

COUNCIL CHAMBER

Regular Meeting

August 21, 2018

The fifty-eighth meeting of the City Council of Charleston was held this date convening at 6:04 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media August 15, 2018 and appeared in The Post and Courier August 19, 2018 and are made available on the City's website.

PRESENT (11)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings	District 8
Councilmember Lewis (<i>absent</i>)	District 3	Councilmember Shahid	District 9
Councilmember Mitchell (<i>absent</i>)	District 4	Councilmember Griffin	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Jackson	District 12

Mayor Tecklenburg called the meeting to order at 6:04 p.m.

The Clerk called the roll.

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

Councilmember Gregorie opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Well, thank you all for being with us. This is an announcement of a very unlikely nature that we would have to exit the building. The two exits from this main room, of course, right here and, in the event if we had to evacuate, do not use the elevator, but instead go down the two stairways, either one, and then the single stairway out the front of the building. There is also an exit door out from this room to my right, and you all up in the balcony would have to use the stairs as well, not the elevator, just letting everybody know. It's very unlikely, but just in case.

Next, I would like to introduce to Council and to our citizens assembled here, some new employees of the City of Charleston. We're very glad to have on board a new Assistant Corporation Counsel in the name of Stirling Halversen. So, Stirling was the City Attorney for the Isle of Palms for a number of years. She served that position since 2010. She also served as attorney for the Town of Mt. Pleasant Board of Zoning-Appeals and before then, she was

Assistant Town Attorney for Palm Beach, Jupiter Island, and the Village of Tequesta, Florida. She graduated from Vanderbilt University and Florida State University College of Law. Prior to Law School, she worked for six years for the Carter Center in Atlanta. She is married to attorney Brent Halversen and has two children. She has a ton of Municipal Law experience as she will be kind of specializing in real estate, zoning, and commercial matters primarily, Stirling Halversen right over here. I wanted to introduce her to everyone.”

There was applause in the Chamber.

Mayor Tecklenburg continued, “In addition to Stirling, we have another addition to our Legal Department who I would like to introduce, Sean Adegbola. He joined the Legal Department just this past Thursday. He is a graduate of the Charleston School of Law and recently took the South Carolina Bar. He is a graduate of the University of Arkansas and, among his other legal experience, he worked as a Law Clerk for the 9th Circuit Solicitor’s Office and the North Carolina Administrative Office of the Courts in Charlotte, North Carolina. I would also share with you, I hear that Sean, while he was at the University of Arkansas, was a Razorback on the football team and was a standout player for them, so he has some great athletic experience, as well. Sean Adegbola.”

There was applause in the Chamber.

Mayor Tecklenburg continued, “Then finally, is Shannon with us this evening? Shannon is over here. Shannon Scaff is our new Emergency Management Coordinator. He served with the United States Coast Guard for 24 years, retired as a Lieutenant Commander, concluding his career as Chief of Contingency Planning and Forest Readiness at Sector Charleston. Prior to obtaining his commission, Shannon was a Coast Guard Helicopter Rescue Swimmer for seven years and was involved in numerous rescues throughout the United States. He was involved in the response to numerous weather-related disasters, including Hurricane Floyd, the floods of 2015, and Hurricane Matthew. Following his retirement, he was called back into duty to assist the Coast Guard with air rescue of hundreds of Houston residents stranded as a result of Hurricane Harvey. Shannon, this may be the best part of the story, is a lifelong Charleston resident. He grew up West Ashley and moved from West Ashley, though. He went to Summerville High School for a little while. His grandfather was the owner of Portaro’s Italian Restaurant, West of the Ashley. He is remarkably experienced and qualified to be the City of Charleston’s new Emergency Management Director, Shannon Scaff.”

There was applause in the Chamber.

Mayor Tecklenburg said, “We’ve got some great new employees.”

Councilmember Gregorie said, “What about our Director of Minority Business Enterprise?”

Mayor Tecklenburg said, “Ruth has already been introduced, but not at City Council. We did that at a Department Head meeting, so I apologize. Ruth Jordan is the City’s new Minority Women Business Enterprise Director, and she started about a month ago.”

Ruth Jordan said, “Two months.”

Mayor Tecklenburg said, “Two months ago, already? Time flies around here like you all wouldn’t believe, and she’s already doing an incredible job, picking up on the great work of Theron Snype, who served before her. For example, last week when we had the announcement that the African American Museum folks had raised their \$75 million, I don’t

know how she timed this, but that night we already had our first workshop for minority- and women-owned businesses to attract their attention to the project, so we can get the best participation in a project this City has ever had. She's also agreed to lead our effort to add changes to our Rose Kids program. She'll be starting that next week. Ms. Ruth Jordan, a real leader in our community."

There was applause in the Chamber.

Mayor Tecklenburg said, "Did I leave anybody else out? Great new employees. Thank you all. So, first, on the agenda, or next, is public hearings. We have a few of them, and the first one up is a public hearing that's just a requirement of a grant application. This is for a 2018 Justice Assistance Grant Application in the amount of \$26,500. The proposed application for the purchase of a forensic light source and multi-spectral camera for the Charleston Police Department Forensics Division. There is no match required. The complete grant application is available in the Clerk of Council's Office, if you wanted to see it. Would anyone like to be heard on this matter? Yes, sir."

1. Anthony G. Bryant said his concern were patterns. He referenced George Orwell's book, *1984*, regarding the collection of people's data and, in particular, African Americans who lived in the City and the issue regarding the Performance Audit that was done and the Audit by the Post and Courier which didn't clearly define what was learned from that. He also referenced a brochure by the Justice Department regarding due process and equal protection. He said the SLED Crime Lab was not funded yet, and the grant could be used to buy innocence for people in the Country. Many African Americans had been wrongly accused in the Country. He took Justice Department Grants seriously and made public comment, so it would be on record. He asked Council to make sure patterns were in place to ensure people weren't wrongly accused for crimes they didn't commit.

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

No one else asked to speak.

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

Councilmember Griffin said, "Move for approval."

Councilwoman Jackson said, "Second."

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

No one asked to speak.

On a motion of Councilmember Griffin, seconded by Councilwoman Jackson, City Council voted unanimously to approve to submit a 2018 Justice Assistance Grant application for the amount of \$26,500. The proposed application for the purchase of a forensic light source and a multi-spectral camera for the Charleston Police Department Forensics Division. There is no match required for this grant application. The complete grant application is available for the public to view in the Clerk of Council's Office.

Mayor Tecklenburg said, "E-2 is an ordinance matter. Mr. Morgan, are you going to help us out on this one?"

Christopher Morgan said, "Yes, sir, Mr. Mayor. This is 529 and 537 Meeting and property on Walnut Street to the rear. It's 1.09 acres. It's a request to rezone from General Business to Mixed-Use Workforce Housing (MU-2/WH), and we are going to have some maps up here in just a second on the screen. You also have maps in your packages, as well. Here is the property on Meeting Street, just north of Lee Street, and south of Jackson Street. There is a new Multi-Family development going in across the street from this under the MU-2/Workforce Housing. Here is Walnut Street to the rear, and then I-26 further to the southwest. We have some images of the property. Here is an aerial image, another close-up aerial, street view, and from the rear on Walnut Street, and property that's adjacent. It's in the Comprehensive Plan as part of our Urban Core, which allows for us to make the recommendation for the MU-2/Workforce Housing, and Planning Commission recommended for that as well."

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

1. Anthony G. Bryant said the Coastal Barrier Resource Systems created in 1968, and the Flood Disaster Protection Act of 1973, as a condition of community participation, must adhere to the strict Floodplain Management Resolution enforced by the community. He said Councilmember Waring said that maybe Senator Tim Scott, Senator Lindsey Graham, and others needed to do their jobs in terms of providing the funding necessary. He said there were a lot of Republicans on Council, and they needed to do their jobs and call their Republican friends and let them know Charleston needed a lot of money. Everyone needed to do their part in supporting Mayor Tecklenburg to get it done.

Mayor Tecklenburg said, "Mr. Bryant, I couldn't agree with you more. Could you try to keep your remarks to 529 Meeting Street?"

Mr. Bryant said, "Well, I'll keep it to that, too, then."

Mayor Tecklenburg said, "Thank you."

Mr. Bryant continued by saying, in terms of affordable housing and markets, the average rent was \$1,900 per month, and the average house was \$311,000. He asked how the market conditions, absent any help from the Federal and State government, mitigate \$20 million. This was an issue of market Workforce Housing which wasn't \$2,000 a month. He asked how they were going to get around the issues of the numbers and the market without Federal and State help.

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

2. Mohammed Idris asked what the difference was between Workforce Housing and Affordable Housing.

Mayor Tecklenburg said, "Thank you. This is a comment period, not a question and answer period, but we would be happy to address that for you as we discuss it, maybe. Would anyone else like to be heard on this matter?"

No one else asked to speak.

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

Councilmember Griffin said, "Move for approval."

Councilmember Shahid said, "Second."

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

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I'll just give a lay person's definition of the difference between Workforce Housing and Affordable Housing. Basically, in this ordinance, Workforce Housing is defined whether it be rental or homeowner condominium, defined for families who have an income that falls between the 80 percent and the 120 percent of the area median income average. So, that's our official definition and, usually, low income housing is defined for anything below 80 percent."

Mayor Tecklenburg said, "Thank you very much. Are there any other comments or questions?"

No one else asked to speak.

On a motion of Councilmember Griffin, 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 529 & 537 Meeting Street & property on Walnut Street (Peninsula) (1.09 acres) (TMS #459-05-01-011, 459-05-01-018 and 459-05-01-095) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by KQC Investors LLC.

Mayor Tecklenburg said, "I would like to recognize, just briefly, the owners' representative, Linwood Davis, is with us from North Carolina. The reason I do this is, to share with Council, and you may or may not remember, that the owners of this property have been so kind as to lease this property to the City for a dollar a year until they get to the point where they're ready to re-develop the property. I just wanted to thank him and the other owners for their generosity to the City. It's really commendable. Thank you, sir. E-3."

Linwood Davis said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir."

Mr. Davis said, "If I just may say, we really appreciate those comments, and we really appreciate Mayor Tecklenburg's initiative on homelessness. We care very much about that, and that's why we enjoy working with a City, County Government that really appreciates that, as well. Thank you all very much."

Mayor Tecklenburg said, "Thank you. Mr. Morgan."

Mr. Morgan said, "Yes, sir. Thank you. The next item is E-3, which is 141 Meeting and 174 King Street. It has dual frontage. It's commonly known as the former SCE&G offices in the lower part of the City. It's between Meeting and King just north of Queen Street. Here is an image you see of the property here. We have a couple of other images of the property itself. You see the Gibbes Museum to the south, the Library Society to the south, and a commercial

office building to the north, along with a parking garage and other King Street storefronts. Here's another image of the structure, some of the older buildings on the site, some of the newer buildings delineated here, and street view. It's also in our Comprehensive Plan in the Urban Core area. It's a request to go from General Business to Urban Commercial (UC), and both Planning Commission and staff recommend approval of that request."

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

No one asked to speak.

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

Councilmember Seekings said, "So moved."

Councilwoman Jackson said, "I'll second."

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

Councilmember White said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Do we know, since the owner is still SCE&G, if they are under contract to sell, and if so, to whom, and what they're going to put on that site?"

Mr. Morgan said, "I'm not sure if it's under contract. I know there is a group that is interested in buying it. I can only assume it's under contract, but they are talking about a Residential and Commercial development there."

Councilmember White said, "Just curious, Urban Commercial, it's fairly rare that we've seen that come up as a requested rezoning. That's why I ask. There's got to be something specific in there that somebody has a specific use in mind. I can't recall, off the top of my head, when we have had something rezoned to Urban Commercial, and the UC is almost exclusive to the King Street Corridor, and that's why we felt it was appropriate here. There are a number of other locations along King Street, in particular, that the UC has been in place. I'm not sure if we've gotten any other UC in the City, beyond the King Street Corridor. It was kind of developed for those types of properties in the King Street Corridor."

Mayor Tecklenburg said, "I do believe that one notable difference is that it increases the Residential density, does it not?"

Mr. Morgan said, "Yes, it does to basically about 43 units an acre. Basically, one unit for every 1,000 square feet on the property."

Councilmember White said, "For all market rate?"

Mr. Morgan said, "Yes, that is correct."

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

No one else asked to speak.

On a motion of Councilmember Seekings, 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 141 Meeting Street and 174 King Street (Peninsula) (1.061 acres) (TMS #457-08-04-003) (Council District 1), be rezoned from General Business (GB) classification to Urban Commercial (UC) classification. The property is owned by SCE&G.

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "Okay, and the next one is 838 Morrison Drive and additional Ten Parcels along Morrison Drive and Johnson Street. You all have seen this one before you before in reference to the rezoning to the Upper Peninsula zoning. This request is to go from the Old City 4 Height District and WP Old City Height District classifications to the 4-12 Old City Height District, which again matches up with the Upper Peninsula zoning. This is formerly property owned by the State Ports Authority. We have looked at this before at previous Council meetings. Johnson Street leads back into the Columbus Street Terminal here. There's marsh to the rear, the ramp to the Cooper River Bridge, the Mt. Pleasant location is here, then there is Morrison Drive frontage here, the Sanders-Clyde Elementary School here, and then other housing from the Housing Authority across the street, and the request is for that 4-12 Old City Height District."

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

No one asked to speak.

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

Councilmember Moody said, "Move for approval."

Councilmember Griffin said, "Second."

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

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I just have a question. When this was in front of us before, this is a parcel, Mr. Morgan, I think there was a public access that the developer was talking about giving back to the creek. I was just reminded this morning about Longborough. We're supposed to have that little public access back there. Is that in writing before we give this approval?"

Mr. Morgan said, "The zoning they've requested, it's not a PUD, so we can't have conditions on it or anything like that, but I know the developer has had a number of discussions with the community about getting some public access to the water over there, but it's not something we could condition, based on the type of zoning that they've requested for the property."

Councilmember Waring said, "Yes, I'm just bringing it up. Remember when we had that with Longborough, and there was a lot of public discussion, handshake agreement, and that's not the case today. The public is being excluded."

Councilmember Griffin said, "It's on that upper part of Johnson Street, right?"

Councilmember Waring said, "No, this is something else in Longborough, but this is one here where people kind of cut through and fish in that creek and have been doing that for decades."

I'm just wondering. It certainly appealed to all of us when they made their presentation. I just wondered, Mr. Mayor, did we have anything in writing?"

Mayor Tecklenburg said, "I don't know of any way that we can codify that."

Mr. Morgan said, "If it was a PUD, a Planned Unit Development, there could be conditions, and actually, Longborough was a PUD, but I think some of that park area wasn't in the PUD. I can't remember the exact background on that, but it was a PUD. This is not."

Councilmember Waring said, "Listen, I believe all intentions are good. Don't get me wrong, and I support these people in doing this, but if they don't get this vote, maybe they would volunteer to put something in writing."

Councilmember Gregorie said, "If we defer it."

Councilmember Waring said, "If we defer it. I think they truly want to do it, but I think we need to dot the 'i's' and cross the 't's'. As a matter of fact, it was their suggestion. It wasn't mine. I think we have the developer here."

Mayor Tecklenburg said, "Mr. Morgan, this has already been to the Planning Commission?"

Mr. Morgan said, "Yes, sir, and recommended for approval."

Mayor Tecklenburg said, "So, this is giving our first reading on the matter?"

Mr. Morgan said, "Yes, sir."

Mayor Tecklenburg said, "So, it will have to come back to Council for second and third reading?"

Mr. Morgan said, "Yes, sir, and I do believe a representative of the development team is here. I don't know if he wants to speak to this issue."

Councilmember Waring said, "We're willing to hear about that, being a good steward and a good neighbor."

Zack Bearden said, "Yes, sir. My name is Zack Bearden, 838 Morrison Drive, one of the property owners. The area you're describing is actually a rail spur that's owned by the South Carolina Port Authority, and it's the old Seaboard rail, and people do go out there and fish. So, we are actually working with the Port to work through their process to acquire that property and then, if and when we're able to acquire that, our intent would be to work with the City and other organizations to create a true waterfront access, because there are already people there that are fishing and using that property. We want to make it a very welcoming experience. We don't want to make it something they will not use, but we're trying to pull the pieces of that together but, unfortunately, we're subject to the Port's process. If we already owned that property, I think it would be a simple matter."

Councilmember Waring said, "I understand that point, but you all have a wonderful vision for that, and we support that vision. Could you do a MOU if you were to own the property, or under the auspices of obtaining the property? I understand you may not work it out with SPA but, just in case you do, could we have something in writing on that? Because that's a wonderful vision that you all have painted for this, and I hope and pray you get it done. That's why I voted for it the first time."

Mr. Bearden said, "Absolutely. I have no problem keeping this Council up to date. We've been keeping the community up to date. I have no problem with. That's our intent. There is no other use. There's no benefit really to our property. There's some permitting challenges with it, too, but we're thinking high level."

Councilmember Waring said, "Hypothetically, you all have control of it, and you have this unreal offer, and you sold it. I understand. Listen, because that could happen, and the new owner said, 'I didn't agree to that'. Then, we're back in a situation we are uncomfortable with. The City actually went into a lawsuit on Longborough, and my understanding is we didn't do too good on that one. The handshake deal didn't materialize in reality. You're at the point right now to where, if you all were to negotiate and get the property, and you all were to volunteer to do that in writing, that vision could be realized whether, hopefully, if it transitioned to new owners, that could happen whether you all did it, and we hope you all do, or whether new ownership were to come into place."

Mr. Bearden said, "I think one mechanism to possibly do that would be to deed restrict it for public use prior to its transfer."

Councilmember Waring said, "You see, we're making progress."

Mr. Bearden said, "Our intent is there, and we're working through it, and the Port has been a very amicable seller. We hope that we can achieve this piece of the plan."

Councilmember Waring said, "I see our Legal Counsel fidgeting over there. Do you have a comment?"

Councilmember White said, "You're making him nervous."

Chip McQueeney said, "You can't really zone, like contract zone, generally speaking. What you can do is create incentive-type zones and, I think, the conversation here, and I haven't been involved with it from the beginning, but I think there may have been a conversation. I sat in at one point where it was discussed that this would be zoned Upper Peninsula, which is an incentive-based zone where they can get additional height for certain incentives. I talked to Mr. Morgan, and I don't think they have acquired the property to provide public access, but I think one of the incentives they could get is to acquire the property, provide the public access, and then get additional height, because they've complied with that incentive, but we can't make that a condition to rezoning their property. We have to do it based on compliance with the rest of the area, how it fits into the community, really the police power, health, safety, those types of issues, but we can incentivize zoning across the board, which I think this would do here."

Mayor Tecklenburg said, "Thank you."

Councilmember Waring said, "I'm good. We can talk about this after, but let's give it first reading and come back to it."

Mayor Tecklenburg said, "Without further conversation, Mr. Bearden will offer to continue conversations with you."

Mr. Bearden said, "Absolutely."

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

Councilmember Waring said, "I just don't think an MOU would hurt. I'm going to vote for first reading but, hopefully, we can have some discussions in between the first and second

reading.”

Mayor Tecklenburg said, “Yes, sir.”

Councilmember Waring said, “Thank you.”

Mayor Tecklenburg said, “I think there’s a motion on the floor already. Is there any further discussion or questions?”

No one else asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 838 Morrison Drive and Ten Parcels on Morrison Drive and Johnson Street (Peninsula) (9.14 acres) (TMS #459-07-00-010, 008, 009, 016, 017, 018, 024, 025 and 459-02-00-001 and 015 and a portion of 400-00-00-001) (Council District 4), be rezoned from 4 and WP Old City Height District classifications to 4-12 Old City Height District classification. The property is owned by ODP Morrison LLC.

Mayor Tecklenburg said, “Mr. Morgan.”

Mr. Morgan said, “Yes, sir. Next item is E-5, which is 648-656 King Street on the Peninsula. It’s a 1.98 acre site. It’s currently zoned as a combination of General Business and Light Industrial, and the request would be to go to the MU-2/Workforce Housing. To orient you to the site, we have the property right in here. It’s inside the two sides of I-26, coming into the City here, and exiting the City here. King Street goes by just in front here. The Lowcountry Lowline is to the rear. It’s in an area that has seen a lot of other zonings to the MU-2/Workforce Housing, such as, over here on Line Street and further over in the Meeting Street area. So, it is a site that we have seen this type of zoning for, and it’s appropriate in this area, based on the Comprehensive Plan. Just a couple of images here of the property. Again, existing one-story buildings on the site, and it backs up to the Lowline, as identified on that image and some views from King Street and, again, another view from King Street and up adjacent to the I-26 ramps there from King Street and, again, adjacent to the ramps and across the street. Here it is in the Comprehensive Plan. It is in the area of Urban Core, so staff and Planning Commission recommend approval of this request.”

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

No one asked to speak.

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

Councilmember Griffin said, “Move for approval.”

Councilmember Gregorie said, “Second.”

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

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "While we're here talking about that property, that's a really active piece of property with a lot of businesses on it. Have you seen a plan if this is rezoned, and what's going to happen? Are they going to raise those buildings and go vertical?"

Mr. Morgan said, "I don't think the owner has a plan at present. I think he's just looking at future utilization."

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

No one else asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 648-656 King Street (Peninsula) (1.98 acres) (TMS #460-04-04-031) (Council District 4), be rezoned from General Business (GB) and Light Industrial (LI) classifications to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by King Street Holdings LLC.

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "Then, we have E-6, 1046 Folly Road. It's a .669 acre site, and it is a rezoning from Residential Office (RO) to Commercial Transitional. Again, you see the subject property here, which has the RO on it on the map here, and it would be a request to take it to the CT zoning. We have other CT just down the street from it. Other properties that are shown in white on this map are in the Town of James Island, but the CT is in conformance with the types of zoning that are in the surrounding area. Here is an aerial image of the property. It's a very odd-shaped parcel, and then here is an image of it from the street, another image across the street, and here it is at the corner of Folly Road. The request is for the CT zoning. It would be in the Folly Road Overlay, obviously, as all Commercial properties are along Folly Road, and staff and Planning Commission recommend approval."

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

No one asked to speak.

Councilmember Griffin said, "Move for approval."

Councilwoman Jackson said, "Second."

