Councilmember Waring, I wasn't being rude, but you had mentioned you wanted to hear from Councilmembers Sakran and Gregorie first."

Councilmember Waring said, "No, you were right. I completely understand. No, I'm not slighted at all, Mr. Mayor. Number one, thank you to all of Council and to you, Mr. Mayor, for getting this independent opinion because many people, if you read their e-mails, the assumption was that the City hadn't done that. So, Mr. MacPhee, the work you gave, I salute you. To Legal, what does it take for us to add this to the agenda tonight? We've had a number of public hearings on this. There is no need to kick this can down the road anymore. The information is clear. We need to put a motion on the floor tonight. Listen, environmental discrimination has been rampant in this country for decades. Why do you think they put the dump there? Do you know where the incinerator was for the County of Charleston? Smack dab in the middle of an African American community. We have a chance to do a clean-up. When they had the explosion, Mr. Mayor, what was the factory up in your district, Councilmember Mitchell, that killed a couple of people in the plant?"

Councilmember Mitchell said, "Albright and Wilson."

Councilmember Waring said, "Albright and Wilson. It shattered window panes in West Ashley. That's how huge the explosion was. Again, right up in the Rosemont community, we have those things all over, and we have a chance tonight to move this one forward with accurate information that was independent. To say that the public hadn't had a say on this, Councilmember

Gregorie, is spot on. This has been going on for years. I mean, the debate has been going on for years about capping this very landfill. So, from a legal standpoint, what do we need to do to add this to the agenda tonight?"

Councilmember Mitchell said, "Two-thirds vote."

Mayor Tecklenburg said, "Susan is probably out there. Normally, it would be a two-thirds vote. Susan."

Susan Herdina said, "Yes, sir. So, basically, two things. One, you would need a two-thirds vote on the matter, and you also, because it's a final action, would need to make a determination that there are exigent circumstances, and so there is a greater level required if you're going to go ahead and take final action tonight."

Councilmember Waring said, "Well, the pollution is flowing as we speak. We know that. When I look at Councilmember Gregorie and his representation on WestEdge, I look at him as the City representation, the eyes and ears of the City representation on that board. Any time any of us, as Council people, are represented on different boards or commissions, I listen clearly when you all come back with a report because you have been to those allied agency meetings. I haven't. I think it would be in keeping for Councilmember Gregorie to make the motion. I'll be happy to make the motion. I'll be happy to second the motion to put this on the agenda tonight to move forward and pollution that we now know of that's independent--"

Councilmember Gregorie said, "Yes."

Councilmember Waring said, "Is there a motion?"

Councilmember Gregorie said, "I so move that we put this on the agenda to support the WestEdge permit."

Councilmember Waring said, "I second that motion."

Mayor Tecklenburg said, "We have a motion and a second to add this to the agenda to support the WestEdge Permit Application. This is just to add it to the agenda, not on the matter."

Councilmember Gregorie said, "Yes."

On a motion of Councilmember Gregorie, seconded by Councilmember Waring, City Council voted to add to the agenda consideration of a letter from the City of Charleston supporting the WestEdge Permit Application to DHEC and the Army Corps of Engineers.

The vote was not unanimous. Councilmember Shahid recused from voting on the matter and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council.

Mayor Tecklenburg said, "It's on the agenda. Now to take up the motion, is there any discussion from Council before we take a vote to approve?"

Councilmember Mitchell said, "Move for approval."

Councilmember Gregorie said, "Second."

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

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I just want to be clear. Ms. Herdina, Councilmembers Gregorie, or Waring, exactly what the vote is in terms of supporting the application? Is this also tied into some kind of financial arrangement for all of this? What are we actually voting on?"

Councilmember Gregorie said, "We're just simply supporting the permit from DHEC that WestEdge has applied for."

Mayor Tecklenburg said, "And the Corps of Engineers."

Councilmember Gregorie said, "And the Corps of Engineers."

Mayor Tecklenburg recognized Michael Maher.

Mr. Maher said, "Yes, I think what is being asked of, it would be the letter of support from the City for the application as an affirmation of the work that's being done and proposed to be done."

Councilmember Seekings said, "I take it, Michael, Mr. Mayor, there's still going to be some conversations between us about all of the financial implications of all of this going down the road, right?"

Mayor Tecklenburg said, "Well, correct. My understanding is that WestEdge is really through their permit proposing to enact these improvements that will importantly address the flooding by dividing that basin into three different sections, and then in the process of helping us with our liability of securing the cap over the landfill, and then they will be reimbursed, however, by the Tax Increment Finance District over time. So, in essence, those are funds that would otherwise have come to the City. So, by our contribution or reimbursement of TIF funds, we do participate at the end of the day. Am I expressing that correctly, Michael?"

Mr. Maher said, "Yes, sir. We would anticipate that for each project, or for each phase of things that, as we have done already in the past, we would work on and execute with the City a TIF Reimbursement Agreement as a part of each of those projects. I think, at that point, any of the issues, or things that Councilmember Seekings is alluding to, would also, obviously, be resolved during each of those processes."

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

Ms. Herdina said, "Mayor."

Mayor Tecklenburg recognized Ms. Herdina.

Ms. Herdina said, "I just want to add two things. One, I do think we need to have a finding on the record that this is an exigent circumstance, which I think Councilmember Waring and Councilmember Gregorie pointed out. There is obviously is now evidence that we've got this serious issue, plus the sampling we have. The other thing I just wanted to mention for the new

Councilmembers is that there is a history of City support of this project. Mayor Riley had already sent a letter of support to, I believe it was, I see Councilmember Gregorie shaking his head, to DHEC several years ago in support of the project. So, I wanted to just include that in the record, too.”

Mayor Tecklenburg said, “So, I would just like to reiterate that the proposal does, in fact, solve the most serious drainage and flooding issue in our City. That’s very clear. We’ve all seen Hagood close many times due to tidal flooding. The wise proposal that divides the water really four ways, three from WestEdge and then the one from President Street, is already planned to divert the water from President Street and is planned to divert to our deep water tunnel. So, basically, we’re taking all of the stormwater, reducing the amount of tidal inflow, and then, rather than it all going out one place, it’s going out four different places. Clearly, it is a benefit from a drainage point of view. The environmental side of this, I must admit, has been an issue that has two sides because, in most instances, we would like to keep natural systems in place. That’s just the natural inclination of the Dutch Dialogues, of environmentalists. But, the big challenge here is that this eco-system is on top of a landfill that, honestly, could have been better sealed and capped years ago, and now we put the daily tidal water coming in and twice a day erode the bank of the landfill and expose it for future contamination.

I must admit to you all, I thought could we come up with a fix where you secure the landfill and maybe for five, ten, even 20 years it would work. But, Councilmember Waring, once again, if you try to think out 50 or a 100 years from now to really protect public health and our citizens from exposure to what’s in that landfill, frankly, this is a more permanent long-term solution. So, I must admit some reluctance because of my information for natural systems, but I was a chemistry major. I haven’t practiced chemistry professionally, obviously. I’m a Mayor now, but when I saw that test result from Terracon, and now it’s been verified independently by GEL, it’s clear that we need to address this contamination, and it’s best to do it for the long haul rather than the short haul. So, I did want to share my own thoughts about us supporting this. I do think in the long run, it’s the right thing for us to do. Are there any other comments?”

No one else asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Gregorie, City Council voted to approve a letter from the City of Charleston supporting the WestEdge Permit Application to DHEC and the Army Corps of Engineers.

The vote was not unanimous. Councilmember Shahid recused from voting on the matter and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council.

Mayor Tecklenburg said, “Thank you very much. Thank you, Michael. That was a very good presentation this evening.”

Mr. Maher said, “Thank you, Mayor.”

Mayor Tecklenburg said, “Bob and Chaun, thank you for your good advice and work on this, as well.”

Mr. MacPhee said, “Thank you, Mayor.”

Mr. Pflug said, “Thank you.”

Mayor Tecklenburg said, "Alright. So, next--"

Councilmember Shahid said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Just to make sure the record is clear that I did not take part in the discussion or the vote to add this to the agenda item or the vote itself."

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

Councilmember Shahid said, "Thank you, Madam Clerk."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I also want it to be noted that throughout that long and arduous debate, Councilmember Shahid was on his best behavior."

There was laughter.

Councilmember Shahid said, "I cleaned out my inbox, my e-mails."

Mayor Tecklenburg said, "He didn't think it was possible."

Councilmember Waring said, "I know."

Councilmember Shahid said, "Thank you all very much."

Ms. Herdina said, "Mayor, not to be a stickler on here, but could we include in here the fact that the motion was voted on because there were exigent circumstances that supported Council taking this action tonight?"

Mayor Tecklenburg said, "Thank you. Let the record reflect just that."

Ms. Herdina said, "Thank you."

