

COUNCIL CHAMBER

Regular Meeting

September 10, 2019

The eightieth meeting of the City Council of Charleston was held this date convening at 5:44 p.m. at City Hall.

A notice of this meeting and an agenda were made available on the City’s website on September 3, 2019.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings – <i>excused at 7:40 p.m.</i>	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Griffin	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Jackson	District 12

Mayor Tecklenburg called the meeting to order at 4:30 p.m.

The Clerk called the roll.

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

Councilmember Wagner opened the meeting with an invocation and led City Council in the Pledge of Allegiance.

Mayor Tecklenburg said, “I think most of you all have been here before, but just in case, I know I might sound repetitive to folks that come often, but in the event we would need to evacuate the building, there are our two exits out of this main room, and there is an exit from the room on my right. In that event, do not use the elevators, but go down the two stairs to the first floor and the single stairs out the front. So that’s a very unlikely event, but just in case, I wanted everybody to be aware.

First I’d like to call, to make a proclamation regarding Literacy Month, Ms. Eileen Chepenik. She’s the Executive Director, I think you all know, of the Trident Literacy Association. Is Dr. Cristen Warrington-Broxton with you? Please come forward. She’s a site manager of their, are you at Shaw or at St. Julian Devine?”

Dr. Broxton said, “We’re at St. Julian Devine, but it’s under repair, so we’re temporarily relocated to Shaw.”

Mayor Tecklenburg said, “So, you’re temporarily located at Shaw. You all please come forward. The importance of literacy in our community cannot be overstated and through the programs that they administer; self-paced programs, study groups, one on one tutoring. The Trident Literacy Association is doing truly remarkable work to help members of our community

overcome literacy challenges. So, in honor of Literacy Month, I'd like to recognize them, and I have a proclamation."

---INSERT PROCLAMATION---

Mayor Tecklenburg continued, "Now I will invite Eileen to come forward and accept the Proclamation and maybe say a few words to those guests."

There was applause in the Chamber.

Eileen Chepenik said, "Thank you very much, Mr. Mayor and members of Council and everyone here. As you heard, Trident Literacy is 47 years old, and tonight makes fifteen years that I've been coming here for this proclamation. It's my goal to go out of business. We might anyway, but seriously, so that we solve all the literacy problems, and we are just not needed anymore. So, thank you for the proclamation, and thank you for the opportunity to bring attention to the issue of Adult Literacy. I'd like to share with you tonight, some of the hopes and emotions our students recently expressed at our Achievement Ceremony that we just had this past August. These are students whose life trajectories have completely changed because of Trident Literacy. So here are some of the things that they wrote:

Student 1: 'I realized my children need me for education and to be an educated provider. It's the biggest accomplishment I want to achieve, so I can start college. So I can have a great career and future for myself and my children.'

Student 2: 'I have a baby on the way, and I want a better life for the both of us. I want to be a productive member of society.'

Student 3: 'I moved to a new country with a new language just to see my family again and start a new life.'

Ms. Chepenik continued, "Our students come from a variety of backgrounds. Some did not gain the school readiness skills as children because their parents had low literacy skills. So, they started school behind their peers, and they never caught up. Some simply made bad choices and need a second chance. Some face illness, bullying, or abandonment, and they all faced multiple barriers such as transportation, homelessness, lack of childcare, no job skills, and a host of others. Most live in poverty. But, all of them are on their way to a better life for themselves and their families. They're willing to work very hard to achieve their goals. We're so grateful to the City of Charleston for the partnership at Saint Julian Devine Community Center which is being renovated, so we're temporarily at the Shaw Community Center, and we really like it there.

One of our students there is Al. He's a military veteran with schizophrenia and recently diagnosed dyslexia. His whole life he had trouble reading. Now, under the excellent care of Cristen, our Site Manager, and caring volunteer tutors, he's making great progress, and he spent the summer reading many books. Two other students at the center are turning their lives around after some dust ups with the law. One is 20, and one is 17. They have set education and career goals. One plans a career in the military and the other in IT. They're working hard to achieve them.

One student from last year, Kim, after much difficulty and five years of struggling and working hard, finally earned her GED, and now she's enrolled in Trident Tech, and she has a fulltime job. Antonio from Italy improved his English speaking skills, earned a career ready certificate and got a fulltime job as a manager in a construction company.

This is how we help turn our students' lives around, through our individualized holistic approach, meeting the needs of each one and helping them navigate all the bumps in the road.

Thank you again for the opportunity to be here, and thank you for the support that we get through both the Community Assistance Grant and the Community Development Block Grant. We just could simply not do this without your help.”

There was applause in the Chamber.

Mayor Tecklenburg said, “Thank you for those testimonies. It’s so nice to have this program available on the East Side of Charleston. We’re very thankful to you for all you do.

So, without objection of Council, this won’t require any action, but I was going to do this during Petitions and Communications, but without objection, I would like to ask our Director of Emergency Services, Shannon Scaff, to come forward and just give us a quick brief, update, not just on the hurricane that just passed, but our recovery efforts that are now on their way.”

Mayor Tecklenburg recognized Mr. Scaff.

Mr. Scaff said, “Good evening, Mr. Mayor and members of City Council, ladies and gentlemen. Before I get into my comments regarding our own City’s efforts leading up to and after the passage of Hurricane Dorian, I want to first recognize the people of the Bahamas who endured and continue to struggle with the direct impacts of this unimaginable disaster. I know I speak for every person on our team when I say our thoughts and our prayers remain with those who bore the full brunt of Dorian. It would be impossible for me to capture the full spectrum of coordination at every level in this City and do it the justice it deserves, as together we faced the real threat of a major hurricane last week, or the appreciation I have for your leadership and the dedication of our entire team in this city. What I will say is that I’m honored for the opportunity to represent the tireless efforts of an incredible City staff that put the service to this community above self.

On August 24th, a tropical wave developed and was labeled Tropical Depression 5. As the system travelled west, it defied numerous elements working against it, and on Sunday, September 1st, with winds reaching 185 miles per hour sustained and gusts to 220, Hurricane Dorian exploded into a catastrophic Category Five hurricane, completely devastating the Bahamas. Days before the system became a hurricane, together with the leadership from our Mayor and City Council, as well as personnel from every department in this City, your City of Charleston Emergency Management staff initiated a sequence to increase our level of readiness. Significant outreach efforts began, and our Public Safety professionals initiated an aggressive outreach effort to message the public about the potential dangers of this event.

Charleston Fire Department was able to reach over 700 addresses. Coordination occurred with the Housing Authority, and their staff provided messaging and door to door fliers to over 1,400 residents. While this effort continued, Public Service managed a robust sandbagging effort that resulted in the issuance of over 92,000 sandbags to our community, while the Emergency Management Office participated in conference calls with our partners in Charleston and Berkeley Counties and the National Weather Service. They also initiated the systematic activation of our Municipal Emergency Operations Center and employed key logistic details that are critical to prolong Emergency Operations. While on the topic of logistics, let me say this, just as every member of the response team was committed to response and recovery from this event, every effort was made by our outstanding Logistics team to make certain our folks were taken care of.

Sticking to a well vetted plan, they kept our employees’ well-being as a top priority. Our Logistics section worked tirelessly to address both feeding and lodging needs for the hundreds of City staff members working this crisis. For example, following the storm passage, Logistics hosted an event where over 300 City employees broke from working the recovery to come together and

share a meal that was supported by our Logistics team and the Salvation Army. On that day alone, we provided nearly 1,000 hot meals.

The totality of all circumstances, including an uncertain forecast surrounding this dangerous storm, required increased readiness measures. A City State of Emergency was established. On Sunday, September 1st, with Hurricane Dorian still situated over the Bahamas, the City of Charleston increased its operational condition to OPGON 1. OPGON 1 is defined as a full alert, a disaster or emergency is imminent or occurring. The Emergency Operation Center is fully activated, and all emergency support personnel are activated or ready to deploy. As a slow moving Dorian eventually made its way North and finally into the Lowcountry, a remarkable staff, comprised of 75 members, assembled to support Operations, Planning, Logistics, Administration and Finance activities during around the clock operations. All the MEOC staff worked nine, twelve hour, operational periods for Hurricane Dorian.

At least 571 individuals from Charleston sought shelter in Charleston County Shelters during this event. As the City Staff remained sheltered in place in various locations throughout the City, our Operations Center worked to identify key response and recovery objectives. Life safety was at the top of that objectives list. Every effort was made to ensure the safety of our citizens, visitors, and our City staff throughout the duration of this crisis. An aggressive debris management effort continues, and safety remains paramount as we progress through the recovery process. The City of Charleston experienced the last of heavy downpours and tropical storm forced winds on the evening of Thursday, September 5th, and as soon as it was safe to do so, preliminary damage and primary and secondary road assessments began. In addition to these assessments, calls from our citizens poured into our Citizens Services desk.

Between September 2nd - 6th, the Services desk received 1,800 calls for assistance. With all these calls, it became clear that despite being spared from the worst, our City did experience significant impacts from this system. Some of the reported and more notable impacts to our City during the height of this crisis included: over 300 downed trees, 181 road closures mapped, 135 traffic light failures, 116,000 power outages in both Charleston and Berkeley Counties, plus 100 percent of Berkeley Electric Co-op Customers on Johns Island. To my knowledge, and perhaps most notable of these metrics, is that no significant injuries or deaths occurred in our City that are directly attributed to Hurricane Dorian.

Finally, in highlighting the City of Charleston's recovery efforts, as of noon today, 120 hours since the storm left our area, of the 181 road closures mapped, all but one, Angel Oak Road, have been reopened. Of the 135 effected traffic lights, 100 percent have been addressed. Of the over 300 downed trees, over 100 of the most dangerous, have been addressed. Damage assessment teams report that they'll be 100 percent complete with their assessments by close of business tomorrow. As of 3:00 p.m., 18,369 damage assessments have been completed with 199 damaged properties. Of those, 60 percent have been labeled cosmetic damage. The City of Charleston continues to address debris management challenges and daily meetings with City staff and our Mayor, as well as key representatives from the County, State, and FEMA.

As of 3:00 p.m. today, Public Service has delivered 218 truckloads to Sumar Street from around the City. There are roughly 5,000 cubic yards of debris at that site. Removal of that debris commenced at 4:00 p.m. today. Public Service estimates 118,000 cubic yards of debris with the only exception being Daniel Island, and those numbers are still pending. Public Service has six crews working twelve hour days to assist in this recovery. Moving forward, we will participate in Charleston County Debris Removal Contract. Those operations will commence tomorrow.

In closing, I want to say this. During my twenty-six years of combined military and public service, I've seen firsthand some of the worst disasters in our nation's history. I've been fortunate

to be a part of some great teams. I was sure that after I retired from the United States Coast Guard, I'd never be as fortunate as I was to serve alongside men and women of that caliber. But, I was wrong. The leadership at multiple levels, the partnership with our neighboring municipalities, counties, and Federal partners to include the Coast Guard, the incredible dedication, stamina, and determination that I've seen from every representative of this City, from our newest or most junior employees, to our City Council and our Mayor, assures me that we are indeed a Charleston Strong community, and it is my honor to serve you all. Thank you."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you Shannon. Thank you for that excellent report and yes, Shannon and Councilmember Wagner, as you prayed, more than our thoughts and prayers are with our brothers and sisters down in the Bahamas. We dodged a bullet. It could have been so much worse here in Charleston. Already, individuals and organizations here in Charleston, like Water Missions International, are bringing water purification systems to the Bahamas. Senator Senn, who I believe has a second home in the Bahamas, has started her own relief effort at my Rotary Club today. Donations are being made. There was an article in the paper. So, I ask all of our citizens to join together. I know there will be many ways in which you can help our brothers and sisters in the Bahamas, but boy, they really need it. I want to also echo Shannon's remarks about what a remarkable, remarkable team that we have at the City of Charleston.

I admit that we have those partnerships with the other jurisdictions in the County, but it is truly an honor to serve with Shannon and the fine staff. Their commitment level and service to this City is just amazing. I'm going to risk leaving someone out, but I'm going to mention a few names as a highlight. Shannon, by the way, became our Director of Emergency Management a little over a year ago when Mark Wilbert was elevated to our Chief Resiliency Officer. Mark served as the Daytime Incident Commander during the last week and did a terrific job, along with our longstanding assistant to the Emergency Operations Department, Daniel Flessas. I don't think Daniel is here today, but Daniel does that quiet day to day, behind the scenes work of providing us the organization and the information to do what we were just able to pull off as a team. Robert Hauck, this may sound funny, a computer guy, GIS computer, I got to tell you all. The City of Charleston has the finest up to date reporting software for managing the situation. In fact, when I was supposed to be on Wolf Blitzer the other night, but I was dropped because Charleston wasn't hurt that badly, I was looking forward to giving him this line: 'Well Wolf, you might have the Situation Room, but we have the Situation Dashboard that Robert Hauck provides for the City of Charleston'. Then, all these teams going out and doing these emergency assessments right now, it's made so much easier by the system that Robert and GIS developed for them.

Naomi Broughton, our Operations Chief, during this period with the Police Department and all our teams from the Charleston Police and Fire were amazing. Jason Krusen with the Fire Department, our nighttime Incident Commander representing the Fire Department, did an incredible job. Then, employees just recruited through the ranks like Nancy Boyd, who works in our Recreation Department, became our liaison to the shelter operation that was going on in the County. She did a remarkable job. Mike Tito, in my office, helped lead this amazing logistics team that helped see that everyone was fed and bathed. Jason Kronsberg, what can you say about our Parks Department? They're just incredible. When I heard Jason was out there with his chainsaw, how many department heads were out there with their own chainsaw when need be?

Here's an example of one of his employees, a guy named Luke LeMacks, who's one of our maintenance guys. We had a call from two different senior citizen centers that had lost their power. They had generators, but for whatever reason, they weren't operational. You can say, 'Well that was private property. That wasn't a matter of the City to tend to.' Luke went to those

senior citizen centers, and he was talented enough to get their generators going and bring emergency power back to those senior citizen centers. Our Traffic and Transportation Department, getting those signals up was no small task. I mean, it was an amazing effort within 48 hours, just limited by the power in some incidents. They had all our traffic signals working.

I must shout out to both the Mayors of Columbia and Greenville. As it turned out, just Columbia sent crews. We didn't feel like we needed to bring them all the way from Greenville, but they were willing and able, Mayor Steve Benjamin and Mayor Knox White. We did get crews from Columbia, and they did a magnificent job supplementing our effort. Matt Fountain and our Stormwater Department, all the crews with Stormwater, particularly on the preparation side getting ready, they were amazing. Tom O'Brien and Matt Alltop are working with our debris removal right now. Managing the recovery is going on as we speak even. So, the team Charleston was amazing. They're remarkable.

I also want to thank the citizens of Charleston who stayed out of harm's way. Maybe you left town, maybe you evacuated, and maybe you didn't. But if you stayed put and inside somewhere, and not to put our first responders at risk, and then coming forward to help your neighbors since the storm passed. Now, we also look to outreach and help our neighbors in the Bahamas. Finally, you don't think of this very often, particularly in these days where we accuse the media of being fake media and all this stuff, but, media in Charleston really did a fine job of keeping our citizens apprised of what was going on like that. So, it was a remarkable effort, and I just want to add my own personal thanks, not just to those individuals, those are just examples of the hundreds and hundreds of City of Charleston employees that did a remarkable job over the last week to ten days. Could I ask for any of you who were here that I mentioned or were involved in our recovery effort, would you please stand and be recognized?"

There was applause in the Chamber.

Mayor Tecklenburg said, "Alright. Finally, as Council knows, I was able to issue an Executive Order declaring an emergency last week and then Council passed three other Resolutions, Emergency Ordinances. This does not require Council action but, without objection of Council, I would like to submit this Executive Order which rescinds the prior State of Emergency and also, in effect, causes the three ordinances to expire and make them no longer effective.

So, next is our public hearings. The first one up."