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

No one asked to speak.

Mayor Tecklenburg said, "I have one question. Just out of curiosity, do we know what district of the Overlay Zone it's in? Is it in the Neighborhood District?"

There was laughter in the Chamber.

Mr. Morgan said, "It's not the southern area that we were looking at before a few weeks ago. It's more in the Central area that relates to the Camp Road intersection."

Councilwoman Jackson said, "It's the Commercial Core."

Mr. Morgan said, "Yes, the Commercial Core, as they say."

Mayor Tecklenburg said, "What do they call it?"

Councilwoman Jackson said, "Commercial Core."

Mayor Tecklenburg said, "Alright. Just checking, now that we know about such things."

Councilwoman Jackson said, "It's a painful memory."

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

No one else asked to speak.

On a motion of Councilmember Griffin, 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 1046 Folly Road (James Island) (0.669 acre) (TMS #425-09-00-019) (Council District 12), be rezoned from Residential Office (RO) classification to Commercial Transitional (CT) classification. The property is owned by Thomas Sheridan.

Mr. Morgan said, "Then, we have E-7 which is at 842 and 844 Magnolia Road. It's a request to take some existing Commercial structures from (SR-3) Single-Family Residential to Commercial Transitional. We'll show you some images. It's right near the West Ashley Bikeway, which is the area in green shown on the image here. Here is Magnolia Road running north and south. It backs up to other Residential in the area, and here is a further away aerial image. A little bit closer, you can see the Commercial structures there. This is an image from the street view, and you can see that they are currently being utilized as an architect's office. It's got grandfathered Commercial uses in there, and there has been a lot of renovation on the site recently. I think the owner has worked extensively with the neighborhood to have them comfortable with this rezoning request, as well. Here is property across the street, and just again, surrounding area, and I'll go back to the image of the property. So, both staff and Planning Commission recommend approval of this request."

Mayor Tecklenburg said, "Are there any comments or questions? Would anyone like to be heard on this matter first?"

No one asked to speak.

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

Councilmember Shahid said, "Move for approval."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg recognized Councilmember Waring followed by Councilmember Shahid.

Councilmember Waring said, "I'd like to applaud the owner, staff, and everybody involved on this, and this used to be a paint and body shop, and it was grandfathered under being General Business. This could have been a bar that stayed open until 2:00 in the morning in the middle of a Residential area, and we couldn't have done anything about it. We have awards for down on the Peninsula, but I think this gentleman needs to get an award. If you were to look at how the paint and body shop once did, and we've got some witnesses in the audience right here now that can tell you how it was. I don't even know him, but I'm proud of what he has done over there. So, this is a great example of revitalizing and keeping a community quiet, as opposed to partying until 2:00 in the morning."

Mayor Tecklenburg said, "I'm sorry, public comment is over."

Mr. Morgan said, "He's the owner of the property."

Councilmember Waring said, "You're the owner? Congratulations! You did such a wonderful job."

Matteo Rapallini said, "Thank you so much. I appreciate the comments. We worked with the neighborhood, and we've invested everything of our own money because we live nearby, and we have a big vision to try to help out the neighborhood to where we have something friendly, and also to encourage more of the walkability of the sidewalk between the Avondale area and the West Ashley Revitalization location, as well as the bikeway. It is also in line with the vision of the revitalization program. We want to thank Peter Shahid for his support, and all of the people that have been involved with it. Everybody's been great."

Councilmember Waring said, "Congratulations! A wonderful job."

Mr. Rapallini said, "Thank you so much. I appreciate it."

Mayor Tecklenburg said, "Thank you, sir."

Mr. Rapallini said, "Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Yes, I just want to echo Councilmember Waring's comments about this, Mr. Mayor and Councilmembers. This property was marketed, I believe, for Commercial sale. I don't think it was an intentional misrepresentation. I just think everybody assumed that this was a Commercial property area. When you walk inside this building, you can see some of the remainder of what was a garage. You can make the difference, but when you walk in, this is a perfect example of revitalization and what we are looking for as part of our revitalization efforts for West Ashley. They've just done a marvelous job. They're very good neighbors. They've hosted a Neighborhood Association meeting there that I went to several months ago, and you just think you're in a different world when you go into their property. I just want to applaud them for their efforts. They're good neighbors, and they're very good citizens. I'm glad to have this come forward, and we can do this for them. Thank you."

Mayor Tecklenburg said, "Thank you, sir. Are there any other comments or questions?"

No one else asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 842 and 844 Magnolia Road (West Ashley) (0.45 acre) (TMS #418-09-00-117) (Council District 9), be rezoned from Single-Family Residential (SR-3) classification to Commercial Transitional (CT) classification. The property is owned by 546 Elm LLC.

Mayor Tecklenburg said, "Next, the public hearing."

Mr. Morgan said, "The final public hearing is E-8. It's an amendment to our Light Industrial and Heavy Industrial Zone Districts. It would remove residential uses, nursing and personal care uses, and school uses from these districts. At the request of Council, we have notified all property owners within the Light Industrial and Heavy Industrial Zone Districts throughout the City. These are the parcels that are around the City. We do have sets of maps, if you all would like to see them in more detail, but it is all the Light Industrial throughout the City, both on the Peninsula, West Ashley, and onto James Island and Johns Island and into the Cainhoy Peninsula. Staff and Planning Commission recommend approval of this request."

Mayor Tecklenburg said, "Would you share, please, did we send notices out?"

Mr. Morgan said, "Yes, sir. It's about 380, I believe, owners that all got notices of the public hearing for tonight. Yes, sir."

Mayor Tecklenburg said, "Terrific. We're going to have a public hearing. Do you want to make a comment or question before, Councilmember Griffin?"

Councilmember Griffin said, "Yes, sir. I thought the last time we deferred this because we asked to get a list of the properties, so that we could make sure that we didn't have anything affected. I don't know if you all got a list, I never got a list, but I think that's important because we just want to make sure we're not downzoning anybody here. Obviously, I support this. I just want to make sure, there might be an outlier that is affected that we'd like to look at, as a Council."

Mayor Tecklenburg said, "Alright. I know we had a request to send a notice to all of the property owners and, as Mr. Morgan just said, that's one thing that we did. They presented me with a map, same maps they're showing up here, I don't know if that got distributed to the Councilmembers."

Mr. Morgan said, "We can have copies of that that we can share with Council if people have specific questions about parcels. I have a stack of those, if they would like to look at them."

Mayor Tecklenburg said, "Right. So, if we may, let's move forward and have any comments from the public, since we have an advertised public hearing. Yes, sir. Do you want to be heard on this matter? Please come forward."

1. Robert Mallard said he was a property owner on James Island affected by the zoning change. He had 20 acres of Light and Heavy Industrial that front Folly Road and Signal Point Road. He said not being able to have Residential, including nursing and assisted living, affected his property value. They had been paying taxes on it for many years, knowing that they had some options. They turned away plenty of Multi-Family people, and he also lived on James Island and agreed they were saturated with Multi-Family, but things like nursing and assisted living were not

high impact. It affected him drastically, and they opposed the zoning change.

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

2. Kalem Umrani said they were in the City, and they received a notice. He asked if that affected some of the properties in the City.

Mayor Tecklenburg said, "They would only be in the City of Charleston."

Mr. Umrani said, "Yes, Reid Street near King and Hanover Streets, between King and Meeting Streets?"

Mayor Tecklenburg said, "Quite possibly. What is your address?"

Mr. Umrani said, "Well, we have a residence there, and we're wondering if the people are already living there, how does that affect them?"

Mayor Tecklenburg said, "It's a residential property?"

Mr. Umrani said, "Yes."

Mayor Tecklenburg said, "But it must be zoned Light Industrial or Heavy Industrial?"

Mr. Umrani said, "Right."

Mayor Tecklenburg said, "Okay. Well, I'm pretty sure, if you had somebody living there now, that that use would be grandfathered in, but we would welcome you to apply to have the property properly rezoned, if you're not planning on building an industrial facility there. We would welcome a rezoning of the property to a Residential appropriate zoning."

Continuing, Mr. Umrani said, "Who would I go to, to go through that process?"

Mr. Morgan said, "I can help you out with that, sir."

Mayor Tecklenburg said, "Mr. Morgan can help you with that."

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

Mayor Tecklenburg said, "We'll be happy to do that. Yes, sir. Would anyone else like to be heard?"

No one else asked to speak.

Mayor Tecklenburg said, "So, Mr. Mallard, if I may address your point, part of the purpose of this ordinance is, I guess, to ferret out, in a way, those properties that are zoned for Industrial use, that might be a good property for a Residential use. Like I just explained to this gentleman, we would welcome you to come forward and ask for a rezoning of your property. What will remain at the end is those properties, and many of them are truly Industrial use, and we want them to remain Industrial use, if we have a variety of uses. We want to have some authority over where Residential, particularly Mixed-Use and apartment complexes, go, so they don't end up next to some Industrial site. So, that was the purpose."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "One question, Christopher. On Main Road and Old

Charleston Road, there are a couple of furniture warehouses and a couple of furniture stores, if you would pull that up for me.”

Mr. Morgan said, “Right there.”

Councilmember Wagner said, “Yes, it’s all alone. The gentleman that owns it is away and out of town. He has very limited anything, where he’s at. I think he’s an alligator hunter or something, but when he comes home, he said, ‘Okay, the property has been storage for furniture for quite a while. When I get back, I’m going to rebuild one of the buildings. I want to live upstairs, and the way I read what they sent me, I can’t do that.’”

Mr. Morgan said, “That is correct.”

Councilmember Wagner said, “So, what do I tell this gentleman, should he ever get back from the black water, wherever he’s at?”

Mr. Morgan said, “He called our office, too, and we’ve had discussions with him, not me personally, but other staff members. The way the ordinance is written, you would not be able to have a Residential use in there. Now, it is possible that he could zone a portion of the site because zoning doesn’t have to follow the entire property lines. I don’t know the full configuration of the building he would have, but it could be that a portion of the site could have a different zoning. That could allow the residence on it, particularly if he’s going to rebuild it. Of course, right now, if he were to build a residence on it, he would have to build it to an Industrial code, which is pretty stringent, too.”

Councilmember Wagner said, “I’m aware of that particular code.”

Mayor Tecklenburg said, “So, for example, he could, as Mr. Mallard could do, request a rezoning to General Business, and you do have a Mixed-Use ability, including Residential, on that zoning.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Thank you, Mr. Mayor. So, I guess I’ll just sort of lead by saying I’m going to say something that probably hasn’t been heard in these Chambers for a long time. I agree with Mr. Mallard. That’s something I haven’t heard in a long time. Alright. So, Mr. Morgan, how many acres total are we about to downzone?”

Mr. Morgan said, “I need to check one thing in my notes from the Planning Commission meeting.”

Mayor Tecklenburg said, “Is there any other question or comment while he’s looking that up?”

Councilmember Seekings said, “I have a lot to say about this one, so if I can.”

Mayor Tecklenburg said, “You want to make point number two while he’s looking that up?”

Councilmember Seekings said, “Point number two is going to be very much in line with what I’m about to be told in the number of acres that are about to be downzoned.”

Mayor Tecklenburg said, “Okay.”

Mr. Morgan said, “I thought I had that figure, but I don’t have that figure.”

Councilmember Seekings said, "It's hundreds, if not thousands."

Mr. Morgan said, "Absolutely."

Councilmember Seekings said, "Can you put the map of the Peninsula up, please?"

Mr. Morgan said, "Yes."

Councilmember Seekings said, "So, one of the things, Mr. Mayor, that we have talked a lot about over the course of my tenure on this Council, and since you've been here, is housing, where people live and affordable housing and all of that. By and large, the properties that are highlighted in red that we're now talking about downzoning are undeveloped properties, by and large, or not as densely developed as some other places, right? We are now about to tell Mr. Mallard that we're going to rezone him, downzone him, and invite him to come back and ask to be zoned back up again. We're rezoning to ask people to rezone. I cannot be more opposed to this. I think this is going one step way too far. If our goal is to ultimately manage what's going on in the City and plan for it, to take housing, Mr. Mayor, out of the equation for all of these properties, when we're trying to figure out how to build housing that's affordable, how do you build affordable housing? You have to have some density. Where can you build density where there's not currently dense building already? This is a downzoning that people are going to, when they realize what we've done to them, come and say, 'This is a bad idea', and I just think this is a bad idea. The whole idea of ferreting out what people are thinking about in the future on their properties, by rezoning them and asking them to come back for a rezone and line up and do it all over again, just can't be the way to do this. If there is some mission out there to identify places that we want to have warehousing or have access to the Peninsula for Commercial use and all that, let's do that, but let's not take hundreds of acres and say 'no Residential,' period. Residential uses are pretty good uses. The Peninsula today houses 20,000 full-time residents, 20,000. Fifty years ago we had 75,000 full-time residents. One of the things that we desperately need to think about for the future, as we go forward, is how do we put people in close proximity where they live, work, play, go to school, and all those things and have some density, so we don't have cars all over the place and all of the things we worry about and infrastructure and flooding. We've got to do planning other than say 'we'll take all of these red blots, and say you can't build a house there ever and in perpetuity.' Obviously, I'm going to vote against this. I'm going to encourage my fellow Councilmembers to vote against this and let's think about this in a better way than just take a red map, downzone it, and say 'no housing on any of these properties.' That entire east side of the Peninsula now, on the water there, you're not going to be able to build a house or residential or anything."

Councilmember Griffin said, "It's the Columbus Street Terminal."

Councilmember Seekings said, "But in the future, not all of that is going to be forever in the hands of the Ports Authority or any other thing. So, it should be appropriately zoned or available for some things that we can do in the future including, but not limited to, housing, and affordable housing, Mr. Mayor, is going to get increasingly difficult in this City. It's not just on the Peninsula. There are lots of other places where there are big red blots that we need density on, and that's got to be space. So, I hear you, you said we want to go ferret out what people are thinking about in the future. But, are we ferreting them out to come forward and say what they were thinking about in the past, and Councilmember Wagner's constituent, who thought he had a piece of property to go live on when he comes back from whatever he's doing? There's going to be all sorts of that coming to us willy-nilly, and we're going to overload, I think, our system, our ability to deal with it, because we're rezoning to ask people to rezone. I just don't think that that's the highest and best use of our time, nor is it the appropriate way to handle future planning. So, this one, to me, is one step too far, and I just don't think that housing is the thing that should fall victim to us wanting to

ferret people out, so I'm going to encourage my fellow Councilmembers to vote no on this."

Mayor Tecklenburg said, "If I may reply to that, Councilmember Seekings. You described going through a process where you identify those sites where warehouses, Commercial uses, and Industrial uses are appropriate. Well, that's what created these red and orange blots, exactly that process, because these properties were zoned Light and Heavy Industrial. I can't imagine that our predecessors envisioned promoting Residential uses where they zone things Heavy Industrial or Heavy Commercial uses. For example, you've got the Port Terminals here. That's the big orange blot there, and the big red blot there. You've got what used to be a County landfill here, right, and that may go to another use, but it will get rezoned. They're coming to us for a PUD. This is Kinder Morgan, which was a former oil refinery that Standard Oil founded in the late 1920s, mostly contaminated and under those covenants where you would not allow Residential use. This is a sewage plant. This is a concrete yard. This is the largest property taxpayer in the City of Charleston. This is a chemical plant and so, these granted, they're large, but they were there for a reason because they were specifically Light and Industrial uses. I believe that we need to maintain places for those uses to occur and not for them to be gobbled up by Residential use, which is what's happening in our market place, and the best example is on Johns Island. We had property surrounding the Johns Island Executive Airport, kind of protecting it in a way, if you will, and allowing for Commercial development and what happened? Someone came along and nobody really wanted them to, but they're putting a Residential development right next to the airport, and that doesn't make sense. So, if we're going to have Light Industrial and Heavy Industrial, let's have it and, if it's a duck, let it be a duck. If you want Residential, we want to ask folks to come in and rezone their property and have the use be what it says, so that was the intent."

Councilmember Seekings said, "I get it, and I hear you. It's just rezoning to ask someone to rezone, we're downzoning these properties, and people who own Light and Heavy Industrial properties are sophisticated property owners. They know what they've got, and they may be today doing one thing and somewhere down the road might want to do another thing. As you've now pointed out, if we're inviting someone we're going to rezone and invite them to come back and rezone it, and you've already sort of led with your chin a little bit that we don't like that kind of zoning, that housing zoning, we're inviting them to come back for a rezoning they might not get that they have now. That's a problem for me, and so, I've made my point, you've made yours, we'll see how this all goes around the table."

Mayor Tecklenburg recognized Councilmember Wagner followed by Councilmember Shahid.

Councilmember Wagner said, "Yes, I'm just looking for the rest of Johns Island because that's not all of it, what we're talking about."

Mr. Morgan said, "What we highlighted on here was anywhere that there was Light or Heavy Industrial zoning, so if there is not an image of it, there's not Light Industrial or Heavy Industrial zoning."

Councilmember Wagner said, "What I'm looking for is up right off River Road, probably a mile, not very far, from Cane Slash. There's a whole section off to the left there where the school is, at the end of the road."

Mr. Morgan said, "Here's River, Cane Slash is right here. There's not any Industrial on this map. There is some Industrial back here near the Builder's First Source facility off of Maybank, but that's the only Industrial in the City over there. You might be thinking of something that's in the County that's industrially zoned."

Councilmember Wagner said, "It could be in the County. It's not very far from Judge Rawl's property, but it's on the opposite side of the street."

Mr. Morgan said, "Yes, his property is down here, and across the street is the airport and there may be some County Industrial zoning. I'm not sure."

Councilmember Wagner said, "Okay. I got it. I just couldn't see it on your map. Thanks, Christopher."

Mayor Tecklenburg recognized Councilmember Shahid followed by Councilmember Waring.

Councilmember Shahid said, "Thank you, Mr. Mayor. Mr. Morgan, a comment was made earlier that if you are going to develop a house on this property, as it stands right now, it would have to be up to Commercial grade?"

Mr. Morgan said, "Industrial."

Councilmember Shahid said, "Industrial. So, what does that really mean?"

Mr. Morgan said, "It means like masonry or steel structure."

Councilmember Shahid said, "So, if you're going to build a residence there, that's not out of the realm of possibility of making that into--"

Mr. Morgan said, "It would be an expensive residence, but it's theoretically possible. Yes, sir."

Councilmember Shahid said, "If you can go back to that map of the Peninsula, please. I understand what the Mayor's comments were about the chemical plant and the sewage plant, but other areas along the East Bay Corridor of that are properties that are not that Industrial. For instance, does this map include, and I can't remember the name of the condominium units that are next to the Maritime Center."

Councilmember Seekings said, "Dockside."

Councilmember Shahid said, "No, not Dockside. The other area on the other side of that. So, that's excluded, but that's right next to--"

Mr. Morgan said, "That's not Industrial. Dockside's not Industrial."

Councilmember Shahid said, "I understand that, but if you look at the map, this is what makes it a little bit illogical for me to follow what we're trying to do here. Right next to the Maritime Center will be the International African American Museum. It's not only Dockside, but it's also another piece of property where those high-end condos are located."

Mr. Morgan said, "They have other designations other than Industrial."

Councilmember Shahid said, "I understand that, but if you look at the overall general area of that, it's sort of an island of its own that you allow to keep as a Residential area, but the area around it fits the Light Industrial that we're talking about. If you go further up East Bay Street, up along behind Concord Street, but across the street is the County Office and the plumbing supply place, those are areas that have Residential uses already there. There are some residences that are spotted along the area. I think the issue may be that, I think, we're overbroad on some of this

area. We've got too much of an orange or a red. That's just some of the problem I have with this. Some of the area that's included in this map may still be suitable for Residential use, and that's sort of the problem. I understand the Mayor's concerned about the sewage area and the chemical plant. That makes sense to me obviously, but other areas along that corridor may still be suitable for housing, some. That's my concern with this."

Mayor Tecklenburg said, "I think it was Councilmember Waring, Councilwoman Jackson, then Councilmember Griffin."

Councilmember Waring said, "Thank you, Mr. Mayor. I, too, agree with Mr. Mallard."

There was laughter in the Chamber.

Councilmember Waring said, "That's just too much property, and I understand the issue with the property on Johns Island by the airport. We all sympathize with that but, Mr. Morgan, could you point to WestEdge on that same map right there? That was a landfill. If you were to dig deep enough, there are so many things on that landfill, you would probably find a buried martian out there where he crash landed."

There was laughter in the Chamber.

Councilmember Waring continued, "Look at Residential that was our Gateway coming into the City of Charleston. We used to come in from West Ashley, and we'd see seagulls and trash and everything blowing across what was called the City dump. Look at what we're doing to WestEdge today. Look at the Residence, the Mixed-Use, the offices, the retail, the Publix is going to open very soon, the apartments across from the Joe Riley Stadium are already being occupied. As a matter of fact, nobody would have envisioned Joe Riley Stadium being on that landfill. So, to say that Residential areas won't be able to go where the State Ports Authority is, let me say this. When the Global Gateway was proposed, it was in conjunction with the City. Madam Clerk may even remember this. It was somewhere around not quite 25 years ago, the State Ports Authority, along with the City's help, did a land use plan on their Columbus Street Terminal. I wish you could have seen it. It was absolutely beautiful. It had a new road with shops, Commercial shopping, Residential, Mixed-Use, right at that Columbus Street Terminal. I saw it. I was on the Planning Commission when it was presented to us. It was absolutely beautiful. So, to say that 20 years from now to take away Residential use up there when we have more of a Mixed-Use today potential anyway, I understand the contamination, Mr. Mayor, that you refer to. You're definitely right about that, but that's what we're doing up at Magnolia right now. Look at the cleanup that's being done up at Magnolia, and look at the density that we've already approved for the Magnolia portion. Then, to say that that could never happen or that shouldn't happen on the east side of the Peninsula, that's just too many hundreds of acres. That's saying that there will be no affordable housing ever if we keep this zoning up there. I just think it's too much of a chunk we're biting off right now and for those reasons, I'm not going to support this."

Mayor Tecklenburg said, "I just want to respond very quickly. I'm not saying any of these properties would never have Residential. Many of them, like Mr. Mallard's, might be more appropriate right now, and we should rezone them. But, here's the thing about our entitlements for Residential. For Light Industrial and Heavy Industrial, how many units per acre can you build?"