Mayor Tecklenburg said, "Yes, ma'am. Next is an update on our City's response to COVID-19. I think Tracy McKee and Shannon Scaff are going to make a very brief presentation about that. I will say that numbers are flattening now a little bit locally and Statewide. I was somewhat relieved when I spoke on my Monday morning call with Dr. Cole that hospitalizations are flattening a little bit, but here is the thing. I just want to make this point before they make the presentation. Even if our numbers go back down to where they were six and eight weeks ago, this virus is not going away until we have an effective vaccine. We must continue to preach and wear our masks when around other people and ask our citizens to do that. It's the only way that we're going to preserve our health care system, that we're going to get our kids back in school, that we're going to be able to keep our businesses open. It's just critical, even if we are starting

to see a little relief in the numbers. We've got to keep it up. This is for the long haul. It's a new normal until an effective vaccine is in place. Tracy, you want to go first with some numbers?"

Tracy McKee said, "Sure. Thank you, Mayor, and good evening, members of Council. So, this should be very brief, but I just wanted to show you the dashboard. You might remember, not that long ago, most of these metrics that we've been tracking were red using our stoplight approach to kind of illustrate where we are. So, yellow is definitely an improvement. We certainly see both a decline in the number of new cases per day, as well as a slowing in the growth rate of the virus throughout our community. If I scroll down, you can see the graph of our growth rate. We hit a peak back here on June 24th of almost 19 or 18½ percent. We're now down into a yellow zone and at about 1.75, and that's a seven-day average. So, we've made some improvements. I do want to mention that I, as well as MUSC, am really very worried about the testing delays, however. These delays could actually be influencing what we see in the data.

So, I think that needs to be considered and thought about as we take these numbers into account and how we're actually performing. However, I do want to say that we are actually seeing some really tangible positives. All of the hospitals in our community are seeing a stabilization in their number of COVID patients. We also see that stabilization in the number of our employee population, as well. So, there are some good things happening, but I couldn't have said it better than the Mayor just said. It's not the time to take our foot off the gas. People are getting mask fatigue, and things like that could easily send these numbers in the other direction again. So, it's definitely the time to stay on top of all of the good work that everyone's been doing and I'm happy to take any questions. With that, I'll turn it right over to Shannon."

Mayor Tecklenburg said, "Councilmember Sakran has a question."

Councilmember Sakran said, "Thanks, Mayor. I'm not sure this is the time to ask this, or maybe let Shannon go. Just a general question about the transmission time and the incubation, so, the numbers we see now and the decreases, those are essentially kind of like a two-week lag. Is that correct?"

Ms. McKee said, "Yes. So, there is a couple of things at play, right? We know that the incubation period can be up to 14 days. So, there is that delay, but now we are seeing test results being delayed, at least it's eight days as the average. A lot of our employees aren't getting the test results back until they've exceeded their quarantine. So, they're already back at work before we even get the test results. So, I think that that could prevent people from getting tested, right? People are having trouble getting appointments because of the backlog. So, if they can't get an appointment to get in and test, they're not getting tested at all. So, I think there are a couple of things at play that could be impacting our data."

Councilmember Sakran said, "So, would it be too early to basically state that the mask ordinance has helped?"

Ms. McKee said, "You know, I would love to think that the mask ordinance has played a big role. Certainly, there is evidence to show that masks definitely limit the transmission. I'm concerned with, and I am cautiously optimistic, I'll say that, that this has had a real impact, but I think there are a couple of things going on with testing that make me very hesitant to say that."

Councilmember Sakran said, "Thank you."

Ms. McKee said, "Sure."

Mayor Tecklenburg recognized Shannon Scaff.

Shannon Scaff said, "Good evening, Mr. Mayor, and members of Council. I'm going to shift gears with you real quick. As I'm sure everybody is aware, we have a system out there that's yet to be named, but that's likely to change in the next day or so. Right now, Invest 92 is 435 miles ESE of the Leeward Islands with max winds at 40 mph. It's moving WNW at 23 mph. Again, tropical storm force winds are 39 to 73 mph. The big message I want to send to all of you tonight is to know that, as you've come to expect, we have a highly capable incident management team that's already standing by. As you all know, we've had this Hurricane Task Force that's been working for months now with COVID-19 and making sure that we address all of those needs to make sure that our own City staff is adequately equipped with PPE. We have the protective measures in place to keep them all safe and healthy while we're activating. We have tens of thousands of N95 masks as a result of that acquisition that we had earlier this week. That's on top of 90,000 masks that are standing by for us. We have our feeding plan in place. We have a debris management plan in place. We have 75,000 sandbags on hand right now. So, a lot of work is being done in advance of any potential impacts of this storm. I'm going to be watching it very closely and, of course, I will keep you up-to-date. Thank you. That's all I have for you."

Mayor Tecklenburg said, "Thank you, Shannon."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, Mr. Mayor. In terms of hospitalizations, I've experienced it myself where my brother-in-law was diagnosed with the virus, but they literally sent him home to die. However, we were insistent that they take him back, but it caused a lot of wonder in my mind as to how many more black and brown people are being sent home to die. It would be great to really dive into that kind of data and that kind of information. I think Councilwoman Jackson mentioned the importance of the Equity, Inclusion, and Racial Conciliation Commission, and health disparities is one of the things that we're going to be looking at. I think, as we look through what's going on with the COVID virus, the effect that it's having on brown and black people even in terms of service sometimes, I don't know that you had an opportunity to look at them to show the unconscious bias. One of the things that they talked about is the unconscious bias in the medical field which causes black and brown people not to get the kind of services that are necessary. So, I just wanted to put that on the record. That's something that I experienced. This isn't something that I heard about. They literally sent my brother-in-law home to die until we had to insist that he go back. Of course, he got on a ventilator, and he eventually did die. But, we didn't have any facilities or anything to really take care of him. Again, I just wonder how many more elderly, I mean *elderly*, too, are just being sent home. My neighbor, who is a nurse, an RN at Roper, says that sometimes when the elderly come in, and they're about to be released, they're being released, and they have absolutely nowhere to go. What it does is it puts people in a position of becoming homeless. There is a connection. There is a tie. I'm very excited about the Commission, Mr. Mayor, because these are some of the things, while it may not be a city's responsibility, that we can highlight as a City because the people that are being affected are our constituents."

Mayor Tecklenburg said, "Yes, sir. Thank you. Alright. So, without further ado, if I could call on Susan Herdina again to share with Council numbers six and seven. We're basically continuing our Declaration of State of Emergency and our other emergency ordinances regarding

COVID-19, but I think there are just a couple of little tweaks, differences. So, Susan, could you explain those to us?"

Ms. Herdina said, "Yes, sir. So, Item I-6 is extending or continuing the Declaration of the State of Emergency. Mayor, you requested that we extend it to August 20th, which would take us past the next City Council meeting. So, that's Item I-6. Item I-7 is that we're extending to August 20th a number of the emergency ordinances that we've passed before and continuing to extend those same ones until August 20th. The next item is I-8. That is an emergency ordinance that the Police Department requested. I don't know if Police Chief Reynolds is on the line and wants to speak to this one or not, but under our existing Parade Ordinance, you're required to get a permit if your organization is going to be 50 or more. That number was set a number of years ago as a result of an Order by Judge Norton in Federal Court, who felt our previous ordinance that required as little as one or two people to get a permit was unconstitutional. So, what we have done is reviewed the law. We think, under the unusual circumstances that we're in right now, that we can decrease, at least for the next 60 days, the number which can be placed on persons who are then required to get a Parade Ordinance from the Police Department. This is not prohibiting anyone from organizing by any means. It's basically just changing the Code Section temporarily to provide that if an organization of 25 or more is going to have a protest or a demonstration, they need to notify the Police Department and fill out a Parade Permit. Again, this is a request of the Police Department. They felt it was helpful, given the fact that there have been protests popping up at different locations, same times, or even people trying to protest at the same location and the same time, that this would give advance notice to the Police Department, and they could better organize their resources to respond to that. That's I-8.

Then, the last one we've made, based upon comments that we've received from the public, a few tweaks to the ordinance that was passed last time with respect to masks, music, and occupancy. This is Item I-9. The changes, if you've got it in front of you, appear on page 4 and page 5. There are three changes. One which is in section 3, number 5. The idea there is to strengthen the ordinance. Then, if you are in public, you should have your mask on. The previous provision said while maintaining a distance of six feet between other members of the public, you are not required to wear a mask. However, Dan Riccio and others who are enforcing the ordinance have said it is very difficult to enforce the ordinance with that six feet language in there, that is it easier to enforce it if we simply fine people who don't have their mask on and should have it on. But, you will see there are exemptions to wearing the mask. One is if you're outdoors with sustained athletic activity or a sustained outdoor physical activity. Then, there are a number of other exemptions in the act but, again, we made the change to number 5, section 3 to hopefully make it a little bit easier to enforce the ordinance.