Councilmember Shahid said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Could I just echo something that has been said and, I think, that it is something that we're not recognizing. I was out there, at these, I call them the sandpits with the sandbags. We have recognized so many members of our staff and City employees, but there are also the unsung heroes of our community. These were private citizens. These were churches who sent people out to the sandbag distribution points, who just worked together with one another, and helped the elderly folks who could not lift these sandbags or fill these sandbags, and got them to their cars. I was out there from Monday through Wednesday participating, but also witnessing, what makes our community so special. You talked about it a little bit about not only our staff but our community, the people in this community, coming together. There were several angels that I saw helping one another out there. I just think we need to make sure that the record is very clear on that, and how they came together to help their fellow neighbor. They did not know one another. They did not know these people, but they just picked up and rolled up their sleeves, grabbed a shovel, and helped out. I think, everybody in this room witnessed that

from time to time when they were at those distribution centers. I just want to make sure that we recognize the ordinary normal citizen in our community who wanted to help one another, and we've also got to give a shout out to Dominion Energy. After the hurricane, we were on the phone, I know I was on the phone with Tammy. She must have received at least a thousand phone calls from different people around the community. They were responsive, they helped us when we had areas that we needed attention to, and the power got back on. It was hot, it was extremely hot, but I just want to give a shout out to Tammy and to Dominion Energy. Thank you for being responsive and working with the City on doing that, Tammy. Thank you so much for all of the work that you did along that line. Appreciate you doing that."

Mayor Tecklenburg said, "Tammy Coghill, would you please stand and be recognized?"

There was applause in the Chamber.

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Yes, Tammy talked to all of us at least a half dozen times. I can almost guarantee it. I can show you the e-mails, and she just stayed right on top of it even when it was done."

Tammy Coghill said, "So, I encourage everybody to have a good partnership."

Councilmember Wagner said, "She kept a lot of the constituency much happier than we could have made them by ourselves."

Mayor Tecklenburg said, "Alright. Without further ado, we'll go forward to our public hearings. The first is an ordinance providing the issuance of \$12.5 million Accommodations Tax Revenue Bonds for the City of Charleston and other matters. I don't know if there was a presentation planned on this. There is not much need for it other than to allow the public to know that these bonds are in support of the construction of the International African American Museum. So, anyone who would like to speak to this matter may come forward. We're going to limit folks to two minutes each. Please come forward, state your name and address, and please address this matter. Thank you, sir."

1. Anthony G. Bryant said it was a political season. Based on the press conference he saw with the Mayor, Governor, and others, the Mayor could make people popular or unpopular, and he was unpopular. He rescinded his support of the Museum based upon the facts now, \$8 million statewide for affordable housing, and 10,000 young people under juvenile justice arrested in 2017. He asked what would be done for people living right now. With the Dominion piece, they gave a lot of money to the Museum, as well. A lot of corporations gave the Museum money, and he questioned whether the same corporations who redlined their community in insurance and banking would reinvest for those citizens that look like him. He referenced a denial he got from the Supreme Court regarding permits issued with bonding dollars for their community before Hurricane Dorian. He questioned what the Floodwater Commission and the Governor were going to do now regarding funding with regard to trying times for people in the community. They could support the \$12.5 million for those who were on the plantation and never got a dime to work on it, or they could do something for descendants who were there right now.

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

No one else asked to speak.

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

Councilmember Gregorie said, "Move for approval."

Councilmember Waring 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 Gregorie, seconded by Councilmember Waring, City Council voted unanimously to give first reading to the following bill:

An ordinance providing for the issuance of \$12,500,000 Accommodations Tax Revenue bonds of the City of Charleston, South Carolina, and other matters relating thereto.

Mayor Tecklenburg said, "Next is an ordinance regarding hotel and accommodations in the City of Charleston. Mr. Lindsey."

Jacob Lindsey said, "Thank you, Mr. Mayor, and members of Council. This ordinance is one that comes before you after a lot of work as you all know. It does three things primarily. The first is that it helps to balance uses in downtown Charleston. It helps to limit the growth of large new hotels, and it creates new funding for affordable housing through the fee-in-lieu. It comes to you after a first reading by you all here at Council, and a unanimous endorsement and discussion at Planning Commission. The Task Force, which gave a tremendous amount of time and thought and who deserve, I think, all of the credit in the world for the effort that they put into this. They reviewed it after the Planning Commission's hearing and took up the items that Planning Commission requested that they discuss. Some of you, of course, served on that Task Force, and with all of that said, it comes back before you this evening. Now, I have a couple of items related to this. We have heard some discussion about clarifying one of the components of this ordinance related to the limit on full-service hotels. We have a suggestion about how to do that and we also have, some of you have seen this before, a spreadsheet that shows the wages of accommodations workers. That is what we've based our fee-in-lieu upon that is proposed for hotels on the Peninsula. So, with that said, those are our two handouts, and we can open the floor for discussion, and I'll give it back to the Mayor."

Councilmember Gregorie said, "Just for clarity, there is no fee-in-lieu of."

Councilmember Seekings said, "It's not in-lieu."

Mayor Tecklenburg said, "It's a fee. It's not a fee-in-lieu."

Mr. Lindsey said, "Correct."

Mayor Tecklenburg said, "Alright. So, would anyone from the public like to be heard on this matter? Please queue up on either side."

Councilmember Lewis said, "Did we get a motion to put this on the floor?"

Mayor Tecklenburg said, "We'll have the public hearing first."

Councilmember Lewis said, "For a public hearing. Okay, that's right."

Mayor Tecklenburg said, "Yes. We'll need to hear from the public. Yes, ma'am. Please come forward."

1. Susan Bass, President of the French Quarter Neighborhood Association, thanked Council for recognizing the need for a Task Force to be able to move the issue forward and to come to a resolution. She also thanked the Mayor for asking her to serve on the Task Force. She said there was a lot of collaboration and compromise, and the work that emerged was good work, and not to let perfect be the enemy of good. She encouraged Council to pass the ordinance.

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

2. Janet Hopkins said she lived at 141 Church Street in the primarily residential core of the neighborhood, although they had two churches, two theatres, City Hall, a museum, a park, lots of galleries, and lots of office space. They were diverse, and they didn't need to be any more diverse. They needed to protect the residential quality of life. She was confused by some e-mails from the Historic Charleston Foundation about wanting to remove a ban on rooftop bars. She didn't see that in the ordinance that was listed in the May City Council agenda, but she was opposed to rooftop bars, especially after going to Savannah as there was a rooftop bar about on every block. Between those and the bars that were pedal pubs, it was like a carnival. The French Quarter was affected by what went on around them and what went inside of their neighborhood commercially. She questioned if that ban was in the ordinance.

Mayor Tecklenburg said, "This is just a comment period, not a question and answer."

Ms. Hopkins said she was sorry, and she proposed that she would rather see the ban in the ordinance if it was included.

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

3. Winslow Hastie, CEO of Historic Charleston Foundation, said he was honored to serve on the Task Force and would hopefully continue to. He agreed with what had already been said, and he thought pulling the various groups together to sit around a table and hash out fairly complex issues would hopefully serve as a model for how future thorny topics were tackled. The way it was done in the spirit of collaboration and moving constructive policy forward was excellent. At the end of the day they reached a high degree of consensus which was incredible, given that it was a controversial issue. He thought what was before Council was responsive to what Council brought up when they gave it first reading in May. They also responded to a lot of the comments that were given at the Planning Commission in July. This ordinance had received a lot of review and received unanimous support. As to the rooftop bar ban, that would come back as a separate ordinance, and it would apply to all uses, not just Accommodations uses. So, it would apply to all Commercial uses which they thought was more comprehensive and more appropriate for protecting the livability of their neighborhood, which was a better approach. They looked forward to working with Mr. Lindsey and his staff under the auspices of the Task Force to look at the proposed ordinance. They urged Council's support for it, and he looked forward to them moving on.

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

4. Deborah Anderson said she was fortunate to have a family that owned a small business in downtown Charleston, and she was honored to have served on the Task Force and was grateful for the opportunity. She thanked Council for looking

at this and considering it. She was an advocate for growth anywhere, and being in a family that owned a business, she would never want to hinder another person from opening their business and having the opportunity to soar and do all of the great and wonderful things that would give to the City. At the same time, Charleston was a beautiful City with a lot of historical value, and she would not want the City to lose that, the loving neighborhoods, the camaraderie, the closeness and togetherness. She thought the Task Force came together diversely with creative ideas to put something in place that she thought was great for the City. It allowed room for growth, advancement, and all of the wonderful things while maintaining the integrity, the historical value, that the City was known for. She thanked Council for the opportunity.

Mayor Tecklenburg said, "Yes, sir."

5. Mike Shuler said he was a considerably vested property owner and stakeholder in the area and could be considered likely most affected by the ordinance. He thought it was a good idea to speak with Council directly. He had been in direct communication with the City and Task Force, they were working well, and he thought it was a great collaborative effort. He hoped to remain generally supportive of the initiative as a neighbor and a business owner, but he also had some serious concerns which specifically were parking requirements as was discussed in the last Task Force meeting. They specifically discussed adding language to incorporate the application of mechanical parking and other efficient solutions that would take cars out of the neighborhoods. He thought that was smart and the right thing to do, and everybody agreed, but he didn't see it in the latest documents posted online. He thought it was important for Council to consider how the ordinance was interpreted and addressed as it related to PUDs and development agreements. He thought there was a lot of specificity in those types of constructs that were not easily dealt with. He offered two simple, specific solutions via e-mail to the City and to some of the Councilmembers that were on the Task Force which were to allow for mechanical parking solutions and excluding PUDs from the ordinance.

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

5. Anthony G. Bryant said what the Planning Enabling Act did not do in 1999 was it did not factor in values and zoning. Zonings did not have value in terms of not considering financial hardships, and it was an exercise in ripping people off. He said in the 1970 census tracks and the UDAG funding and all of the census data that was done back then for Charleston Place and in 1980, 1990, 2010, and 2020 there were no fees whatsoever associated with growth in terms of offsetting affordable housing. He said no UDAG dollars were supposed to be used to create that, to create for the folks that existed in the neighborhoods for them to benefit directly. He said Councilmember Gregorie was a former HUD Director, and he would know that. The problem with this exercise was that it did not factor in housing costs and values.

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

6. Kristopher King, Preservation Society, thanked the Mayor and Council for putting the Task Force in motion and getting to this point. They had been working on and talking about this for a long time. He thought engaging the stakeholders was very effective, and there was great, unanimous support of the Board, and they took that

to the Planning Commission. Amazingly, they received the unanimous support of the Planning Commission, and there was no opposition at that meeting expressed on the ordinance. They gave them a couple of things to work on, they went back to the Task Force, and they worked on them. He and others were probably concerned of the speed at which it had come back before Council, but he had spent much time going through the ordinance. He commended Frances Cantwell and City staff for really working through the ordinance as it was a good ordinance. It balanced growth, it protected businesses, office use and retail use, and it did what they needed it to do. He thought it would be better to allow them to measure the negative impacts and the positive benefits of new hotels moving forward. He encouraged Council to focus on the words in the ordinance and to look at what was before them. He said that Charleston needed it and asked Council to get it done that night. He thanked Council for their consideration.

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

No one else asked to speak.

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

Councilmember Moody said, "Move for approval."

Mayor Tecklenburg said, "Councilmember Moody, a motion to approve."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I've got two questions about this. Number one is throughout this ordinance, there is a statement about having to wait seven years. I would be interested in knowing before, if you want to put a hotel on a piece of property you would have to have it vacant in effect for seven years. I was wondering what the rationale for that seven years is. It just seems kind of arbitrary that you say seven years, and it has to be vacant or not used as something. So, you're, in effect, creating an eyesore for seven years if you want it to be a hotel. If we want to put a moratorium on hotels, that's probably another way of doing it, but it just doesn't seem like I would rather do it with some kind of incentive. If you want a hotel, you've got to give up something to make that happen, but not just a wait of seven years. So, I was interested whether Mr. Hastie, Mr. King, or Mr. Lindsey would like to maybe give me some explanation as to why that is. The second part of my question is, it seems to me to kind of be contrary to that position. Did the Committee, through its deliberations, put the minimum number of units at 20 and then at the last iteration, it went down to ten? Now, it seems to me like you're allowing more of the hotels like these maybe in residential areas like on King Street where the second and third floor, residential units, and that now you're making it a lot easier maybe for those things to be eliminated. So, I would just like some clarification. I'm not very pleased with the way it's, it doesn't make a lot of sense to me."

Mr. Lindsey said, "Well, first of all, we'll start with the first question that you brought up. A concern that we've heard over and over and that this ordinance addresses is the matter of losing our offices, our workplaces, and losing residences in the City center. We don't want to see the City center become a place that's just given to tourist uses. In order to do that, our rationale is

that there needs to be some limit on the displacement of offices or residences. Now, to give you an example, let's say I'm a developer. I've come to town, and I want to build a hotel, and I want to do it on a site that currently has an office on it. Well, I could buy the building, nuke the lease, kick out the office, and leave the office closed for a day and then come back tomorrow and apply to become a hotel, and I can say there is no office in my building. So, there has to be some time in the past into which we can say, 'Look, if there has been an office in your building for the past year or the past three years or the past five years or the past seven years, you can't turn it into a hotel.' Otherwise, you could have someone coming in buying a building, getting rid of whatever the use is, and then coming in the next day and turning it into a hotel, which is a problem. So, that's why the time has been stated in the ordinance. Seven years is a position, after a lot of discussion, that everybody agreed was a strong long reaching period. I think there was discussion though, and folks talked about maybe it should be five years, or it should be less. So, there was discussion about that matter, but that's why it exists, to prevent people from flipping over a use and turning it into a hotel the next day."

Councilmember Moody said, "Let me just respond to that because it seems to me that through these ordinances the City is picking winners and losers. So, maybe we do need more hotels, I don't know if that would be the case, but it gets into a situation, and I guess we could come back and change the law if we wanted to, to kick that phase out, but I was just curious why seven years? Why not three years? Why not two years?"

Mr. Lindsey said, "That's a matter that was discussed at some length. What is the period of time? Seven years was one that everybody sort of came to because it's a long period. It's a strong period of time, and it really says, 'If you want to build a hotel, you need to buy a piece of property that's already vacant or that doesn't displace a productive use that we want in our downtown.' That's what it really does, and I think that if Council was minded to make it a shorter period of time or to change that provision, that wouldn't be too far-field from the many discussions that have been had so far. I know that there were discussions about making it less time."

Councilmember Moody said, "So, if the building burned down, then you still couldn't build on it? You would have to leave the burned-out place and restore it to where it was or whatever, something like that. That's why you get into these arbitrary things like that."

Mr. Lindsey said, "That is a slightly separate matter in terms of destruction that happens to a building. I would look to our Legal Counsel to clarify to give the answer to that, but this is one of those things that's a separate matter that has to do with the vesting of rights in the case of an emergency when something like that happens and there is a period of time into which the existing property rights stay in place. If an owner of a damaged building doesn't act on that, then they lose their rights. But, if you want more clarification on that, I'd have to look to Frances."

Mayor Tecklenburg said, "So, then, there was a question about the 20 rooms cut down to ten. "

Mr. Lindsey said, "So, first of all, let's say on King Street, for example, the example that you used. If a residence or an office were in that building, the displacement rule applies. So, regardless of the number of units that an owner is asking for, if it's ten or 20 or whatever, they could not displace an office or a residence if it had been in the building before up to a period of seven years. So, just across the board, that applies in general. That number was also discussed at some length. The Short Term Rental Task Force, not the Hotel Task Force, but go back two years in time, the Short Term Rental Task Force looked at that issue at length, and they recommended nine units as the minimum. The reason is that they didn't want to see the productive upper floors of buildings, many of the buildings in downtown have small offices, law offices,

various kinds of services that happen on second floors, and we felt it was important back then to preserve those kind of uses so that the City center doesn't become given over entirely to just tourist functions. They settled on nine as the number. It went back and forth during deliberations from 20 on the upper end, and then ten was the one that was settled on again as the compromise number. Now, if you think about historic buildings on King Street, if you look at the few on Market Street, East Bay Street, Upper King and Meeting that could be turned into Accommodations uses, you could probably get three, four, five, six, maybe eight into some of those. You could probably get ten or 12 into some of those, but the truth is that there aren't a lot of historic buildings on those streets that could be converted into as many as 20 units. So, I think it would be unusual that we would see those historic buildings turn into 2-unit hotels for the most part. So, there was a lot of discussion about that but, long story short, ten was the compromise position after a lot of deliberation back and forth."

Councilmember Moody said, "The short term rental would not be considered residential and anything under 30 days would be short term rentals, and therefore it would not be considered residential?"

Mr. Lindsey said, "That is correct. Short term rental is a totally separate matter that only occurs in residential properties. In the City center, it's an Accommodations use, period. It doesn't matter if it's run like a hotel or a short term rental. The Code just sees Accommodations use."

Mayor Tecklenburg said, "So, if you want to have a short term rental, you've got to have at least nine units. Is that right?"