Mr. Morgan said, "Light Industrial is like 19.6."

Mayor Tecklenburg said, "Nineteen units per acre. How many of them have to be affordable?"

Mr. Morgan said, "None."

Mayor Tecklenburg said, "None. So, you can build Residential on all of these things right now, 20 units per acre approximately, no requirement for affordability, and if you were to proceed with this ordinance when they come in and they want a Mixed-Use zoning or something else, then we'll be able to put an affordability requirement on it."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes."

Councilmember Waring said, "To answer your response, to respond to what you just said, that's a failure in our Planning Department. By not being inclusive with zoning, that's what they should be bringing in front of us. What you just said, that's what we should be amending, to include the affordable aspect of it. So, thank you so much for highlighting that. That's what should be in front of us."

Mayor Tecklenburg said, "Well, with all due respect, that's why we've been asking the State Legislature for the last two years to allow municipalities to basically force inclusionary zoning. The only reason we can get the affordability requirement that we have is because it's an incentive-based or voluntary zoning. You're not going to get there with current State law."

Councilmember Waring said, "What about Workforce Housing, Mr. Mayor? What about the MU-1 or MU-2 zoning with Workforce Housing?"

Mayor Tecklenburg said, "It's voluntary. Our property owners are requesting it just like they did tonight. We passed three new MU-Workforce Housing zonings. Those property owners asked for it, and I'm sitting up here loving it because I know that that means when they develop, that they're going to have to provide some affordable units, but I can't force it on them if they didn't change the MU. If they just stayed General Business and did 26 units per acre, there's no requirement, nor can we force them to have a requirement for affordability. That's what this is partly all about."

Councilmember Waring said, "Well, I'm still not going to vote for this for those reasons."

Mayor Tecklenburg said, "I understand."

There was laughter in the Chamber.

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I just want to say, I don't know, I feel like this is sort of a failure to communicate because I resonate with the logic that zoning should be like the dictionary. You get a definition that makes sense to people outside of Charleston. You know how many potential property owners and builders we're attracting here. When they pick up our Zoning Code and they see the words 'Light Industry' or 'Heavy Industry', they should know what they're looking at. There is nothing to say that every applicant or every landowner who wakes up tomorrow and realizes, 'oh, I can only sell to somebody who wants to build a factory', can't sell their property conditioned on having it rezoned to what we actually want, and what the new owner will be doing there. We just went through seven different items where we changed zoning to suit our future land use map and the property owners who want to serve our City in correspondence to the zoning, so I don't really understand what we're arguing about. It's not 'downzoning', it's 'right zoning', and Mr. Mallard, when he came up before the hearing said, 'Oh, as long as you will support me rezoning to

some sort of Residential use potentially, I'm fine with that, or a General Business'. So, we're really just correcting the dictionary and making it make sense to everyone, and then allowing people to have their zoning that will work with our Comprehensive Plan and our Land Use planning. We'll get more from what we want out of it, so I'm voting--"

Councilmember Waring said, "Councilwoman Jackson."

Councilwoman Jackson said, "Yes to this."

Councilmember Waring said, "We weren't talking hundreds of acres with those last three zonings. This is hundreds of acres."

Councilwoman Jackson said, "They'll be able to come back."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "When I first looked at this, I thought this was a great idea, but the more that I listen to you, you all do have some really, really valid points here. I want us to keep this conversation going for a couple of reasons. Number one, we've talked a lot about why we shouldn't do this, and we need to keep affordable housing options. We need to keep some Residential options, but at the same time, we've got to think about our ports, too, and we've got to think about our maritime industry. We have to think about by 2020, we're going to have the deepest port on this coast. So, at the same time that we're trying to protect some Residential uses, we can't drive these warehouse and these maritime industries away either. So, I don't want us to do one or the other. I thought that by this meeting we would have a list of these properties that we could look through and see who's an outlier, see where there's some variances where we could do some different things, and we make the decision, and we didn't have that happen today. We came back in here looking at the same map we looked at last time, never saw the blow-up and never saw the properties, and that's why I'm mad. I think we could have made a lot better, cohesive agreement tonight, maybe done some different things, changed this ordinance up a little bit, but instead we're doing one or the other because we still don't have any information."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "I think a couple of months ago, one of the reasons why this came up, we had a piece of property that was asking to be annexed into the City. It was in the County, and their zoning laws are so different than ours. They were able to put this together. They were going to plan on putting a condo complex in an area that we felt like was not a good area there. Is there any way for us to zone this for someone that's trying to annex into the City? I think part of our issue was that the County and the City were so different that people were zoning into the City to do things different that they couldn't do in the County. We actually turned somebody away, which was a rare thing for us to do, three or four months ago on a property. So, could we make this where it's for someone coming in new to the City, I guess, annexing in?"

Mayor Tecklenburg said, "Well, we effectively do that every time a property annexes into the City. We designate some zoning. We have to give it some zoning or another, so don't we kind of do that already?"

Councilmember Seekings said, "We can condition an annexation on a particular zoning. That's different than what Mr. McQueeney said. If someone wants to come into the City, we could say 'we'd love to have you, Light Industrial or whatever.' This is different. These are existing

zonings on large scales, and one of the things that sort of caught my eye about this map, because some of those properties, Mayor, as you pointed out, are massive and will likely be Industrial for a long time, and it sort of obscures some of those, what looked like, smaller plots in the core of the City, but are actually pretty large pieces of property that we're also downzoning, too. Again, having people live in the middle of a City is a pretty good idea. So, again, I think this is just too big, too broad, and too much. If the idea is to protect the outer areas in the Industrial framework, let's have the Industrial Preservation Zone. Let's identify what we really want in perpetuity to have industry and go figure that out, make it smaller, and that is a lot more work on the front end. I predict it's better than the back end work we're going to have when everybody comes back around and realizes what happened and wants to rezone and rezone. We may have winners and losers in that because who knows what happens between Council, the Planning Commission, and back. We may say 'yea' on some properties and 'nay' on other properties. We've got to be consistent. This just, to me, is not the way to do it."

Mayor Tecklenburg recognized Councilmember Griffin.

Mayor Tecklenburg said, "Then, let's call for the question."

Councilmember Griffin said, "I would ask my fellow Councilmembers to indulge in a deferral of this and ask that we get a list of the properties and a list of the maps, so that we can actually look at it. If there are properties in the middle, then we can really make a decision. Maybe you're right, I like that idea that we have a corridor for warehouses and industrial business, maritime-related activities, but it's hard to tell when you're looking at a map. I can't even see that. I can't even read the streets on that map, so I'd like to see it."

Mayor Tecklenburg said, "We have a motion to defer. Is there a second?"

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "A second."

Councilmember Waring said, "Well, let me ask the good Councilmember a question. How many times do we have to ask for this information to get it?"

Councilmember Griffin said, "Well, this is what the third or fourth time. I'd just like to get it. That's all I'm asking."

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

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

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

The vote was not unanimous. Councilmember Seekings and Councilwoman Jackson voted nay.

Mayor Tecklenburg said, "Thank you, sir."

Councilmember Waring said, "No, no, no."

Mayor Tecklenburg said, "We'll have Citizens Participation in just a moment, and we'll allow you to come back up to address the Council."

Mayor Tecklenburg said, "Alright. That's the last public hearing matter."

The Clerk said, "So, was there just one nay, Councilmember Seekings."

Councilmember Seekings said, "I'm a nay."

The Clerk said, "Okay."

Councilmember Waring said, "Wait a minute."

Councilwoman Jackson said, "I didn't vote. I want to say 'nay.'"

Councilmember Waring said, "I thought I heard two voices."

The Clerk said, "The Mayor said there is a motion and a second to defer, and he called for the vote."

Councilmember Waring said, "But I didn't hear the vote and what it is."

Councilmember Griffin said, "Can we vote one more time?"

The Clerk said, "You didn't vote?"

Councilmember Waring said, "No, I thought I heard a couple of voices. I didn't hear a majority of the voices."

The Clerk said, "Okay. Do you want a roll call vote? Are you concerned about--"

Councilmember Waring said, "Yes, I guess we can, or we can have a voice vote. I just didn't hear the voice vote."

Mayor Tecklenburg said, "Let's have a roll call on the deferral. We have a motion to defer. I only heard one 'no.'"

The Clerk said, "Councilmember Seekings was the only 'no' that I heard. We couldn't just determine who voted."

Councilmember Seekings said, "I was the only nay."

Councilwoman Jackson said, "I was distracted. I'm sorry."

The Clerk said, "Okay. We're going to have a roll call vote."

Councilmember Waring said, "We can do a voice vote. I just didn't hear the voices."

The Clerk said, "No, I understand that, but it will be clearer this way. Councilmember White."

Councilmember White said, "Aye";

Councilmember Shealy said, "Aye";

Councilmember Wagner said, "Aye";

Councilmember Gregorie said, "Aye";

Councilmember Waring said, "Aye";

Councilmember Seekings said, "Nay";

Councilmember Shahid said, "Aye";

Councilmember Griffin said, "Aye";

Councilmember Moody said, "Aye";

Councilwoman Jackson said, "Nay";

Mayor Tecklenburg said, "Aye."

The Clerk said, "Okay. So, there are two nays."

Mayor Tecklenburg said, "Right."

The Clerk said, "Nine ayes."

Councilmember Seekings said, "For people who have been listening to this for all of this time, all we did was just defer this. We didn't take any action on it."

Mayor Tecklenburg said, "That's correct."

The Clerk said, "Right. It's a deferral."

Mayor Tecklenburg said, "So, next is our approval of City Council minutes July 12th and 17th."

Councilmember Shahid said, "Move for approval."

Councilmember Waring said, "Second."

Mayor Tecklenburg recognized Councilmember Moody.

The Clerk said, "He was not here on July--"

Councilmember Moody said, "I was not here on the 12th, but I'll vote 'yes' on the 17th."

The Clerk said, "Right. We've got you."

Mayor Tecklenburg said, "Are there any other corrections, deletions, etcetera?"

No one else asked to speak.

On a motion of Councilmember Shahid, seconded by Councilmember Waring, City Council voted unanimously to approve the minutes of the July 12, 2018 and July 17 City Council meetings.

Councilmember Moody abstained from voting on the July 12, 2018 minutes.

Mayor Tecklenburg said, "Next, is our Citizens Participation Period, which will be for 30 minutes. We have close to 30 folks who have signed up, so we're just going to allow a minute

per person. I know that's not a lot of time, but as you can tell, we're running out of time."

Councilmember Seekings said, "How many people signed up?"

Mayor Tecklenburg said, "Twenty-seven. Cynthia Gerideau Richardson."

1. Cynthia Gerideau-Richardson stated that she was a resident of Grand Oak Apartments, a Senior Citizen residence. She thought that some people had possibly heard how they wanted the residents out of there, so that they could raise the rent. She was there because she didn't think it was done fairly. On July 11th, a note was stuck in their door, saying that they would start renovating on July 16th. That was the first time they had heard of that, and they had been getting different notes in their doors. The apartments had offered them \$250 to move and that wouldn't do anything. They were also given a list of different apartments and they were all under the same management company that they were moving from.
2. Anthony Bryant stated that he wanted to thank Councilmember Gregorie for a great resolution. He could go to the Museum now. He had made public comment to the Army Corp of Engineers regarding the rail system and he had made public comment regarding the deepening of the port and the impact that might have on flooding. Drake Street was flooding already, and this could make it more flooded. They needed to understand clearly that there were people making comments to the Army Corp of Engineers and it showed that people were concerned about the mitigation process.
3. Mohammed Idris stated that he wanted to thank Councilmember Seekings because he had made a statement that 'the poor people had to stay behind because money ran the City'. They were putting up a building called 'Big Bertha'. They didn't need a 'Big Bertha' in their neighborhoods. They needed residential places and they were asking Council to look into this. They didn't have the money and they needed to look out for the poor people.
4. Anna-Catherine Carroll, Preservation Society of Charleston, stated that she was there to speak about the proposed amendment to Section 54-220. The Preservation Society strongly supported revisions to the Accommodations Overlay Zone, but they were surprised to see this item back on the agenda in the same form that they had seen two years previous. While they had supported this as a good starting place from the beginning, they had learned a great deal with the community in the past two years. Given the extensive conversation about short-term rentals, they now knew that accommodation uses were not limited to hotels alone. They supported improving the regulation of accommodations uses in the City, and they encouraged a public process to look at short-term rentals holistically and to defer action on the item.
5. Annette B. Smalls stated that she lived in Ashleyville, and her concern was the lot sizes in that area. She would like the lots to remain 50x100. They lived in an area that was historic and she asked why they couldn't have the uniform lot sizes that they had for over 80 years. She hoped they would let the lot sizes remain.

6. Marsha Higgins stated that she was a resident of Ashleyville, and she came for the same issue of lot sizes and reference to a rezoning proposal to decrease the required lot size for houses built in the Ashleyville and Maryville areas. They would like the lot size to remain at 50x100. Her understanding was that the proposal was originally for 35x100. Now, it was at 40x100. That would make the lot sizes smaller and would allow for more houses, more people, and more traffic, and future flooding problems.
7. Diane Hamilton stated that the Maryville/Ashleyville Neighborhood Association recognized and supported the need for affordable housing, as well as a creative multi-prong approach. They appreciated the work already committed to the area, while recognizing the fragile level of trust between some citizens and the governing bodies. They were asking that they not use affordable housing as a tool to address other issues. One of the visions of Plan West Ashley was to preserve community character. The layout for their community was set in 1885. The recommendation to reduce frontage requirement only benefitted, in their opinion, the developers. Even though the ruling had stated that the rule would only apply for affordable housing, the reality was that some neighborhoods wouldn't be affected.
8. Theresa Hilliard stated that she supported what the three ladies before her had stated about the lot sizes. They wanted to maintain the integrity of their community and wanted to keep the lot sizes at 50x100 because that was what the community was built on.
9. Paige McCormick stated that she was a member of Blessed Sacrament Church and was a member of CAJM. Last month, the first Regional Housing Trust Fund coalition convened for the first time. Michael Anderson, National Housing Trust Fund Expert, gave a presentation on housing trust funds and the implications it could have for the tri-county area. There were over 780 housing trust funds nationally and they produced more than \$1.5 billion per year for affordable housing. The Regional Housing Trust Fund wasn't just a good idea for the community; it was a great one for all of them. It wouldn't happen until they could all come together to make it happen. They urged the Mayor and Council to support the Regional Housing Trust Fund.
10. Merrill Chapman stated that she represented the Brady Campaign to Prevent Gun Violence and she wanted to say that they supported the ordinance and resolution to make them safer from gun violence in the City. They were looking it over less than a year after a bump stock was used to kill 58 people in Las Vegas. With the bump stock, there were 1,100 rounds in 11 minutes. They needed to get rid of them in the City and they would do whatever was needed to support that.
11. Danielle Richardson stated that she was a victim advocate and also represented the Brady Campaign. They were asking for Council's support for the ordinance and resolution on the bump stock. Their purpose and mission was to be able to prevent gun violence and decrease it by 2025. This would be a step forward in that process.

12. Nicole Dietrich stated she was a volunteer for South Carolina Moms Demand Action for Gun Sense in America. They were a grass-roots movement of mothers fighting for public safety measures that respected the Second Amendment, while protecting people from gun violence. She was there to support the ordinance to prohibit bump stocks in Charleston. Bump stocks had one purpose and that was to effectively turn a semi-automatic firearm into an automatic weapon. They were dangerous and even the Trump Administration agreed. The Administration was working to outlaw bump stocks on a federal level. However, there was no reason to wait for that process to play out.
13. Elise Hussey stated that she was a volunteer for South Carolina Moms Demand Action for Gun Sense in America. She was there to add her voice to the growing list of moms and other citizens who supported the Resolution and ordinance to advance reasonable gun legislation.
14. Leslie Armstrong stated that she was also with South Carolina Moms Demand Action for Gun Sense in America. She wanted to add her voice to what the previous speakers had said. She was thrilled that the City was doing the Resolution to protect the City from senseless gun violence. They were living in a public health crisis and she asked them to do whatever they could to enact ordinances and laws that would protect the City.
15. David Ruef stated that he also supported the ordinance and Resolution about gun violence. He wanted to point out that some things that were not in their control seemed like they were symbolic, but there were a lot of things, over time, that they thought would never happen. They needed to continue to push forward for legislation to let Columbia know that there was support and things could change. He also wanted to talk about the development in the City. It was a hot City and this was the one shot to get developers to do more things to make new developments environmentally protective and to be a little more creative. It would be too late later.
16. Neita Wiese, President and CEO of Charleston Sister Cities, stated she was there to thank them for making her recent trip to Panama, to prepare for a trade mission, possible. She was welcomed by the City of Panama and the Mayor. He had sent the City a token of his affection and expressed his interest in meeting them, hopefully, next spring. The Mayor of Panama had extended an invitation for them to go to Panama for the Trade Mission. They were offering an export seminar to Panama on September 7th. This was the grant money they had received from the City at Work.
17. Veronica Goodrich stated that the word 'flooding' had come up numerous times and she was sure it would be coming up even more. They spent the summer under a deluge. They hadn't gotten storm surge, but they did have a huge drainage problem. She had to agree that there wasn't a lot to show for it, at the moment. Groundswell, which she was affiliated with, had a flood expert come and give actual solutions to over 100 residents in May. There had been a great outpouring to have another one of those meetings, which they would be planning soon. They were concerned with what the City had decided to do in just kicking the can down the road.

18. Susan Lyons stated that she was also speaking for Groundswell. For a year, they had been trying to bring flooding to the top of the agenda and there had been a lot of talk, and plans discusses, but the fact was that they were about to go through another hurricane season, and nothing had changed. They would be in the same position they were in last October. She was asking Council and the Mayor to put this matter at the top of the agenda, to find the money, reach out to people who knew how to manage water, and get it done.
19. Judy Hines stated she was there to represent Arm in Arm South Carolinians for Responsible Gun Ownership. They had about 1,200 activists and they were founded after the Emanuel AME tragedy. She was personally concerned with gun violence. She welcomed their new Police Chief who was already meeting with members of their group. She wanted to affirm what they were doing, in hopes that this would help make change happen.
20. Louise Brown stated that she was representing the Brady Campaign to Prevent Gun Violence. The ATM did not recognize the thought of gun violence, but they did. They recognized that gun violence was bad and they would like to see the bump stocks gone. So many people were being killed by guns, and they needed to stop that. They needed to put a limit on the guns that were out there. They needed to have pawn shops not selling guns.
21. Jack Mitchell, Regional Director for External Affairs for AT&T, stated that he was there to speak about the proposed fiber optic franchise agreement. They appreciated what the City was trying to do, but they hadn't had enough time to review the document. They would support the hearing, but they asked that they not go to the second hearing until all parties had a chance to review it and come to some kind of agreement.

Mayor Tecklenburg said, "Thank you. So, anyone else? Did I miss anyone else?"

No one else asked to speak.

Mayor Tecklenburg said, "Alright. That will be the end of our Citizens Participation Period, which will bring us to our Council Committee Reports. First is the Committee on Community Development. Councilwoman Jackson will speak for Councilmember Mitchell."

Councilwoman Jackson said, "Yes, thank you. The Committee on Community Development met on Thursday, July 26th, and there is one item as a result of that Committee meeting that is before the Council tonight. We discussed it in Ways and Means. We're asking that the Council approve the issuance of the Strategic Plan and Application in order to begin to use the \$20 million Bond Fund that was created by the public's referendum vote last year. All of the details about the plan and the application are in our packets. We did discuss it at length during Ways and Means. I would make a recommendation that we ask to approve this plan."

Councilmember White said, "Second."

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

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Councilwoman, can we just say 'as amended'?"

Councilwoman Jackson said, "Oh, yes. I'm sorry. We did amend it in order to make sure that we were including the most robust type of affirmative action and fair housing requirements as part of that process."

The Clerk said, "I have 'as amended'."

Councilwoman Jackson said, "Thank you."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Just for clarification, is Item J(1)(c) a part of this report? As I remember it, Mr. Mayor, we're working on the incentives for the affordable housing, I thought the Committee sent that back to staff to work on, and they were supposed to come back to the Committee. Is that part of your report, Councilwoman Jackson?"

Councilwoman Jackson said, "No, sir."

The Clerk said, "You asked if it was (c), Councilmember? I think she's only speaking to Item (a)."

Councilmember Moody said, "She's only addressing Item (a)."

Councilwoman Jackson said, "J(1)(a) is the only thing coming before the Council."

Councilmember Waring said, "Great. I'm fine with that. Thank you."

Mayor Tecklenburg said, "Alright. Is there any other discussion on Item (a)?"

No one else asked to speak.

On a motion of Councilwoman Jackson, seconded by Councilmember White, City Council voted unanimously to adopt Item 'a' of the report of the Committee on Community Development, as amended.

-- INSERT COMMITTEE ON COMMUNITY DEVELOPMENT REPORT --

a. City of Charleston Bond Fund Strategic Plan and Application **(AS AMENDED)**

Mayor Tecklenburg said, "Were you going to report further on Items (b) or (c)?"

Councilwoman Jackson said, "No, sir. I think they're under advisement after the Committee meeting. One is to continue to fine tune fast track for any developments that include housing affordability, and the other one is Item (c) that I've just lost track of right now."

Councilmember Moody said, "It's the Upper Peninsula Incentive Strategies."

Councilwoman Jackson said, "Yes. We were basically acting as an advisement to the Upper Peninsula Strategies to make sure that housing is one of the priorities in that zoning change, whenever it would come before us."

Mayor Tecklenburg said, "So, I believe (b) and (c) both involve things that will come back to the Committee or directly to Council. Some of the (b) items were cutting red tape that could come straight to Council. Alright. So, I think we can move on to the Committee on Public Safety, Councilmember Shahid."

Councilmember Shahid said, "Thank you, Mr. Mayor, and members of Council. The Committee on Public Safety met on August 9th at 5:30. We received a Crime Statistics Presentation from Chief Luther Reynolds. I can give you some of the highlights of that. We've had ten homicides in the City of Charleston. Of those ten homicides this year, the Chief is present, and he'll give you a little more in-depth discussion on this, all but one of them involved a firearm. We also talked about the number of traffic fatalities that have occurred over the past several years. "

Chief Luther Reynolds said, "Over a nine-year period."