The second change is the one that I just mentioned in section 4, paragraph 4. We added that. This was requested to assist with enforcement of the mask ordinance that you did not have to wear a mask if you were participating in a sustained outdoor physical activity or a sports activity and could keep a safe distance from other people. So, the problem that our officers were having was that, if people were just slowly sauntering walking around King Street, not paying attention to things, and didn't have their mask on, this change would allow the officers who are enforcing the ordinance to go up to people and please say, 'wear your mask.' However, on the other hand, if you were doing a power walk or you were running, or you were playing a sport, you, obviously, do not have to wear your mask if you were safely social distancing. That's the second amendment. Then, the third one was a change in section 7 on page 5 of the proposed Amended Ordinance. There are really two changes in that. First of all, we're getting questions about whether people, restaurants and bars, and venues, could continue to play music on their sound

systems after 9:00 p.m. The answer was 'yes' assuming that it's not loud, and people have to talk over it. So, the first change that's made in section 7 is to clarify live music that is amplified, such as a band, a DJ, and Karaoke music after 9:00 p.m., is banned. However, if you've got your in-house sound system, you can continue playing it after 9:00 p.m., so long as it doesn't rise to a level where people are going to be shouting over the music.

Now, there were questions about how to enforce that. Is it going to be difficult to enforce? Frankly, we're just looking at the bars and the restaurants to look at this and respond responsibly. I don't believe that the Police Officers or Livability Officers intend to rush into bars and restaurants if their sound systems are loud. However, we are expecting the businesses to take on the responsibility of reading this ordinance and complying with it. If they don't, they could get ticketed for that. The other big change that is made here is that we're expanding the application of the 'no live music after 9:00 p.m.' to private venues and other businesses. There were complaints that were received that there was loud music at private parties and in establishments that were open to the public. There was a question of why the ordinance wasn't applied to them in the same fashion that it was to bars and restaurants. So, this is an attempt to make those private events, that are held in public spaces, to be on the same playing field as your bars and your restaurants. So, those are the changes that we're proposing, and this is Item I-9. I'm happy to answer any questions that you might have."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes. I want to ask a question on Item number five, section three, where it says 'public masks when you're walking down the streets,' correct? Now, if you drive down King Street on Thursday, Friday, and Saturday, nobody's wearing a mask walking down the street, and they are congregating. I do it every weekend. They are not wearing masks walking in the streets. So, I don't know how we're going to be able to do anything about that. It's going to be rough. You will find about twenty of them walking together, or you'll find ten of them walking together. You'll find more than that sometimes, fifteen in a crowd just walking down King Street, but they aren't going to be wearing masks. So, I don't know how we're going to enforce that. It's going to be very difficult on our staff."

Mayor Tecklenburg said, "Well, this change actually clarifies to try to make it more straightforward to enforce."

Councilmember Mitchell said, "No, I'm saying it will be hard because we don't have that much staff to do that. When you're walking down King Street, if you come down anytime at night, it's mostly at night, you will see the crowds walking. People are coming into the City. They're not wearing any masks. Coming out of the hotel, I watched them, and they're not wearing their masks. I stayed in my car with my mask on, but they're not wearing any masks at all. I said, 'how are we going to enforce that when people are walking down the street that way?' There's a whole lot of them. I'm just wondering how we're going to do that."

Mayor Tecklenburg said, "Understood. This is supposed to help clarify that."

Mayor Tecklenburg recognized Councilmember Appel, followed by Councilmember Gregorie.

Councilmember Appel said, "Thank you, Mr. Mayor. I've got a technical question regarding these ordinance amendments, and I want to be precise about the question because we're getting

into the weeds here on some of this language. There was a reference to expanding the ordinance where the 9:00 p.m. amplified music requirement would apply. I believe Ms. Herdina said that it would apply to private establishments open to the public. What about private establishments not open to the public? Is the intent of the ordinance to cover that? In my mind, part of what we were getting at with imposing this ban for bars and restaurants, was that live music is sort of a magnet that attracts people to come out late at night. But, if we're talking about a 50 person wedding at a private residence or some other private location that's not open to the public, it's not as if the people that are at the wedding at 8:00 are going to be much different than the people at 9:00 and 10:00. So, I'm just trying to get at what the intent of this ordinance is."

Ms. Herdina said, "Councilmember, that's a good question. I don't believe that we have the legal authority, at this point, to regulate wholly private parties in private spaces. That could be somebody having 20 people in their home. I don't think that the City, at this point, has that authority. What this is intended to cover, basically, are the weddings that are held at the Marriott, the weddings that are held at the Aiken-Rhett house. Those are places that open themselves up for private events, but they are open to the public. That is an area where I feel we can safely regulate. So, this would apply to, like I said, the Marriott hotel who's having a wedding, some of the different, smaller venues we have here in Charleston where people go to have parties or, mostly weddings. That's where the issue seems to be coming up, frankly. But, I don't believe, although we would like to, we have the authority to impose this requirement on a purely private property that has a private event."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Two things. Could we just simply temporarily amend our noise ordinance in order to capture the establishments just alluded to by Councilman Appel, which would be applicable to private?"

Ms. Herdina said, "I'm not even sure we would have to amend our noise ordinance. I think that's just a different avenue that could be taken for those circumstances. So, in other words, yes. If there's a private party that's loud, the police, under the current noise ordinance, would have the authority to go in and tamp down the party and tell them to quit. That will most likely disperse the group. So, that is a mechanism we can use, and I don't think we need to amend the ordinance to do that. Good point."

Councilmember Gregorie said, "The second thing is, I do think this will make it clear that face masks need to be worn when and where. But, I also think that we, if you really want to get the message out there, like we used to do when I was in Civil Rights, you've got to make an example of some folks. Making an example of some folks has to be publicized so that the general population would know that we're really serious about enforcing our mask laws. So, I do think that what we've done here, with the emergency ordinance, makes that a little easier to do, but now I think we just have to make some examples out of folks, and trust me, the rest will follow. Thank you."

Mayor Tecklenburg said, "I hear you."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I really struggle with the inserts that we put into this ordinance. I feel like we're sort of playing whack-a-mole with our regulations. The

purpose of these regulations, in terms of my motivation, to vote for everything we've done to regulate mask-wearing, in particular, and social distancing has been to help establishments who have that kind of customer culture that is now demonstrated, as Councilmember Mitchell reminds us every single meeting, by people that are flaunting public health by not wearing masks when they go out for a party night on an evening. I'm sorry to be pejorative. I'm old. I used to do that, but I don't know what I would be doing if it were summer in the City. I think I would be trying to protect my community because I've always had that community outlook. Anyway, I feel like we're punishing the people who are accepting respecting to be as safe with their guests as they possibly can. I heard from a museum director today, and as a good example of a corporate partner to our City, they're going to lose our accommodations grant. They're losing revenue because the source of their funds is based on tourism. One of the last economic factors going for them is they have rented out their venue for private weddings between now and the end of the calendar year. They are bending over backwards to make sure their guests are practicing safe social distancing, wearing masks unless they're standing at the bar drinking, or sitting at the table eating. They are great partners to the City, and I do feel like we've lost our overview of why we are doing this. We're trying to protect bar owners who don't want to be the bad cops telling their customers they have to wear a mask. We're enforcing it inside those sort of walk in, open to the public places. Everybody goes in and out, and in and out. This is a private event that the people who are paying have made a reservation to use this venue, some of them a year in advance, and they're just glad that, at least, it's safe enough to come into Charleston to make that plan.

So, I really feel like we're not going to have the enforcement capacity. I said that to the Director when I talked to her today, and she said, 'I know, but how can we get our people who are paying their money to be peaceful about that?' They could be liable if we're basically telling them that they can't have any music after 9:00. Most of these wedding parties are over at 10:30 and 11:00, according to the list that she sent me as an example. I just feel like we should focus on the main reasons why we're concerned that we have bars and restaurants that are open to the public too late in the night, and we're trying to regulate them by taking away the attraction of the magnet music. I'm not going to agree with this amendment. I might be the only voice to say that, but it just doesn't make any practical sense to me. We've already heard that our enforcement people are stretched way too thin. We don't even know how many tickets that they've issued, right, since our last meeting. As of the last meeting, it was two. That's what we heard. I don't understand how the regulating can happen, and enforcement can happen, the decision can be made by an officer standing at the opening to a bar and eatery, if people have to shout. I know we asked the question about decibels as the control for that, and I don't remember the answer. So, I would like to hear why we can't just change that to a certain decibel level. This museum director told me that it's in their lease with any entertainment that happens at their museum to limit the decibel to 65. I think the Pour House said 75. That was their deal with their bands. So, I'm sorry to be a cranky old lady, but I really just feel like this is going to be way too hard and not focusing on the main thing, which is to get people wearing masks out at night."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Sakran, followed by Councilmember Griffin.