Mr. Lindsey said, "That's a slightly separate matter, but you are correct, Mayor. Well, if you wanted to have a true short term rental in the Short Term Rental Overlay District, you can have up to nine short term rental units. That's a separate matter though from what we're discussing tonight."

Mayor Tecklenburg said, "Up to nine units, but what we're discussing, if you were to be able to put ten units in an upper floor on King Street, you would have to take it to the BZA and meet all of the requirements just like any hotel in the City with parking, with paying for the affordable housing, and with protecting the diversity uses. So, I think, it was Jimmy Palassis who recommended 12 and some other folks said, 'Well, there are some properties that might need historic renovation that aren't being used for anything, and maybe a little lower number would be good.' I certainly leave it up to Council. The compromise went from nine to 20. We settled at ten close to the bottom end, but if you all want to adjust that up a little bit, we certainly could."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Yes, I've got a couple things in my head. Sleeping units, what is a sleeping unit? Is that a bedroom? Is it two bunkbeds? What is a sleeping unit? It's not defined in here."

Mr. Lindsey said, "The sleeping unit is the term that's used throughout the ordinance, and we discussed it as being a hotel room, but that's how the ordinance throughout the whole Accommodations ordinance defines. You would have, for example, a dwelling unit is a home that one resides in, and a sleeping unit is a unit that one resides in for under 30 days."

Councilmember Wagner said, "That's a bedroom or is that a room?"

Mr. Lindsey said, "It could be a large hotel room, it could be a small hotel room, but the point is that it's the term that defines, in effect, the difference between dwelling and a hotel function."

Mayor Tecklenburg said, "Legal wants to weigh in."

Chip McQueeney said, "Sorry. It's defined in 54-120. There are a bunch of general definitions, and it's been defined that way for a long time that some smart attorney, I'm sure at some point, said if we could have so many guestrooms to one. What is a guestroom? Does that mean a unit with three different beds in it? Is that a guestroom or is that a suite? So, they came up with this sleeping unit idea, and it's basically one hotel unit with however many rooms in it."

Councilmember Wagner said, "So, if I'm a Homewood Suites, and I have three bedrooms and a living room, how many sleeping units do I have?"

Mr. Lindsey said, "So, if one key accesses it, we define that as one sleeping unit."

Councilmember Wagner says, "Now I understand what a sleeping unit is. You've helped me so much. That was one of the items that I've been asked, believe it or not. That's the first thought. I really wish this thing was in the form of a real ordinance instead of a marked up ordinance because the green markings, the red markings, some of this looks like it's been deleted, but then it doesn't look like it's been deleted. It looks like it's got a line through the middle, but you missed the underlines. I'm real comfortable looking at it in this format, but if we go to B-1, I'd love for you to read that to me and then tell me what it means because it is a two page sentence, and I'd really like to know what it means. This is just me talking, I'm not actually talking against it or for the benefits of it, but let's put it where we can understand it."

Jacob Lindsey said, "So, you're referring to section..."

Councilmember Wagner said, "Permitted uses in the Accommodations Overlay, and then you have 1a which starts with accommodation uses. That looks like it's marked, page three. Board of Zoning Appeals, zoning may permit accommodation uses. Exception where it finds what? Then, the 1a. It goes by the whole page one sentence. So, let's go through that, and maybe we can figure out what it means. Help an old man out here, buddy."

Mr. Lindsey said, "So what this is doing, this whole series of things that are under B1, its talking about what the permitted uses are in the Accommodations Overlay Zone."

Councilmember Wagner said, "Alright, let's do 1a then."

Mr. Lindsey said, "If we just look at 1a again, this is defining what these things are. Very important, this is something that is used by the Board of Zoning Appeals as they go through their process to determine whether or not a hotel qualifies. And, this is the key tool kit the BZA uses when they determine whether or not it fits."

Councilmember Wagner said, "Later on in the document it says, 'It is the intent of City Council to enact this'. Would it not be beneficial whether we had a real clue what that B1a really meant? It talks about for seven years, it talks about irrevocable bonds, all in one sentence. That said, 'BZA may approve the alteration, the replacement, such existing dwelling units on the same side. Other combinations used grid within the radius of one quarter of a mile'. Then, we jump over here, and it says, 'location does not result in any over concentration of low-income households are defined by USHUD'. Then, we go down a couple more and, 'BZA shall require an alteration replacement'. Then, we keep going down and 'bonds and letters of credit,' and that's all one

sentence. Can we take a breath somewhere in there and say this is what BZA is doing here? I mean this is just phenomenal.”

Mr. Lindsey said, “Councilmember, I hear what you’re saying, and this is a complex ordinance. I completely get you, and the Board of Zoning Appeals is very well versed in the complexities of it. They are the ones who pointed out the challenges that exist. They’re the ones who said, ‘This is complex, we need to make some changes to make it better’. Even though that does have that long first sentence in there, the changes that come before you do reflect many of the things we heard from the Board, that they said they needed to administer the rules better. But you’re right. It is a long, complex first sentence.”

Councilmember Wagner said, “What does it say?”

Mayor Tecklenburg said, “I believe what it basically says, even though, I’m not an attorney, and maybe Frances can help us some, but it’s all about the displacement of residential use when the BZA considers giving a special exception. Isn’t that right, Frances?”

Frances Cantwell said, “Yes, sir. Councilmember Wagner, I’ll take the wrath for the long sentence. As you’ll notice, it has a series of semicolons, so that you take your break. That’s where you take your breath. But, what subsection (a) is saying is that, if you have had residential units in use within the past seven years, you have to replace them onsite and/or if you can replace them offsite, it has to be within a quarter of a mile, and you have to replace them in a similar income level and rental level as what you’re displacing. If you don’t have them done by the time you want to occupy your hotel, you have to post a bond. That’s what it says.”

Councilmember Wagner said, “Okay, while you’re up, you might as well tell me this, Frances. I’d appreciate it. Over here, we’re talking throughout here special exceptions. Special exceptions and the only one that knows what special exceptions are is apparently the BZA. So, since it’s the intent of Council for the BZA to follow this, maybe, we ought to have an example of what the special exemptions are. How’s that going to work?”

Ms. Cantwell said, “Well a special exception is a term of art that comes straight out of Zoning jurisprudence and the State Enabling Act. You either have a use as a matter of right, a use that has conditions attached to it, which is usually done on a staff level. If you meet the conditions, you check the boxes, you get your conditional use. Then, there’s a special exception, which is a little more heightened review. Only the Board of Zoning Appeals can review and grant or deny special exceptions. What this ordinance says is ‘We’ve gotten plenty of special exceptions throughout our Zoning Ordinance,’ and the hotel has always been a use granted by special exception, at least for the last twenty plus years. So, what the A, B, C, D subsections that you’re reading, are the criteria that the Board has to find that the application meets in order to award the special exception.”

Councilmember Wagner said, “Okay, that makes sense. But I’m hearing this, and I’m not smart enough to make it all up myself, so I’m getting a lot of questions. I had one hotel here, gentlemen, mention the fact you’re trying to put us out of business with our own ordinance. Somewhere in here it says we can have eight full service hotels, which now defined. You just passed it out to us. It says we have up to eight, and this now says we can only add four.”

Ms. Cantwell said, “On the peninsula.”

Councilmember Wagner said, “On the peninsula. So, if we have three, and we’re going to add four...”

Mayor Tecklenburg said, "I think we're counting four already. Two existing, two under construction or planned. So, there will be availability for four more."

Councilmember Wagner said, "I'm just trying to make sure that's what we're doing here, we're not going to have to redo. I'm not against anything in here, what you're intending to do. I did have some questions about the ten units. We have this particular hotel person who mentioned the fact that, 'I have a hotel, and you're killing me because of the short term rentals. They are renting at \$50 or \$60 a day, and I can't pay my staff for that.' He said, 'Now, you're coming in here, and you put up and down King Street anywhere you can find a spot, another ten units in every vacant building you can get your hands on. What's that going to do to me?' I could not answer that question, very specifically. He thinks it's something that's basically there to help protect him and make sure he stays in business. These hotels cost these guys a bunch of money. Are we shooting them? Are we running them off? Are we going to place them out of business? We're trying to protect a specific area, the Overlay, but are we killing the people that are already there? That's my question. And that was his question to me, and that's a question I did not have an answer to. Help me out here."

Ms. Cantwell said, "Well, I'm not the most qualified person to answer it, but I think what this ordinance does is, I think it strengthens the existing businesses, and if you want to have a hotel because of the impact that it has on various levels in the City, you have to meet a more stringent criteria. So, I think that the idea was not to put the kibosh on hotels in the future but, say if you're going to have one, you know, there are certain criteria that you have to meet and be very sensitive to things like housing and office use and retail. We don't want, I'm not speaking for myself, but I think the consensus I heard from the taskforce anyway, was that it was very important that the City remain diverse. I'm not just talking among people, I'm talking diverse in uses. This was a way to help protect that."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Thanks, Mayor. I was on the taskforce, and there was a lot of work done. I think we're very, very close on this for two items in particular that came out of the discussions in the taskforce and didn't actually end up in the ordinance as it's currently drafted. I think we need to add those in. I don't think that it's any heavy lifting, but there are two components. One was specific to the number of full service hotels, and it was discussed that the number of full service hotels doesn't apply specifically to PUDs because there are two PUDs downtown for development agreements that would already have entitlements on them. So, we discussed that the PUDs are not included in that number, and that actually never made it into the ordinance itself. Recognizing that a PUD supersedes the ordinance itself because it is, by definition, its own document, so we can laugh at those in the future if we find that, or any Council finds that, minded to add a full service hotel and a PUD. But, I do think that we need to spell that out in the ordinance itself, just so we specifically define that PUDs are not included in that. The second thing that we talked about was mechanical parking, and we agreed, we want to include mechanical parking as an option for parking hotels, but it didn't end up in the ordinance. So, again, there was some discussion that it speaks specifically to mechanical parking, the other parts are the Zoning Code. But, I do think again, simply adding the language in, so that it clarifies it is the intent of this body to allow mechanical parking within hotels. I think it sort of adds clarity. Those are two items the Taskforce agreed upon. We discussed there wasn't any consternation around it. It just simply didn't end up in the document as stated. I would encourage this body to consider adding those two things. It should be fairly simple language to add. Frances, I don't know if you want to add something to that."

Ms. Cantwell said, "If I could just address that, it does not hurt at all to recognize PUDs. Most PUDs say you can have, depends on what they say as you just noted, its own zoning category. The PUD that I'm aware of, at least downtown where hotel use is allowed, is Magnolia. They're double boot-strapped because their PUD says, 'We will have a hotel' and they're governed by the rules that are in effect at the time the PUD is passed. So, that is not that exemption from this. Then secondly, if not more importantly, Magnolia has a development agreement, which is a totally separate animal. But, it is essentially a contract that says 'we can't change your zoning unless it's some emergency or natural disaster' or something like that. If you want to say that it doesn't apply to the PUD, I don't think it does any harm. I didn't think it was absolutely necessary, but I'm glad to add it and the same with the mechanical parking. Is that those stacking things?"

Councilmember White said, "Yes, and that's something that more and more is going to be prevalent, and obviously, we want to allow for as much parking as we can in the City of Charleston. We all know we've got very small amounts of space to operate within. Again, I just think that those two items, in my mind, clarify it so there's no confusion as you move forward, and there is no confusion of future Council to understand our intent, specific to those issues."

Ms. Cantwell said, "You're absolutely right that somebody can come in here five years from now and ask for a PUD with a hotel that has different criteria than this ordinance. It would be up to Council to decide yes or no."

Mayor Tecklenburg said, "Can I entertain an amendment to the motion to include those two items just discussed? Is that acceptable to the maker of the motion?"

Councilmember Shahid said, "So moved."

Councilmember Lewis said, "I second the motion."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I just want to take a moment to thank the ladies and gentlemen that served on this committee. This ordinance has seen many forms in the last four years. I think that, had we brought all the stakeholders to the table four years ago, this ordinance might have a lot more clout. Because, unfortunately the damage has been done. Downtown has changed. My grandfather grew up on Columbus Street, and my grandmother grew up on Magazine Street. Every once in a while, I take them down here to have supper, and they don't even recognize where they grew up. They moved to West Ashley for affordability and to have a yard to raise their kids, and unfortunately, things have drastically changed, and this ordinance isn't going to change that. We don't know what's going to happen 50 years from now. Who knows? We could be living in the Jetsons 50 years from now. We might have buildings in the sky, people flying in hover cars. This thing is going to change. But, you can't take away all the hard work that the members of the committee did to give us something that is better than what we have now, which is nothing.

So, I'll support it, although I know that it will change. I can figure out in my mind where these eight full service hotels are going to go right now. I mean, it's pretty easy to figure it out, you know. People are going to be rushing to make that happen. Eventually, some Council is going to change that number. Probably won't be this one, but the only way to get anything done in this City is to get the stakeholders at the table. One person is not intelligent enough to make a decision on behalf of 150,000 people. So, anytime we have a decision that's going to impact every person, not just the Peninsula, not just Johns Island, James Island, West Ashley, because we've got 80,000 tax payers that enjoy downtown, as well. The one thing that they can't ever do is find a

place to park. Everybody is affected, whether it's directly or indirectly, by this. I think that the only way that we can truly find a way to make sure that everybody's satisfied at the end of the day, is to have these taskforces.

We have to make some tough decisions in this City for livability reasons, and the only way we're going to get there is by bringing everybody to the table. This is another taskforce that has worked so diligently for zero, nothing other than their love for the City. I thank you for that. But, I will say again, I am not going to vote for getting rid of rooftop bars. Thank you."

Mayor Tecklenburg said, "Thank you, Councilmember Griffin. Follow up to that, I know when we brought this back for first reading I recognized the Taskforce members. So, I would like, and a few of them spoke here this evening, but I would like to recognize them all. That was Susan Bass, Winslow Hastie, Deborah Anderson, Kristopher King, John Marsland, Jim Palassis, who's in Orlando receiving an award for his West Ashley Home2 Hotel today. Helen Hill, with the Convention Visitor's Bureau, Tim Muller, and then Councilmembers White, Seekings, Gregorie, and myself. So I thank them, and you're right. At the end of the day, this is a much better product as a result of this collaboration. I certainly acknowledge that."

Mayor Tecklenburg called on Councilmember Lewis.

Councilmember Lewis said, "Yes, Mr. Mayor. I certainly will support this also. Do not hold it against short-term rentals. After that passed, we made a lot of amendments to that still more work to do. So, I'm sure there's going to be some amendments in the future. This Taskforce has put their hearts and their minds into this, and I think we need to go ahead and support this, vote on this, so we can have a little better quality of life within the City in the building of hotels."

Mayor Tecklenburg said, "Absolutely. Now before we come to a vote, Mr. Lindsey, could I ask you again, we did not officially include this amendment yet. I guess we could, but could you explain to us what you passed out, and Frances, if you want to weigh in on this, as well?"

Mr. Lindsey said, "Yes, sir. What this does Mayor, is it just spells out, first of all, that there will be four more full service hotels on the Peninsula, and it just goes into specifics. It says 'that in order to do that, any hotel on the peninsula having more than 150 units must be a full service hotel. In no event should any hotel on the Peninsula have more than 250'. So this has the effect of capping the room limit at 250. Today, there are a number of areas on the Peninsula including in the full service zone, colloquially referred to as the Bennet Box, or even anywhere north of the Septima Clark Parkway where there is no room limit because there's no room limit. It doesn't exist. So, this caps that on the whole Peninsula, and then it says, 'Furthermore, it should only be full service hotels as defined.' This was implied by our work and the Task Force, but it wasn't clearly defined, and that's what this does."

Ms. Cantwell said, "Just so the record is clear, the amendment that's on your desk would amend section 54-220 B (i) by adding the language that says 'any hotel on the Peninsula having an excess of 150 sleeping units must be a full service hotel as herein defined', which is defined in that subsection, 'and in no event shall any hotel on the peninsula have more than 250 units'. That's Amendment 1. I just did a little bit of quick notation. The amendment regarding mechanical parking, which shows up on page 11 under subsection 11. I would suggest that the amendment for subsection 11 would now say, 'the demonstrated provision of off-street parking at the rate of two spaces, that meet the design requirements of section 54 – 318 for each three sleeping units, provided however the utilization of mechanical parking meeting this ratio shall be allowed."

Councilmember Seekings said, "Mechanical or other approved parking."