Councilmember Seekings said, "Over a nine-year period."

Councilmember Shahid said, "Over a nine-year period were impaired. At one point, 100 percent of fatalities were impaired drivers. The Chief is here to give us a little more in-depth study about that, but I just wanted to point those two highlights out to you. Those are the statistics. We did not have a discussion regarding firearms being kept in unlocked cars. We deferred that presentation until next meeting. Chief Curia is present with us, Dan Curia. He was here a moment ago, our new Fire Chief. Chief, you want to come forward and just say 'hi'?"

Chief Curia stood and was recognized by the body.

Councilmember Shahid said, "He was just sworn in last month, Chief Curia. There he is, our new Fire Chief. Welcome to your first City Council meeting. There was no report from the Fire Department or Emergency Management. The next two things on the agenda are before you, as an ordinance, to talk about the bump stock prohibition, and a Resolution that's in your agenda, as well. So, Chief Reynolds, anything else you want to add to the statistics that you presented to us?"

Chief Reynolds said, "I think just in a minute, when we talk about these ordinances, it's important to talk about issues that are impacting the City, fatalities, impaired driving. I don't think we can talk about it enough. It was recently that we all mourned the loss of Selma, who was here from Denmark with her parents. I think, when we put a face on the gun violence, on the deaths, and I'll do that in a minute, when we talk about these ordinances, it's important to create a conversation around these things. There's not an immediate, easy overnight solution, but the trending is in the wrong direction. So, when we look at guns, we look at the homicides, and we look at the homicide rate. This time, year-to-date, last year, we had one, which was very low. This year, we had two just last week. We have ten this year-to-date, which is too many. Our fatalities continue over that same nine-year period to continue to increase every year, and as you said, we're over-represented in those fatalities. If you look at the national average, you look at the South Carolina average, it hovers just under a third, and we are, as you said, over a nine-year period that we looked at, at approximately 70 percent. In 2016, 84 percent of our fatalities were impairment-related. There's a lot we can do about that. The one thing that all of these deaths have in common is that they're all preventable, every one of them."

Mayor Tecklenburg said, "Alright. Thank you."

Councilmember Shahid said, "So, the two items on the agenda for approval are the ordinance on the bump stock and the Resolution. So, do you want to take those up now?"

Mayor Tecklenburg said, "So, we have an ordinance regarding bump stocks."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I've got a few comments to make about this Resolution, unless you all want to do the bump stocks first."

Councilwoman Jackson said, "Let's do it first."

Councilmember Gregorie said, "Let's do the bump stocks."

Mayor Tecklenburg said, "Can I entertain a motion to approve the ordinance to prohibit firearm enhancements?"

Councilmember Shahid said, "So moved."

Councilwoman Jackson said, "I'll second."

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

Mayor Tecklenburg recognized Councilmember Gregorie followed by Councilmember Wagner.

Councilmember Gregorie said, "Yes, I'm going to support this, but just a little wordsmithing. On the last 'whereas', the City of Charleston 'should' be prohibited, why 'should' and not 'shall' or 'will'?"

Councilmember Shahid said, "A matter of wordsmithing, I guess."

Councilmember Gregorie said, "There's a big difference."

Councilmember Shahid said, "Yes, there is."

Councilmember Gregorie said, "Okay. I just think that should be--"

Councilmember Shahid said, "You would prefer that to be 'shall'?"

Councilmember Gregorie said, "'Shall' be prohibited, and then, my next question, and it may be more appropriate for the Resolution, but I'll ask it now. I understand the genesis of the bump stock, but the largest mass murder of African Americans in recent history, it wasn't a bump stock. It was background checks, a loophole. I was just wondering, is there a specific reason why that's not in the ordinance or the Resolution? It sort of dances around it, but it does not get very specific."

Councilmember Shahid said, "I'll be glad to answer that for you. When we were presented with this, the ordinance sounded more like a Resolution than an ordinance, and so, the Committee voted to separate the ordinance and create this Resolution. We did make a reference to the Mother Emanuel shooting in the initial ordinance, and I think a lot of the discussion we had was more of sensitivity because the bump stock device was not used in that massacre. We did not want to cheapen this, in honor of those folks, because the bump stock

was not used. It was a 9 mm firearm, as we all know. So, we were dancing, Councilmember Gregorie, because we wanted to make sure that we were sensitive to the needs of our survivors and those victims. I'm glad to add that back in, if you think that's more appropriate."

Councilmember Gregorie said, "I believe more so in the Resolution."

Councilmember Shahid said, "If you have some specific language, we would be glad to do that, but that was an intentional way to make sure that we were being careful."

Councilmember Gregorie said, "Thank you."

Mayor Tecklenburg said, "Thank you. Are there any other questions or comments about the ordinance?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes. Whose opinion are all of these 'Whereas's'? Are these your opinions, or Council's opinions? Whose opinions are they? It starts off, it says, 'Whereas, neither bump stocks nor trigger cranks are components of a gun, that they are removed.' So is a bullet, so is a scope, and all of that stuff is protected. It goes further, and it keeps saying, 'Whereas, Whereas, Whereas' as though this is factual stuff. If you look down at the next one or the last one from the bottom, it says, 'There's a State law that prohibits a municipality from enacting any regulation or ordinance that regulates firearms, ammunition, components of firearms or any combination of these things.' In the wording, I don't know whether there is a period that's supposed to be there instead of a comma, but then it states specifically that 'bump stocks and trigger cranks as defined herein do not fall within that.' So, whose opinion is that? Is that our Legal staff? Is that the Committee's?"

Councilmember Shahid said, "That is, I did not draft the ordinance. I'm not the author of this. Our Legal staff drafted it and brought it to our attention and our consideration, and after discussing, as I mentioned to Councilmember Gregorie, the original ordinance sounded more like a Resolution as opposed to an ordinance, so we decided to take the Resolution part of it out. The specific one, two, three, four, five, six 'Whereas's' that you made reference to regarding State law, we had to be very careful because State law does put restrictions on what municipalities can and cannot do in addressing regulations as to firearms. So, the bump stock is, and there's an ATF Opinion on this, and I can't remember the other regulation that addresses this, but a bump stock is not a firearm. It's not a part of the firearm. So, you had to be careful in making sure that we're conforming to State law and not trying to regulate something that's not covered under State law, and that's why that 'Whereas' clause is specifically included to make sure that we're clear in staying away from that trap."

Councilmember Moody said, "I'm not going to vote for that."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, but I want to go back to Councilmember Moody's question because I think he's right. Shouldn't there be a period after 'things'?"

Councilmember Shahid said, "You could put a period or a semi-colon."

Councilmember Gregorie said, "Because the way I read it, bump stocks are not covered under the State Code."

Councilmember Shahid said, "That is correct."

Councilmember Gregorie said, "So, to me, then that should be a separate sentence, consistent with Councilmember Moody's observation."

Councilmember Shahid said, "Yes, I think you can put either a semi-colon or a period there, and it would read a little bit better."

Mayor Tecklenburg said, "Where is that?"

Councilmember Gregorie said, "The third from the bottom 'Whereas'."

Councilmember Moody said, "Refers to the State law."

Councilmember Shahid said, "The sixth 'Whereas' clause down, Mr. Mayor. After the word 'things', there should be a break with either a period--"

Councilmember Gregorie said, "Not a comma."

Councilwoman Jackson said, "I think a period is better."

Councilmember Gregorie said, "It's a period."

Mayor Tecklenburg said, "A period?"

Councilmember Shahid said, "After 'things'."

Mayor Tecklenburg said, "After 'things'?"

Councilmember Shahid said, "Yes."

Mayor Tecklenburg said, "Alright. So, we in essence have two amendments to change: 'should be' to 'shall' at the bottom of the page, and a period after 'things'."

Councilwoman Jackson said, "And then a capital 'B'."

Mayor Tecklenburg said, "And then a capital B to start a new sentence."

Councilmember Gregorie said, "Right."

Mayor Tecklenburg said, "Those are acceptable to--"

Councilmember Shahid said, "They're acceptable, yes, sir."

Mayor Tecklenburg said, "Okay. Are there any other discussions? Ms. Borden, did you want to add any insights to the questions that had been asked. Ms. Borden worked on this."

Janie Borden said, "I would only say that the majority of the 'Whereas' statements came from other Resolutions enacted around the State, as well as some that were created to give support to the City, in the event there would be a challenge of the ordinance."

Councilmember Moody said, "We are not supposed to take these as fact. These are other folks' opinions or positions?"

Ms. Borden said, "These are the reasons why we're undertaking this."

Councilmember Moody said, "Why we're doing it."

Ms. Borden said, "Correct."

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

No one else asked to speak.

On a motion of Councilmember Shahid, seconded by Councilwoman Jackson, City Council voted to approve Item (b), as amended, of the Committee on Public Safety report.

First reading was given to the following bill:

An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 21, Article X, Section 21-219, to prohibit firearm enhancements. (AS AMENDED)

The vote was not unanimous. Councilmember Moody voted nay.

Mayor Tecklenburg said, "So, next up is the Resolution whereby all of these things that we cannot regulate ourselves as a City, we look to our State Legislature, who likes to stay in charge of these matters. We are expressing our support for advancing reasonable gun legislation, including legislation to keep guns out of the hands of criminals and folks that shouldn't have them. A big one for me is greater penalties, particularly graduated penalties, with the number of offenses for illegal gun-carry. The point has been made to me that, for example, when you go into a store, and you shoplift, the penalty is 30 days and so many dollars. Then, you get caught the second time, it is 90 days and double the fine. The third time you go, it's an even more severe penalty, but with guns, there's no gradation or an increase in penalty with each offense. So, part of what it's created, I believe, is a culture where there's a certain nonchalance about carrying a gun, about having a gun, particularly an illegal gun, because you get caught, and you get let off. There's really no severe consequence, even if you do it again, and again, and again. So, anyway, that's one of the things that we're asking in this Resolution for our State Legislature to consider and kindly make changes on."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilmember Gregorie.

Councilmember Griffin said, "I've got a few points to make about this one. Number one, I think it's a really good document. I have a few questions because I'm pro Second Amendment, and I don't want to take away from any of the people that use guns the correct way, and especially in Charleston and in South Carolina, where so many people hunt. Deer season is upon us. So many people use guns the correct way, and I do like the mention of the Second Amendment under the first I guess, what are those six things?"

Councilmember Shahid said, "Therefore's."

Councilmember Griffin said, "They're 'therefore's,' but I've got a couple of questions. Number one, the word 'reasonable,' that can be interpreted a million different ways, 'reasonable' gun legislation. I don't know how we can impose anything along those lines. Then, it mentions that in that clause, 'and to advance reasonable rational fair gun safety legislation.' I think we need to look at that a little bit and make sure that we're using words that we can actually defend, and more than anything though, the one thing this Resolution's missing in, and the one thing I was looking for as I read every 'Whereas' and every 'Therefore', there's nothing about education of gun use in this document. That bothers me because we have so many young people that are abusing guns and

so many young people that are killing each other at the hands of a gun illegally. So, for me, even if it's just a one-line sentence that we're going to work to improve education of our youth of how to handle guns and how to do it appropriately and legally, I'd like to see that in here. If we can get that in there, then you have my 1,000 percent support."

Mayor Tecklenburg said, "Sounds like an amendment to me."

Councilmember Griffin said, "Yes, sir."

The Clerk said, "I think Janie's working on it."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Councilmember Griffin, you don't think that Item one gets there, 'Enact policies to improve awareness of safe gun practices, including secure storage of firearms?'"

Councilmember Seekings said, "I would say policies and education."

Councilmember Gregorie said, "Right. Just put 'education.' Just throw 'education' somewhere in there."

Councilmember Seekings said, "And education."

Councilmember Gregorie said, "And 'education.' Right. My question is going back to my original. When you read the preamble, it does talk about improving background check requirements, but that's the preamble. But nowhere in the 'Now, therefore,' do we address that at all, and I just think that somewhere in the 'Now, therefore,' we should address the issue of background checks."

Mayor Tecklenburg said, "Sounds like another amendment to me. Yes, sir."

Councilmember Shahid said, "Whatever you want, I'll put it in there."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I was just going to say the same suggestion about number five that you already said, but then looking at number three maybe, Councilmember Gregorie, 'to adopt legislation to keep guns out of the hands of criminals and prohibit purchasers and improve background checks' on that one."

Mayor Tecklenburg said, "So, could I suggest that number three we add 'and improving background check requirements.'"

Councilmember Gregorie said, "I just don't like the word 'improving'."

Mayor Tecklenburg said, "At number five, 'enact policies to improve awareness of safe gun practices, including to our youth, policies and education for our youth to improve awareness of safe gun practices.' Would that be suitable?"

Councilmember Gregorie said, "Mr. Mayor, since we know this is symbolic, this Resolution is symbolic, and we hope that the legislature will-I think we should go for it."

Councilmember Shahid said, "What do you want to go for?"

Councilmember Gregorie said, "Go for closing the 'Charleston Loophole'. Just say it. It's symbolic, and I don't know whether or not the Committee even talked about it, increasing the age."

Mayor Tecklenburg said, "Increasing what?"

Councilwoman Jackson said, "The age."

Councilmember Gregorie said, "Is it? Yes. Okay. I'll just stick with the loophole. Some of what I'm articulating, Mayor, are formal policies that Mother Emanuel has adopted."

Mayor Tecklenburg said, "Right. So, number three would say, 'Adopt legislation to keep guns out of the hands of criminals and prohibitive purchasers and improve background check requirements, including the closure of the Charleston Loophole.'"

Councilmember Shahid said, "That was good. I accept that amendment."

Mayor Tecklenburg said, "Alright."

Councilmember Shahid said, "Mr. Mayor, if I could make a few comments about this Resolution. So, we passed this Memorandum earlier to allow the Charleston Police Department to be engaged and to participate in the Violent Crime Task Force. I served as an Assistant United States Attorney for ten years, and I was one of the prosecuting attorneys handling, at the Federal level, violent crime individuals. So, at the time that we were doing this, we went to various agencies, North Charleston, City of Charleston, Mt. Pleasant, Charleston County, to identify individuals who had a record and had a history of violence within our community. One of the tools that we used to address those individuals was a Federal ordinance of a felon being in possession of a firearm, and this is what the Mayor was talking about a few moments ago. So, that Federal law provided enhancements based upon that person's criminal record, and sometimes number of guns or the type of guns that they possessed. The penalties were severe because, in the Federal system, there is no parole. So, if a person got a ten-year sentence, they served 85 percent of that ten-year sentence. The idea behind that was to make sure that we got the bad guys off the street, and for simply a status offense of having a gun in their possession. We even prosecuted a fellow who had a bullet in his possession. We don't have that type of legislation on the State level. We don't have those kinds of ability to look at folks who are felons, who possess firearms, and that's a problem, and we can't do that on the State level. We're dependent upon the Federal Government adopting these State cases. I met with the U.S. Attorney Sherri Lydon, the Solicitor, our Chief, and some other representatives from local agencies, to talk about this recently about adopting these State-level charges, and the City had nine cases in which they investigated felons who were in possession of firearms, and they wanted those cases to go to the Federal level. The Federal Government, the Federal Prosecuting Office, declined to prosecute those cases, so we're back to square one. The purpose of this Resolution is to make it aware to our Charleston delegation and to our State legislators, we have an issue that we can address at a State level, the same way that the Federal Government addresses this on a Federal level. That is, people who should not be carrying guns, if they're caught carrying guns, need to be punished severely. That will take those guys off the street and reduce gun violence, because we just heard, we've had ten homicides this year, ten homicides in the City of Charleston, as compared to one last year. One of the homicides that took place was a double homicide which involved all young people, all young people 15 to 17 years old. So, we've got to address this in a way, and that's the purpose of this Resolution. The purpose of this Resolution is to really bring to light that we have things that we can do that we're not doing on a State level. We're prohibited in City Government to do anything more forceful, but here we have an opportunity to just make sure that this is well-known and to draw the attention that

needs to be drawn to our legislators, to start putting some teeth into some of these laws, and that's really the purpose behind this Resolution."

Mayor Tecklenburg said, "Thank you very much. If Council will permit, Chief Reynolds would like to share just a few more comments about this matter. Chief."

Chief Reynolds said, "Thank you. I would just add to what Councilmember Shahid has just shared. This is really a Petition. That's all it is. We don't have the authority to tell Columbia and our delegation exactly what to do, how to do it, but I think it's a message that we're saying we're recognizing this as an important topic that's affecting our City. There are a few things I just want to briefly touch on. One, the goal of this simply, in my opinion, is to save lives. That's our goal. People are dying. Just as I've been sitting here, a few minutes ago. I received a text about a shooting in West Ashley. Somebody is on their way to MUSC. I get these texts almost daily. If we didn't have such good medical care in this community, if we didn't have such great EMS folks, if we didn't have such great proximity to our hospitals, our homicide rate would be triple. So, the ten is actually very unrepresentative of the problem that we have here in the City. It is clearly stated in here, but I think it's important to reiterate that we respect and encourage safe gun practices, and in particular, honor the Second Amendment, the Constitution, people's right to bear arms. I have guns in my home. I will always have guns in my home. It's part of my profession, it's part of my identity, it's just part of who I am. I am not anti-gun, but I see kids 15 and 17 years old laying on the ground dead from gunshot wounds, all of them went to West Ashley High School. I see us arresting a 17-year old, who's carrying a gun, who shot and killed somebody else. I see them all carrying guns on the playground, and they have no hesitation to use them. I see one of the guns that was used in that same homicide was stolen from a vehicle that was unlocked. One of the kids that was arrested for this homicide was arrested, in May of this year, for unlawful possession of a handgun.

So, my analogy earlier was it's okay to drink. I love having a cold beer, but it's important that we do it responsibly. We don't get behind the wheel of a car, that we don't drink and drive, that we don't kill people. People are doing that, and we have to put parameters around that, and we have to do something about it. As leaders, I take that as a call to action when I see these cases. When I look at the number of homicides that we have from January 2016 to August of 2018, about a two-and-a-half year period, we had 378 thefts of guns from vehicles, 378. I don't think it's okay to just accept that as an outcome. To me, it's bizarre that we have that many guns that are taken from unlocked vehicles, and we're not talking about it and doing something about it. I get angry when I go and I see the parents of these kids that are getting killed because we do, we talk to them, and we look at them in the eyes, and every one of them we know is preventable. So, we've kind of, I think, put a face on this, in terms of what's actually occurred and what continues to occur. I would just say, again, I just got a page about a shooting that occurred. The person was shot multiple times. We've had people who have been shot in the head. It's happened multiple occasions where they did not die. We had somebody who was shot seven times. They survived, they did not die. It wasn't a homicide. This is not some hypothetical thing, and if you look at a lot of the neighborhoods that are disproportionately affected by these guns and these shootings, to me, it's important that we recognize that and do something about it. I appreciate that the Council and the Mayor have taken this seriously. It's a very difficult issue, particularly here, to do something about it, but at least a petition, I think, sends a good message."

Mayor Tecklenburg said, "Thank you, Chief."

There was applause in the Chamber.

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Chief, before you sit down, I wanted to ask you a couple of questions. You just mentioned 300 stolen guns out of cars that were not locked. To me, this is a great feel good Resolution. It doesn't have any solutions, to me, in it. Now, if we wanted to come and work with you and say 'we need to go to our Legislature, Legislators, and tell them if you leave a gun in your car and it's unlocked, you get penalized if you have a gun stolen.' I don't know whether then people don't report that their guns are stolen. I don't know what they'll do, or they'll start lying. There's cause and effect here, and as you said, this is just kind of a sense of, we ought to close that loophole. We can get behind closing that. There are all kinds of things we can do here, that we can advocate for, but this is not advocating for anything. This is just making us feel good."

Chief Reynolds said, "I think, and I will say, of the things the Mayor alluded to and one of the things that Councilmember Shahid alluded to, I will tell you that what we have is not a feel good issue. We have people in our community that are, by definition, prohibited violent offenders who are carrying guns, who we are arresting. I have one small unit, one small team that has made 83 gun seizures this year, so far, to date. I look at those cases, and we're talking about this every single week. We put the pictures up on the screen at Command, and I have parole and probation in the room, I have my investigators, I have my officers. My fear is that we're going to have an officer-involved shooting. It's inevitable because we're dealing with these people, and they're violent offenders. By definition, they're prohibited from carrying weapons. We're arresting them, and nothing's happening to them."

Councilmember Moody said, "But where is the advocacy for that?"

Chief Reynolds said, "It's one of the things, I think, in that document that it addresses."

Councilmember Moody said, "We ought to be giving specific cases because everything you're talking about is already illegal. You can lock them up and put them through the process, and they come right back out."

Chief Reynolds said, "One of the things that isn't the case, which the Mayor I think references is, there are no enhanced penalties."

Councilmember Moody said, "There's no what?"

Chief Reynolds said, "There's a zero in front of every one of those cases. If you're a shoplifter, you get caught once, the second time, the third time, each time it's an enhanced penalty."

Councilmember Moody said, "Then let's push for that. That's another addition to Charleston we need to add in here, some kind of a step-up in convictions. It's more penalties."

Chief Reynolds said, "That would help a lot, I think."

Mayor Tecklenburg said, "That's number two, but yes, you're right. We have to do more than just pass this Resolution. We've got to advocate with our Legislators."

Councilwoman Jackson said, "Correct. This sets the stage."

Councilmember Moody said, "I hate to say it. It just seems political to me. Maybe you're right. Alright. Let's join hands and sing 'Kumbaya' and say 'yes.'"

Mayor Tecklenburg said, "Let's all march to Columbia. Is there any further discussion or questions?"

Councilmember Shahid said, "Call for the question."

Mayor Tecklenburg said, "Okay."

Councilmember Moody said, "I did want to say one other thing."

Mayor Tecklenburg said, "This is on the Resolution."

The Clerk said, "So, we need a motion."

Mayor Tecklenburg said, "We had a motion."

The Clerk said, "No, we had the motion on the other thing, the bump stocks."

Councilmember Waring said, "Move for approval."

Councilwoman Jackson said, "I move for approval, as amended."

Councilmember Shahid said, "As amended."