Councilmember Sakran said, "Thank you, Mayor. Two points I'd like to make, just from the business owner's perspective, no business owner likes the restrictions that are being imposed on them. The business owners I spoke with all voiced that. I'm sure that's no secret to anyone here. The concern that I continue to hear is a consistent application of what we're asking folks to do. If

we've only enforced this, and we only have three or four tickets, that sends the wrong message to the business owners, and 90% of them are doing the right thing. I've heard from several business owners that have said, 'you know, if we're going to fine folks, fine them so it hurts.' If we're going to impose these enforcements and regulations, make sure we're writing tickets. Set the example. Councilmember Gregorie is 100% correct. Set the example, and make sure that folks realize that they shouldn't be walking down King Street without a mask. I feel bad for the business owners that are really bending over backwards to get it done. What happens is, if we do not enforce this, the number of business owners that are following the rules will slowly dwindle, and then we'll get back to the point that you and Tracy McKee mentioned earlier, where we're not keeping our foot on the pedal. That's what I fear. So, if we want to do what we're doing, we need to enforce this. I get we're understaffed, but we've got to be writing more than just two or three tickets over the course of two weeks."

Mayor Tecklenburg said, "Let me interject that even though not many tickets have been written, and there is this uncertainty about the application for someone just walking down the street, so that's what one of these clarifications helps us with. But, our Livability folks have been keeping track of the warnings. So, they've focused mostly on the businesses rather than just seeing an individual walking down the street and trying to give them a ticket given the uncertainty there. So, they've given out over 100 warnings. After those warnings, they go back, and compliance has been good amongst those businesses we've been visiting and issuing those warnings to. So, I think with these clarifications this evening, you'll see more tickets being written."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Hey everybody. I've been pretty quiet tonight. But, let me just say, first off, I'm very, very happy that it looks like our numbers are going down. But, as Tracy pointed out, we have to be very diligent, and we also have to be aware that testing, eight days to get your test back, I've heard some horror stories. I've heard, just as Tracy stated, that people have gone to get tested and got their results after the 14-day quarantine was over. I've heard people that have sat in the lobby and waited two and three hours and said, 'you know what, I'm not waiting around,' and then got a call that said they were positive after they didn't actually take the test. So, there's going to be a lot of errors, trial and error, that we have to err on the side of caution. I may have voted against the amendment at the last meeting, but ever since that meeting, as always, I'm a law-abiding citizen, and I have worn my mask diligently in public. I wear it anywhere I go. I follow all of our City rules.

I was made aware of some of these text changes last week, towards the end of last week. I was made aware that there was a meeting with some of the restaurant and bar owners. A couple of them complained, 'well, how come hotel weddings have been able to keep their music past 9:00, and we haven't?' So, to me, I don't think we should be, basically every time someone complains about, 'well, why is this person treated differently than me,' I don't think we should be coming back and amending this thing every single time it happens. This is now the second time we've amended this ordinance. We voted on it three different times now in the last three weeks. We've got to give it some time to breathe and see if it actually works. We can't keep adding, because I can promise you, by the time we meet again in two weeks, somebody else will have complained and said, 'hey, I ran into this circumstance where somebody was not wearing a mask, and I think you all should amend it and add this.' We could kill ourselves with all these exemptions and all of these different venues. A wedding is definitely 100% different from a bar. A bar has people coming in and out, people from off the street that are bar hopping. A wedding has a designated guest list way ahead of time. Weddings are still very highly regulated by our State

requirements of 50 or less. So, you're not going to have a huge group of people coming together. A majority of weddings are going to have people that are related that have been around each other. There's a lot of different circumstances in regards to weddings.

In terms of the enforcement, I can understand where our officers may say, 'well, there's a little gray area with the whole six feet thing.' However, like Councilmember Mitchell said, like Councilmember Gregorie said, if you go down King Street on any given popular night, there are 100 people standing outside of the establishment in line not six feet apart and not wearing masks. I am 25-years old and, trust me, I enjoy going out to our bars on King Street when it's available and safe. I have not done that whatsoever. I have stayed home. I have worked on my golf game instead, which it has not gotten any better, but at least I'm having fun and doing it with proper social distancing. But, there are people that are just not going to follow this thing until you get it where it hurts, which is their pocket. We have to make a decision that, I mean, we can come up with all of the 'well, we should do this or we should do that.' We could keep doing that and go on and on and on, or we could start writing some tickets. I can promise you that if we start writing a few tickets, a lot of these issues will clear up. Trust me, I am not a proponent for fining our residents heavily, especially right now, with everything that we've gone through. Everybody's pocket is a lot lighter than it normally would be. But, if you put a rule in place, whether you like it or not, you have to follow it. If you refuse to follow it, we can't keep making excuses for these people, and the more times we've come back and amended this thing and say 'well, we want to make this thing even tighter and tighter and tighter.' I think, from the get-go, we had a pretty solid ordinance.

So, I'm going to go with Councilwoman Jackson on this one because I want to see our officers. We also at our last meeting allowed our police officers to write tickets, as well. So, it's not just Livability anymore. You can't tell me that from our 550 police officers and all our Livability officers, they have had that much trouble finding instances where they could write a ticket. I just think it's time. I think the motto has probably been 'education, education, education.' That's good for a while, but when it comes back to people wondering why we're not doing our job, or we're having to go back and amend these ordinances over and over again, at some point we have to make sure that our officers, Livability and Police, are doing their job, as well. Maybe it's time that I think we've done enough education is what I'm getting at. We can keep trying to text it to death and change the text and dialogue and make it tougher and tougher, but I think it's time that our officers enforce this thing. We're moving in the right direction. I think we're really doing a disservice to the private wedding venues if they can follow all the other guidelines. It's a private event. It's not open to the public. It has a guest list, and it's only in and out for those people that are visiting. Even the Marriott was an example, the Marriott's ballroom. You can't just walk in there and join a wedding. To me, that's a very different circumstance, and we should at least try to work with these private venues that are following all the other rules. I appreciate your all's time."

Mayor Tecklenburg said, "Alright. I certainly respect the comment about the other venues and weddings. I must respectfully say, we've had no guidebook on how to have the best mask ordinance. We worked really hard to bring you the best one that we could two weeks ago. It was a good one, but again, some of these requests come from our very enforcement people who want to make it clear, so they can feel comfortable to write that ticket if they need to. So, we're just trying to. It's not meant to bring in all these different changes. It's trying to clarify things so that we can do a better job enforcing. Admittedly, with that caveat in place that I mentioned, we've still been more on education and compliance. I hear you loud and clear. It's time to move on to the next mode."

Mayor Tecklenburg recognized Councilwoman Delcioppo.

Councilwoman Delcioppo said, "I agree with so much that has been said prior to me. I agree with Councilmember Griffin that it comes across as though we're making excuses for why people aren't wearing masks, that we're twisting ourselves up in a pretzel trying to rationalize why you're not wearing a mask, as opposed to enforcing you're not wearing a mask. I think there are some very clear instances where it's an obvious circumstance, and I understand that can't be the easiest conversation to have with someone. But, if we pass these regulations and then they're not enforced, they're not going to be taken seriously. That's going to carry forward in further things that we do. It's like, 'oh, well, they never took that seriously.' It's like the boy who cried wolf. As far as a venue, if I'm going to rent for a birthday party or a wedding or something like that, I think that is absolutely, completely different than folks walking in and out of a restaurant or a bar, that type of situation. So, again, to the points that were made before, I don't see where that is even comparing apples to apples when it comes to the music. I think, again, we're walking into a real gray area by just saying, 'well, you can't have music that people have to shout over.' I don't know what it means. I may be hard of hearing, so folks may just have to speak up to talk to me anyway. There's just too much going on that doesn't give us definitive rules to enforce, and our citizens don't know what they're supposed to do. Our business owners don't know what they're supposed to do. So, if we're going to make these amendments, I think there needs to be a very clear 'why' behind it. Here's why we have to do this, and it has to be very specific, not something that causes a lot of leeway or, again, we're going to be back right to where we were of, 'well, we're having a difficult time enforcing this because nobody really knows what that means.' So, it's kind of like we've got to go all in, or we've got to back all the way out when it comes to some of these things from my perspective. Like I said, I do not agree with the renting of a venue for a private event, and that also gets into contracts that people have signed long ago. People plan their weddings really far in advance. Then, to have that thrown on top of you on top of other things, again, there are also points in here, and I know this is what we're trying to do, is maintain goodwill. So, some of these things we've got to recognize those places where maybe we need a little bit more good will and those places where we need a little bit more tough love and not get those lines crossed."