Ms. Cantwell said, "That's fine."

Councilmember Seekings said, "That's what we talked about at the Taskforce because there's some other methods, especially in the underground parking."

Ms. Cantwell said, "Then, Amendment three would be on subsection E, the last page of the ordinance. We would add a section. This is where we say that this ordinance only applies to special exceptions granted after first reading essentially. I will suggest in Councilmember White's amendment that we would say 'the provisions of this section 54-220 shall not apply to planned unit developments that incorporate accommodations uses approved as of May 28, 2019', which was the first reading of the ordinance."

Mayor Tecklenburg called on Councilmember Mitchell.

Councilmember Mitchell said, "Question. Although with this, with the Taskforce and the new amendment, would this still make sure that all the hotels that we have are going to have their parking onsite and not renting properties next door like we're doing with the special exceptions that we had? Some people are renting it from the church parking lot and renting it from various other places. If that happens, once these places want their property back, then the cars are going to be on the streets. Then, we're going to still have a problem. That's why, when it comes to special exceptions, and they want to rent places, I'm not going to support that anymore. Because, that's what happened back in the days when we were just giving people special exceptions for them to rent spaces down the street. They can rent to someone else, and those people come back and say, 'No, we're selling our building now.' So, now you don't have a place to park anymore. Everybody is parking in the community, then the community comes and jumps on the Councilmembers and say 'look we've got all these cars parking in our community, taking our parking spaces.' So, this is what I'm worrying about, that part of it."

Ms. Cantwell said, "I think we discussed this at the taskforce. But, right now, it just talks about off street parking. It doesn't require onsite off-street parking. I think there was a reason for it, but I can't remember what it was."

Mr. Lindsey said, "Well, as it's written right now Councilmember, it says, 'A long term provision of on or off-site parking.' That refers to, this applies throughout the City. Anybody who's got off-site parking has to present a valid ten year lease for their parking. So, that expires after ten years. That exists throughout the ordinance for everybody, offices, hotels, restaurants, you name it. So, if that's something that's a specific concern in this case, maybe we could entertain some type of amendment to place that parking specifically onsite. With that said, I know that hotels are wanting their parking to be on their site. They don't like it to be remotely managed."

Councilmember Mitchell said, "That's the only problem I have with the parking situation. I see a lot of businesses and restaurants we have doing the same thing, and they have their parking offsite. This is causing a problem in a lot of communities. Even where I live now they are parking all up and down King Street because they have so many restaurants moving there, but they don't have any parking, so they're renting parking spaces from other entities. A lot of these entities now came to me, and they are getting ready to sell. So, now what's going to happen to all of these cars here?"

Mr. Lindsey said, "One other thing that I might just mention is that we recently did some work related to this for restaurants, and we limited the growth of offsite parking for restaurants adjacent to residential properties. That was a really good thing. I think that really helped. And, we can look, as a separate effort, for doing that same thing related to hotel uses, basically saying, 'If you're a hotel, you can't get a parking lot right next to a residential property.' I think that would work really well in a case of restaurants. So, that's something else we could look at separately if you'd like."

Mayor Tecklenburg said, "Alright. Can I entertain a motion to add the three amendments now that have been stated?"

Councilmember Shahid said, "So moved."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Right, I'm just saying that we have one amendment that has all three as stated by attorney Cantwell. We want a restatement of the third one."

Ms. Cantwell said, "So, very quickly, the sentence would be added to the last provision, subsection E. That would say, 'The provisions of this section 54 -220', which is the accommodations use, 'shall not apply to planned unit developments that incorporate accommodation uses', or you can say allow accommodations uses, 'approved as of May 28, 2019.' And so, what this would do is, all the existing PUDs are safe. Future PUDs, it's up to you to decide whether you would want them to have a hotel or not."

Mayor Tecklenburg said, "Okay, is that acceptable?"

Councilmember Seekings said, "Yes, that's going to be an issue that we're going to have to take up because one of the things we talked about in the Taskforce was language that's in here, 'Only four more full service hotels should be allowed on the Peninsula.' One of the things we talked about was in the existing Accommodations Overlay because we're thinking about future growth and development on the Peninsula, particularly the East side and the Ports Authority property, that side of the Peninsula. That's going to be a challenge because we know there's 30 acres over there. There's going to be accommodations uses, so there are parts of the Peninsula that are still going to be ripe for conversation and appropriate for some form of development. Just to make sure that we know that PUDs are what's going to drive the ship forward on this."

Mayor Tecklenburg said, "I did want to ask the maker of the motion whether the new amendment is acceptable?"

Councilmember Shahid said, "It is acceptable."

Mayor Tecklenburg called on Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I want to commend you, I want to commend the Taskforce because we've come a long way on this. The first time we got this put in front of us, Mr. Morgan passed it out and the Xerox paper was warm. I'm not making that up. The ordinance had been copied, and he came around and passed it on our desk. So, we've come a long way from that. I appreciate the talent that was around the Taskforce, Historic Charleston Preservation Society, others. I appreciate this Council and that I came in here with about four bullet points that I thought were unfair for us to vote on tonight unless they were considered. I didn't speak to any of my colleagues on Council. One was the parking. We already have hotels on the Peninsula that use stack parking. So, that certainly seems right. We've got an amendment to that. The PUD portion of things, we got that clarified. But, one of them that I just think is too long, I'd like to offer another amendment, seven years is just too long.

When a storm comes through and knocks a building down, and knocks you out of business, you have three years, as I understand, that you're grandfathered under the zoning, you put it back. The given of our approval process, if you had to go to the BAR after a disaster type situation, you're not going to be able to get that back up, designed, approved, all of that in a three year period. The seven year portion, I think, is just too long. That's almost two presidential terms."

Mayor Tecklenburg said, "That is a long time depending on who's President."

There was laughter in the Chamber.

Councilmember Waring said, "Well, I speak in favor that this has been a long term."

There was laughter in the Chamber.

Councilmember Waring said, "But anyway, I'd like to get some input from Mr. Hastie and Mr. King, and Ms. Bass. I'd like to know some of the thinking on that because I just think it's too long. I'd like to propose an amendment to go to five years and not seven years."

Mayor Tecklenburg said, "Mr. Hastie, would you like to address that? You've been asked to and Mr. King."

Mr. Hastie said, "Well, thank you. Winslow Hastie. Jacob spoke to it, and we did have a lot of discussion around this. I think what we were trying to do was, as Jacob said of course, dissuade people from coming in and kicking out tenants. That's sort of an extreme measure, but even what we were saying is sort of the market is tilted so hard towards hotels right now. I know that could change, but right now it is very much tilted in favor of hotels. This is, we're sort of trying to balance that and level the playing field a little bit more. The return on investment for hotels is so great that one could potentially, as part of their pro forma, purchase a building, get rid of the tenants, and still sit on it for a period of one to two to even three years because the returns are so great, and then just wait it out. Then, come back and ask for their entitlements and get around that displacement measure which we again, just to remind you all, that was one of the primary reasons that we wanted to open up the Accommodations Overlay and look at it. It was around displacement of uses and preserving diversity in our downtown Peninsula. So, seven, again, it might seem sort of arbitrary. At one point, we're talking about ten, and they were like 'that's a little much,' so we brought it back down to seven. It's not a magic number, but I think what we really wanted to do was dissuade people from just buying property and sitting on it and having it sit there vacant."

Councilmember Waring said, "I thank you for that, and I agree with you on the diversity standpoint. Mr. King, is your explanation right about the same unless you have a lot of differences?"

Mr. King said, "It is. The only thing I would add is there was a bit of market data that sort of pushed this, in particular, from the industry folks involved on the Task Force, and so, it's really, as Mr. Hastie said, sort of trying to calibrate it for the current market condition. Seven years was ultimately what felt to be the sort of right number for this market."

Councilmember Waring said, "Economic cycles in this Country normally go four to four-and-a-half years."

Mr. King said, "Correct."

Councilmember Waring continued, "So, that's why I think that seven years is too long, so I would hope you support the amendment of being five years, and I'm going to support the amendment."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "That was kind of my sense of this thing when I raised the question the first time. If I were going to build a hotel in Charleston, it's going to take me three or four years, at least four years from the first time out. So, what I'm going to do is say, 'Okay, they're rebuilding.' Let's say it's fully rented, do I just throw everybody out because I need to start planning, but I'm not going to be able to break ground anyway. So, you're kind of throwing those

people out a lot sooner than you would have to if you were going to do something like that. I just think that time, maybe four or five years is a little bit better. I would accept that, and the other thing I would say is once we get through all of these amendments tonight, I don't mind giving it second reading and then bring it back with a clean copy, so that we can take a look at the whole thing and see if we have any further debate on it for the third reading. If you're going to amend it to five, I'd second that and say that we give it second reading tonight."

Mayor Tecklenburg said, "Is that a combined amendment?"

Councilmember Moody said, "Well, I don't know that we need to decide to give it second or third reading. There may be seven people that want to give it third reading, and that's up to Council."

Mayor Tecklenburg said, "Right. So, we have an amendment on the floor to reduce the wait period from seven years to five years. It's been seconded. Is it acceptable to the maker?"

Councilmember Shahid said, "Yes, sir."

Councilmember Moody said, "So, making sure throughout wherever the seven years is, is that would just become five, but that's why I say I want to look at it again to see if we haven't screwed up maybe some part of it that shouldn't be."

Mayor Tecklenburg said, "Well, I'm sure Frances Cantwell is going to keep us straight in that regard."

Frances Cantwell said, "I don't have that little search thing, but I found seven years in subsection a. on the page 3, on subsection b. on page 4, and then you skip back and subsection 1 on page 9, and 3 on page 10. That's where seven appears. Now, if you all want that changed to whatever."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I would recommend that we make that amendment vote separately from the other three that we've already incorporated, unless you're planning on voting on each one of them separately. But, I think, this one is an important one to keep separate."

Councilmember Gregorie said, "Why?"

Councilwoman Jackson said, "Because personally I agree with the other three, and I don't agree with the change to five, so I think we should have a chance to vote separately."

Mayor Tecklenburg said, "Is that acceptable to you all we vote on that separately?"

Several Councilmembers said, "Yes."

Mayor Tecklenburg said, "Alright. So, since that amendment is on the floor, is there any other discussion about the change from seven to five years?"

No one else asked to speak.

On a motion of Councilmember Shahid, seconded by Councilmember Lewis, City Council voted to amend Item E-2 on the agenda to change the time for measuring the displacement or reduction of housing or office space from 7 to 5 years.

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

The Clerk said, "Two, three?"

Councilwoman Jackson said, "Four."

The Clerk said, "I'm sorry, Mayor, I didn't see you."

Mayor Tecklenburg said, "Okay. Yes. So, on the three amendments prior to that are all packaged together which is to add the provision about a variety of parking, to make clear about the PUD, and also to clarify the number of rooms. We want to vote on those amendments separately, but I don't think we need to."

Several Councilmembers said, "No."

Mayor Tecklenburg said, "I think they were agreed to by consensus in part of the original motion. So, is there any further discussion on the original motion with the three and now four amendments because it passed, right?"

The Clerk said, "Right."

Mayor Tecklenburg said, "We took a vote on the amendment. As long as the whole ordinance passes, it goes to five years rather than seven, right?"

The Clerk said, "Right."

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

Councilmember Waring said, "Hold on, Mr. Mayor. I thought we were voting on the three amendments to be added to the ordinance."

Councilmember Seekings said, "Right."

Mayor Tecklenburg said, "Well, they were added and accepted, and I asked for the vote of the ordinance as amended with the three amendments."

Councilmember Waring said, "I sure thought you said we were going to be voting on, I think the net result will be the same, but I thought you said we were going to be voting on the three amendments."

Mayor Tecklenburg said, "I asked if we wanted to. I didn't seem to pick up that it was needed, and so I stated when I asked for the vote the ordinance 'as amended' with those three provisions."

Councilmember Waring said, "Alright. Okay."

Councilmember Moody said, "So, that would be four amendments."

Mayor Tecklenburg said, "The fourth was voted on independently."

Councilmember Moody said, "You've got to vote on the ordinance as finalized."

Mayor Tecklenburg said, "Right."

Councilmember Moody said, "We just approved the amendment."

Mayor Tecklenburg said, "That's a good point. As amended, would include the three that we had already added on to it, plus the fourth that had been approved."

Councilmember Moody said, "Well, we have voted on the fourth one to approve it. We've never voted on the three to approve them, and so those have not been voted on to add to the amendment."

Mayor Tecklenburg said, "Well, let's make it clear then. Let's vote on the combination of three amendments about the parking, the PUD, and the number of rooms."

On a motion of Councilmember Shahid, seconded by Councilmember Lewis, City Council voted to amend Item E-2 on the agenda to: require accommodations uses on the peninsula having more than 150 sleeping units be Full Service Hotels, and place a cap of 250 sleeping units for accommodations uses on the peninsula; allow for the use of mechanical or other means of parking if the ratio of 2 spaces per 3 rooms is met; and exempt PUDs that allow accommodations uses approved as of May 28, 2019 from the provisions of this ordinance.

On a motion of Councilmember Shahid, seconded by Councilmember Lewis, City Council voted to give second reading to the following bill, as amended:

*An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by deleting Section 54-220 Accommodations Overlay Zone, and replacing said section with a new Section 54-220, Accommodations Overlay Zone, to, among other things: provide for the preservation or creation of Mixed-Use Districts; prohibit to limit displacement of housing by accommodations uses and consider the effects of dwelling units to be altered or replaced on the housing stock and whether requirements to protect the affordability of the dwelling units should be attached to an accommodations special exception approval; establish conditions on the displacement or reduction of office space by accommodations uses; prohibit the displacement of more than 25 percent of ground floor, store front retail space by accommodations uses on the property; to include a minimum and maximum size for accommodations facilities; to provide regulations for the design and location of guest drop off and pick up areas; to require the incorporation of meeting and conference space; to establish a limit on the number of full-service hotels; to provide for a contribution to the City of Charleston Affordable/Workforce Housing Account; and to subject violators of the provisions of this Section 54-220 to having their business license or certificate of occupancy revoked. **(AS AMENDED)***

Mayor Tecklenburg said, "Now, for third reading and ratification."

Councilmember Lewis said, "Move for approval."

Councilmember Gregorie said, "Second."

Councilmember Waring said, "Mr. Mayor."

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

Councilmember Waring said, "Again, I do think we should get a clean copy. We can put this on the agenda for two weeks from now. We have first reading in place, and we have second reading in place. Anybody that comes with a new application is going to have to deal with this ordinance. Just give us a clean copy. To me, that ranks right up there with a warm ordinance fresh off the copy machine. If we put this on the agenda for two weeks from now with a clean copy for the third reading, I think we should do it that way."

Councilmember Lewis said, "We've done it before."

Mayor Tecklenburg said, "We had a motion on the floor for third reading, and it was seconded. We have some discussion. Is there any further discussion?"

Councilmember Griffin said, "I make a motion that we defer third reading to the next City Council meeting, so we can have a clean copy sent to us."

Councilwoman Jackson said, "I'll second."

Mayor Tecklenburg said, "I'm sorry. I missed that."

Councilmember Griffin said, "A motion to defer third reading to the next City Council meeting, so that we can receive a final version of this ordinance with all of the amendments in one document, so that we can see it before our next City Council meeting to vote."

The Clerk said, "Okay, and that was Councilmember Griffin and Councilwoman Jackson."

Mayor Tecklenburg said, "We have a motion on the floor to defer. I would respectfully ask for Council to go ahead and approve this matter tonight. It's been before us before back in May. It's gone to the Task Force a total of three times, and to the Planning Commission. I have full confidence in Ms. Cantwell for accurately conveying the amendments that we've made to this matter tonight, and I hear you, but I think we have it clearly in front of us what this ordinance is, and I ask for your support to go ahead and give third reading tonight. There is a motion on the floor to defer. Is there any further discussion?"

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

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Yes, the motion on the floor to defer supersedes any other motion."

Mayor Tecklenburg said, "Correct. We're going to vote on that motion."

Councilmember Lewis said, "We have voted for the amendments, and we're just asking us to hold off on third reading until the next City Council meeting. We have done it before, and this ordinance is in effect because we already gave it first and second reading."

Mayor Tecklenburg said, "That's correct."

Councilmember Lewis said, "So, I don't see where it would hurt to wait for the third reading. It's not going to hurt anything. We're just going to get a clean copy with everything on it. That's not going to hurt anything. So, I think we just ought to wait and do the third reading in two weeks. Two weeks is right around the corner."