The Clerk said, "Okay."

Councilmember Moody said, "Yes, and I had one more thing I didn't say."

Mayor Tecklenburg recognized Councilmember Moody.

Mayor Tecklenburg said, "We don't want you to lose your chance here."

Councilmember Moody said, "The thing that kind of sticks out to me is that when you look at the most violent cities around the nation, you look at Chicago 834-84 go, you look at New York, you look at L.A., all of them, and across the board, they have the most stringent gun laws and prohibitions against everything. They have law after law after law after law, and they're not being enforced, and they're not being adhered to, and their gun violence is off the chart. I hope this is not a step in that direction."

Chief Reynolds said, "I would agree. I've been in those cities. I've been in Baltimore. I certainly wouldn't compare us to them, and we certainly wouldn't want to ever step in that direction."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Just a comment, Councilmember Moody. I was on the frontline with this, as a prosecutor. We did the numbers, and we saw the results when we did this on a Federal level. We got those folks off the streets. It may have been for a short period of time, but they were off the streets for that period of time. It had an impact in our community that they were done. We're beholden, as it stands right now, to our Federal Government, to our Federal prosecutors adopting these cases. Otherwise, we're back to square one, and the Chief had just said, he's encountered 80 something of these felons, and they're right back on the street again with no consequence. So, we don't have teeth, and we want to encourage our legislators to do something. We're maxed out. The only thing we can do is a bump stock prohibition. We're maxed out on a City level. We've got to get our State legislators on board

with this thing, and this gives us the opportunity to say, 'Here's a Resolution that we passed, we'd like for it to be passed unanimously'. We'll go lobby our legislators, and we'll go talk to the Chairman of the Judiciary Committee and say, 'Here's an opportunity for you to start passing some laws that make sense to protect our community'. That's all we really want to do with this thing, and it's more than just a political statement. It is a unifying statement to say, 'Let's make our streets safe', and that's what we want to do. That's our number one priority."

Mayor Tecklenburg said, "Alright."

On a motion of Councilmember Waring, seconded by Councilwoman Jackson, City Council voted unanimously to approve Item (c), as amended, of the Committee on Public Safety report.

---INSERT RESOLUTION---

Mayor Tecklenburg said, "Councilmember Moody, I will start tomorrow because I've been invited to a meeting here in Charleston by the Republican Leadership of the House, and they're meeting in Charleston over the next two days. I will take this Resolution to them tomorrow. We all need to advocate for these measures. I do want to remark that I'm so surprised at his quietness, but I want to share with you that we have in our presence former Councilmember Duke Hagerty. Would you like to address the Council while you're here? I know you're passionate about this issue."

Former Councilmember Dr. Duke Hagerty said, "I would be honored. Thank you so much. It's truly an honor to be here, and I'll keep this real short, having been here many times myself, way past midnight. First of all, Mayor and City Councilmembers, I can't tell you how much from arm and arm and all of the members of this community who feel so strongly about this subject. We've been working on this now for three years. We have been going to the State legislatures. We have been going up there to Columbia. We've been talking to everyone we possibly can. These are the take-home messages. Gun violence is a public health issue. We all own it. It is our responsibility to stand up, first of all, to own it and identify it, and then see what we can do in a real way, a meaningful way, to get this under control. I'm a gun owner. The Second Amendment rights, we're not here to debate. What is going to be effective in the long term, and what has been shown, and I agree with Councilmember Moody and many others. The nuance of this is where we get totally lost, but there is one thing that keeps coming back. It's background checks, thorough background checks, and it goes right back to protecting the gun owners, who have every reason to have their gun and keep it safe. They have that responsibility to keep that gun safe and to know how to use it. The background checks are there to prevent people from having guns who shouldn't have them. That's where the problem is, and that has been shown, and I could spend as long as you wanted debating that, but there's a lot of science that's been shown in medical journals and so on. There is a lot of interest in this, and that is something that you can't argue against. The statistics are out there. Background checks save lives, and it goes right back to the Chief's point.

What are we ultimately here to do? To save lives, and background checks save lives. So, thank you all so much. I'm really proud of you, and then going back, this is just a Resolution, but everybody hears it. It's got to start somewhere, and it's a bottom-up. We certainly learned that. The more your legislators hear about this, and boy have they heard about it, and they're going to hear a lot more about it. They're not going to do a darn thing until you say, 'I'm not going to vote for you unless you support background checks', and you just say that to them. 'Do you support background checks? Yes, No. If you don't, I'm going to make

sure you're not elected. If you're going to support it, I'm going to do everything I can to make sure you're there.' Alright. Thank you all so much. I'm really proud of you."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you, Councilmember Hagerty. Nice to have you back in the Chambers. So, next is our Committee on Human Resources. I believe Councilmember White is going to speak for Councilmember Lewis."

Councilmember White said, "A couple of quick comments. Of course, at the Ways and Means Committee, we've already passed the budget items for the Plan changes for the 2019 Healthcare Budget. Going further, our Dental Plan will change over to United Concordia. Vision will be covered by EyeMed. We are changing our HRA, HSA, and FSA Administration to ConnectYourCare. We chose to defer the Stop Loss Agreement, as well as the Long-term, Life and Disability and Short-term Disability to be brought back after our Budget Committee meeting that will be forthcoming. So, I will, with that, if there are any questions, we can answer them, but otherwise I move for the adoption of that report."

Councilmember Shealy said, "Second."

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

No one asked to speak.

Mayor Tecklenburg said, "I would like to share that we recommended this without any increase in premiums for our employees on the medical side. Apparently, the dental side was such that there is a very small increase on the dental premium, but not on the medical side, so there is a very minor adjustment to our employees."

On a motion of Councilmember White, seconded by Councilmember Shealy, City Council voted unanimously to adopt the report of the Committee on Human Resources Report as presented:

- a. Review and Approval of 2019 Healthcare Budget and RFP selections
 - (i) BCBS South Carolina – Medical
 - (ii) United Concordia – Dental
 - (iii) EyeMed – Vision
 - (iv) ConnectYourCare – HRA/HSA/FSA Administration
- b. Defer Stop Loss Agreement (*Deferred*)
- c. Life, Long-term Disability and Short-term Disability (*Deferred*)

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

Councilmember Gregorie said, "Mr. Mayor and Council, the Recreation Committee met on August 13, 2018, and there were several items on our agenda, some of which did include actions. The first was the Palmetto Rose Kids Program. We did hear a report from our new Director, Ms. Jordan, who has formed four Committees and a Task Force in order to come up

with some recommendations to this body for changes to the program, if necessary. We had extensive discussion on Stoney Field. The first thing we wanted to know was whether or not the study had been completed. The study was completed, and that study was to determine whether or not Stoney Field could be used at the collegiate level. Yes, it can, at \$14 million. However, we discussed trying to cobble together various portions of dollars to do any necessary repairs or replacement of Stoney Field. We did talk about the monies that the School Board owes, plus what we have in the can, plus possibly gleaning some dollars from our Recreation Bond, as well as the TIF. So, we're still working toward trying to cobble together enough money to really get started on this project. We did have a very good discussion on WPAL. Staff has already completed a strategy that moves from concept to design, so we are moving forward to be able to have enough information to compete for dollars for that project. We did discuss the Recreation Bond. That bond would cover the golf course. I think Moultrie Park, and there are a number of other parks that the Recreation Bond would help. We did talk about the status of the ongoing Cultural Planning Process, and that is going smoothly. We also had a discussion from Cultural Affairs on the status of the Cannon Street Arts Center. Of course, that's going smoothly, and hopefully, that will be opening before Christmas time. We did vote on the changes for the Corrine Jones Community Garden proposal that was presented, also Daniel Island Neighborhood Park #4. The drawings and plans were also presented to the Committee, and the Committee voted in favor of it. We talked about Ferguson Village a little bit. We did vote for the bathroom tonight, and we also had former Councilmember Kathleen Wilson to come in and talk with us regarding the Natatorium, and the Recreation Committee committed to recommend to our Ways and Means Committee for the next meeting to appropriate \$10,000 towards the completion of the due diligence with regards to the Natatorium. As for Mrs. Tee, we're still working on getting the language to our Director of Recreation. All of these items were voted for unanimously by the Committee, and I would ask this body to support it."

Councilmember Waring said, "Second."

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

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, thank you. Councilmember Gregorie, I sat in to listen to all of the wonderful conversations at the Committee meeting earlier in the month. I just wanted to emphasize, you mentioned several of the things that the Recreation Bond is designed to pay for, but I think, personally, one of the most important items and a minor cost by comparison, is to do a Comprehensive Master Plan."

Councilmember Gregorie said, "Yes, thank you."

Councilwoman Jackson continued, "Because speaking from an area that is woefully underserved in Parks and Rec, or at least we need some key elements, I do think that the Master Plan is going to benefit the entire City."

Councilmember Gregorie said, "Thank you because we have been flying blindly for a while with regard to development of Recreation and Park facilities, so I do think it's important that we do that. Thank you."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Are we going to come up with a better name than Daniel Island Neighborhood Park #4?"

There was laughter in the Chamber.

Councilmember Gregorie said, "I have some great pictures, too."

Mayor Tecklenburg said, "Councilmember White."

There was laughter in the Chamber.

Councilmember Seekings said, "With all due respect."

Councilmember Moody said, "How about Gary White?"

Councilmember Seekings said, "He's still alive."

Councilmember Gregorie said, "It's really Daniel Island Neighborhood Park."

Councilmember White said, "Right. Jason came out last week and met with some residents who live in and around the area to review the plans, and we had discussion around actually coming up with a definitive name. So, what we're going to ask is that the Neighborhood Association, in conjunction with the community out there, put forward some recommendations and working with some of the Historic Groups out on the Island, to come up with some names that we could then vet out and then obviously bring to the Recreation Committee. So, yes, we thought about that."

Councilmember Seekings said, "Thank you."

Councilmember White said, "We didn't think it was very attractive, to be honest with you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. On Stoney Field, I know the College of Charleston expressed some interest, and I think The Citadel did not, the college has gotten this budget obviously approved. It started July 1st. Do we know whether they have any money in this budget to put towards Stoney Field, in 2019, towards the creation of the NCAA track?"

Mayor Tecklenburg said, "We are meeting with them next week with President Osborne, Interim President. I don't know the answer to that question, but we do have a meeting scheduled with him next week now that the study has been completed."

Councilmember Waring said, "Thank you. On WPAL, we have now what I think is a more equitable split on the greenspace money, which is 50/50 versus 70/30. Will we be in the position to be able to hopefully compete for some, and to know how much money we will need to do this park, to compete for some of the money from Charleston County Greenspace?"

Jason Kronsberg said, "So, the way the Greenbelt Program works is the 'money is for dirt.' So, it's really about the acquisition of the land. You don't request dollars from the Greenbelt Program to make park improvements. So, this process that we've laid out in front of, you will be to get that coalition of the community engagement. We know that there's a lot of work that's already been done, but to bring that sub-Committee together and all of the other

neighborhoods surrounding that, so to nail down a good solid concept plan, develop a budget, evaluate the conceptual budget against our current funding that is already funded, and then move forward with the project.”

Councilmember Waring said, “Thank you, Mr. Kronsberg. The last thing, the Natatorium, I know we need to change the name of that to say Wellness Natatorium. It will be more than a singular use. It will be more of a wellness center, so if you all would do that going forward. I know we, and the rest, would be appreciative.”

Councilmember Gregorie said, “Okay. Not a problem. Mr. Mayor, while we’re at it, we did have some discussion after you left the Recreation Committee meeting, regarding Ferguson Village. In fact, I have a meeting with them tomorrow night where they want to discuss some of the issues that came up during your visit. I think one of them had to do with developing a center out there. I would like to talk to them about, perhaps, an alternative because I do think that the Daniel Island Neighborhood Park and the way that’s done, might be pretty appropriate if we can acquire the land that you guys discussed instead of doing a center. Perhaps we can really create a beautiful passive park. So, I’m going to try to discuss that with them tomorrow night.”

Mayor Tecklenburg said, “I don’t know if any progress has been made yet on the investigation of the property, but I feel like that would be an ideal candidate for Greenbelt funding.”

Councilmember Gregorie said, “Yes, that’s why I brought it up.”

The Clerk said, “Councilmember Gregorie, I just have a question, just for clarification, you said everything was approved to move forward with ongoing plans, on some of these things?”

Councilmember Gregorie said, “Yes.”

The Clerk said, “Okay. Thank you.”

Mr. Kronsberg said, “So, for Ferguson Village, Colleen Carducci did pull up a plat associated with the property. The property is about eight acres, a little bit more than eight acres. I think it’s 1.6 acres high, so most of it’s wetland. Nonetheless, it does have some passive park space that could be programmed. I think that the nature of the new Greenbelt Program, that property would score highly in our application process just for the preservation of the natural systems that are there for resilience sort of things.”

Councilmember Gregorie said, “Okay. Thank you.”

Mayor Tecklenburg said, “So, are there any other questions or discussion?”

No one else asked to speak.

Mayor Tecklenburg said, “We’ll approve the report and matters from the Recreation Committee.”

On a motion of Councilmember Gregorie, seconded by Councilmember Waring, City Council voted unanimously to adopt the report of the Committee on Recreation Report as presented:

- a. Items for Discussion (Action may or may not be taken on any of the below items):

- (i). Palmetto Rose Kids Program;
- (ii). Stoney Field;
- (iii). WPAL;
- (iv). Recreation Bond Discussion;
- (v). Status of the ongoing Cultural Planning Process;
- (vi). Status of Cannon Street Arts Center (134 Cannon);
- (vii). Corrine Jones Community Garden proposal; (The Committee approved the proposal.)
- (viii). Daniel Island Neighborhood Park #4; (The Committee approved the drawings and plans.)
- (ix). Ferguson Village;
- (x). Natatorium – former Councilmember Kathleen Wilson; (The Committee approved to refer a \$10,000 request to the Ways and Means Committee for the Wellness Natatorium.)
- (xi). Mrs. Tee.

Mayor Tecklenburg said, “That would include the motion to refer a \$10,000 request to the Ways and Means Committee for the Wellness Natatorium.”

Councilmember Gregorie said, “Yes. Thank you, Mr. Mayor.”

Mayor Tecklenburg said, “Thank you. So, next is the Committee on Public Works and Utilities, Councilmember Waring.”

Councilmember Waring said, “Thank you, Mr. Mayor. I think all will be glad to know that we had a very good Public Works meeting, a very good presentation by Ms. Cabiness and her staff on updating the drainage manual. I hope we all give her great congratulations, realizing how many calls she gets a day, going in nine different directions. She and her team were able to crank out, along with Legal, an update to our manual. So, we’re making big progress on that. Thank you again, Ms. Cabiness, wherever you are over here. We also got some great information, and I’ll let my good friend, well, he left, our resiliency person.”

Councilmember Griffin said, “Mark Wilbert.”

Mayor Tecklenburg said, “He’s left the building.”

Councilmember Waring said, “Anyway, we got some great news for people who have been turned down on FEMA grants that were awarded grants. If you can go back a couple of Octobers ago, we talked about people being turned down and appealing. Some of those have come through, so that’s good news for some of our constituents with monies to be able to move in another direction. Then, we had an update on our small cell tower. Councilmember Moody, myself, and Councilmember Shealy, a couple of months ago, went to Columbia for the induction of Councilwoman Wilson into the South Carolina Hall of Fame. We visited the Strom Thurmond Wellness Center on the University of South Carolina’s campus. En route to that Wellness Center, I saw a small cell, well, you and I discussed it, Mr. Mayor, a small cell tower, located at Assembly and Blossom Streets in Columbia. So, Columbia is moving forward with it, so I appreciate the update on it. Legal has come up with a first reading, and it will be presented in front of us on an ordinance for fiber optics and broadband, the first phase anyway. It was recently given to some of the people in that industry, and my understanding, Mr. (Jack) Mitchell came up and said that they’re reviewing it, and certainly they will communicate with our people. We’re going to recommend first reading, and I know Legal will get together with the industry and

vet out whatever differences are needed before the second reading. So, we had a very, very good meeting, and Councilmember Griffin, I believe, we funded one of the first phases of the improvements over in the Church Creek Drainage Basin. You may want to touch on that. Thank you.”

Councilmember Griffin said, “Yes, this will be a good moment to go ahead and say that I’m going to strike my request down under Miscellaneous Business because we went ahead and covered it during Public Works. We’re covering it now, but a lot of time and effort has been put into the Church Creek Drainage Study and all of those public comment periods and all of those meetings and now, after all of that, we’re finally looking to fund the first project on that list. We had a great presentation from Bob Horner about what that project would look like. We heard from Laura about, hopefully, we should be able to see a contract in place by the next meeting, Laura, you think?”

Laura Cabiness said, “It will come for your approval.”

Councilmember Griffin said, “Right. So, we’ll have an opportunity, in the next couple of weeks, to finally vote on a project over there. It’s going to be really a great project to be the first one because it’s the cheapest one. Out of the priority list, it’s right in the middle, so it’s a good, strong priority. It’s going to help out a lot of people in a neighborhood that have been flooded several times in Hickory Farms. It shows that we’re not just talk, we’re action, and that’s important, so I’m looking forward to that. I thank you all for your support on that and look forward to moving forward and making Charleston a better place to live.”

Councilmember Waring said, “As you can see, we had a great Public Works meeting, and I thank the Mayor, Legal, the Engineering Department, all involved with that, so thank you so much. I’m going to move for approval of adoption of the report.”

Councilmember Shahid said, “Second.”

Councilmember Gregorie said, “Mr. Mayor.”

Susan Herdina said, “Councilmember, just for clarity, first reading on the ordinance regarding the Church Creek Drainage amendments to the Stormwater Manual, also.”

Councilmember Waring said, “Thank you so much.”

Ms. Herdina said, “Yes.”

Councilmember Waring said, “I move for approval.”

Councilmember Shahid said, “Second.”

Councilmember Gregorie said, “Mr. Mayor.”

Mayor Tecklenburg said, “We have a motion to approve and a second. Your approval will approve both ordinances, first reading on the Franchise Agreement for fiber optics and for the amendment to the Stormwater Design Standards Manual for Church Creek Basin. Is there any further discussion?”

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “Just kind of a clarification, when I got all of this stuff, I was going to vote or ask that this be deferred. This Franchise Agreement on the fiber optics, just out

of curiosity, the whole thing is kind of blank. There are no numbers filled in, there are no fees, there's nothing. It made it kind of hard, when voting on stuff. I'm in favor of the first reading, but I was really having a hard time getting through that."

Ms. Herdina said, "Well, I apologize for the confusion. This is a template and so, with your approval, this would be the Standard Agreement that we would ask all carriers to sign onto. So, for example, if it's AT&T, AT&T's name would go in the blank. As far as the fee, it's a statutory fee set by the State. It's \$1,000. It's based on population. So, the blanks that you see are really relative to the particular company who's going to enter into the Franchise Agreement. With your approval tonight, it would give the authority for the Mayor to sign the Agreements going forward. You would be approving of the terms that would apply to all of the carriers across the board in the Franchise Agreement."

Councilmember Moody said, "I guess my largest question was, what that fee was going to be? What kind of a range and based on what and whatever? I said, 'well, if you don't know that, how can I approve this', but I understand a little bit more. It's a template."

Ms. Herdina said, "Yes, it's a template, but the fee is set by State law."

Councilmember Moody said, "By State law, so we don't have any--"

Ms. Herdina said, "No."

Councilmember Moody said, "You should have filled that in then."

There was laughter in the Chamber.

Ms. Herdina said, "Well, that's because I keep hoping it will change. Thank you."

Mayor Tecklenburg said, "Alright."

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

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

- b. An ordinance requiring a non-exclusive Franchise Agreement with the City of Charleston to install and construct fiber optics within the public rights-of-way.
- c. Church Creek Drainage Proposal
- d. An ordinance amending Section 3.1 of the Stormwater Design Standards Manual, Stormwater Management Systems, Section 27-102 of the Code of the City of Charleston, by adding requirements to section 3.1.2.d., Church Creek Basin requirement, for stormwater systems and facilities in the Church Creek Basin.
- d. **Miscellaneous or Other New Business**
(Action may or may not be taken)
 - (i) Update of the Small Cell/Tower status for the City's cell phone capacity
 - (ii) Update on the drainage easements (ditch access) in Ardmore

- (iii) Flood Gate at Lake Dotterer
- (iv) Update on Church Creek Drainage Basin
- (v) FEMA Buyout Status

First reading was given to the following bills:

An ordinance requiring a non-exclusive Franchise Agreement with the City of Charleston to install and construct fiber optics within the public rights-of-way.

An ordinance amending Section 3.1 of the Stormwater Design Standards Manual, Stormwater Management Systems, Section 27-102 of the Code of the City of Charleston, by adding requirements to section 3.1.2.d., Church Creek Basin requirement, for stormwater systems and facilities in the Church Creek Basin.

Mayor Tecklenburg said, "Mr. Mitchell, will you be able to get the comments back to us before September 11th? That will be our next meeting."

Mr. Mitchell said, "Yes, sir."

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

Councilmember Seekings said, "Thank you, Mr. Mayor. The Committee on Traffic and Transportation met much earlier today. It seems like a long time ago, but it was 2:00 o'clock. We got an update from the County actually, which was very interesting, on how half-cent sales tax money is being spent on transportation projects in the City, both sides of the half-cent sales tax, both the original half-cent sales tax and the one that's just been voted in. We are going to get a copy of that presentation that, if anybody in this Council would like to see, there are a number of projects all around the City that are in various stages of completion. Probably the most prominent of which you see, if you're driving out towards Johns Island there, is Maybank Highway. They talked to us about pitchforks and some other things. So, we will get anyone who wants a copy of that presentation out there. There is no action needed. You may have noticed, two Fridays ago, we had a very strange meteorological event in Charleston. It rained motor scooters on the City of Charleston, and they were all over the place. So, we have amended our current ordinance to, for the next year under Chapter 19, Section 3, make the riding of motorized scooters in the City of Charleston forbidden, until we can go take a look at it and see what happens. That amendment to the ordinance was voted on unanimously.