Mayor Tecklenburg said, "I hear you. Again, I would respectfully say that if you all want to pull the special venues out."

Councilmember Seekings said, "Yes, please."

Mayor Tecklenburg said, "I hear you, but let us keep the other change to make it clear for Dan Riccio and Livability about the outdoor wearing of the masks versus the sports activity. I think that's really a reasonable thing for us to add to the approval here tonight."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. I don't want to belabor the point, but I think we all seem to be in agreement to get rid of Section 7 of this amended ordinance dealing with venues and businesses. I would recommend that we do that. I received a handful of calls, including in my backyard at Charlestowne Landing. It was exactly what Councilwoman Delcioppo just mentioned, that there are folks that have planned these events well in advance, and it's going to create a tremendous hardship on them if we curtail these contracts. I think the spirit of what we're trying to accomplish is not going to be fulfilled if we make this amendment to include venues and businesses, which are public places set up for private parties. So, I would urge all of us to take that part of it out. The other amendments I think we need to include to make it easier and

very clear to folks that, if you're walking on the streets, King Street, if you're going to a grocery store, wear a mask. It doesn't have to happen late at night. I come down King Street in the morning and there are a host of folks who are walking down King Street. These are not people who are exercising. They're not out for recreation. They're just moving from point a to point b, and they're not wearing masks. That's sort of the complication that folks are having on the enforcement part of this. 'Are they six feet apart? Are they exercising?' We can make this thing very clear and very simple by having these amendments in here enforced.

The other part I want to mention that we haven't talked a whole lot about, while we've been dealing with the education component of all of this, I don't know what we're doing as far as going to hotels and motels and making sure that when visitors check in, they're notified exactly what the ordinance is, and we're just making it very clear to them. I think we've got these billboards out, these handouts that we've been delivering to other establishments. Why not make sure that the hotels are very much aware, so that when folks come in to register for their rooms, they are notified exactly what the rules are, so that when folks are here visiting they know they have to wear a mask? It's really just that simple. Just put a mask on. Tell folks when they come to the City exactly what they need to do. Going back to that point of enforcement, I'm a criminal defense lawyer. I represent folks all the time, but nothing gets people's attention more than if they hear a judge tell them they have violated a law and are going to spend the night at Leeds Avenue. That sounds very draconian. That sounds very harsh, but once the word gets out that, if you're flaunting this rule, you're flaunting this law, you're going to spend a night in jail, you will get a lot of people's attention very quickly.

I just want to make one more comment, because I did talk to Councilmember Gregorie earlier this week about his brother-in-law. What he is mentioning is something we've got to be aware of, as to how this virus is affecting other folks, particularly browns and blacks, it is. The numbers are speaking very highly about that. I don't know what we can do as a City, but we need to be pointing that out and highlighting that. Councilmember Gregorie, my heart goes out to your family and the loss of your brother-in-law. We've got to be educating ourselves a little bit more on how other parts of our community are being directly impacted by this virus. It is disproportionate to the rest of the community. Thank you for pointing that out, Councilmember Gregorie. I just thought it needed to be repeated."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. I'll be brief because everything has been said on this. But, I wholeheartedly agree with the comments about enforcement. I know we need to make some tweaks to make it clear that the walking part is part of it. But, as we all have seen, no matter where you are in our community, no more so than downtown, compliance is challenging, to say the least. I think, if we make a very clear statement through this ordinance tonight of what our policies are, and that they're going to be enforced, then we're going to have the tools to get people to comply. Just thinking about this debate we're talking about, the private venues and weddings, if we have a team out there seeking compliance, do we want them to go in and tell people to turn down music or to put masks on? The answer is to put masks on. So, I think we're confident with what we're doing. I wholeheartedly agree that we should put this in there and then see how this all works and get the message out to 'please, wear your mask'. I will tell you, the compliance rate is super low. I think we all know that. I will support this as long as we take out section seven, the addendum."

Mayor Tecklenburg said, "I hear that consensus among us. Susan, are you clear on what we would need to take back out to satisfy this?"

Ms. Herdina said, "Yes. Just to clarify, you're not talking about taking out section seven altogether?"

Councilmember Seekings said, "No, just the additional language."

Ms. Herdina said, "Not accepting the changes that are in this reflected by the strike throughs and the bolds in the section seven that's before you tonight."

Councilmember Seekings said, "Exactly. Just one quick question."

Mayor Tecklenburg said, "Leave section seven as it was, and leave the other proposed changes, if that's okay with everybody."

Councilmember Seekings said, "Just one follow-up very quickly, just looking at this, I see that if we vote on this tonight, it's immediately enacted, and it's 61 days. Is that correct?"

Ms. Herdina said, "That's correct. It will expire after 60 days."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I think it was Councilmember Appel's turn."

Ms. Herdina said, "I was just going to say, Mayor, that we'll need a motion to that effect. I don't think we have one on the floor."

Councilmember Shahid said, "I so move."

Councilwoman Delcioppo said, "I'll second."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Thank you, Mr. Mayor. I appreciate all the further clarifications that we've received tonight. I really want to echo the need for increased enforcement on this mask issue. I think the Governor of South Carolina challenged us on this issue. He decided not to put in a state-wide mask mandate for one simple reason. He doesn't believe it's enforceable. Well, let's respectfully prove him wrong on that issue. Let's lead as we've led from day one on COVID with the proper response that this is a very simple way to get this thing under control. It's something that we can do within our abilities. It's a reasonable exercise of the City's authority, resources, and capacity. There are certain things that are outside of our control when it comes to this pandemic.

Last Monday, I went and got a COVID test at the St. Julian Devine free clinic that the City put up for restaurant employees. I wasn't showing any symptoms or anything like that. I really went, mainly, as a fact-finding deal to see what the process was like. Yes, it gets all the way up into your nose. It's pretty unpleasant, but we're on day eight right now, and I haven't gotten my results yet. That's insane. But, here's the thing, there's nothing the City of Charleston can do to control that. That is outside of our control. The failure of this country to be able to turn around

testing results and have the right labs and resources in place is just a big issue that is a major failure in this national effort, but it's outside of our control. I point that out just to say we've got to control what we can control, just like everything in life.

I think, when we really start getting into splitting hairs and ordinances and really getting abstract and esoteric with some of the ways we're structuring our regulations, we sort of lose our way on this. I think we can send a tremendous message to, not just the City, but the entire State of South Carolina by enforcing our mask ordinance in a more assertive way. If you haven't received the education yet, that wearing a mask is an important public health measure, there's no hope for you at this point. There's a growing consensus. I'm sort of anecdotally seeing a little bit more mask wearing around. So, I think perhaps the message is getting across to people but, as Councilmember Shahid said and several others have said today, part of what makes the laws work is that they get enforced. For every nine people that are speeding on the interstate, one person gets caught, but we don't throw out speed limits because we can't catch everybody. But, the fact that we're writing tickets out there causes some people to slow down, and that's the effect I think we're trying to have. So, I think we're making good policy on this, and I really appreciate the conversation today."

Mayor Tecklenburg said, "I hear you loud and clear. Could we proceed and take action on number nine, leaving section seven as is without the amended language?"

The Assistant Clerk said, "Mr. Mayor, you also need to vote on items six, seven, and eight."

Councilmember Shahid said, "So moved."

Mayor Tecklenburg said, "Thank you. I realized we hadn't voted on six, seven, and eight, but we had a motion on the floor already for number nine. So, if you don't mind, let's vote on number nine, and then we'll go back and pick up six, seven, and eight. There's a motion on the floor, so we'll accept I-9 with the exception that the changes in section seven will not carry forth. Is that clear? Any other discussion on nine?"

No one else asked to speak.

On a motion of Councilmember Shahid, seconded by Councilwoman Delcioppo, City Council voted unanimously to ratify the following Emergency Ordinance:

2020-090 EMERGENCY ORDINANCE REQUIRING PERSONS TO WEAR FACE COVERINGS IN CERTAIN CIRCUMSTANCES IN CITY OF CHARLESTON, LIMITING CAPACITY IN BARS AND RESTAURANTS, AND PROHIBITING AMPLIFIED MUSIC IN BARS AND RESTAURANTS AFTER 9 P.M., TO REDUCE RISK OF EXPOSURE TO COVID-19 DURING THE PUBLIC HEALTH EMERGENCY AND RECOVERY. (AS AMENDED)

Councilmember Brady said, "Move for six, seven, and eight together."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We had some questions and discussion about these already. Are there any additional questions or discussion on those?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Sorry, Mr. Mayor. I didn't realize you had actually entertained discussion on all three of them. So, I have reservations about I-8, changing the number. I know it's been recommended to us by the Chief and his advisors. I guess I'm just worried that, my personal opinion is that we're trying to calm down a situation that happens pretty reliably every Sunday at White Point Gardens. I feel like there must be a more targeted solution to make sure that those two groups of opposing protestors are not tempted to any sort of more violent or more inflammatory behavior. But, to put a kibosh, as my dad would say, on people that are on Facebook and saying, 'we're going to go to the park and show our appreciation or show our resistance to a particular thing that's going on in their own neighborhood'. So, 26 person shows up. Are we going to break them up? I don't think so. I really feel like this is another one of those where we're overthinking the real problem, which is making sure that the people who are showing up at White Point Gardens every Sunday mad as heck and they can't take it anymore, that we have a way of keeping them safe. But, I don't really appreciate, to put a 50% change to the number of people that have to get a parade permit. It's not that easy. I mean maybe, yes, you file a form, and then it's processed, but there are a lot of these things that happen more spontaneously. I'm a first rights person, so I just really feel like I needed to say that. Thank you."