Mayor Tecklenburg said, "Alright."

Councilwoman Jackson said, "Call for the question."

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

Councilmember Griffin said, "I'm just concerned why we would even need to vote tonight for third. Has anything changed legally? I'd like to ask our Legal Department that. Has anything changed now that we've already taken second reading and put the amendments in? We've got the pending ordinance doctrine, right? We should be good to go, right?"

Ms. Cantwell said, "We have the pending ordinance doctrine. I have written down the amendments in very scratch by hand. I haven't changed the seven to the five, but I can do that before we leave, but the pending ordinance is in effect."

Councilmember Griffin said, "So, this ordinance is effectively in effect?"

Ms. Cantwell said, "Well, let's put it this way. Nobody is going to get anything approved that's inconsistent with this ordinance."

Councilmember Griffin said, "Thank you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just quickly, procedurally, we give it second reading, and we don't give it third reading. When it comes back, there are no substantive changes that we can make to it without taking it all the way back to the beginning anyway, right? So, there is no tactical advantage to not giving it third reading, same as to giving it third reading."

Ms. Cantwell said, "I believe that you can amend on third reading, and so, I think that once you've given it third reading, and you delay ratification, I think that's when that rule kicks in, but I could be wrong on that, but I looked at it, and I was surprised."

Councilmember Seekings said, "On that one we'll have to agree to disagree for now."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you. Councilmember Seekings, I understood that that's why we had the Freeboard +2 ordinance on hold basically between second reading and third reading because we were still deliberating about if that needed any revisions before the third reading."

Mayor Tecklenburg said, "Changes can be made, I do believe that."

On a motion of Councilmember Griffin, seconded by Councilwoman Jackson, City Council voted to defer third reading of Item E-2 on the agenda.

The vote was not unanimous. Councilmembers Seekings and Shahid, and Mayor Tecklenburg voted nay.

Mayor Tecklenburg said, "Alright. Third reading will come back to us at our next meeting, and I want to take just a minute and also thank the incredible efforts of Frances Cantwell in leading us through this journey. She has been incredible, and we couldn't have gotten here where we are without her."

Ms. Cantwell said, "Well, I think it was a lot of hard work on a lot of people's part, so it wasn't just me. I'm just doing what I'm supposed to do."

Mayor Tecklenburg said, "Alright. So, next is our approval of City Council minutes from July 25th."

Councilmember Mitchell said, "Move for approval."

Councilwoman Jackson said, "Second."

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

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilwoman Jackson, City Council voted unanimously to approve the minutes of the July 25th, 2019 City Council meeting.

Mayor Tecklenburg said, "I guess I didn't read out the August 20th minutes are not ready yet. They will be ready for our next meeting. So, next is our Citizens Participation Period which is a 30-minute period. Did we have some folks sign up?"

Councilmember Gregorie said, "Mr. Mayor, just a quick question."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "So, Judge Mendelsohn is not here? Is that it?"

Mayor Tecklenburg said, "That's correct. He'll be coming at our next meeting. I meant to mention that. In addition, the recognition of Holy Spokes is not occurring tonight, as well."

The Clerk said, "That's correct."

Mayor Tecklenburg said, "So, we have 11 folks. I think some of them actually have spoken already."

The Clerk said, "I think so."

Mayor Tecklenburg said, "We will have a two-minute limit, and please, when you come forward state your name and address."

The Clerk said, "Anthony Bryant, Mohammed Idris, Marc Knapp, and Courtney Kozelski."

1. Anthony G. Bryant said the City of North Charleston had a press conference on July 10, 2019, and he received a letter from the Supreme Court the day before. Their criticism was the effect that it had on the black community. He believed in separation of Church and State because of slavery and segregation. He didn't believe in co-mingling his religious and political beliefs. He received a letter from Margaret Seymour, who would be doing a Summary Dismissal regarding his Complaint against the City, Public Service Commission, and the Department of Transportation. People needed to be taken seriously when they came to meetings. People were seriously impacted by the City's ordinances and policies. Poor people were without lights for three days which was not comfortable. Many were senior citizens, and many had serious issues through the hurricane. He was sick and tired of coming to meetings, and Council thought it was a joke. In 1974, Mayor Riley won his election on the black vote and now the black vote was down to literally nothing. He wanted to hear what the candidates would talk about on race and what they were going to do about race. That was the number one reason he was going to be in the election, to make sure there wasn't any two-faced person playing them for money to move them out of the City completely. They don't want to have that, and he would not have that.
2. Mohammed Idris said they had a meeting at a church on a situation that was taking place in town, and he thought it was wrong. He had been coming to Council for more than 25 years, and he had the best mind in the world to deal with diversity. The City paid for that person to come. At the meeting, they discussed the different things that had taken place on the Eastside and how they were going to change it. He was not invited in the beginning, but he was invited after everybody got

together. They talked about fighting crime, and the situation of crime was that they could not stop crime, which was a big lie. He heard people saying how good these people were doing, but to whom much was given much was expected. If someone was getting \$100,000 a year, they were supposed to do good. The people who worked for the City and getting all of the breaks were supposed to be excellent in their example.

3. Courtney Kozelski said she lived on an adjacent property to 1150 Folly Road. She strongly encouraged the Council to deny rezoning of the property. A second stop work order for construction of an additional two-story structure on the property was issued that day since August 28th. They had engaged in continuous and deliberate violations and deceptive practices to construct in a manner that didn't correspond with the City's Century V Plan for the area. She and her neighbors were in agreement to deny rezoning and to have the structure removed.

The Clerk said, "Kathy Squires, Dr. Phil Dustan, and Franny Henty."

4. Kathy Squires said she was Courtney Kozelski's mother, and they owned the property at 1605 Shandon. She was also against the rezoning at 1150 Folly Road. Since the construction started, they had seen it proceed without permits, and they believed there was a building setback violation and height violation. They had also seen a stop work order issued, and then construction proceeded on the weekends. These alone may not be a big deal when the property was finished, but all of the things said that something was coming down the road that probably would not be good. They had been told that it would likely be three units, but they didn't know of what. She said they could manage change, but they had a really bad feeling about it. She thanked Council, and she said they would like to see it not happen.
5. Dr. Phil Dustan said he could not understand why Mayor Tecklenburg or any member of Council would want Gordon Geer, who was a champion of fill and build development, to be reappointed to the Planning Commission. He had been present at Planning Commission meetings when Mr. Geer had told the audience that it was not the job of the Planning Commission to deal with flooding or keep people safe, but it was their job to make sure the rules were followed by an applicant. Under his watchful eye since 1997, the Planning Commission had overseen the destruction of James and Johns Islands and West Ashley to the unbridled construction of fill and build housing developments. He said it must stop, as Mayor Tecklenburg recognized flooding as an existential problem, and the City was spending over a million dollars on studies alone. He questioned why the top elected public official of the City, who took responsibility for inviting the Dutch Dialogues to Charleston to help with the flooding problems actively supported the reappointment of Mr. 'fill and build' Gordon Geer to the City Planning Commission. He questioned what kind of Mayor talked out of both sides of his mouth and continued to actively support the destruction of the fair City he governed over the welfare of its citizens. Election Day was not too far off. He submitted that an ounce of prevention was worth a pound of cure. He believed that Mr. Geer should not be reappointed to the Planning Commission.

The Clerk said, "Is Franny Henty here?"

Franny Henty said, "Here."

6. Ms. Henty thanked Council for their service, and she was there to oppose the Planning Commissioner reappointment. On November 15, 2017, she said he laughed at their taxpaying constituents and asked them to temper their opposition to a maximum density development in a high AE flood zone. Some of the properties contiguous were in a V flood zone and were suffering already from impervious surface on Central Park Road. This Planning Commissioner pressured a fellow Commissioner to vote in favor of the development. She said not to take her word for it, but to listen to the audio script and the news piece that was covered by Colby Satterfield with Channel 5. It caused a lot of civil unrest that night, and there were people still shaken by it in the way the public was disregarded. She was present, and it was hard to listen to. Continuing, she said Charleston was full of honorable and qualified people who would gladly serve and give the position the dignity, respect, and careful consideration it deserved.

The Clerk said, "Janet Hopkins, I think she wanted to speak on the hotel ordinances. She's not here. Caroline Bradner, Environmental Package Products."

7. Caroline Bradner, Land, Water, and Wildlife Project Manager for the Coastal Conservation League, thanked Council for the opportunity to speak on the amendments they would be considering to the environmentally responsible packaging and products ordinance. They had worked on almost all of the ordinances in the region, and the amendments were clarifying amendments as they understood them to help support businesses and retailers to understand how to comply and what they needed to be doing. Mt. Pleasant had passed it, and she thought Charleston County was also considering it, so it supported a regional consistent approach. Having worked on all of the ordinances, the City had put the most effort forward to working with local businesses and with residents to ensure that everyone was brought along with the ordinance to make sure that the policy was not just policy, and it was combined with outreach and collaboration. The Conservation League was on the Task Force which Katie McKain was successfully running. To help support that transition, they had helped with getting the grants that would provide business roundtables, community workshops, and reusable bags to those that needed them. The Task Force was doing a great job, and Katie was doing a wonderful job. They were excited to continue supporting Council through this, as well as continued collaboration with retailers and businesses to help make sure that transition and implementation were successful.

The Clerk said, "Tommy Doyle."

8. Tommy Doyle said his family had owned and operated Palmetto Carriage Works downtown for 40 years. He was there representing CARES which was a group of carriage operators, three of the five carriage companies in Charleston. It was a work group that they had. He thanked Council for getting them open so quick after the storm. They were closed for five days, and his company alone had 80 employees, and for Council to get them out in five days was a great job by the Livability and Tourism Office. He asked Council and the Mayor to consider deferring Section M-10, which was a requirement for reporting of accidents. Their group wasn't necessarily opposed to it, but they thought it needed to be tweaked a little. With a couple of tweaks, the City could get what they wanted which was the accountability for reporting the accidents, and the industry could get something that they wanted, as well. They weren't asking for a long deferral. The industry

was ready to sit down within two weeks to come back to Council with something that could work for everybody.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Last was Mike Shuler, but I believe he has already spoken on the hotel ordinance, Mayor. That's it."

Mayor Tecklenburg said, "That's right."

Councilmember Seekings was excused from the meeting at 7:40 p.m.

Mayor Tecklenburg said, "Would Council like to take a five minute break? Okay, we'll keep going. Next up is Planning Commission Appointments."

Councilmember Moody said, "Let's take it separately."

Mayor Tecklenburg said, "Appointments, that's fine. Can I hear a motion?"

Councilmember Moody said, "So moved."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Okay. There are two folks nominated for reappointment, Mr. Gordon Geer and Ms. Angie Johnson. They have both now completed their State requirements for continuing education. I will call the question on Mr. Geer first."

On a motion of Councilmember Moody, seconded by Councilmember Shahid, City Council voted to consider the reappointment of Gordon Geer to the Planning Commission. The motion failed 6 to 5.

Councilmember's Lewis, Mitchell, Waring, Shahid, and Mayor Tecklenburg voted in favor of the motion. Councilmember Gregorie abstained from voting.

The Clerk said, "Alright, so can the 'nays' please raise your hand? Councilwoman Jackson, Moody, Griffin, Wagner, and Shealy. Is that it? And, White. So I have six nays, one abstention. Councilmember Gregorie abstained. So, that would be seven."

Mayor Tecklenburg said, "Councilmember Seekings?"

The Clerk said, "Right, well he's excused. If he's not present to vote, then he is not present to vote."

Mayor Tecklenburg said, "Right, I'm just noting he's not present. There are twelve of us present. Six opposed, five for, and one abstention. The reappointment fails. Next, Ms. Johnson."

On a motion of a motion of Councilmember Moody, seconded by Councilmember Griffin, City Council voted unanimously to approve the appointment of Ms. Angie Johnson to the Planning Commission.

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Will you bring us a nomination for next meeting for Mr. Geers' position?"

Mayor Tecklenburg said, "I'll try to, sir."

Councilmember Griffin said, "Thank you."

Mayor Tecklenburg said, "So, next is our Resiliency and Sustainability Advisory Committee report by Ms. Katie McCain, who I must note at this point also did a remarkable job helping the team over the last week in the MEOC. But, she has an ordinance for your consideration and a report, Ms. Katie."

Ms. McCain said, "Thank you, Mayor. Hi everyone. A real quick recap of the Resiliency and Sustainability Advisory Committee meeting on August 8, there were eight of thirteen members present. The first topic was the Dutch Dialogues, and Mark Wilbert gave a review of the entire week and recapped all the efforts, and everyone's looking forward to the final report presentation on September 26th. All of those invitations should have gone out to City Council already. We also talked about sustainability next steps, and the Committee discussed ideas for sustainability in Charleston. Some of the ideas we talked about were, Adopt a Dream, which is now up and running; Charleston Rainproof, expanding EV infrastructure, supporting energy and waste efficiency, waste reduction and efficiency, tracking emissions, reducing our carbon footprint, and creating a public education plan to better share information with our community. The Resiliency and Sustainability Advisory Committee also recommended reviewing the 2010 Charleston Green Plan and to pursue any actions in it that are consistent with other City plans that have been adopted.

Another topic we discussed was TIDEeye, and we had our master GIS experts Robert Hauck and Emma Paz, who gave a little presentation on the new web app which is called TIDEeye which is in pilot testing phases right now. Basically, it shows the rain and tide information for the next four days in a succinct little place that's mobile on your phone.

Then, we talked about single use plastics. I gave an update on the plastic discussion, and as promised, we pursued grant funding to support a transition program that would better help residents and businesses adapt to the new regulations. I was pleased to report that Charleston received a \$35,000 grant to do just this. No match is required, and we are working on that grant with the Plastic Transition Taskforce, and Caroline is helping a lot with that. We have \$25,000 dedicated to residents and a reusable bag giveaway and community education workshops. We have \$10,000 dedicated to support businesses with signage and round table discussions.

Finally, we talked about some clarity suggestions for the ordinance. The City received some feedback and request to clarify a few of the exemptions just so businesses could better understand the Code. These suggestions are consistent with Mt. Pleasant, who adopted them earlier this year, and Charleston County is considering them also. As we have done all along, adoption of these will keep our ordinance consistent with others in the region, which is important to the State. The Committee reviewed the clarification request, and they unanimously voted to advance them to City Council for your review and consideration. That ordinance is before you tonight and next on the agenda. I'm happy to answer any questions."

Mayor Tecklenburg said, "Katie, thank you for your efforts, and particularly those regarding resiliency and review of the green plan initiatives that could benefit our City and climate change in the future. Thank you so much. We have a motion on the floor to revise our Plastic Ban packaging ordinance to bring it in, I guess, concert with Mt. Pleasant and other surrounding jurisdictions upon the recommendations of some in the retail industry."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I'll second that motion. I'm sorry that I didn't speak up. I did want to thank Ms. McCain for her amazing enthusiasm and energy for everything that she's bringing to us. As for the future, I think, how can citizens really engage with us as the Dutch consultant spoke to us that evening, it's like every drop of water counts. We're in the process of

bringing ourselves into a new era of thinking like that. We all know how to recycle, but we don't really think about capturing every drop of water before it hits the street, as Mr. Fountain would love for us to do. I just wanted to mention that I'm looking forward to the collaboration that Ms. McCain is going to bring to our neighborhoods in order to have a better understanding of rain gardens and how we can all be installing those things on our own. I do like to brag, Mr. Mayor, on your own front yard, but also in our community gardens and the median strips of our streets, I think it's going to dovetail really well with what Mr. Fountain might be talking to us about in terms of their more proactive ditch maintenance program that is literally creating newly scraped ditches in places where neighbors have never seen, the ditch that was originally designed for their subdivision. Now, it's a shock to their system that we're coming in and digging up what they thought was beautiful grass and putting in a trench because we need to move the water through their neighborhood. So, I contacted the leader of the rain garden program at Clemson extension, and she's very enthused about helping our neighbors recreate their ditches and to the water absorbing rain gardens, that I think we can get excited about. So, I just wanted to put that on the record while Ms. McCain was giving us her report. Thank you very much."

Mayor Tecklenburg said, "Thank you. Any discussion on the ordinance regarding modification to the plastic ban?"

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

An ordinance amending Article V of Chapter 14 of the Code of the City of Charleston pertaining to environmentally acceptable packaging and products to provide clarification on exemptions to assist businesses in the implementation of the requirements of Article V.