We got a report from Mr. Benjamin on the South Carolina DOT Roadway Turnback Program, the pilot program version of it. Secretary Hall has proposed, and they're in the pilot stage, in the early stages of putting in a pilot program, where the State will actually turn over roads that it owns to various municipalities or other government entities and package a bundle of money on top of it. So, then it turns over the maintenance to us. I and others on the Committee expressed our skepticism about the long-term viability of that program, basically, saying that if the State wants to do it, it's got to be good for them and bad for us. I think we agreed about that. However, there is a pilot program where we're going to suggest a few roadways in the City be put under it to see how it works. There are about five miles worth of roads that are on that program. It's in your packet, some on and some off the Peninsula. Mr. Benjamin predicted that probably, maybe a couple, three of those, would actually be accepted, probably not 100 percent. We just don't know. So, the Committee voted unanimously to

forward the list to the SCDOT to see where we fit into the pilot program. Is that a fair assessment of what we did? That was also voted on unanimously, and I would ask for adoption of the report.”

Councilmember Shahid said, “I have a question, Mr. Mayor.”

The Clerk said, “Who’s the second?”

Councilmember Griffin said, “Second.”

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, “When we go into this buy back program, and I saw the list that you had on here, are these roads now no longer designated as State roads? Are they owned by the City, meaning we’ve got control over it when it comes to things such as speed bumps and--”

Councilmember Seekings said, “The short answer to your question is yes.”

Councilmember Shahid said, “Okay.”

Councilmember Seekings said, “We will own them, and they will then designate a certain amount of money to us for 40 years’ worth of maintenance.”

Councilmember Shahid said, “But we have complete control over that portion of that road?”

Councilmember Seekings said, “By the way, just so you all know, that number is not set in stone. It’s negotiable, so we’ll see how this all goes. It’s very much in the early stages, and we’ll see what the DOT comes back to us with. So, it’s worth sending it out there and see what they come up with.”

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “It would be good if some of the ones we try in the pilot program would be roads that we also have a drainage issue with, if we’re trying to get underneath with a drainage pipe or whatever like that. That way, we can kill two birds with one stone. Try the program and hopefully--”

Councilmember Seekings said, “Let me comment on that. Actually, it brings up a very good point because, as the County gave its presentation to us about the expenditure of half-cent sales tax monies on road projects in the City that are sponsored by the County, and the repeating monies that are spent on certain types of projects like bike/ped, drainage, by the way, is a very small number, comparative to other projects. It’s a half a million dollars a year. So, be a little bit careful about that because the pilot program from the State is basically a maintenance program. If we accept that road back, it doesn’t come with dollars on top of it for both paving and for drainage projects, just paving. So, we’ve just got to see how that all interacts. We’ll have to get with your Committee on Public Works and see how that all goes, but we need to get with the County to make sure, as they think forward, the half-cent sales tax is now just coming into place, what monies are actually expended for drainage because that’s going to be a big issue. Not enough, and currently, clearly, not enough.”

Councilmember White said, "I think all I would say with the Road Turnback is, I was once told by a very smart man to beware of Greeks bearing gifts."

Councilmember Seekings said, "Correct, and that was actually stated in our meeting today, so we get that. We're not committing to anything other than seeing what the State will actually come up with, come back to us with, and it leaves us in a position to negotiate. We'll see how it all goes. Another example, is there is one road where we own about nine tenths of it, and there are about 567 feet we don't. So, that's sort of natural, just to put it all in one package. Others are, for instance, St. Philip Street, where we want to do a Complete Streets people-pedal plan project on it. So, we'll just see how that all goes."

Councilmember Gregorie said, "Just a quick question, who owns the sidewalks?"

Councilmember Seekings said, "That's a good question. It depends, is the answer to that. It depends on exactly where you're talking about and where you are."

Councilmember Gregorie said, "How about the streets that we're going to?"

Councilmember Seekings said, "So, project by project, I don't know. Some of them may not even have sidewalks on them."

Councilmember Gregorie said, "Okay."

Mayor Tecklenburg said, "Thank you."

Councilmember Gregorie said, "Thank you."

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

No one else asked to speak.

Mayor Tecklenburg said, "So, we have a motion to approve the Committee Report, which would include the approval of this ordinance to prohibit the use and the rental of motor scooters."

Councilmember Seekings said, "Yes, sir."

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

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

- a. County Transportation Projects Update
- b. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, to add a new Section 93 to prohibit the use and the rental of motor scooters on the public right-of-way and to provide authority to the Charleston Police Department or their designee to remove any unattended motor scooters left physically unattended on public property.
- c. SCDOT Roadway Turnback Program (***To be sent under separate cover***)
- d. SCDOT Committee on Urban Design Update

e. Director's Update

First reading was given to the following bill:

An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, to add a new section 93 to prohibit the use and the rental of motor scooters on the public right-of-way and to provide authority to the Charleston Police Department to remove any unattended motor scooters left physically unattended on public property.

Mayor Tecklenburg said, "Next, back to Councilmember Seekings for the Audit Committee."

Councilmember Griffin said, "Move for approval."

Councilmember Gregorie said, "Second."

Councilmember Seekings said, "Thank you, including adoption of the Internal Auditor's Report."

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

No one asked to speak.

On a motion of Councilmember Griffin, seconded by Councilmember Gregorie, City Council voted unanimously to adopt the Audit Committee Report as presented:

---INSERT AUDIT COMMITTEE REPORT---

(Annual External Audit Report (report only)

(Annual Internal Audit Report

Mayor Tecklenburg said, "Now, Councilmember White, the Committee on Ways and Means Report."

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

Councilmember Shahid said, "Second."

Councilmember Gregorie said, "As amended."

The Clerk said, "As amended, and it also includes all of the bills that are going to go to second reading that were a part of Ways and Means."

Councilmember Gregorie said, "Thank you."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

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

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

(Bids and Purchases)

(Resiliency: Approval to accept the Hazard Mitigation Grant in the amount of \$56,250 for services to update the City's addendum to the Charleston County Hazard Mitigation Plan. A City match in the amount of \$18,750 was budgeted in the CPD General Fund.

(Resiliency: Approval to submit an application for \$1,000,000 to the 2018 Mayors Challenge grant program to fund an innovative idea to reduce the impacts flood events have on the disruption of our City (Phase 2). The grant application is due August 20, 2018 and while it is currently being drafted it is not complete at this time. Since there is not another City Council meeting scheduled before the application due date, after the fact approval is being requested. There is no match required.

(Police Department: Approval to accept the 2017 Edward Byrne JAG Grant award in the amount of \$22,204 for a single-purpose EDT K9 and safety upgrade to the containment vessel. Due to time constraints, this grant was accepted on July 26th. A City match in the amount of \$1,163 is required. This is an after-the-fact approval.

(Police Department: Approval to accept the FY17 State Justice Assistance Grant (JAG) application for forensic photographic training, equipment, and supplies in the amount of \$29,300. Due to time constraints, this grant was accepted on August 16, 2018. A cash match of \$3,257 is required. This will be budgeted for in 2019.

(Police Department: Approval to submit the FY18 Local Solicitation JAG application in the amount of \$26,500 for a forensic light source and multi-spectral camera used in screening and recovery of forensic evidence. The application for this grant is due 8/22/18. This grant does not require a City match. *[See also City Council Agenda Public Hearings Item # E-1]*

(Traffic and Transportation and Police Department: Approval to submit the National Complete Streets Coalition Grant application for the Safe Streets Academy to train and enhance inter-department traffic management capabilities. This grant application has already been submitted due to the deadline of 8/19/18. This grant requires a 50% match. The Department of Traffic and Transportation will request to budget approximately \$8,000 for next fiscal year.

(Mayor's Office for Children, Youth, and Families: Approval to apply for a Youth Service Grant award up to \$6,000 in order to engage youth in service on nationally recognized service dates including the 2018 9/11 Day of Service, 2019 MLK Day of Service, and 2019 Global Youth Service Day. This grant was submitted on August 8, 2018. No City match is required.

(Office of Cultural Affairs: Approval to accept a grant award from SC Humanities in the amount of \$2,750. Grant funds will be used to support programs of the 2018 Free Verse Festival. A 1:1 City match is required. Matching funds will come from paid admissions and donations.

(Office of Cultural Affairs: Approval to accept a grant award in the amount of \$2,000 from the Jerry and Anita Zucker Family Endowment Fund of Coastal Community Foundation. Awarded funds support outreach programming of the 2018 Piccolo Spoleto Festival. No City match is required.

(Office of Cultural Affairs: Approval to accept a grant award from Charleston County for accommodations tax funding in the amount of \$7,223. Grant funds will be used to support the 2018 MOJA Arts Festival. No City match is required.

(Office of Cultural Affairs: Approval to accept a grant award from Charleston County for accommodations tax funding in the amount of \$2,500. Grant funds will be used to support the 2018 Free Verse Festival. No City match is required.

(Office of Cultural Affairs: Approval to accept a grant award from Charleston County for accommodations tax funding in the amount of \$9,796. Grant funds will be used to support the 2019 Piccolo Spoleto Festival. No City match is required.

(Office of Cultural Affairs: Approval to accept a grant award from The Joanna Foundation in the amount of \$2,500. Grant funds will be used to support the 2018 MOJA Arts Festival Educational Outreach Initiative. No City match is required.

(Office of Cultural Affairs: Approval to accept a grant award from Charleston County for accommodations tax funding in the amount of \$7,289. Grant funds will be used to support the 2018 Holiday Magic in Historic Charleston. No City match is required.

(Police Department: Approval of an agreement which provides the Charleston Police Department access to College of Charleston security cameras on the condition that CPD will preserve the security, confidentiality, integrity, and availability of College of Charleston data.

(Police Department: Approval of a Memorandum of Understanding regarding the Charleston Police Department's participation in the FBI Charleston Violent Crime Task Force pursuant to the terms set forth therein.

(Parks-Capital Projects: Approval of Spring & Cannon Streetscape, Two-Way Conversion Construction Contract Change Order #6 with AOS Specialty Contractors, Inc. in the amount of \$193,190.20 for costs associated with interruption of work to accommodate a CWS water main replacement, site variances, traffic signal modifications and quantity corrections, and changes in sequencing by SCDOT and coordinating with Traffic & Transportation. Approval of Change Order #6 will increase the construction contract with AOS Specialty Contractors, Inc. by \$193,190.20 (from \$5,114,596.14 to \$5,307,786.34). The funding sources for this project are: 2000 General Fund Reserves (\$3,000,000) Gateway TIF (\$5,852,128) and Charleston County (\$500,000).

(Parks-Capital Projects: Approval of a design contract with Davis & Floyd in the amount of \$49,922 to provide professional design services for the Phase I portion of the West Ashley Bikeway Resurfacing (Playground Rd to Wantoot Blvd.). Services include surveying, civil engineering, permitting, and limited construction coordination. Approval of the design contract will obligate \$49,922 of the \$480,000 project budget. Funding sources for this project are 2015 General Fund Reserves (\$380,000) and Hospitality Funds (\$100,000).

(Parks-Capital Projects: Approval of the Ferguson Village Restrooms Construction Contract with Bohicket Construction, LLC in the amount of \$277,077 for the installation of a prefabricated Portland Loo restroom facility. This work will include concrete foundation, installation of the steel structure, new sanitary sewer, water, electrical tie-ins and site work. Additional site improvements include new concrete sidewalks connecting the parking lot to the Portland Loo and athletic fields. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000 to the extent contingency funds exist in the Council approved budget. The construction contract will obligate \$277,077 of the \$341,264.50 project budget. The funding sources for this project are: 2013 General Fund Reserves (\$77,790.50), 2016 General Fund Reserves (\$200,000) and Land Sales (\$63,474.00).

(Parks-Capital Projects: Approval of a Construction Contract with Carolina Green Corp. in the amount of \$831,820 for field improvements to Joseph P. Riley, Jr. Ballpark including turf removal, drainage systems repairs and additions, irrigation system removal and replacement, grading, sand base, and new turf. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000 to the extent contingency funds exist in the Council Approved Budget. The anticipated start date is immediately upon the end of the Riverdogs Home Season in order to finish prior

to the start of Citadel Baseball practice in mid-January 2019. The Construction Contract will obligate \$831,820 of the \$1,200,000 project budget. The funding source for this work is the general maintenance line-item in the JPR Ballpark division.

(Parks-Capital Projects: Approval of Louis Waring, Jr. Senior Center Change Order #8 to the Construction Contract with Howell & Howell Contractors, Inc. in the amount of \$57,399.15 for the removal of trash and debris from the tree protection area and outside of the construction limits and reestablishment of the silt fence. Approval of Change Order #8 will result in a \$57,399.15 increase to the Construction Contract with Howell & Howell Contractors, Inc. (from \$7,912,295.51 to \$7,969,694.66). The funding sources for this project are: 2012 General Fund Reserves, 2013 General Fund Reserves, 2014 General Fund Reserves and Capital Contributions from Roper St. Francis.

(Public Service: Approval of Beaufain St. Check-Valve Project Change Order #1 in the amount of \$15,224 with B&C Land Development to install a manhole at Beaufain and Barre in order to facilitate the maintenance of the recently placed check-valve and allow for the cleaning of Barre St. Approval of CO#1 will result in an increase of \$15,244 to the construction contract (from \$83,323 to \$98,547). Funding will come from the Drainage Fund.

(Public Service: Approval of Smith St. Brick Arch Repair Change Order #2 in the amount of \$25,369 with Palmetto Gunitite Construction Co. to install one additional manhole to provide access to the utility conflict in order to maintain the stormwater drain. Approval of CO#2 will result in an increase of \$25,369 to the construction contract (from \$247,352 to \$272,721). Funding will come from the Drainage Fund.

(Public Service: Approval of NPDES Work Authorization #8-MS4 Permit with AECOM to increase the Master Professional Service Agreement in the amount of \$448,289 in order to provide assistance for the City's compliance activities for the Small Municipal Separate Storm Sewer System (MS4) Permit. The scope of work includes: Minimum Control Measures, Good Housekeeping Inventory and Inspections, Dry Weather Outfall Screening, Preparation of Permit Application package for continued MS4 coverage and update of MS4 program documentation. Approval of Work Authorization #8 will increase the Master Professional Service Agreement by \$448,289 (from \$1,042,148 to \$1,490,437). Funding for this is in the Stormwater Utility Fund.

(Public Service: Approval of the Rutledge Ave. Emergency Pipe Repair in the amount of \$178,113.25 with B&C Land Development in order to clean 595 linear feet of 30" pipe and install CIPP liner to stabilize the pipe. Existing taps protruding into the pipe will be removed and a post lining video will be provided. Funding will come from the Drainage Fund.

(Public Service: Approval of the Bennet St. Emergency Pipe Repair construction contract in the amount of \$81,538 with B&C Land Development in order to clean 400 linear feet of pipe and line with CIPP liner to stabilize the pipe. Existing taps protruding into the pipe will be removed and four taps will be reinstated upon completion of lining. A post lining video will be provided. Funding will come from the Drainage Fund.

(Public Service: Approval of the Gadsden St. Emergency Pipe Repair construction contract in the amount of \$145,850 with B&C Land Development in order to excavate, remove, and replace a failed 18" pipe and to patch the roadway. Funding will come from the Drainage Fund.

(Public Service: Approval of Calhoun West Design Contract Fee Amendment #1 with Davis & Floyd in the amount of \$445,000 for the design and bidding for the Philip/Morris Shaft phase of the Calhoun West Project. The shaft will serve as an access shaft for future work on the project and it will service as the collection point for future stormwater flows and access into the system for maintenance and inspection. Approval of Fee Amendment #1 will increase the design contract by \$445,000 (from \$1,056,546.15 to

\$1,501,546.15). Funding for this project is: the Gateway TIF (\$1,500,000) for property acquisition. ***(Language amended by the Committee to reflect the contract is for Ashley Hall Manor Drainage)(Amended by the Committee to use Gateway TIF funds only)***

(Public Service: Approval of the Ashley Hall Manor Drainage Improvement Construction Contract with Lowcountry Sitework, LLC, in the amount of \$245,000 for the removal of existing storm drain pipes, installation of new storm drain pipes and inlets, relocation of a 6" DIP water main, filling and grading and traffic control of site area. Funding will come from the Drainage Fund.

(Traffic and Transportation: Approval to increase Nspiregreen, LLC Contract for Professional Services (Solicitation 18-P012R) from \$39,500 to \$54,931 to prepare and facilitate a two day complete streets training for City staff. Funds will be transferred from 230000-52204 to cover amount needed.

(Recreation: Request approval of an Agreement between the City of Charleston and the Charleston Parks Conservancy for the Charleston Parks Conservancy to act as the fiscal agent for the City of Charleston for the Municipal Golf Course Renovations.

(Approval of the Blue Cross/Blue Shield, Eyemed, United Concordia Dental, Connectyourcare (HRA/HSA/FSA/Billing) and Benefitfocus Contracts, and 2019 Healthcare Budget. The healthcare, dental and vision contracts went through the City's procurement process with the assistance of Councilmember Lewis and AON Consulting. The healthcare expenditures and employee premiums will be included in the 2019 budget. Open Enrollment will begin in October for employees.

(Mayor and City Council are requested to approve the Affordable Housing Strategic Plan for use of Bond Funds, the Letter of Intent (Pre-Application) and the Application for the Use of Bond Funds. The packet was approved by Community Development Committee (CD) of City Council with the provision that additional points were added to the Affordability Period criteria. Additional points were added and breakdown provided relative to points granted for longer affordability periods. Thus, the Strategic Plan and full Bond application were amended under the Service and Transportation Accessibility from 15 points to 10 points to accommodate the request.

(AS AMENDED)

(Request approval of the Memorandum of Agreement between the City and Lowcountry Lowline, also known as the Friends of the Lowcountry Lowline, whereby the parties agree to cooperate and collaborate to improve, manage, maintain, and program a publicly-accessible linear park on the Lowline Property. The property is owned by the City of Charleston.

(Request authorization for the Mayor to execute on behalf of the City the attached underground parking easement agreement (the "Agreement") whereby the City would grant to LL East, LLC, and LL West, LLC the right to construct, maintain, repair, and replace an underground parking facility connecting their parcels on either side of the "Lowline Property," lying to the north of Line Street, in the location shown on the survey attached as Exhibit D to the agreement. The property is owned by the City of Charleston.

(Request approval of the Purchase and Sale Agreement with the Berkeley-Charleston-Dorchester Council of Governments (BCDCOG) under which the BCDCOG will purchase from the City approximately 1.502 acres of real property to be acquired by the City from Norfolk Southern Railway Company, bounded to the south by Mount Pleasant Street, to the east by Meeting Street Road, to the west by King Street Extension, and to the north by a line extending from Courtland Avenue. The property is owned by the City of Charleston. (approximately 1.502 acres shown on attached plat) [Ordinance] **(Second Reading)**

(Request authorization to execute the Joint Use Agreement between the City and Charleston County School District for the joint use of facilities [Ordinance]

(Request approval of the Option Agreement whereby Historic Mother Emanuel AMEC Foundation may purchase 113 Calhoun Street upon expiration of the current lease with the International African American Museum and the Pinckney Foundation (TMS: 458-01-01-086; 113 Calhoun Street). The property is owned by the City of Charleston. [Ordinance]

(Request approval of the Memorandum of Understanding between the City and South Carolina Electric & Gas Company (SCE&G) under which the City will grant to SCE&G the following easements under or across Hampton Park [Ordinance]:

(a) a 70' easement for the expansion of an over head electrical transmission line; (b) a 12' easement for the installation of a new underground electrical distribution line; and (c) an easement memorializing an existing underground gas line;

With SCE&G granting to the City the following lease, license, and easements on SCE&G's property located to the northeast of Hampton Park:

(a) A 10-year lease for parking, vehicular access, and pedestrian access to and from Hampton Park: (b) a permanent, thirty foot access easement for vehicular access between Grove Street and Hampton Park: (c) a license to use a portion of the SCE&G property for a dog park: (d) a permanent easement to use a portion of the SCE&G property for parking and access to and from Hampton Park: (e) a permanent stormwater drainage easement for Hampton Park; and (f) a permanent sanitary sewer easement for Hampton Park

(TMS: City owned: 460-00-00-002; SCE&G owned: 463-15-01-061)

(Request approval of the Easement agreement whereby the City grants SCE&G the right to relocate an overhead electrical line on the western edge of the parcel along Nassau Street (TMS: portion of 459-05-04-208; Nassau Street between Lee and Cooper Street)

(Consider the following annexations:

-1904 Woodland Road (TMS# 355-10-00-004) 0.49 acre, West Ashley (District 2)

The property is owned by Eric Vogt and Stephanie Gray.

- 1716 Houghton Drive (TMS# 424-09-00-059) 0.34 acre, James Island (District 11)

The property is owned by Terri Aiken.

- 324 Woodland Shores (TMS# 343-11-00-116) 0.52 acre, James Island (District 11)

The property is owned by Evan Diament.

(Executive Session (Action may or may not be taken):

- Archer School due diligence update (**No action taken**)

- Letter from Fredda Benfield Culbreth relating to a proposed development of the City's Beaufain/Archdale/Market parking lot parcel (**The City is not interested in selling the property.**)

First reading was given to the following bills:

An ordinance authorizing the Mayor to execute on behalf of the City the necessary documents to enter into that certain agreement by and between the City of Charleston and the Charleston County School District for the joint use of facilities, said agreement being attached hereto and incorporated herein by reference as Exhibit 1.

An ordinance authorizing the Mayor to execute on behalf of the City the attached Option Agreement with Historic Mother Emanuel AMEC Foundation ("Purchaser"), under which Purchaser will have the exclusive option to purchase for \$100.00 the

City's property located at 113 Calhoun Street (Charleston County TMS No. 458-01-01-086), upon expiration of the current lease on the property (as such lease may be extended), with a right of reverter to the City in the event the property is not used solely for the purpose of memorializing the Emanuel 9 and other historical events outlined in the recitals to the option agreement.