Mayor Tecklenburg said, "Well, if I may add though, Councilwoman Jackson, part of this difficulty has been Coronavirus, as well. I mean, we're putting out ordinances where no more than ten should be able to gather. Then, it went to the CDC's recommendation now which is no more than 25 gathered. So, the thinking of it was not just about the public safety aspect with permitting demonstrations, but also just a matter of trying to keep, like we were just discussing with COVID, the numbers down, to keep people from congregating because they're passing the virus, as well. So, it's been compounded. It's just an emergency measure of the 60 days at this point. It kind of goes along with our other COVID actions so, frankly, I think doing that combination was appropriate."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, Mr. Mayor, I'm glad you brought that point up because, in the discussion, I think it's getting lost. This is about saving lives, period. I think it's getting lost as we continue to discuss it. The other thing is, and I just have to say this, I think our Governor has to lead, and it makes our job much more difficult as a result of lack of leadership. I do think, Mayor, if we continue to do what we're doing, if we really do the enforcement that is necessary, I think we'll come out pretty good. But, it's a slippery slope, and I'll tell you why. I'm not talking double-talk. We just heard the citizens complaining about the police presence. We just heard a lot of comments about that. Why I say it's a slippery slope is we're going to put our police officers and our enforcers in a position where it's going to look even more like a police state as we enforce this law. We need to be cognizant of that. They're going to use any excuse, as you know, Mayor. 'There they go again'. I agree with the word that we need to be assertive, but not aggressive. I think if we're assertive, we'll be okay, but the minute we get aggressive with enforcing the mask law, I think it's going to dovetail into something that we don't want it to be. So, I like the term that Councilman Appel used, assertive. I think we should be assertive, just not aggressive, because if we're aggressive, you know where that's going to end up. 'There they go again, police state, now they're locking us all up.'"

Mayor Tecklenburg said, "Well, let me share regarding the permitting process, that our police have reached out to a lot of folks that we didn't know before. They've been building

relationships, building up communication, so that we know what's going on when people want to gather and express themselves, as they should rightfully do when they want to. So, this has been an iterative process. It's been positive, but given the Coronavirus on top of unexpected gatherings that we've seen over the last several months, we think this is a positive thing to do. Any other further comments? We've got items six, seven, and eight on the floor."

Councilmember Mitchell said, "We might have to separate."

Councilwoman Jackson said, "Can we just separate eight, Mayor?"

Mayor Tecklenburg said, "Can I ask that we take six and seven together? We have a motion to approve?"

Councilmember Gregorie said, "So moved."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Any discussion?"

No one else asked to speak.

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

EXECUTIVE ORDER CONTINUING THE DECLARATION OF STATE OF
EMERGENCY IN RESPONSE TO COVID-19 VIRUS OUTBREAK

2020-091 EMERGENCY ORDINANCE EXTENDING CERTAIN EMERGENCY ORDINANCES
RELATED TO COVID-19

Mayor Tecklenburg said, "Now for number eight."

Councilmember Shahid said, "So moved."

Councilmember Seekings said, "Second."

Mayor Tecklenburg said, "Any further discussion?"

No one else asked to speak.

On the motion of Councilmember Shahid, seconded by Councilmember Seekings, City Council voted to ratify the following Emergency Ordinance:

2020-092 EMERGENCY ORDINANCE TO AMEND THE CODE OF THE CITY OF
CHARLESTON, SOUTH CAROLINA, CHAPTER 19, ARTICLE 9, SECTION 326 TO
REQUIRE A PARADE PERMIT FOR ANY PARADE CONSISTING OF TWENTY-
FIVE OR MORE PERSONS

The vote was not unanimous. Councilwoman Jackson voted nay.

Mayor Tecklenburg said, "Thank you. I understand your position. Number ten is appointments to the Special Commission—"

Councilmember Brady said, "So moved."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Any discussion?"

No one asked to speak.

Councilwoman Jackson said, "I just want to say, hallelujah, thank you."

Councilmember Gregorie said, "You have no idea what we've been going through."

Councilmember Waring said, "You know what, Mr. Mayor, I'm going to reserve my comment. I'm going to pull back. I'm in support of you, and we can have conversations after this meeting, tomorrow or some time."

On the motion of Councilmember Brady, seconded by Councilmember Shahid, City Council voted unanimously to approve the appointments to the Special Commission on Equity Inclusion and Racial Conciliation:

Housing and Mobility – Tracy Doran

Economic Empowerment – Alvin Johnson

Health Disparities and Environmental Justice – David Rivers

Criminal Justice – Michael Better

Youth and Education – Crystal Rouse

History and Culture – Dr. Felice Knight

Internal Review – Daron Lee Calhoun

Mayor Tecklenburg said, "Lastly, I think, for these Petitions and Communications is appointments to the Central Business District Improvement Commission. This would be contingent on our approval later this evening in second and third readings of the commission itself."

Councilwoman Jackson said, "I move for approval."

Councilmember Shahid said, "So moved."

Mayor Tecklenburg said, "That's a lot of hands."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Yes, sir. Didn't you have some conversation today about maybe adding a couple of more people to this?"

Councilmember Waring said, "Yes, that was my question."

Mayor Tecklenburg said, "I'm open to that suggestion. This is what the commission proposal was, to have this many folks. I wanted to go ahead and propose membership to you, so we could get them going. There's nothing to prevent us from adding a couple of more members. I don't want it to be unwieldy, of course, with too many folks on there. But, it's not a huge group."

Councilmember Griffin said, "The reason I say that is because I know that there is a group of property owners that are also forming more of a private development commission or group, and that they're going to be meeting quite regularly. I thought it would be a good idea that they have a couple of members on this so that they aren't working on the same things and not being counter-productive with each other. I know that group included Bill Hall, Chip Irvin, Michael Bennett and a few others that have been very good to this City for a long time and are going to continue to keep that on King Street. I know that having a good voice with them, since I know they're working so closely with the Visitor's Bureau, I think having some liaisons from that group would be a good thing for us to do, so that these two groups can work together and make King Street the best it can be."

Mayor Tecklenburg said, "Yes, I think that will happen. I'm meeting with some of those folks on Thursday. One of the specifics of this commission was that one would be a property owner. I'm pretty sure that three of these, Lauren, Andy, and Stacy, are all property owners in addition to being retailers. So, some of the store owners own their own property as well and kind of serve both roles. I'll leave it to the pleasure of Council if you want to add more members as appropriate."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Yes, Mr. Mayor, thank you. I actually spoke with Councilmember Griffin. I actually think we should have some of the voices that, frankly, spoke out after the riot. I understand their angst, and I understand their concern. We all understand that. But, to be part of the solution, let's make them a part of the process that's going to be solution orientated. That's why I think some of those other voices should be there. I think the gentleman from Charleston Place, for example, Paul Stacey, would be a good person on that committee, as well. We can discuss that again outside this meeting because obviously this meeting is going long, but put some other names on there, as well, seasoned names."

Councilmember Griffin said, "We just have to make sure that the commission requirements that we approve match what we're trying to do with the number of people. If we only have six positions when we approve that tonight then it's going to be very hard to add anybody else. So, we need to make sure that language matches up."

Mayor Tecklenburg said, "We'll just have to amend the ordinance, as well."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I was just going to suggest, if that's what the will of this group is, then let's just add four at-large members to be named, and we can go through that process."

Councilmember Waring said, "Great idea."

Mayor Tecklenburg said, "That's fine. I would appreciate approval of these candidates and then we can add more."

Councilmember Griffin said, "So moved."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "Terrific. So, contingent on the final passage of the ordinance."