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "You mentioned the Green Plan. Are we going to resurrect it?"

Mayor Tecklenburg said, "What staff is doing is going through the Green Plan. It's about ten years old, was never formally adopted by Council, and I guess we're pulling out those things that we feel are still relevant that can be active in the City of Charleston., and more formal recommendations will be coming to the Resiliency Committee in the near future."

Councilmember Gregorie said, "Thank you."

Mayor Tecklenburg said, "Next is a discussion on the current City Council rules that allow for telephonic attendance at Council Committee Meetings brought forward by Councilmember Lewis."

Councilmember Lewis said, "Thank you Mr. Mayor. I think I explained my position on this at the last meeting, and I ask everyone to support this. I think everyone knows where I'm coming from, so I don't have to go through it again."

Mayor Tecklenburg said, "Do we have a motion on the floor? Did you make a motion?"

Councilmember Lewis said, "Yes."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Could you repeat the motion? No telephonic attendance."

Councilmember Lewis said, "Right, we are here to serve. We need to come to City Council meetings and serve."

Mayor Tecklenburg said, "But you're disallowed currently at a City Council meeting or Ways and Means meeting..."

Councilmember Lewis said, "And committee meetings."

Mayor Tecklenburg said, "Unless there's an emergency, are allowed to attend Committee meetings by telephone. So your motion, would it leave in place the emergency provision for Council and Ways and Means, may I ask that?"

Councilmember Lewis said, "Yes."

Mayor Tecklenburg said, "Yes, but would that disallow Committee attendance by telephone?"

Councilmember Lewis said, "Right. That's what I'm talking about. Yes, sir."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Councilmember Lewis, I don't necessarily oppose this being brought up, but I will say that I have called into meetings and to Committee meetings before, most recently yesterday because I had the flu, and I wasn't going to come in and get everybody sick."

Councilmember Lewis said, "That's an emergency."

Councilmember Griffin said, "Okay, but, technically we're supposed to put into the minutes why the person is calling in to start with, which I always thought it had to be an extenuating emergency circumstance. If you say an emergency, what are we going to label that as? What if you're out of town?"

Councilmember Lewis said, "If you're out of town, you're absent."

There was laughter in the Chamber.

Councilmember Griffin said, "So what is an emergency though, is what I'm saying, because I was sick?"

Councilmember Lewis said, "If you're sick or something happens to someone in your family, that's an emergency phone call. We know what emergencies are. I really don't want to prolong this, okay?"

Mayor Tecklenburg called on Councilmember Moody.

Councilmember Moody said, "Mr. Lewis, I thought we really hashed this out several years ago. I thought it was pretty clear that for Ways and Means and City Council meetings, you had to be here. You couldn't call in. But, I know that we used to have a lot of committee meetings, like a T&T meeting, and a Real Estate Committee meeting, where we would only have one or two items on the agenda. The Real Estate Committee meeting used to be on a Monday. Now, it's been moved to, most of the time it's Tuesday. But, what happens is, because that Committee is only five people, you could end up not having a quorum really easy. What we were saying was we can call in. The Chairman of the Committee had to be present, obviously the recorder had to be, the Clerk or the Secretary had to be there in the meeting, and the public was invited also. But, there only may be one or two items, maybe a couple annexations. For those that live out in the boondocks or just a little bit of West Ashley, to drive downtown, find a parking place, spend a

minute or two in a meeting, and go home, it made a lot more sense to have it communicated by telephone, so you didn't delay the stuff that needed to be done. I thought that was the discussion that we had, and I thought we had kind of settled that, but is there something that's happened that's come up since then?"

Councilmember Lewis said, "I've been to many committee meetings, and I caught the bus, and I got here, while other people just sit on the phone and call in, and it's constant. I think that we are elected to be here to serve, and we should be here to serve."

Councilmember White was excused from the Chamber at 7:56 p.m.

Councilmember Moody said, "I don't disagree with your premise, I just think that ..."

Councilmember Lewis said, "I think that we are taking advantage when we're using the phone, and we're taking advantage of other Councilmembers who are going to attend those meetings. I've been here with one item on the agenda. I understand what you're saying, but we need to be at the meetings."

Mayor Tecklenburg said, "Any further discussion?"

On a motion of Councilmember Lewis, seconded by Councilmember Gregorie, City Council voted to prohibit telephonic attendance of Councilmembers at Committee meetings.

The vote was not unanimous. Councilmembers Griffin and Moody voted nay, and Councilmember White was not present for the vote.

Mayor Tecklenburg said, "Next is a request to ask for support from the Council of Governments in Charleston County to support our request to the State Infrastructure Bank to share in costs of US 17."

Councilmember White returned to the Chamber at 7:58 p.m.

Councilmember Waring said, "Thank you Mr. Mayor. As you know, and Council knows that we voted to put in an application on the Low Battery Wall to the STIB, as well as amend our existing contract with the STIB for Septima Clark/Spring/Fishburne Drainage Project, and we voted in the majority to do that. But, the Septima Clark/Spring/Fishburne project is basically a regional project. People from Mt. Pleasant use Septima Clark, North Charleston, Charleston, Berkeley County, and Dorchester County. The reason I say that is, our largest City of Charleston employment centers would be in the hospital district. We have Medical University, Roper St. Francis, the VA Hospital, and obviously, some people actually work at the Citadel and the College of Charleston.

It's a vital artery. We ought to ask our allies to help us support getting this funded. Now, when we found out about the deficit on the Septima Clark/Spring/Fishburne project, including the Mayor, we were all disappointed. One of the things I will never forget, Councilmen Lewis and Mitchell said, '154 million, we've got to finish it.' Council came in and took a very hard vote on the drainage fund for the next five years going to fund Septima Clark/Spring/Fishburne drainage project. What that meant is that most of the drainage projects West of the Ashley, James Island, and Johns Island that were looking forward to funding with the drainage fund, that's not going to happen for five years. That's a huge sacrifice. We've got the Davis & Floyd study from 1984 things need to be done. Keep in mind, most of the drainage projects West Ashley, James Island, and Johns Island, are pretty much gravity flow with the exception of the Church Creek Project. So, when we take that funding away for five years, we're basically telling the better part of 90,000 to 100,000 of our citizens, 'Wait five years.' Now, if we were able to get additional funding for Septima

Clark/Spring/Fishburne, then that puts the drainage projects West Ashley, James Island, and Johns Island not only back on the drawing board, but with funding.

It's just an opportunity that I think we need to call in. We're all joined at the hip in this Tri-county area. We need to ask our allies for support, and I think they would give it. I've talked to a couple of people in Council Government. I've talked to a couple of people on County Council. The two I talked to on County Council said they'll eagerly vote to support something like this. So, that's why I brought it before you, my colleagues. Hopefully, we can support this, and get a letter of support up with our application. Thank you Mr. Mayor."

Mayor Tecklenburg said, "Yes sir. We'd be happy to ask for their support on this request. Any further discussion?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Do we need a motion?"

The Clerk said, "We have a motion of Councilmembers Shahid and Gregorie."

Councilwoman Jackson said, "I support it. I support the ask. I think that this makes total sense. This highway is the connection across the region, and I think it's a brilliant idea, Councilmember Waring. So, thanks for putting that on our agenda."

Mayor Tecklenburg said, "Thank you. Any further discussion?"

On a motion of Councilmember Shahid, seconded by Councilmember Gregorie, City Council voted unanimously to support to request Charleston County and BCD Council of Governments to support the City's request to the STIB to share in funding the increased costs for US17/Septima Clark Parkway Project.

Mayor Tecklenburg said, "Next is our Council Committee Reports. First up is Committee on Human Resources."

On a motion of Councilmember Lewis, seconded by Councilmember Gregorie, City Council voted unanimously to approve the Committee on Human Resources Report as presented.

--INSERT COMMITTEE ON HUMAN RESOURCES REPORT--

- a. Review and Approval of 2020 Healthcare Budget and contract renewals
 - BCBS South Carolina – Medical
 - Benefitfocus Enrollment Platform and Total Comp Statements
- b. Stop Loss Agreement (*Deferred*)
- c. Worker's Compensation TPA RFP Selection and Contract approval
 - PMA

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

Councilmember Gregorie said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg asked, "Is there any discussion?"

On a motion of Councilmember Gregorie, seconded by Councilmember Mitchell, City Council voted unanimously to adopt the Committee on Public Works and Utilities report as presented.

-INSERT PUBLIC WORKS AND UTILITIES REPORT-

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

- (i) Acceptance and Dedication of new 10' wide Exclusive Stormwater Drainage Easement Agreement for the following properties in Sherwood Forest; 1623 W Robinhood Dr. & 1620 Juniper St
 - a. Title to Real Estate
 - b. Affidavit for Taxable or Exempt Transfers
 - c. Exclusive Stormwater Drainage Easement Agreement
 - d. Plat

- (ii) Acceptance and Dedication of Daniel Island, Parcel BB, Phase 1C- a portion of Oak Leaf Street (R/W varies, 570 LF) there are no lots with this r/w.
 - a. Title to Real Estate
 - b. Affidavit for Taxable or Exempt Transfers
 - c. Exclusive Stormwater Drainage Easement Agreement
 - d. Plat

- (iii) Acceptance and Dedication of Grand Oaks, Phases 7A & 9A- South Sparkle Circle (20' R/W, 810 LF), North Sparkle Circle (20' R/W, 660 LF), Merrywood Drive (50' R/W, 1081 LF), a portion of Matuskovic Drive (50' R/W, 200 LF), Dunbeath Court (20' R/W, 510 LF), a portion of Baron's Drive (R/W Varies, 1900 LF). There are 52 lots. All infrastructure with the exception of sidewalks has been completed. The sidewalks have been bonded.
 - a. Title to Real Estate
 - b. Affidavit for Taxable or Exempt Transfers
 - c. Exclusive Stormwater Drainage Easement Agreement
 - d. Plat

- (iv) Acceptance and Dedication of the Marshes at Cooper River, Phase 2- Cherry Run Alley (20' R/W, 857 LF), Laurel Run Alley (20' R/W, 1120 LF), a portion of Rowen's Creek Drive (50' R/W, 1325 LF), a portion of Spring Hollow Drive (50' R/W, 1529 LF), Creek Bottom Alley (20' R/W, 238 LF), Lachicotte Creek Drive (35' R/W 227 LF), Low Gap Alley (20' R/W, 214 LF) . There are 68 lots. All infrastructure has been completed.
 - a. Title to Real Estate
 - b. Affidavit for Taxable or Exempt Transfers
 - c. Exclusive Stormwater Drainage Easement Agreement
 - d. Plat

b. Stormwater Management Department Update

- (i) Dupont Wappoo - AECOM Work Authorization for Professional Services – Plan and Project Review On-Call Support for Dupont Wappoo Drainage Basin

- (ii) Church Creek – Woolpert Fee Amendment for Professional Services – Plan and Project Review On-Call Support for Church Creek Drainage Basin
- (iii) Johns Island – Davis & Floyd Amendment for Professional Services – Plan and Project Review On-Call Support for Johns Island Drainage Basin
- (iv) Stormwater Fee – Assistance Program Discussion
- (v) Drainage System Rehabilitation Discussion
- (vi) West Ashley Circle Grand Oaks Connector Road Discussion
- (vii)** Stormwater Design Standard Manual Update Discussion
- (viii) Low Battery Project Update
- (ix) Dupont Wappoo Project Area Recommendations Overview
- (x) Floodplain Management Update

Mayor Tecklenburg said, “I would note in the agenda for City Council, Councilmember Waring, it says to give first reading of the following bill from Public Works and Utilities to add a new definition for market value. I don’t recall us discussing that at the meeting unless I fell asleep.”

Councilmember Waring said, “Thank you Mr. Mayor. We did discuss it. We didn’t have a vote on it.”

Mayor Tecklenburg said, “We didn’t have a vote on it.”

Councilmember Waring said, “If you remember I said, ‘we’re going to be discussing this tomorrow at the Council meeting.’ I thought that was going to be on our agenda.”

Mayor Tecklenburg said, “Well, it is on our agenda as part of your Committee.”

The Clerk said, “Right, so I didn’t know if it was a part of the Committee Report. We’ve included it.”

Councilmember Waring said, “Well, Madam Clerk, you know, when it comes to you, I’ve got to shoot straight. As Chairman of that Committee, I didn’t take a vote. We had a hearty discussion. I was thinking that it was going to be on the City Council’s agenda separate from being on the Committee Report. So, I will take full responsibility for that. Listen, I am not going to get the Clerk upset at me.”

There was laughter in the Chamber.

The Clerk said, “When Council adopted the report, was it inclusive of what’s on the agenda?”

Mayor Tecklenburg said, “I think it would be appropriate to exclude it from the Committee report, since we did not vote on that.”

Councilmember Waring said, “I think we ought to take it out.”

The Clerk said, “So, we’re going to do that individually.”

Councilmember Waring said, “Correct. And one other aspect of the Committee Report that we had a healthy discussion on was a taskforce to be created for the Church Creek Drainage Basin, good discussion on that. We talked in terms of recruiting some talent from the area:

engineering, people in development, etcetera, very much to serve just like on this Hotel Taskforce. Now the number is supposed to come back to the Committee meeting at the next Committee meeting, and we're going to vote on that. I think Councilman Griffin proposed twelve people."

Councilmember Griffin said, "Thirteen."

Councilmember Waring said, "Thirteen people. That's going to be coming back, so be prepared for that. Maybe, if you all are thinking in terms of, or put some thought processes into who can serve from your particular area. For example, Councilman Shealy, Councilman Wagner, Councilman Griffin, and everybody on Council because that Church Creek Basin is important to all of us. Normally, I have something for Mr. Fountain because he normally provides so much information to us. I don't know if you all want to hear from him tonight, looks like he's pretty happy over there."

Mayor Tecklenburg said, "Councilmember Waring given our discussion yesterday, and as I reported to you very briefly, I spoke to my nephew today, who's a County auditor, and we discussed the information that the County has regarding assessed value. In fact, even though they don't highly publicize it, they do keep market value information on properties. I would suggest that we let my nephew bring us more information at our next Committee meeting before we take action on this matter. I do believe the County will be able to help us on that."

Councilmember Waring said, "Mr. Mayor I think that's good information, but there are two aspects of this market value. When the County does their assessment every five, and some cases seven years, you're right. They do an appraisal. But, then there's a cap on what can go to the assessed value. You and I discussed that. Then, they have a market value that they basically keep on the books. But again, when our staff determines substantial damage, right now, they have been going to the assessed value.

Mr. Fountain gave some information yesterday that's basically, I think, four different methods that the City can use to determine evaluation of substantial damage, but in the meantime, during that five to seven years, the homeowner needs a way to validate market value. Let's put it like this, if the City told me my home has substantial damage, and they use even the market value from the County, the County doesn't go out every six months and do appraisals on all the properties in the County. They do that every five to seven years or when the property is sold or changed hands. This leaves out tens of thousands of homes. So, I agree, and one of the healthy discussions we had yesterday was improving the methodology of our staff before they even make that determination of what is substantial damage. In other words, right now, using an obsolete number as the assessed value, we know that's not accurate. In 2019 there are more methodologies out there. The Mayor certainly made a great call today about the potential market value on a lot of properties that the Assessor is doing, that they already have. But the reality is, they don't do it quickly enough.

When you talk in terms of telling a person whether they can repair their homes or not, I think we ought to put our best foot forward for the best of processes and accuracy. I see this as protecting the homeowner, and the part you're talking about Mr. Mayor, improving our internal process, moving away from the assessed value and maybe using the market value that the Assessor may have. I believe this ordinance is needed so homeowners will have something in their pocket to say, 'I disagree with you.' Our City ordinance will recognize they have the right to go out and get an appraisal and pay for it themselves. So, I'll move for approval of this order."

Mayor Tecklenburg said, "Any further discussion?"

Councilmember Shahid said, "Mr. Mayor, as Councilmember Waring pointed out, we did receive a good report from Mr. Fountain as to what the FEMA requirements are. My only concern with the proposed amendment is what effect it would have on those four requirements. I don't want this to take away from the FEMA requirements, and maybe you can elaborate on that Mr. Fountain, what that may or may not do. I don't want to have an unintended consequence on what we're trying to accomplish here."

Mr. Fountain said, "So, the draft ordinance basically codifies that the applicant, the resident, the property owner, would be required to provide an appraisal prior to a substantial determination being made to evaluate market value."

Councilmember Shahid said, "So, would that include the other three options that you alluded to at yesterday's meeting?"