An ordinance authorizing the Mayor to execute on behalf of the City a Memorandum of Agreement ("MOU") with South Carolina Electric & Gas Company ("SCE&G"), under which the City will grant to SCE&G the following easements under or across Hampton Park (TMS No. 460-00-00-002): (a) a 70' easement for the expansion of an overhead electrical transmission line; (b) a 12' easement for the installation of a new underground electrical distribution line; and (c) a variable width easement memorializing an existing underground gas line; with SCE&G granting to the City, in exchange for the foregoing, the following lease, license, and easements on SCE&G's property located to the northeast of Hampton Park (TMS No. 463-15-01-061) (the "SCE&G Property"): (a) a 10-year lease for parking, vehicular access, and pedestrian access to and from Hampton Park; (b) a permanent, thirty foot (30') access easement for vehicular access between Grove Street and Hampton Park; (c) a license to use a portion of the SCE&G Property for a dog park; (d) a permanent easement to use a portion of the SCE&G Property for parking and access to and from Hampton Park; (e) a permanent stormwater drainage easement for Hampton Park; and (f) a permanent sanitary sewer easement for Hampton Park.

An ordinance to provide for the annexation of property known as 1904 Woodland Road (0.49 acre) (TMS# 355-10-00-004), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 2. The property is owned by Eric Vogt and Stephanie Gray.

An ordinance to provide for the annexation of property known as 1716 Houghton Drive (0.34 acre) (TMS# 424-09-00-059), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Terri Aiken.

An ordinance to provide for the annexation of property known as 324 Woodland Shores Road (0.52 acre) (TMS# 343-11-00-116), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Evan Diamant.

Mayor Tecklenburg said, "Next, we have bills up for second reading."

Councilmember White said, "Move for approval of K-1 through K-16."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have K-1 through K-16, all together, and we have a second."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "We've got several of these. I think there's three of them. I've got K-3, K-5, and K-7 that all deal with this Upper Peninsula, and I've got some concerns about the height. We're putting some pretty tall buildings close to the Joseph Floyd Manor. I think it's a small community. Somebody gave me the name of it, it's Silver--"

Councilmember Waring said, "It's Silver Hill, right?"

Councilmember Gregorie said, "Right."

Councilmember Moody said, "Right, Silver Hill. We're putting a big building right next to that little thing there, and I'm not sure if all that is what we want to do. The first version of this didn't even have an affordable housing component, and then it was put in it."

Councilmember Waring said, "It's not in yet."

Councilmember Moody said, "It's still not in? I thought it was. Maybe somebody was advocating that it be put in. You have additional height, and if you had a secure bicycle rack or something like that, but it didn't say anything about it, you've got more density if you didn't have any cars. It would be more appropriate than having a bicycle rack. I just had some old questions about this ordinance, as to how we were proceeding with this thing. I think the concept might be right in this area, but I'm not sure that we've got all of the details right. So, I wanted to separate those out. I'm going to vote to defer those or to have some separate conversations about those particular items."

Councilmember Gregorie said, "Wait until Councilmember Mitchell comes back. What were those numbers, again, Councilmember?"

Councilmember Moody said, "K-3, K-5, and K-7, there were three of them."

Councilmember Gregorie said, "What about K-4? Not K-4?"

Mayor Tecklenburg said, "K-4 would be included, too."

Councilmember Moody said, "K-3, K-5, and K-7 were the ones that I marked."

Councilmember Gregorie said, "K-3 and K-4 go together."

Mayor Tecklenburg said, "Well, K-4 also covers the height."

Councilwoman Jackson said, "K-3 and K-4 are the same properties."

Mayor Tecklenburg said, "K-4 is actually what gives them the height capability."

Councilmember Gregorie said, "So, it's K-3, K-4, K-5, and K-7."

Councilmember Griffin said, "Move to defer those."

Councilmember Gregorie said, "Second."

Councilmember White said, "I will second the amendment to remove K-3, K-4, K-5, and K-7."

The Clerk said, "Thank you."

Councilmember Moody said, "Then, we'll deal with those separately."

Mayor Tecklenburg said, "Right. I've got to say that K-6 is the one that goes with K-5."

Councilmember Gregorie said, "K-3 through K-7, plus Councilmember Mitchell will be back."

Mayor Tecklenburg said, "Can we defer until Councilmember Mitchell is back?"

Councilmember Gregorie said, "Right."

Mayor Tecklenburg said, "So, I'm hearing we have a motion to defer K-3 through K-7. Is that correct?"

The Clerk said, "K-3 through K-7. Yes."

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

No one else asked to speak.

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

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

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

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

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

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

Mayor Tecklenburg said, "So, that leaves us with K-1, K-2, and K-8 through K-16."

Councilmember White said, "So moved."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a motion to approve. Does anybody have any questions on those?"

No one asked to speak.

On a motion of Councilmember White, eleven (11) bills (Items K-1, K-2, and K-8 through K-16) received second reading. They passed second reading on motion by Councilmember Gregorie and third reading on motion of Councilmember Seekings. On further motion of Councilmember Gregorie, the rules were suspended, and the bills were immediately ratified as:

- 2018-092** AN ORDINANCE TO CLOSE AND ABANDON PRYOR COURT, A CITY RIGHT-OF-WAY, SAID RIGHT-OF-WAY BEING SHOWN ON THE PLAT ATTACHED HERETO AS EXHIBIT 1; AND TO FURTHER AUTHORIZE THE MAYOR TO EXECUTE QUITCLAIM DEEDS AND ANY OTHER NECESSARY DOCUMENTS, APPROVED AS TO FORM BY THE OFFICE OF CORPORATION COUNSEL, TO THE FEE SIMPLE OWNERS OF PRYOR COURT IN ACCORDANCE WITH APPLICABLE LAW, SUBJECT TO ANY AND ALL EASEMENTS OR OTHER MATTERS OF RECORD.
- 2018-093** AN ORDINANCE TO AMEND THE CITY OF CHARLESTON CENTURY V 2010 COMPREHENSIVE PLAN UPDATE, ADOPTED BY CHARLESTON CITY COUNCIL ON FEBRUARY 22, 2011, TO INCORPORATE THE CITYWIDE TRANSPORTATION PLAN INTO SAID CENTURY V PLAN AS HEREINAFTER PROVIDED.
- 2018-094** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON HABAKKUK LANE (CAINHOY) (1.5 ACRES) (TMS #267-00-00-015, 267-00-00-016 AND 267-00-00-017) (COUNCIL DISTRICT 1), ANNEXED INTO THE CITY OF CHARLESTON JUNE 19, 2018 (#2018-077), BE ZONED PLANNED UNIT DEVELOPMENT (PUD) CLASSIFICATION. THE PROPERTY IS OWNED BY MSR CLEMENTS FERRY LAND LLC.
- 2018-095** AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING THE MARSHES AT COOPER RIVER PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN AND DEVELOPMENT GUIDELINES FOR PROPERTY LOCATED OFF CLEMENTS FERRY ROAD (CAINHOY) (APPROXIMATELY 36.08 ACRES) (TMS# 267-00-00-004, 015, 016, 017 AND 071 AND 267-15-03-001 THROUGH 087) (COUNCIL DISTRICT 1). THE PROPERTY IS OWNED BY MSR CLEMENTS FERRY LAND LLC.
- 2018-096** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 534 SAVANNAH HIGHWAY (WEST ASHLEY) (0.24 ACRE) (TMS #421-03-00-167) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON JUNE 19, 2018 (#2018-076), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION AND SAVANNAH HIGHWAY OVERLAY (SH) CLASSIFICATION. THE PROPERTY IS OWNED BY BIG PINE ACRES LLC.

- 2018-097** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1758 JERVEY AVENUE (WEST ASHLEY) (0.09 ACRE) (TMS #352-10-00-068) (COUNCIL DISTRICT 9), ANNEXED INTO THE CITY OF CHARLESTON JUNE 19, 2018 (#2018-075), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY SARAH BOITER BUNTING.
- 2018-098** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 347 SWIFT AVENUE (WEST ASHLEY) (0.34 ACRE) (TMS #350-13-00-047) (COUNCIL DISTRICT 5), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY LEE B. BLACKMAN AND MARY R. BLACKMAN.
- 2018-099** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1144 CRULL DRIVE (WEST ASHLEY) (0.28 ACRE) (TMS #351-16-00-086) (COUNCIL DISTRICT 7), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY MIDDLETON FAMILY PARTNERSHIP.
- 2018-100** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A PURCHASE AND SALE AGREEMENT, UNDER WHICH THE CITY WOULD CONVEY TO RCCBB PROPERTIES, LLC, CERTAIN REAL PROPERTY OWNED BY THE CITY AT THE NORTHEAST INTERSECTION OF NASSAU STREET AND COOPER STREET, MEASURING AND CONTAINING APPROXIMATELY 0.04 ACRES, MORE OR LESS, AND GENERALLY SHOWN ON EXHIBIT B TO THE ATTACHED PURCHASE AND SALE AGREEMENT, BEING A PORTION OF CHARLESTON COUNTY TMS NO. 459-05-04-208, TO INCLUDE THE AUTHORITY TO EXECUTE ANY AND ALL DEEDS OR OTHER DOCUMENTS AS MAY BE NECESSARY TO CONSUMMATE THE SALE OF THE PROPERTY UNDER THE TERMS AND CONDITIONS OF THE PURCHASE AND SALE AGREEMENT.
- 2018-101** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A PURCHASE AND SALE AGREEMENT WITH THE BERKELEY-CHARLESTON-DORCHESTER COUNCIL OF GOVERNMENTS ("BCDCOG"), UNDER WHICH THE BCDCOG WILL PURCHASE FROM THE CITY APPROXIMATELY 1.502 ACRES OF REAL PROPERTY TO BE ACQUIRED BY THE CITY FROM NORFOLK SOUTHERN RAILWAY COMPANY, BOUNDED TO THE SOUTH BY MOUNT PLEASANT STREET, TO THE EAST BY MEETING STREET ROAD, TO THE WEST BY KING STREET EXTENSION, AND TO THE NORTH BY A LINE EXTENDING FROM COURTLAND AVENUE, WITH THE PURCHASE PRICE BEING THE AMOUNT PAID BY THE CITY TO ACQUIRE THE REFERENCED PROPERTY FROM NORFOLK SOUTHERN, AND WITH CLOSING TO OCCUR ON OR BEFORE SEPTEMBER 14, 2018. **(AS AMENDED)**
- 2018-102** AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV, DIVISION 7, SEC. 183 OF THE CODE OF THE CITY OF CHARLESTON SO AS TO CHANGE THE

NAME, THE COMPOSITION AND THE MEMBER TERMS FOR MEMBERS OF
THE CITY COUNCIL/CITIZEN SUSTAINABILITY ADVISORY COMMITTEE.

Mayor Tecklenburg said, "So, next, we have a bill up for first reading, which is an ordinance to amend--"

The Clerk said, "Excuse me, Mayor. Can we go back? We have to withdraw one."

Mayor Tecklenburg said, "I'm sorry. We need a motion to withdraw K-19."

Councilmember White said, "Move to withdraw K-19."

The Clerk said, "Who made the motion?"

Councilmember White raised his hand.

The Clerk said, "Thank you, Councilmember, and who is the second?"

Councilmember Shealy said, "I will."

The Clerk said, "Thank you."

Councilmember Gregorie said, "What was that number?"

The Clerk said, "K-19."

Mayor Tecklenburg said, "K-19 to be withdrawn. Is there any discussion?"

No one asked to speak.

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "How did it suddenly become to be withdrawn? Do we have a letter? It says, 'to be', that's a future event."

The Clerk said, "We put that on there, 'to be', so that we would do it, but the request came from the Planning Department. I believe Philip sent us an e-mail that the applicant asked that it be withdrawn."

Mr. Morgan said, "Yes, that's the one that was deferred a long time ago by Council, and they have now asked that it be withdrawn."

Councilmember Wagner said, "Right. I'm very much aware of this one."

The Clerk said, "Okay. So, the applicant asked and we have some others to withdraw."

Councilmember Wagner said, "I was just wondering, I didn't know we had a 'to be withdrawn' category."

The Clerk said, "When it's requested, so that was placed on it after it was requested."

Councilmember Wagner said, "Okay."

The Clerk said, "Okay."

Mayor Tecklenburg said, "Requested by the applicant."

The Clerk said, "Yes, requested by the applicant."

Mayor Tecklenburg said, "So, next, bills up for first reading."

The Clerk said, "But I don't think we voted on it, did we? We have to vote on it."

Mayor Tecklenburg said, "I thought we did."

The Clerk said, "No, we have a motion."

Councilmember White said, "Just in case, we'll do it again."

Mayor Tecklenburg said, "We'll do it again."

On a motion of Councilmember White, seconded by Councilmember Shealy, City Council voted unanimously to withdraw K-19.

An ordinance to provide for the annexation of property known as Oakville Plantation Road (approximately 18.61 acres) (TMS# 317-00-00-007), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Keith W. Lackey et al.
(WITHDRAWN)

The Clerk said, "Okay. So, now we're sure."

Mayor Tecklenburg said, "We're sure now. We're strong on K-19 on the request of the applicant. Now, we're going to have an ordinance to amend the Code of the City of Charleston, Chapter 2, to add a new Section 273 to implement the provisions of the Fairness in Lodging Act."

The Clerk said, "Well, Mayor, do we want to do L-1 through L-7?"

Councilmember Seekings said, "No."

The Clerk said, "So, we want to do them one by one?"

Mayor Tecklenburg said, "I think we're doing L-1 and L-2 independently, at least."

Councilmember Griffin said, "Right. All of them."

Mayor Tecklenburg said, "We got this bill up for first reading. Can I entertain a motion to approve?"

Councilmember Seekings said, "Which one?"

Mayor Tecklenburg said, "L-1. This is regarding the Fairness in Lodging Act."

Councilwoman Jackson said, "I move to approve."

The Clerk said, "Thank you. Is anybody going to second it?"

Councilmember Shahid said, "Second."

The Clerk said, "Thank you."

Mayor Tecklenburg said, "I think this came from Finance or Legal?"

Janie Borden said, "This actually came from the Planning Department. What it is, is it allows the City to adopt an ordinance to provide provisions when a short term rental does not pay Accommodations Taxes on the renting of their short term rental. It also allows us to work with the South Carolina Department of Revenue to exchange information in instances where we have a property owner who does not pay their Accommodations Taxes on their short term rental."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I'm fine with that. I just wonder, we had some addendums that our staff was supposed to be working on with the short term rental aspect. I think that was about three months ago. Any update on where we are on that? I thought those would be in front of us before the short term rental ordinance went into effect."

Jacob Lindsey said, "Councilmember, we discussed this at the Community Development Committee, and it was requested at that time that it come back to Council in September because Councilmembers Mitchell and Lewis are out this evening, so they asked for it to come back in September."

Councilmember Waring said, "Alright. Thank you."

Councilmember Gregorie said, "While you're up there, do we have any data or stats yet on the results of the implementation of the new rule?"

Mr. Lindsey said, "I do not have that information, but Mr. Dan Riccio may have it. I do know that we have been tracking it as it goes along, so certainly we can generate all of the information."

Councilmember Gregorie said, "Neighborhoods are asking for it."

Mr. Lindsey said, "Right. We'll certainly have it."

Councilmember Gregorie said, "Thank you."

Mayor Tecklenburg said, "Alright. Are there any other questions on L-1?"

No one else 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 Code of the City of Charleston, South Carolina, Chapter 2, to add a new Section 273 to implement the provisions of the Fairness in Lodging Act.

Mayor Tecklenburg said, "Next, is L-2, I think Mr. Lindsey will make a little presentation about this."

Mr. Lindsey said, "Thank you, Mr. Mayor. We just have three slides here. This is a proposed amendment to the Board of Zoning Appeals Special Exception for Accommodations. You all know the Accommodations Overlay Map. This is a map of the Peninsula which shows, in gray, the parcels which are within the Accommodations Overlay. That means they're eligible to become an Accommodations use, which is to be occupied by fewer than 30 days. That would include hotels, short term rentals, and any other type of Accommodations use as shown here on this map. There are, of course, other properties that are zoned for Accommodations off

of the Peninsula. This is the area, however, that we're most concerned with, and the amendment here, which is slightly off the page, is designed to do some basic things. The first is to prevent overconcentration of hotels on the Peninsula and preserve office spaces. This has an amendment which prevents the displacement of offices and it would give the Board of Zoning Appeals discretion to, for example, condition an approval. The developer would have to replace the office space somewhere else if it were to be displaced. We were very concerned about the loss of office buildings in our City center. It protects retail spaces on the main retail street. For example, on King Street we've seen some recent projects that have converted the ground levels of the buildings from retail into lobbies for hotels, and we feel like that's very undesirable, especially in a time when retail is very challenged around the country. We want to make sure that our retail streets are as good as they can be, so it prevents the displacement of a former retail space to turn it into a hotel lobby, and the last thing that it does is, it works to keep affordable housing. It does that by enabling the Board of Zoning Appeals to require that a developer rebuild dwelling units if they are displaced from a site. They have that power now. In a case on Upper Meeting Street recently, 159 dwelling units were demolished to make way for a hotel. However, the Board only had the power to require the replacement of those units. These amendments allow the Board to consider the price at which the units were rented or sold and required that a developer rebuild affordable units as their replacement if they were affordable before. So, it's a special affordable housing division that we think is very important. The final thing that I'm going to show is just this graph, which we've updated recently. This is the chart showing a total number of hotel rooms in the City of Charleston. It starts in 1980 when we had over 1,000 existing all the way over here. Well, you can't see the laser. All the way on the left side of the screen is 1980 and then the vertical bar almost all the way on the right is today, 2018, where we have almost 5,000 hotel rooms. These have been fine-tooth combed by my very capable staff. To the right of the graph, shows our projection of hotel rooms. All of those are approved, and they have in hand a special exception from the Board of Zoning Appeals. They have the right to build a hotel. We believe that all of them will be built, and those are our projections as to when they will come on line. So, in tracking this, we do believe that there is a case that hotels, especially downtown, are in danger of being over-concentrated. This amendment allows the Board of Zoning Appeals special tools to help prevent that from happening."

Councilmember Gregorie said, "Question. How do you determine overconcentration?"

Mr. Lindsey said, "Well, that's a good question, and one of the things that we did, it was actually about three years ago now. We compared the number of hotel rooms to the number of residents in the City center, and we looked at it and compared us to different cities in terms of how concentrated those cities were in terms of tourists' destinations, and we found that our City was about midway in terms of being a tourist destination. So, we looked at the number of hotel rooms in relation to the number of residents in the City center. We looked at San Francisco and Quebec City, Savannah, and New Orleans, comparable-type cities that have historic centers, and we were about in the middle. We wanted to make sure that we didn't, in fact, slip into a territory where we had more tourist uses than we did residential uses in our City center, and that was the reason. We were looking at that matter of how many hotel rooms we had in relationship to residences. So, in our opinion, we were in the middle, but we didn't really want to veer further on down the tourist path as a City."

Councilmember Gregorie said, "Is this a back door way for a moratorium on hotels?"

Mr. Lindsey said, "This would not be a moratorium on hotels. This empowers the Board of Zoning Appeals with special tools that would help to maintain the balance of uses. So, for

example, if affordable housing is displaced, the Board could say, 'build it back over here.' If an office is displaced, the Board could say, 'build offices in this location.' So, it doesn't stop hotels. It gives the Board tools to maintain the balance of uses."

Councilmember Gregorie said, "Just a follow up, but isn't that a Planning Department responsibility?"

Mr. Lindsey said, "This would, in effect, give the responsibility to the department because we review a proposal, and then we give a recommendation to the Board of Zoning Appeals, which they consider."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilmember Moody.

Councilmember Griffin said, "This looks very similar to a proposed ordinance back in 2016. What changes have been made from then to now to that ordinance?"

Mr. Lindsey said, "There have been two changes that have been made, of which this Council adopted. The first is that we made, you all, adopted a provision to require hotels to account for how their employees get to work. So, that means they either have to put the parking on their lot, or they have to show us how they're going to do it. That's the first thing. The second thing is, we accounted for how hotels manage their valets, their pick-up/drop-offs because we found that sometimes, like on a Friday afternoon, they'll spill into traffic and cause a congestion problem. So, this Council did adopt those two transportation-related provisions. They are not included in this."

Mayor Tecklenburg said, "But the main difference in this, I think, in what we proposed two years ago, I believe, is the affordability factor on the housing. Is that not correct?"

Mr. Lindsey said, "That's right, Mayor. In fact, we did propose that component previously, but it was never acted upon."

Mayor Tecklenburg said, "I see."

Mr. Lindsey continued, "It was only once, though. We did discuss this many, many times, but in this exact form, this has never been taken up by Council in the exact form that it's in."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, Mr. Lindsey, the thing that bothers me a little bit is the 159 units that you were talking about. They're all at market, and the hotels are going in there, also. But, when those things were built, probably 30 or 40 years ago or whatever, a long time ago, they were never affordable. They were always market rate, and as time passed and the owner ignored a lot of repairs and upgrading and stuff like that, they were on a slow decline. So, by virtue of the economy, and demolition by neglect, if you will, they became affordable. So, I'm questioning what we're trying to do here. I don't want to perpetuate slums or something or say, 'Okay, well, we can't tear those down', so they just become slums. So, evidently, it was in the ownership of the current owner who bought them and is going to build back really top-notch market rate stuff, but these were not really built as affordable housing. They were always market rate. It's just that they weren't maintained, and so, they became problem places. I don't know whether you have a response to that or not, but I'd be interested in how you address that,

with regard to the ones they build back. Maybe those, in time, would become affordable homes.”

Mr. Lindsey said, “That’s definitely possible. What I would say is the way that the ordinance is written is that the Board of Zoning Appeals has to consider any adverse effect to the housing stock. That’s the way it’s written. So, when they look at a hotel special exception, it’s a very broad sort of concept, and they can discuss it from any number of ways and condition an approval in any number of ways. This just gives them an additional tool to basically look at that issue to say, ‘what was the condition of the housing and what was the rent that was being paid when it was razed, when it was demolished?’ So, we kind of look to our Board of Zoning Appeals to have an informed discussion around that exact matter. I think this ordinance does that. It gives them some latitude to consider the condition and the rent level of the unit if it’s displaced.”

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, “Mr. Lindsey, these changes were formulated by the Planning staff? It’s not gone to the Planning Commission at this point. If we were to give it first reading, it would go to the Planning Commission like normal?”

Mr. Lindsey said, “That’s correct, Councilmember.”

Councilmember White said, “Okay. Because the Planning Commission basically, even though it’s regarding BZA, the Planning Commission will have purview over this ordinance.”