On the motion of Councilmember Griffin, seconded by Councilmember Waring, City Council voted unanimously to approve the appointments to the Central Business District Improvement Commission:

Non-Peninsula Resident – Lauren Ellison Fox

Hospitality: – Marty Wall

-- Lamar Bonaparte

Property Owner – Andy Birlant Slotin

Merchant – Stacy Smallwood

Peninsula Resident – Bob C. Siegel

Councilmembers: -- Councilmember Robert M. Mitchell

-- Councilmember Michael S. Seekings

Mayor Tecklenburg said, "So, now finally for Council Communications, we have discussion of parking fees requested by Councilmember Griffin. You're on."

Councilmember Griffin said, "I picked the wrong night."

Councilmember Seekings said, "Yeah, can we do this next time, please?"

Councilmember Griffin said, "How about this, let's meet up tomorrow morning, and let's continue it then? I'll make it quick, because honestly I've got this idea of us trying to incentivize businesses downtown again. I know things have been tough for everybody, the City included. You can weigh the good and the bad, the pros and the cons. Parking is, undeniably, a huge revenue stream for us as a City. We can't deny that it puts some money back in the General Fund, and it ends up, probably, going to protect our citizens since even property taxes don't cover our whole budgetary item of public safety. But, during these times, we've got to find a way to convince our residents that going downtown is a good idea, and visiting these shops and restaurants that have struggled for so long, it may be a few minutes out of the way, but we really need it to get King Street going again. So, I was just spitballing some ideas with some of the other Councilmembers. I thought, for one, we have these spots where I think the Uber Eats and some of the other drivers

get to park for free while they run in and grab take out. Maybe we could extend those a little bit longer, so that if people wanted to run into a shop for twenty or thirty minutes, they could do that without getting ticketed. Another idea I had was maybe offering some sort of discount for residents of the City if they park in the garages or metered spaces.

I don't want it to be a free-for-all, where no patrons that come from out of town follow all of our COVID guidelines. It would be a shame if they didn't have a place to park. I do think there's got to be a very significant balance of who parks on the street. We just don't have a lot of space, as we've talked about many times before. But, we've got a situation where people aren't going to come downtown unless we give them a reason to come downtown right now. I just don't believe tourism isn't down. I know that I heard from some people who have told me, 'no, the numbers, tourism is the same.' I don't think there's any way, shape or form that tourism is anywhere near where it was. I know that we're in a very tough financial shape as a City, but I also think about all these businesses that are struggling. We may lose a third or even half of our businesses downtown just based on COVID and everything else that's gone on. Times have been very, very tough. I would hate for us to look like we're profiteering off our citizens or the people that really work so hard to make this City great. I know we've already minimized enforcement back to 6 p.m. That's a great step in the right direction, Mr. Mayor. That was a great thing you did. I think Council supported that as well, if I remember correctly. But, I'm just trying to think of some ideas that we can do, some minor things that aren't going to break the bank, because I don't think we're going to be making any money anyway this year. I can understand that we wouldn't want to do anything that's going to create an even more significant gap than what we already have, but if there were ways that we can incentivize business again, and incentivize getting somebody like me, who lives 25 minutes from downtown, to go out of my way to go downtown and give my business to someone downtown instead of West Ashley. I know that parking is a very sensitive subject because it does create some revenue for us that goes a long way in our General Fund, but I just wanted to throw that idea out there. I hope you guys can help me spitball some other ideas. We don't have to necessarily do it tonight, but I wanted to throw that idea out there, that I am more than willing to work with anybody else to create some opportunities, not only for our businesses, but our residents as well, to get them out and get them into downtown again."

Mayor Tecklenburg recognized Councilmember Waring followed by Councilmember Shahid.

Councilmember Waring said, "Thank you, Mr. Mayor. I think that's a great idea, Councilman Griffin. But, I would ask, respectfully, if we could hold off on that idea for at least a week and half, maybe two weeks, until we find out what's going to happen with this stimulus package coming out of Washington. If we were to get some local funding out of that, I think it will make it a lot easier for us to financially do what you're suggesting. We may very well come back and do it, but if we would just hold off on that for about two weeks. Just the idea of doing something for King Street, I agree with that wholeheartedly because one thing that COVID is doing, in particular to West Ashley and maybe James Island and Johns Island residents, is we're getting in a certain pattern. With all these Zoom meetings, I don't go downtown like I used to. I went downtown last week, and I was shocked at the number of buildings on King Street that still have plywood up. Leaving St. Patricks, Mr. Mayor, I came up Warren Street, and when I came up Warren Street and looked at that hotel, he has plywood up, but it's painted. As a matter of fact, it almost looks like, it looks very nice. I'm wondering if there's something the City can do. If we help people move graffiti, can we help these King Street people paint, whether it's Charleston green, or get a number of colors that make it look a lot neater than it looks? It's an empty feeling. I don't

have the words to describe it, but right now it looks like a hurricane hit, and somehow we haven't completed that enthusiasm when people came out that Sunday and helped clean up.

Something else I thought about, something I saw happen going to New Orleans and Chicago prior to COVID, can we put up some, I don't know, flower baskets or something on some of the areas of King Street, lightpoles or something, maybe at the corner of intersections or something like that? Something that we can do to make it look, as a matter of fact I'm going to coin a Reagan term, 'as morning in America again', pretty, where we're blooming again, if you will. I mean, these are some things that we want to try to do. Councilman Griffin is right about the parking issue. King Street is one of the most important streets in the State of South Carolina, if not the nation. We all remember, of course you were on the economic team, Mr. Mayor, where it didn't look like it looks today. I'm talking when it was blighted, empty, vacant, and frankly, dilapidated. But, there are some things that I don't think would cost that much. I think you'd probably find the enthusiasm. I'd contribute towards putting some of the beautification blooms, if you will, some annuals out there that make it look certainly better than it looks today. But, I felt saddened as I drove down King Street. Frankly, I'm getting full in my throat talking about it and looking at some of the places that I didn't even realize, 'wow, they got their windows broken out.' Now, I don't know if some of them might have plywood up, and the windows are not broken, but that raw plywood look is something."

Mayor Tecklenburg said, "I understand. If I may cut you off, we had an offer from one of our property owners up there to do such painting. We did a survey just the day before yesterday of all the locations. We're going to the property owners to ask them, if they're up there for protection to please remove them, and if not, if they'll allow us to go ahead and paint them. So, we're proceeding with that. Some of these things you mentioned, even the flower baskets, this commission is going to move forward not just with thinking about the long-term tenant mix and those kinds of longer term things, but also the shorter term things, even down to, we were discussing flower baskets the other day. So, you're going to see a lot of those short term and long term recommendations coming out of this commission, I think, after their very first meeting. I had an unofficial meeting with them last week, a Zoom meeting, and they're ready to go."

Councilmember Waring said, "Alright. Well, I look forward to two weeks from now when we meet again."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Yes, Mr. Mayor, I think you answered my comments. Of all these things we've been discussing about parking, plywood, flower plants, these are things that I've already heard from numerous shop owners and restaurant people. This is exactly why we have this Central Business Improvement Committee, to take up these issues. Let's get this on their plate as soon as possible so we can address these low hanging fruits and make some improvements to downtown, very easy things to do with the beautification of King Street and addressing parking issues, as well. Let them tackle those questions for us and come back and see where we are in a couple of weeks."

Mayor Tecklenburg said, "Absolutely. So, let's move on. Councilmember Griffin, thanks for bringing this up. We'll see what Uncle Sam does for us."

Councilmember Griffin said, "We need to keep calling Senator Graham and Senator Scott."

Mayor Tecklenburg said, "Keep calling them. It wasn't in the GOP version of the bill, you all, and it needs to be. They're negotiating that this week, and it needs to be in there."

Mayor Tecklenburg recognized Councilmember Appel.

Councilmember Appel said, "Yes, I just have to say this. I've been following those legislative efforts, as well. All of our email boxes are full from these emails saying 'defund the police'. We will defund the police if the legislators in Congress, specifically the Senate, do not get focused in on this issue. What an irony that would be, if the folks that are holding local aid and state aid hostage were to have the effect of defunding the police. I just can't say that enough, and I think we all really need to be getting out that message to our constituents so that they send the appropriate communications to our senators in the state."

Mayor Tecklenburg said, "Thank you. Alright, let's move along you all. We've got our Committee on Community Development. Councilmember Mitchell."

Councilmember Mitchell said, "Yes, I hope I remember everything now."

Councilmember Griffin said, "Move for approval."

Councilmember Waring said, "Mr. Mayor, wait a minute, did we make the motion to amend the appointments?"

Mayor Tecklenburg said, "That's up for second reading."

Councilmember Seekings said, "We're going to amend the ordinance, Councilmember Waring."

Councilmember Waring said, "We were supposed to amend it to add four additional--"

Councilmember Griffin said, "We're going to do that at second reading."

Councilmember Gregorie said, "I second the motion."

Mayor Tecklenburg said, "Alright. For the actions taken by the Community Development Committee, I did want to point out that we did allocate some of the Cooper River Bridge TIF funding, for \$90,000 dollars to be added to the Eastside improvements being done."