Mr. Fountain said, "So, the first option generally used on our end is the assessment which is the first of FEMA's options to assess the value for a property. This would only be triggered in the event that the damage or the improvement were within more than 50 percent of the current assessed value. That's what would trigger us. Say you appear to have a substantial improvement or damage, you'd be required to provide that appraisal. It still uses the assessed value in that respect. The other two options are the actual cash value, which is basically a construction depreciation type approach. We don't have that specified in the ordinance right now. We do say that it would be an appraisal that would be specified, so I'd refer to Legal on that, but I believe that would eliminate that as a potential option.

The final option, just for clarity, is using like a local qualified City official to make an estimate. That's intended to be an option like a last resort. It's intended to only be during major disasters. FEMA said you can technically only use that when, we went back through all of the detailed documentation that FEMA has, you're only supposed to use that if none of the other options are available. It's meant to be able to quickly allow people to rebuild like in a mass disaster. So, it's something they're saying is just not enough accuracy for that to be your go to protocol. It takes us back to those three, again. We would be using the assessed value to make the initial determination to say whether or not an appraisal is needed. Then this would require the property owner to do the appraisal where right now that is an option. They have an option to do an appraisal if they want to challenge the determination, but they're not obligated to. However, it's not codified that way in the ordinance. The third option then is that actual cash value depreciation methodology. I believe the reading would make it much harder to use that with the way we define 'market value.'"

Councilmember Shahid said, "I think, Councilmember Waring, as we discussed yesterday, and I agree with our intent with this, is to give the property owner as many tools available to the property owner to make sure that that property owner is not short changed in the event of a catastrophic event to their home be that by wind, rain, or flooding. So, what I don't want us to do is inadvertently backdoor it to something more restrictive. That's what my concern with the ordinance and the effect it may have. Maybe what we really want to do is just sort of codify by ordinance all four of those options, including the appraisal part that you have here, but also the other FEMA requirements. Those are three more options."

Mayor Tecklenburg said, "So, Council, do you mind if I share with you the e-mail I just got this afternoon from our Auditor, and he explains this. My fear is I don't want to pass something that would necessitate a homeowner having to pay for an appraisal. If we could work this out and use the County's appraisal, which is higher than the value that they use for the assessment and still give the homeowner the option, if he wants to go pay for an appraisal, I think this would get

us there. Honestly, this doesn't happen a whole lot. How many times a year does this happen to homeowners in our City?"

Mr. Fountain said, "There tend to only be a few substantial damage situations. It does happen more frequently with substantial improvements where people are renovating houses. It's typically if you're flipping a house, it's pretty easy to get above the 50 percent threshold. That is one of the concerns to make sure whatever option we pick that we don't sort of subsidize commercial development."

Mayor Tecklenburg said, "Right. So, Peter (Tecklenburg) reported to me, as we were discussing, 'The County has two values for most real properties, a market value and a cap value.' He calls it the cap value. 'The cap value is the value we use for taxation. Until recently, the cap value was the most visible value as seen on the County GIS and Tax System website. The County has recently changed to make the market value more visible. GIS will now direct to the Tax System page that shows the market value. It's important to note the market value is the value from the last appraisal by the Assessor's Office. This could be based on a property changing hands or via a reassessment. Either way, the value is most likely not as recent as anything a private appraiser, admittedly, would be able to provide. It is, however,' and this is the important thing that I think would qualify it to number four, 'it is, however, an official appraisal from a governmental body,' and I think that was one of the requirements of FEMA. So, if we could, of course, I wouldn't mind having two more weeks just to dig into this a little bit, but I would respectfully ask that if you're going to pass something tonight based on the County's appraised value of a structure or give the citizen the option of ordering his own private appraisal, not to force somebody to do that."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "That seems reasonable to me. I'll put a motion to defer that, so that we can some more information in there."

Councilmember Lewis said, "Second."

Councilmember Waring said, "There is no doubt about it, and the Auditor said it. The County doesn't keep up with what a private appraisal will do. Their system just isn't fast enough to do that. So, if we are operating off of obsolete numbers, and it is not the normal occurrence that I'm intimidated by. It is the storm that stayed 50 or 60 miles off the coast, and we had a situation like Hugo where virtually everybody was able to fix up in place, and right now, we keep going back to that assessed value. If we use that assessed value, we will knowingly accelerate, under a disaster, the people that will hit the substantial damage threshold unintentionally with an obsolete number."

Mayor Tecklenburg said, "I get it. I just want to make it as easy for us as possible. If we can use the County's information and not require people to go out and pay a thousand dollars every time--"

Councilmember Waring said, "I made the motion for deferral."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg said, "We've got a motion to defer, and it won't take us too long to figure that out."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, Mr. Mayor. Do we define what an appraised value is or some kind of, I don't think we want them to have an MAI or anything? But, do we qualify the appraisal?"

Mr. Fountain said, "So, in the ordinance, it does read that it would be a qualified appraiser appropriately licensed in the local jurisdiction."

Mayor Tecklenburg said, "Right."

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

An Ordinance amending Chapter 27, Stormwater Management and Flood Control, of the Code of the City of Charleston, by amending the definitions in the Flood Hazard Prevention and Control Requirements in Article II, Division 3, Section 27-103 to add a new definition for "market value" for the purpose of making final determinations of substantial damage and substantial improvement under this Division based on the appraised value of a structure. (DEFERRED)

Mayor Tecklenburg said, "We'll come back to you next Committee meeting on that."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Yes, sir. So, I think we're down to the Committee of Traffic and Transportation."

Councilmember Griffin said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Councilmember Seekings has gone."

The Clerk said, "There is a motion from Councilmember Griffin and--"

Councilmember Wagner said, "We did have an ordinance."

Mayor Tecklenburg said, "I know we just deferred it."

Councilmember Wagner said, "No, on this one. An ordinance to change it by adding 60 days to the current ordinance."

Councilwoman Jackson said, "We did."

Councilmember Mitchell said, "That's on here."

Mayor Tecklenburg said, "That's correct. Under the Committee on Traffic and Transportation."

Councilmember Wagner said, "It passed unanimously."

Mayor Tecklenburg said, "We have an ordinance that did pass the Committee."

Councilmember Wagner said, "Yes."

Mayor Tecklenburg said, "Correct."

Councilmember Wagner said, "That's the only thing we really have to say."

Mayor Tecklenburg said, "So, is there any discussion on that?"

No one else asked to speak.

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

---INSERT TRAFFIC AND TRANSPORTATION REPORT---

- a. Application for Original Certificate of Public Convenience and Necessity for Approval:
 - Zannis Executive Transport, LLC DBA Tri-County Transport Limo Service (Limo)
- b. An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 92 to extend the period of time permitted, for the Police Department and the Traffic and Transportation Department to study scooters as a transportation option in the City, by sixty days.

First reading was given to the following bill:

An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Section 92 to extend the period of time permitted, for the Police Department and the Traffic and Transportation Department to study scooters as a transportation option in the City, by sixty days.

Mayor Tecklenburg said, "Next is our Committee on Ways and Means. Before we vote on approval, I want to thank the patience of Lieutenant General Colby Broadwater, his COO Jay Waddell, and their attorney Brian Hellman. I really didn't feel it was necessary for you all to stay, but you stayed until the final approval. Thank you for your efforts with the College of the Building Arts. It's a remarkable asset to our City, and thank you for what you're doing with that."

Lieutenant General Colby Broadwater said, "Thank you."

Mayor Tecklenburg said, "Yes, sir. Councilmember White."

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

Councilmember Mitchell said, "Second."

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

No one asked to speak.

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

---INSERT WAYS AND MEANS REPORT---

(Bids and Purchases

(Police Department: Approval of a grant award for an Elder Advocate and Resource Specialist for the CPD Victim Services Unit under the Victims of Crime Act Grant

- Program. This project requires a City match of \$32,550.
- (Police Department: Approval of a Memorandum of Agreement with Charleston County School District for the use of Harbor View Elementary and West Ashley High School as berthing locations in emergency situations.
 - (Police Department: Approve State Plan of Operations agreement in the amount of \$2,000 which allows for the allocation of excess United States Department of Defense personal property to law enforcement agencies for law enforcement purposes.
 - (Police Department: Approve a Memorandum of Understanding between CPD and United States Marshals Service regarding CPDs participation in the United States Marshals Service's Regional Fugitive Task Force
 - (Stormwater Management: Approval of Work Authorization #4 with AECOM in the amount of \$50,000 to perform hydrologic and hydraulic modeling to evaluate scenarios within the Dupont-Wappoo Watershed. This contract will extend into 2020 and the balance of the contract will be budgeted in the 2020 Stormwater Utility Fee Fund Budget. *(Pending recommendation by the Public Works and Utilities Committee)*
 - (Stormwater Management: Approval of Johns Island Flood Risk Assessment Fee Amendment #2 with Davis & Floyd in the amount of \$50,000 for plan review and continued hydrologic modeling for the Johns Island study area. This contract will extend in to 2020 and the balance of the contract will be budgeted in the 2020 Stormwater Utility Fee Fund Budget. Approval of Fee Amendment #2 will increase the Professional Service Contract by \$50,000 (from \$70,610 to \$120,610).
 - (Stormwater Management: Approval of Church Creek Stormwater Management Area Fee Amendment #21 with Woolpert Inc. in the amount of \$100,000 for ICPR modeling, review of design/model calculations for other developments, design services, and attendance at client/public meetings for the Church Creek Special Stormwater Management Area. This contract will extend into 2020 and the balance of the contract will be budgeted in the 2020 Stormwater Utility Fee Fund Budget. Approval of this fee amendment will increase the Professional Services contract by \$100,000 (from \$1,149,286.25 to \$1,249,286.25). *(Pending recommendation by the Public Works and Utilities Committee)*
 - (A Resolution to approve Amendment of the Agreement for Development of a Joint County Industrial Park, by and between Charleston County, South Carolina and Colleton County, South Carolina, so as to include additional property in the City of Charleston as part of the Joint County Industrial Park (Bentelli Property)
 - (A Resolution to approve Amendment of the Agreement for the establishment of a Multi-County Industrial/Business Park for properties located in a redevelopment project area, by and between Charleston County, South Carolina and Colleton County, South Carolina, so as to include additional property in the City of Charleston as part of the Joint County Industrial Park (Lowcountry Ale Werks; Atlatl Software Properties).
 - (Executive session to discuss negotiations incident to a proposed contractual arrangement related to Bridgeview Apartments property matter pursuant to S.C. Code Sec. 30-4-70(a). Action may or may not be taken. *(The Committee voted to authorize Geona Shaw Johnson, Director of Housing and Community Development, to negotiate an offer.)*
 - (Review and Approval of 2020 Healthcare Budget and contract renewals
 - BCBS South Carolina – Medical
 - Benefitfocus Enrollment Platform and Total Comp Statements
 - (Stop Loss Agreement *(Deferred)*)
 - (Worker's Compensation TPA RFP Selection and Contract approval
 - PMA
 - (Budget Finance and Revenue Collections: Approval of an Agreement with Spoleto USA

for replacement of the HVAC system at Memminger Elementary in the amount of \$80,000

(Request approval for the Mayor to execute a Memorandum of Agreement between the City of Charleston and Ashley Hall for the City's use of Ashley Hall's athletic fields at 3289 Plow Ground Road, Johns Island, and Ashley Hall's use of the City's athletic fields at Coach Stanley Chisolm Park at 2045 Austin Avenue, Charleston (TMS: 466-00-00-021)

(Request the Mayor and City Council approve the repurchase of 36 Cooper Street, a single family house which was sold to a City employee, Benjamin Greene, subject to the City of Charleston Single Family Affordable Housing Restrictive Covenants. Mr. Greene is deceased. The City attempted to repurchase this property at the foreclosure auction on two (2) prior occasions but was unsuccessful. At the August 6, 2019 auction, Mr. Greg Cook was the highest bidder. He has assigned his bid to the City after realizing that he could not comply with covenants. The re-acquisition price of the property is \$60,000. The plan is to redevelop for affordable housing. (TMS: 459-06-01—008; 36 Cooper Street)

(Ordinance Authorizing Mayor to Execute Second Amendment of Restrictive Covenants between City of Charleston and American College of the Building Arts
(Councilmember Moody abstained from voting and completed a Conflict of Interest Form which is on file in The Office of the Clerk of Council.)

(Second Amendment of Restrictive Covenants between City of Charleston and American College of the Building Arts. **(Councilmember Moody abstained from voting and completed a Conflict of Interest Form which is on file in The Office of the Clerk of Council.)**

- 838 Playground Road (TMS# 418-05-00-045) 0.3 acre, West Ashley (District 7). The property is owned by the City of Charleston.
 - Playground Road (TMS# 418-05-00-337) 0.06 acre, West Ashley (District 7). The property is owned by the City of Charleston.
 - Rushland Landing Road (TMS# 311-00-00-309) 3.76 acres, Johns Island (District 5). The property is owned by Martin S. Roache, Reico Harris, and Herb Fraser.
- (Annexation Toolkit Presentation – Tracy McKee, Chief Innovation Officer

First reading was given to the following bills:

An ordinance authorizing the Mayor to execute on behalf of the City the Second Amendment of Restrictive Covenants with the American College of the Building Arts to amend the Restrictive Covenants pertaining to property located at 649 Meeting Street, commonly known as the Trolley Barn, to include all documents as contemplated by the amendment to effectuate its terms.

An ordinance to provide for the annexation of property known as 838 Playground Road (0.3 acre) (TMS# 418-05-00-045), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 7. The property is owned by City of Charleston.

An ordinance to provide for the annexation of property known as Playground Road (0.06 acre) (TMS# 418-05-00-337), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 7. The property is owned by City of Charleston.

An ordinance to provide for the annexation of property known as Rushland Landing Road

(3.76 acre) (TMS# 311-00-00-309), 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 Martin S. Roache, Reico Harris, and Herb Fraser.

The vote was not unanimous. Councilmember Moody abstained from voting on Items 16(c) and 16(d) of the report and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council.

Mayor Tecklenburg said, "Thank you. So, our bill for third reading is still deferred. We were going to have our workshop last week which got canceled due to the storm, so we will reschedule that soon. Bills up for second reading, I think, Councilwoman Jackson wants to just address M-1."

Councilwoman Jackson said, "Yes. Thank you, Mr. Mayor. I know that often we take the whole list for a single vote but M-1, the rezoning of 1150 Folly Road, I'm moving that we deny that second reading. I wrote to my colleagues today to explain my reasons. There has been an incredible change of circumstances since we first saw this rezoning request. The ownership has changed. We were not notified of the new owner. The property has come under a huge amount of construction, as the neighbors were representing to us during the Citizens Participation Period tonight, without a building permit. They have their second stop work order as of today. The structure that they are building without a building permit has never been evaluated for a site plan, but it is obvious by my personal observation and photography that they have violated the setback from the back lot line. They're building a structure that the height has exceeded the bounds of the current zoning that they have, which is Residential Office. Someone made a huge assumption that we were going to give them a CT zoning, and they jumped the gun on that. I do feel like the neighborhood has appealed to us, and we owe it to the zoning that's in place and the master planning that was done for this whole section of Folly Road, which includes a lot of Town of James Island properties that are also zoned either Residential or Residential Office, and just the peace of mind that we need to have on Folly Road about redevelopment. We need to deny this, the rezoning tonight. Thank you."

Mayor Tecklenburg said, "We have a motion. Did we have a second?"

Councilmember Moody said, "Second."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I'm going to ask a question. Even if I support this, this is up for second reading, so we already gave it first reading, correct?"

Mayor Tecklenburg said, "That's correct."

Councilwoman Jackson said, "Yes, with a different owner."

Councilmember Mitchell said, "But I mean it still was second reading, so I want to get some clarification from the Planning Commission first. Jacob, can you give us some clarification on this? Because it's a different owner, but we did give it first reading. Somebody else has it now, so I just want to make sure that I'm doing the right thing."

Mr. Lindsey said, "So, what Councilwoman Jackson has told you about the change in ownership is correct. That did in fact occur. We don't track private changes. What we take as the owner at the time that the submittal for rezoning is made is the owner that is processed and, of course, zoning carries with the land. So, private ownership changes all of the time, and often

an owner will tee up a rezoning and sell it while it's in process. That's a common practice. But, that is correct that it did change hands during this process."

Councilwoman Jackson said, "But the most aggregious part is the building that has been going on, this structure, and we now have a stop work order placed by our own zoning permitting staff."