Mr. Lindsey said, “It’s an ordinance change, so it would go to the Planning Commission, that’s right.”

Councilmember White said, “So, I heard the folks from the Preservation Society tonight, and I don’t know if you all have heard from them at all about this, or if they’ve had an opportunity to weigh in. I think this is what she was referring to in her comments that were very brief, obviously. I also got a couple of texts, actually this evening, from several neighborhoods who have a concern with the changes, folks from downtown who believe that their neighborhoods are going to be impacted by this. I don’t know if there is any specific need for us, from a timing standpoint, to kind of push forward. If there’s not, if it was the will of Council, I think it would probably be good that we just defer the item. I’ve read it. I don’t really necessarily, I mean it feels like it’s actually increasing the stringent nature in which people get that exception to have in the Accommodations Overlay. I would like to hear from these groups to find out what they’ve seen that, maybe we haven’t, because they’ve obviously got some concern, and I think it would be appropriate. So, with that, unless there is some specific overwhelming need or reason that we need to push forward with the first reading tonight, I would like to defer this and at least get a couple of weeks to have a conversation.”

Mayor Tecklenburg said, “That sounds like a motion.”

Councilmember Gregorie said, “I’ll second that.”

Councilmember White said, “Thank you all.”

The Clerk said, “Councilmember White and Councilmember Gregorie.”

Mayor Tecklenburg said, “Alright.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I'll only just say I'll support that begrudgingly, but I think we need more than two weeks. There's a lot of big changes in here. I've gone through it very closely. I've not talked to the Preservation Society. You heard them come in. They're the biggest watchdog group on hotels in the world, and they want it deferred. We've got to give some time to this one."

Councilmember White said, "Yes, and I say two weeks, I'm maybe being a little hopeful that we can get organized in those conversations, but certainly that we shouldn't bring it forward until we've been able to have the appropriate conversations, and so, if it's two weeks, great, if it's not then, you know, but let's all move forward."

Mayor Tecklenburg said, "I think the way the month falls, we're three weeks away from our next meeting, but if we don't have a chance to get everybody together by then, you're right, there's no big rush on this. I do want to just take one minute to share with Council, I guess where I was coming from to bring this back to you and to the public for discussion, was an article that ran about a month ago. The headline was, 'The Zoning Board Reluctantly Okays Another Charleston Hotel and Says Its Hands are Tied'. Lenny Krawcheck, who is the Chairman of the BZA, who I have the utmost respect for, the article says, 'But it knows its hands are tied that all it can do is minimize the effects, unless City Council changes the rules. That was the case last week when members of the BZA said they were powerless to deny a 250-room hotel proposed for an existing ten-story office building. As much as we need another hotel in Charleston', he was kidding, that's facetious, 'I think it meets the criteria.' Board Chairman Leonard Krawcheck, an attorney, said before the vote to approve the project, 'I almost wish it didn't, but I think it does.' So, they felt like they had to approve this, and so it got me thinking about this example. Then, the example we mentioned on 411 Meeting Street which, I don't think Mr. Bennett would mind me sharing with you that, when I met with him, and he had gotten an approval from the BZA, and I was asking him about helping us provide some affordable housing in the City, he said, 'Well, you know, I don't really want to put 159 high-end units on that property, but I've got a high-end hotel. They're going to be high-end units. I would rather provide some number of affordable units, even in perpetuity, as we call it, rather than being forced to put 159 market rate units on the site.' So, if the BZA had that kind of authority to consider that, then they could work out a deal with the developer to promote having some affordable units, rather than forcing them to do what they did. Then, the case of the office use, the ten-story offices, we want to keep these uses in the City. In this particular instance, we're fine because these jobs are going to go to Citadel Mall, which is a great thing. We're not losing the office use, but there will be times in the future, if the BZA does not have the authority, where we might not be so lucky, and you might just lose that office use. So, I just felt like this combination of approvals and the article was a call to us to reconsider where we are, particularly on the affordability issue, but I agree to defer."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I'm going to support the deferral, but I would kind of throw caution. Of course, we have a lot of lawyers in the room, but on the Beach Company issue, when we went to court, Judge Nicholson said that the final arbiter of zoning is City Council, and that process, obviously, is with our Planning Commission and then Council. This kind of sounds like we're kind of pushing off the zoning uses to the BZA. I actually think at the end of the day, we have to make the hard choices, and the Planning Commission, obviously, with their input, and City Council, with the final vote, to rezone properties in the City of Charleston. So, I wouldn't want to run into, when you run into

something like that, you go to the BZA. If there's a big difference, we have to go to court. So, while we're thinking about this one and kicking it around and bringing it back, I would hope you would take Judge Nicholson's ruling into case. Thank you."

Mayor Tecklenburg said, "We certainly can specify what that authority is."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Hey, you guys have been working me well over seven or eight hours today. Now, as I remember, when we did this over on Daniel Island three or four years ago, it was a very, very similar concept. We spent about an hour and a half, as I recall, in the church that day. We had a PowerPoint presentation of why we wanted to do these things, something very similar to this slide and then a whole bunch more. I'm thinking that we were going to come back to it at some point in the future, but I figured it would be a very similar presentation only with all of the questions answered. We have one slide this time. We had at least 10, 12 the last time. Two of our primary voices that day are missing tonight, which is another reason we need to defer it, but I'm just thinking that, as Councilmember Griffin said, he wasn't there, but if you show us what was and what is and what the differences are, you may well come up with a pretty good result. That would be what it is because we called it a moratorium back then, and we're just not calling it that now, but it looks like it. So, clarify it for me, Jacob, if you would, and I'd appreciate it."

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

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

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-220 Accommodations Overlay Zone, by inserting language to preserve Mixed-Use Districts; prohibit the displacement of housing by accommodations and consider the effects of housing units to be altered or replaced on the housing stock and whether requirements to protect the affordability of the housing units should be attached to an accommodations special exception approval; prohibit the displacement or reduction of office space by accommodations to be located within areas on the peninsula designated "A-1" on the Accommodations Overlay Zoning Map and on streets with office use as a predominant use; prohibit the displacement of more than 25 percent of ground floor, store front retail space by accommodations uses on streets with ground floor, store front retail as a dominant use; and prohibit an overconcentration of accommodations units within areas on the peninsula designated "A-1" on the Accommodations Overlay Zoning Map. (DEFERRED)

Mayor Tecklenburg said, "Next, is an ordinance to allow subdivision and development of Single Family Detached Affordable Housing as a conditional use within multiple base zoning districts. What does that mean?"

Mr. Lindsey said, "Thank you, Mayor. This is a request that came to us from Council, and it was specifically requested that we look at both, first of all, a reduction to a 35-foot lot frontage, as well as the staff ability to grant setbacks. My staff have taken an exhaustive look at this matter, and they have studied eight neighborhoods in the City of Charleston on the Peninsula and in West Ashley. Then, they looked at 12 case studies of affordable housing, individual houses that went through the Board of Zoning Appeals, and they've gone through all of the various SR zoning districts, and they have calibrated it in such a way that none of those

projects that were Single Family detached affordable housing projects developed by Geona Shaw Johnson would have had to have obtained the special exception from the Board of Zoning Appeals if these were in place, and those are the adjustments that you see. So, it's variations and lot frontage with setback, things of that nature, but in any case, it will lighten the burden for affordable housing projects to go to the Board of Zoning Appeals. In fact, the ones that we analyze, they would all not require that special exception in this case or variances or whatever was needed. So, it's based on an analysis of what the affordable housing projects had to go through to obtain their Board of Zoning Appeals variances, and it basically involves changes to all of the SR Districts, as well as some of the other districts for lot frontage, as well as setback requirement and lot coverage. So, those variables would ease the burden for the BZA process for affordable housing projects only not for all housing, just affordable housing."

Councilmember Waring said, "Well, the minimum lot size under this would be what, frontage?"

Mr. Lindsey said, "It depends on the district, and there's a chart that's at the end of this, the last page, and 35 is the minimum, which was the specific one that was requested. Somewhere it is larger, 40 or 45, as was discussed earlier for SR-1 and SR-2 Districts. It's not quite as narrow."

Councilmember Waring said, "Right, and the goal is just not for all of them to be 35, but just to have the range for staff to be able to have the range to go from 35 to 49, whereas right now we're at 50."

Mr. Lindsey said, "That is correct."

Councilmember Waring said, "I move for approval."

Councilmember White said, "Second."

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

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "So, Mr. Lindsey, the folks that came over here at the Citizens Participation Period about the Maryville-Ashleyville area, where is that reflected on this chart?"

Mr. Lindsey said, "Well, the specific request that they were making was to not vary from the historic 50 by 100 lot pattern that exists in that area, and in what you have before you, it would allow for SR-1 and SR-2 to be subdivided to a smaller number than that, 40 or 45 feet, respectively. So, it is lower, a smaller frontage, than the specific request of keeping it at 50. However, I will say this, that it would be unusual for a 50-foot lot to be subdivided to 40 feet or to 45 feet."

Councilmember Waring said, "Right."

Mr. Lindsey said, "Right. So, that specific scenario is unlikely to occur. You may have a larger parcel that would be subdivided down into 40 or 45 feet, but those don't really exist very often in neighborhoods that have a pre-established pattern. So, we hear their concern, this does not do exactly what was requested by those residents, however, the specific scenario of subdividing a 50-foot to a 40-foot lot would be unlikely to occur, if that makes sense."

Councilmember Shahid said, "So, you've got a lot that exists right now. Let's say it's 50 feet. You can cumulatively reduce lots to create an additional lot?"

Mr. Lindsey said, "That's correct. Now, let's say you had a lot that was 200 feet long. Well, you could subdivide that down into individual lots that would be 40 feet in width, for example, if you were in an SR-1 District, but if you had a pre-established lot pattern, which is what you have in a neighborhood like Ashleyville and Maryville, you wouldn't take a 50 foot and take it down to a 40. So, the opportunity to do that to obtain lots that are very small in those pre-existing historic neighborhoods is minimal. However, I think it's important to point out, a neighborhood like Rosemont is a neighborhood that would specifically benefit from this. Rosemont has come through a number of BZA variances for lot coverage or lot frontage, and they would not have to do that under these amendments. These are minor changes to the zoning ordinance that allow those projects to go through without a variance."

Councilmember Shahid said, "I'm just trying to think, in the Maryville-Ashleyville area, based on memory, I know that there is at least one parcel that's off of, I think Jacob Street perhaps, that would fit into the ability to be subdivided into 40- or 45-foot lots, and aside from that large lot, I'm just trying to visualize what else is in the Maryville-Ashleyville area that could fall into that potential because the concern that these folks have is a genuine concern. They don't want to lose the nature of the character of their community, and I agree with them, and I want to protect that. So, is there a way to carve out so that Maryville-Ashleyville is not affected by this?"

Mr. Lindsey said, "We looked at that specific issue, and in my opinion, the answer is no because you really can't pass a Citywide change to the ordinance and then exempt a specific area. Conversely, you could create an Overlay that just applies to that one place, but we wouldn't really be able to exclude one specific area from this Citywide change, so in my opinion, the answer to that would be 'no'."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I guess I was surprised to hear our well respected residents of Ashleyville. So, I'm just curious where they came up with the idea that they should be concerned about this. Are you saying that three owners or four owners could not sell their property to a consolidating developer and then see more houses built where there had been three or four?"

Mr. Lindsey said, "That scenario could happen. That's possible."

Councilwoman Jackson said, "Yes. I think that's what they're concerned about."

Mr. Lindsey said, "Right."

Councilwoman Jackson said, "That would concern me."

Mayor Tecklenburg said, "Mr. Lindsey, can I ask, what is the criteria by which the City of Charleston Department of Housing will certify whether the property is affordable for how long, is it carry-on to the next owner and so forth?"

Mr. Lindsey said, "I think the basic answer is, Geona (Shaw Johnson) tells us if it's affordable or not, but she does have specific criteria that determines whether something is affordable or is not affordable and this, Mayor, as you know, as the Community Development Committee enabled us to do, we want to bring forward a more sweeping set of rules that do set

tiers of prioritization. So, if you come up with a project that is 100 percent affordable, Single Family detached house, you get the highest level of prioritization, and that's a future project, to do that. What this says is that Geona would take a look, Housing and Community Development, would tell us, the Planning Department, whether this is legitimately an affordable project or not. So, we would look to them to certify is it affordable or is it not affordable?"

Mayor Tecklenburg said, "But I would just suggest to Council that until we know what that criteria is, or at least have any specific timeline, I mean I'd hate for someone to come for a subdivision and say 'I'm going to make an affordable project and rent it', and then two years later, it's not anymore. I mean we need to have a little teeth in this, so that it lasts for a prescribed period of time at least, hopefully, forever."

Councilwoman Jackson said, "It is in the ordinance."

Mayor Tecklenburg said, "Where is that?"

Councilwoman Jackson said, "It's on the first page where it describes affordable housing criterias up to 120 AMI, and 90 years is the minimum, so it is the typical housing homeownership criteria."

Mayor Tecklenburg said, "It does say 90 years."

Councilwoman Jackson said, "Rental is less than 80."

Mayor Tecklenburg said, "Okay. I got it. Never mind."

Geona Shaw Johnson said, "So, Mayor and Council, just on that note, we actually prepare written correspondence after the income ranges, the cost of the housing, the rents of the housing are all confirmed with whomever the development entity is, and usually we're entering into some written agreement with them, as well, whether we're providing funds or they're doing it on their own. Then we, in turn, and it usually is directed to Lee Batchelder, such that the zoning is appropriate, but we direct that correspondence to the Planning team as evidence that it meets the criteria which is outlined in that document."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. One big important part to this is you only qualify for this if you're doing affordable housing."

Mayor Tecklenburg said, "That's right."

Councilmember Waring said, "That's the part, I've gone to the Neighborhood Association, I've explained that, and God Bless them but, and they're right. Ms. Taft laid out Ashleyville at 50 by 100 lots, 50-foot wide, a 100, and I would say about 90 percent of Ashleyville is that way. We're doing this for the whole City of Charleston, not just the Ashleyville-Maryville area. I saw in the paper today where they created, where somebody estimated, that we need between 26,000 and 27,000 lots to be created over the next five years. When I read that article and said, 'how many of those lots are going to be affordable', it wasn't even in the article. They don't even plan over the next five years to create out of that 27,000, lots that are almost affordable. Maryville and Ashleyville were laid out from inception to be affordable. What are we doing to do that going forward? As we revitalize West Ashley, a lot of the affordability has the potential to be created by infill. So, if I had a piece of land that was 120-foot wide street frontage, today all I can do is two 60-foot frontage lots. With this ordinance, I'll

be able to do three 40-foot lots to create affordable housing. We have to make structural changes to enable affordable housing to be built by reducing the cost of land.

Councilmember White, this was in 2015, our Planning Department came to us to reduce the parking requirement for apartments from 1.5 units to one. I think you and I were the only ones that voted against that. Let's look at that three years later. All it has done was increase the price of the dirt on the Peninsula. When we used to have, if you built a 100 units, you had to create 150 off-street parking spaces. We reduced that by a third. Everybody else is going to be riding bicycles down to a 100. What has happened? Ten stories, eight stories, and you know what? How much of it is going to be affordable for many of the people working in this room? The people that serve this City aren't going to be able to afford to live in this City, in particular, on this Peninsula. We have to make structural changes. What are we going to do to bring down the cost of the land, which is the major factor in creating a house?

I added up one statistic, Mr. Lindsey. We have, I think, four Councilmembers, and Councilmember Seekings is one of them, that have houses right now on this Peninsula that don't have 50-foot frontage, and they have off-street parking. We can't create that on James Island, we can't create that West Ashley, and we can't create that on the Upper Peninsula? I think we should have a mechanism by which we do that and incentivize the private sector, if they do affordable housing, they can reduce their land costs by getting more units. I'm not saying they're going to be 35-foot on all of them, but right now, if I wanted to create a 49-foot frontage lot, I've got to go get a variance. If I want to do 45, I have to get a variance, and if I get turned down, I have to take City Hall to court. That strikes the affordability for the small developer. Anyway, I thank you for your consideration on the passage of this ordinance. Thank you."

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

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

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to incorporate provisions to allow subdivision and development of Single Family Detached Affordable Housing as a conditional use within multiple base zoning districts.

Councilmember Waring said, "Thank you."

Councilmember Griffin said, "Move to take L-4 through L-7."

Councilmember White said, "Second."

Mayor Tecklenburg said, "L-4 through L-7 to be taken together. Do we have a second?"

The Clerk said, "Yes. Councilmember White."

Mayor Tecklenburg said, "We've got three rezonings, I think, and an extension of the temporary moratorium on the Church Creek Basin until September 12th. Is there any discussion?"

On a motion of Councilmember Griffin, seconded by Councilmember White, 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 1904 Woodland Road (West Ashley) (0.49 acre) (TMS #355-10-00-004) (Council District 2), be zoned Single-Family Residential (SR-1) classification. The property is owned by Eric Vogt and Stephanie Gray.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1716 Houghton Drive (James Island) (0.34 acre) (TMS #424-09-00-059) (Council District 11), be zoned Single-Family Residential (SR-1) classification. The property is owned by Terri Aiken.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 324 Woodland Shores Road (James Island) (0.52 acre) (TMS #343-11-00-116) (Council District 11), be zoned Single-Family Residential (SR-1) classification. The property is owned by Evan Diament.

An ordinance to amend Ordinance no. 2017-060 that established a Temporary Moratorium on the acceptance or processing of applications for new construction on properties located in the 100 year floodplain within the Church Creek Drainage Basin, as amended by Ordinance No. 2018-078, extending the moratorium until August 29, 2018, to extend the moratorium for an additional period of fourteen days until September 12, 2018 or the day following the ratification of the Stormwater Design Standards Manual Amendment for the Church Creek Drainage Basin.

Councilmember White said, "Move to withdraw L-12 and L-13."

The Clerk said, "Thank you."

Mayor Tecklenburg said, "Thank you."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a motion to withdraw L-12 and L-13."

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Oakville Plantation Road (Johns Island) (approximately 89.0 acres) (portions of TMS# 317-00-00-089 and 317-00-00-011) (Council District 5), be rezoned from Light Industrial (LI) classification to Rural Residential (RR-1) classification. The property is owned by Keith W. Lackey et al. **(WITHDRAWN)***

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Oakville Plantation Road (Johns Island) (approximately 18.61 acres) (TMS #317-00-00-007) (Council District 5), be zoned Rural Residential and Conservation (RR-1 and C) classifications. The property is owned by Keith W. Lackey et al. **(WITHDRAWN)***

Mayor Tecklenburg said, "Then--"

Councilmember Griffin said, "Move to withdraw my item under Miscellaneous Business."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a motion to withdraw M-1 and a second."

On a motion of Councilmember Griffin, seconded by Councilmember Shahid, City Council voted unanimously to withdraw agenda item M-1.

Appropriate Funding out of 2018 Budget using Stormwater Millage Fees to complete Project Number 4 on the Church Creek Basin Final Report: Hickory Farms Overland Flow Diversion that will cost approximately \$482,322.00. (Councilmember Harry Griffin)
(WITHDRAWN)

Mayor Tecklenburg said, "Now, we have a few items to discuss in Executive Session. Do I hear a motion to go into Executive Session?"

Councilmember White said, "So moved to go into Executive Session."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "To discuss Legal matters related to the IAAM contract and an LDC grant."

On a motion of Councilmember White, seconded by Councilmember Shealy, City Council voted unanimously to go into Executive Session at 9:29 p.m.

On a motion of Councilmember White, seconded by Councilmember Griffin, City Council voted unanimously to come out of Executive Session at 11:02 p.m.

Mayor Tecklenburg said, "Let the record show that no action was taken while we were in Executive Session. We now have a matter regarding, really, a County of Charleston appointment to the Aviation Authority. I serve on the Board of the Aviation Authority and, hence, I would like to recuse myself from taking a vote on this matter, but do I hear a motion to be made?"

Councilwoman Jackson said, "I move that we vote to--"

Councilmember White said, "Disapprove."

Councilwoman Jackson said, "Disapprove the candidate that the County has put forward to us, Jerome Heyward."

Councilmember White said, "Second."

Councilmember Shahid said, "Well, I think the record has to be clear that the position of the Council is that the candidate that was recommended by the County is a Plaintiff in a lawsuit dealing with annexation issues in the Court of Common Pleas for Charleston County."

Councilwoman Jackson said, "Yes, that's the complete motion."

Councilmember Waring said, "I think that needs to be a part of it, Mr. Mayor, and the County should know why. I think we should say we'll await their recommendation."

Mayor Tecklenburg said, "Alright. So, the motion will be to disapprove and stipulate--"

Councilwoman Jackson said, "It's because Mr. Jerome Heyward is a Plaintiff in an active lawsuit, I guess."

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

No one else asked to speak.

On a motion of Councilwoman Jackson, seconded by Councilmember White, City Council voted to disapprove the appointment of Jerome Heyward to the Charleston County Aviation Authority, recommended by the County of Charleston, as he is a Plaintiff in a lawsuit dealing with annexation issues in the Court of Common Pleas for Charleston County.

The vote was not unanimous. Mayor Tecklenburg abstained from voting and completed a Conflict of Interest form which is on file in the Office of the Clerk of Council.

Councilmember Waring said, "Well, Mr. Mayor, I think we ought to say an active lawsuit on that annexation, not just an active lawsuit."

Councilmember Shahid said, "On the annexation?"

Councilwoman Jackson said, "On the annexation."

Councilmember Waring said, "So that it will be clear. He didn't trip and fall on the sidewalk."

Mayor Tecklenburg said, "That's right. So, no other actions were taken or were taken right now. The next Regular meeting will be Tuesday, September 11th. If it's okay with you all, Amy was going to have a Budget Workshop, but not until early October, so if you all are okay, we will scrub the workshop meeting for September."

The Clerk said, "No, Mayor, I wrote you a note. That's when the Novak people are supposed to do their presentation with Susan Poteat on the 13th, so we need to keep that."

Mayor Tecklenburg said, "That's what it was. Okay. September 13th. There being no further business, we hereby stand adjourned. Thank you."

There being no further business, the meeting was adjourned at 11:04 p.m.

Vanessa Turner Maybank
Clerk of Council