Councilmember Mitchell said, "At St. Julian Devine Center for playground equipment."

Mayor Tecklenburg said, "I did want to point that out. We had a presentation from Ms. Shaw Johnson about the allocations that have been done to community organizations, helping those with rent subsidies for folks that are having trouble paying their rent and also to help those that are experiencing homelessness. So, we had a good report and some really incredible efforts going forward helping those needing help with rent and homelessness in the City."

Councilmember Mitchell said, "Yes. Mr. Davis did a marvelous job explaining that also with the stormwater process. He did a good job on that. So, we have a lot of things that were on the agenda the other day, but some of these things are just for information purposes. But, for

everything that's not for information purposes, we can vote on that. It was moved and seconded, so we can vote."

On the motion of Councilmember Griffin, seconded by Councilmember Gregorie, City Council voted unanimously to adopt the Committee on Community Development report as presented:

- (i) Overview Cooper River Bridge Redevelopment Area
 - Update to Drainage Study
 - Cooper River Bridge Redevelopment Area – History & Planning Efforts
 - Proposed Real Estate swap and purchase
- (ii) Cooper River Bridge TIF
 - Awards/commitments (Approved in 2018)
 - Request for amendments to Cooper River Bridge TIF commitments
- (iii) Update – Awardees: COVID-2019 Community Development Block Grant
- (iv) Update – Unsheltered persons assisted via Community Development Block Grant Funds

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

Councilmember Waring said, "We met on Monday--"

Councilmember Griffin said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Alright. Any discussion?"

No one asked to speak.

On the motion of Councilmember Griffin, seconded by Councilmember Mitchell, City Council voted unanimously to adopt the Committee on Public Works report as presented:

a. Public Service Department Update:

- (i) Update on underground wiring in front of the new fire station on Savannah Highway (*Requested by Councilmember Keith Waring*)

b. Stormwater Management Department Update:

- (i) Emergency Repair – After the fact approval on an emergency sinkhole repair. Repair included brick manhole stabilizations and lining of a failing 60" pipe at 1962 Ivy Hall Road.
- (ii) Barberry Woods Area Drainage Improvements – Approval of a Professional Services Contract with WK Dickson & Co., Inc. for \$498,070.00 for engineering and design services. Funding is available in the Drainage Fund.

- (iii) Concord St Pump Station Upfit – Approval of a Contract Amendment with Davis & Floyd on the Market St Drainage Project for \$161,476 to provide preliminary engineering to upfit the Concord Pump Station for continued service. Funding is available in the FY20 Small Project Allocation.

Mayor Tecklenburg said, “Our Committee on Traffic and Transportation. Councilmember Seekings.”

Councilmember Gregorie said, “Move for approval.”

Councilmember Mitchell said, “Second.”

Councilmember Seekings said, “Just a quick comment, speed calming devices in Byrnes Downs, and if you’re going to get towed, non-consensually, from a private lot, go to West Ashley because it’s cheaper there than anywhere else in the City. That’s my report.”

There was laughter.

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

- a. Traffic Calming Speed Humps for Approval:
Sothel Avenue – Byrnes Down
- b. To amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 400(a) to stipulate the method for how to determine the maximum charge for a nonconsensual tow.
- c. BUILD Grant Ashley River Crossing
- d. Director’s Update
- e. Discussion

First reading was given to the following bill:

An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 400(a) to stipulate the method for how to determine the maximum charge for a nonconsensual tow.

Councilmember Gregorie said, “Committee on Ways and Means, move for approval.”

Councilmember Mitchell said, “Second.”

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

(Bids and Purchases

(CARTA FY2021 Budget

(Stormwater Management: Approval of professional services contract (20.78% MWBE participation) with WK Dickson & Co., Inc. for \$498,070 for engineering and design services for drainage improvements in the Barberry Woods area of Johns Island. Funding for this will come from the Drainage Fund. 20.78 percent Minority Business Partnership.

(Stormwater Management: Approval of a contract amendment with Davis & Floyd on the Market Street Drainage Project for \$161,476 to provide preliminary engineering to upfit the Concord Pump Station for continued service. Stormwater Plan Reviews will experience significant delays without the extension and funding associated with this request. This contract amendment will be funded from the FY2020 Small Project Allocation as the pump station currently serves the Calhoun East and Market Street drainage basins and requires upfit to continue successful operation.

(Planning, Preservation and Sustainability: Approval of a contract with Dutch Dialogues consultants to analyze the Army Corps of Engineers 3x3x3 study and advise the City. *(Previously approved, but with complete materials: Proposal for Perimeter Protection Analysis)*

(Fire Department: Approval to accept the Grant Adjustment from SLED for the 2017 SLED grant award. This award will increase the grant amount by \$30,000. The original amount of the grant was \$68,919.45. This will make the total award for this grant \$98,919.45. Funds would be used to purchase a GPS Unit, helmets, rope hardware and equipment storage bags for the Lowcountry Regional Collapse Search & Rescue Team. There is no match for this grant.

(Authorization for the Mayor to execute a Memorandum of Understanding and Agreement between the City of Charleston and Epic Center, LLC that to the extent possible, TIF bond proceeds and TIF revenue will be spent to fund the cost of public infrastructure improvements on property in an amount not less than an amount equivalent to the amount generated by property identified in the MOU. (Citadel Mall)

(Discussion about use and zoning re: LDC property at 2 Race Street *(Requested by Councilwoman Carol Jackson)*

(Request approval to accept the Rotary Club of Charleston's Gift of Statuary to complete the Rotary Fountain located at the corner of King and Calhoun Streets (a portion of 460-16-04-005)

Mayor Tecklenburg said, "Now, bills up for second reading."

Councilmember Mitchell said, "One, two, and three move for approval."

Mayor Tecklenburg said, "We did want to add to item three the addition of four at-large members."

Councilmember Mitchell said, "Well, move for one, two, and three with the amendment."

Councilmember Seekings said, "Second."

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

- 2020-093 -** AN ORDINANCE AUTHORIZING THE BORROWING BY THE CITY OF CHARLESTON, SOUTH CAROLINA OF NOT EXCEEDING \$40,000,000 IN ANTICIPATION OF THE COLLECTION OF AD VALOREM TAXES AND LICENSE FEES FOR FISCAL YEAR 2020.
- 2020-094 -** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A DEED AND ANY OTHER NECESSARY DOCUMENTS, APPROVED AS TO FORM BY THE OFFICE OF CORPORATION COUNSEL, QUIT-CLAIMING TO THE WASHINGTON LIGHT INFANTRY AND SUMTER GUARDS BOARD OF OFFICES THE CITY OF CHARLESTON'S RIGHT, TITLE AND INTEREST, IF ANY, TO THAT CERTAIN PORTION OF MARION SQUARE BEING THIRTY-SIX (36) FEET SQUARE, LYING WITH IN THE CENTER OF THE FORMER DRIVE FROM CALHOUN STREET TO THE GREAT GATE OF THE "OLD" CITADEL AND 110 FEET FROM THE INSIDE CURBING OF THE PAVEMENT OF CALHOUN STREET (AS SUCH INSIDE CURBING EXISTED ON SEPTEMBER 16, 1885), AND SUBJECT TO CERTAIN EXCEPTIONS AND OTHER MATTERS TO BE APPROVED BY THE OFFICE OF CORPORATION COUNSEL.
- 2020-095 -** ORDINANCE TO AMEND CHAPTER 23 OF THE CODE OF THE CITY OF CHARLESTON BY DELETING ARTICLE IV. SECTIONS 23-46 THROUGH 23-48 IN THEIR ENTIRETY AND SUBSTITUTING IN THEIR PLACE NEW SECTION 23-46 THROUGH 23-49, CREATING A COMMISSION ENTITLED "CENTRAL BUSINESS DISTRICT IMPROVEMENT COMMISSION" AND DESCRIBING ITS MEMBERSHIP, MISSION, POWERS AND DUTIES, AND ORGANIZATION. **(AS AMENDED).**

Mayor Tecklenburg said, "There are no bills up for first reading. Our next regular meeting will be Tuesday, August 18th. I don't know how we would have made it through June and July having one meeting a month. We're going to try it in August. We're three weeks from the meeting. I hope you all take a little time off and go on vacation. We'll be back at it on August 18th. Of course, if something comes along that needs our attention, I'll still reserve the right to call you altogether for an emergency meeting if need be, if numbers go the wrong way or whatever. Thank you all for hanging in there this evening. I think we had a very productive meeting. I'm glad July is about done, and we'll move to another month. Is there any further business to come before us tonight? We stand adjourned."

There being no further business, City Council adjourned at 9:07 p.m.

Vanessa Turner Maybank
Clerk of Council