Mr. Lindsey said, "That is correct."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilmember Wagner.

Councilmember Griffin said, "So, technically, you can sell your property to somebody else, and if you're going through a rezoning they can continue on. That probably makes the land more desirable, but if we deny this, they would have to start all the way over?"

Mr. Lindsey said, "Yes."

Councilmember Griffin said, "Let's do it."

Mr. Morgan said, "They would have to wait a year."

Councilmember Griffin said, "Wait a year, right."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Yes, we heard two ladies speak about this, the neighbors, just for a little bit ago. I'd also spoken to them earlier, and it just looks to me like since they didn't bother to get the building permits and decided just to do whatever they wanted to, it seems to me we ought to be out there with a wrecking ball helping them tear it down. That would seem logical to me, but I just think a simple 'no' would work for me. But I don't know what happens if you do, if you say we have these limits, and then somebody just ignores them, what do we do guys? I know the County threatened one time somebody I knew with actually tearing the place down and taking it back to the way it was because they didn't do it."

Councilwoman Jackson said, "If that's our prerogative."

Councilmember Wagner continued, "But, anyway, I think a simple 'no' is the right answer on this one."

Councilmember Shahid said, "Call for the question."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "What was the current zoning, Mr. Morgan, prior to the zoning change or Mr. Lindsey, whichever one?"

Mr. Morgan said, "Residential Office is on the property."

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

Councilwoman Jackson said, "Thank you."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "What is our procedure if somebody continues to disobey a stop work order? What can the City do? What is the procedure for that? Because, obviously, these ladies have come here and said that they're working every weekend, and they're not listening to the rules. Do we have somebody go out there and look at it?"

Councilwoman Jackson said, "They did today for the second time."

Mr. Lindsey said, "So, I would also defer to Mr. Riccio, as well as to Legal on this. If someone is in violation of zoning, for example, a setback, or if they have done something that violated building code, BAR, or any of those kinds of things, we can place a stop work order. Eventually that goes to Livability Court, and we can fine them, and we have often made requests via Livability Court which is a criminal court, of course, that properties be totally demolished or returned to their original state. That kind of thing does happen on a somewhat regular basis actually, so we have a lot of powers in that regard."

Councilmember Griffin said, "Great."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you. Just like we issued a Certificate of Occupancy (CO), if we pull that back--"

Mr. Lindsey said, "Well, in this case, no Certificate of Occupancy would have been issued. The CO happens at the very end of the construction process, so they don't have a Certificate of Occupancy right now."

Councilmember Waring said, "So, right now they have temporary power?"

Mr. Lindsey said, "There is no permit. There is no Certificate of Occupancy, and there is no power to the property. They don't have any of those things."

Councilwoman Jackson said, "No stormwater, no nothing."

Councilmember Mitchell said, "Call for the question. We can vote on that one."

Councilmember White said, "They figured out how to work through the City system real quick."

There was laughter in the Chamber.

Councilwoman Jackson said, "That's right."

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

No one else asked to speak.

Mayor Tecklenburg said, "We have a motion to deny the second reading of the rezoning."

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1150 Folly Road (James Island) (0.47 acre) (TMS #425-13-00-030) (Council District 12), be rezoned from Residential Office (RO) classification to

*Commercial Transitional (CT) classification. The property is owned by McGrew Living Trust.
(DENIED)*

Councilmember Griffin said, "Mr. Mayor, can we take M-2 through M-9 together?"

Councilmember Shahid said, "We can take M-2 through M-4, but I have to abstain from M-5."

Councilmember Griffin said, "M-2 through M-4 together then."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "We've got a motion to take M-2, M-3, and M-4 together. Is there any discussion on M-2, M-3, or M-4?"

No one else asked to speak.

On a motion of Councilmember Griffin, three (3) bills (Items M-2, M-3, and M-4) received second reading. They passed second reading on motion by Councilmember Shealy and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Waring, the rules were suspended, and the bills were immediately ratified as:

2019-075 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 49 ARCHDALE ST (PENINSULA) (0.175 ACRE) (TMS #457-04-03-071, 073, 074, AND 054) (COUNCIL DISTRICT 8), BE REZONED FROM LIMITED BUSINESS (LB) CLASSIFICATION TO URBAN COMMERCIAL (UC) CLASSIFICATION. THE PROPERTY IS OWNED BY YELLOW DOG DESIGN AND DEVELOPMENT LLC.

2019-076 AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING SECTION 54-511 TO CLARIFY THE TYPE OF USE THAT MAY QUALIFY FOR A SPECIAL EXCEPTION THAT REDUCES THE NUMBER OF PARKING SPACES REQUIRED BY CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE)

2019-077 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1732 ELM ROAD (WEST ASHLEY) (0.49 ACRE) (TMS #355-11-00-120) (COUNCIL DISTRICT 10), ANNEXED INTO THE CITY OF CHARLESTON JULY 16, 2019 (#2019-062), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY CAROL L. JACKSON-POWELL.

Mayor Tecklenburg said, "Next we've got, we're working down the list."

Councilmember Griffin said, "Move for approval of M-5."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "We have a motion to approve M-5. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Griffin, one (1) bill (Item M-5) received second reading. It passed second reading on motion by Councilmember Waring and third reading on motion of Councilmember Griffin. On further motion of Councilmember Lewis, the rules were suspended, and the bill was immediately ratified as:

2019-078 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1617 JESSAMINE ROAD (WEST ASHLEY) (0.14 ACRE) (TMS #351-12-00-081) (COUNCIL DISTRICT 9), ANNEXED INTO THE CITY OF CHARLESTON JULY 16, 2019 (#2019-063), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION. THE PROPERTY IS OWNED BY ALBERT PETER SHAHID, III AND SARAH ASSEMAN Y SHAHID

The vote was not unanimous. Councilmember Shahid abstained from the vote.

Mayor Tecklenburg said, "Are there any abstentions?"

Councilmember Shahid said, "I abstained."

Mayor Tecklenburg said, "Alright."

Councilwoman Jackson said, "I'll move for approval of M-6 through M-9."

Mayor Tecklenburg said, "Now, we've got M-6 through M-9."

The Clerk said, "Councilmember Griffin and Councilmember Lewis. Alright. Yes, and now we're doing M-6 through M-9."

Mayor Tecklenburg said, "We have a motion for second reading for M-6 through M-9. Is there any discussion?"

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

2019-079 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON ("CITY") AN AGREEMENT OF PURCHASE AND SALE, IN WHICH THE CITY AGREES TO SELL TO CHRISTINA FORD WILLIAMS THE PROPERTY LOCATED AT 931 FIFTH AVENUE (CHARLESTON COUNTY TMS NO. 418-07-00-173) (WEST ASHLEY) (MARYVILLE/ASHLEYVILLE) FOR \$174,837.00, WITH WILLIAMS TO RECEIVE \$50,000.00 IN DOWN PAYMENT ASSISTANCE FROM THE CITY OF CHARLESTON, INVEST \$2,500.00 OF HER OWN FUNDS, AND SECURE LENDER FINANCING OF \$122,337.00 AND CLOSING COST ASSISTANCE FROM THE FEDERAL HOME LOAN BANK, SUBJECT TO THE CITY OF CHARLESTON SINGLE-FAMILY AFFORDABLE HOUSING RESTRICTIVE COVENANTS, WITH AN AFFORDABILITY PERIOD OF NINETY (90) YEARS AND ALSO SUBJECT TO A DECLARATION OF CROSS ACCESS AND UTILITY EASEMENTS FOR LOT 473A, LOT 473B, AND LOT 473C, ASHLEYVILLE, RECORDED IN DEED BOOK 0807 AT PAGE 342 IN THE

REGISTER OF DEEDS OFFICE FOR CHARLESTON COUNTY, SOUTH CAROLINA.

- 2019-080** AN ORDINANCE REPEALING ORDINANCE NO. 2019-048 AND AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON (“CITY”) AN AGREEMENT OF PURCHASE AND SALE, IN WHICH THE CITY AGREES TO SELL TO KATRINA L. SNOW THE PROPERTY LOCATED AT 919 SYCAMORE AVENUE (CHARLESTON COUNTY TMS NO. 418-11-00-239) (WEST ASHLEY) (MARYVILLE/ASHLEYVILLE) FOR \$196,237.00, WITH SNOW TO RECEIVE \$45,000.00 IN DOWN PAYMENT ASSISTANCE FROM THE CITY, INVEST \$6,500.00 OF HER OWN FUNDS FOR PRINCIPAL REDUCTION AND CLOSING COSTS, AND SECURE LENDER FINANCING FOR THE BALANCE OF THE PURCHASE PRICE, SUBJECT TO THE CITY OF CHARLESTON SINGLE-FAMILY AFFORDABLE HOUSING RESTRICTIVE COVENANTS, WITH AN AFFORDABILITY PERIOD OF NINETY (90) YEARS, AND ALSO SUBJECT TO A PERMANENT, PERPETUAL, AND APPURTENANT PRIVATE SEWER LINE EASEMENT T BE RETAINED BY THE CITY OF CHARLESTON FOR THE BENEFIT OF THE ADJACENT PROPERTY LOCATED AT 915 SYCAMORE AVENUE (TMS NO. 418-11-00-205), OWNED BY THE CITY.
- 2019-081** AN ORDINANCE REPEALING ORDINANCE NO. 2019-045 AND AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON (“CITY”) AN AGREEMENT OF PURCHASE AND SALE, IN WHICH THE CITY AGREES TO SELL TO CODY EDWARD SHEALY THE PROPERTY LOCATED AT 839 MINNIE STREET (CHARLESTON COUNTY TMS NO. 418-11-00-074) (WEST ASHLEY) (MARYVILLE/ASHLEYVILLE) FOR \$201,637.00, SUBJECT TO THE CITY OF CHARLESTON SINGLE-FAMILY AFFORDABLE HOUSING RESTRICTIVE COVENANTS, WITH AN AFFORDABILITY PERIOD OF NINETY (90) YEARS.
- 2019-082** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 2591 MORNING DOVE LANE (0.28 ACRE) (TMS# 355-05-00-132), 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 SAMUEL AND KELLEY MOSLEY.

Mayor Tecklenburg said, “Now, we’re to M-10.”

Councilmember Gregorie said, “Move for deferral.”

Councilmember Mitchell said, “Second.”

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

Councilmember Moody said, “Yes, Mr. Mayor.”

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "The motion to defer I approve of, and I want to say why I want to see it deferred. When you read that ordinance, it says 'the driver of a vehicle or a licensed tour guide governed by Tourism or is involved in any accident/occurrence resulting in injury to or death of a person or animal or a property' that you've got to immediately notify emergency services. So, if one of those carriages runs into a vehicle, you've got to call an ambulance, and you've got to call the Fire Department for that. That doesn't make any sense to me. So, it seems to me like, I understand if you've injured an animal, I'm not sure why you would call an ambulance for an animal, but maybe the Fire Department. But, I think, there needs to be a little bit of work done on that. I don't think there is a problem there. I just think there needs to be a little work done on that."

Dan Riccio said, "Yes. This ordinance has been in effect since, the last ratification was 1983, and all we changed in this ordinance, the amendment was, the time limit of notification to our department. So, everything remains the same as it always has, but--"

Councilmember Moody said, "But that doesn't make sense though, Dan. Why would you call an ambulance if you hit a car, and nobody is hurt?"

Mr. Riccio said, "You would call the Police Department, and if there are injuries--"

Councilmember Moody said, "You should call the Police Department, but you've got 24 hours to do that."

Mr. Riccio said, "You have 24 hours to report to our office. These vehicles, the carriages and vehicles, are issued a Certificate of Appropriateness to operate on the City streets. So, they're basically legally bound to notify us if they're involved in an accident with the vehicle because there are certain criteria for the ordinance if a vehicle is involved in an accident. The reason they're required to call--"

Councilmember Moody said, "But they're not required to call an ambulance. They're required to call you, but it says they will call emergency services."

Mr. Riccio said, "I'm good with deferral."

There was laughter in the Chamber.

Councilmember Lewis said, "We'll work it out."

Mayor Tecklenburg said, "There is a deferral that's already been passed."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I think we can all agree that some of the pros and longevity of some of these ordinances from years and years ago, we can clean them up, and that's what we're here to do. We heard from Mr. Doyle, and we've heard from Mr. Riccio, who does an excellent job, that we can make this very simple. We've got to take the ambiguity out of these ordinances because it creates, what I think is a situation where we say, 'Well, what if this, what if that, let's take that out'. But, I'm kind of glad this is being brought up today because I don't really know what goes on at the Tourism Commission. We don't get a report from the Tourism Commission. They bring ordinances to us. The Sustainability Committee comes and gives us a report every quarter and brings us ordinances. Why doesn't Tourism Commission do that? Why doesn't it report to a Committee? We need to know what goes on. Anybody who brings ordinances on a regular basis to us, we should know what is going on at their meetings."

The Clerk said, "Councilmember, the Tourism Commission does have representatives."

Councilmember Griffin said, "Only one for the last 12 years, and I'm not saying there is anything wrong with that, but if I don't hear it from Councilmember White or from Mr. Riccio, I don't know what goes on there. We don't get a report, and I think we should. I'm just saying we have a Sustainability Committee that was just formed, and they come to City Council and give reports and bring ordinances. I don't think we have any continuity of what goes on at some of these bigger Commissions."

Mayor Tecklenburg said, "May I interject? What Councilmember is on the Commission?"

The Clerk said, "Councilmember White."

Mayor Tecklenburg said, "Councilmember White. He could certainly make a report to us if no one else did since he's on the Commission."

The Clerk said, "I'm there representing you."

Mayor Tecklenburg said, "Yes."

Councilmember Griffin said, "We have ordinances that come from this Committee, and we have to investigate it ourselves, and that's not right. Every other Committee that brings us an ordinance, we know what's going on, we know what the vote was, did they support it. We don't know anything about this one. We figure it out on our own, and we can make jokes about him giving a report. That's fine. I'm just saying, I'm not voting on things that I don't know anything about. That's all I'm saying."

Mayor Tecklenburg said, "Thank you, sir. Alright. We still have two more items on the agenda, M-11 and M-12."

Councilmember White said, "I don't know. Did you call for the question on M-10?"

The Assistant Clerk said, "They need to vote on the deferral."

Mayor Tecklenburg said, "We had a deferral on M-10."

Councilmember Moody said, "We haven't voted, Mayor, on M-10."

Mayor Tecklenburg said, "I'm almost sure we did you all, but if you all want to vote again."

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

An ordinance to amend Chapter 29, Article V1, Sec. 29-240 of the Code of the City of Charleston pertaining to the procedure of accident reporting. (DEFERRED)

Mayor Tecklenburg said, "Now, we've got M-11 and M-12."

Councilmember Shahid said, "Move for approval."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "Alright. We've got a motion. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Shahid, two (2) bills (Items M-11 and M-12) received second reading. They passed second reading on motion by Councilmember Waring and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Lewis, the rules were suspended, and the bills were immediately ratified as:

2019-083 AN ORDINANCE TO AMEND CHAPTER 29, ARTICLE IV, SEC. 29-96 OF THE CODE OF THE CITY OF CHARLESTON TO UPDATE LANGUAGE REGARDING INSURANCE REQUIREMENTS FOR PRIVATE PASSENGER AUTOMOBILE TOURS

2019-084 AN ORDINANCE TO AMEND CHAPTER 29, ARTICLE I, SEC. 29-2 OF THE CODE OF THE CITY OF CHARLESTON TO UPDATE THE DEFINITION OF PRIVATE PASSENGER AUTOMOBILE.

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Are we at Miscellaneous yet?"

Mayor Tecklenburg said, "We didn't have anything on the agenda."

Councilmember Waring said, "Well, I had something I wanted to bring up on the floor. I've had discussions with a lot of people in the Maryville/Ashleyville Neighborhood Associations, that area that both Councilmember Lewis and I represent. Councilmember Lewis, I talked to the Chairman of our Recreation Committee. We've been calling the Bender Street Park location the Bender Street Park temporarily, and this Neighborhood Association has voted not only once, twice, but three times for it to be named 'Carr-Richardson Park'. So, I would like to put that on the agenda for the Council meeting."

Councilmember Lewis said, "No, I keep telling you to send that to Councilmember Gregorie."

Mayor Tecklenburg said, "It goes to the Recreation Department."

Councilmember Waring said, "I understand."

Councilmember Lewis said, "It does go to him."

Councilmember Waring said, "Well, I told him, and he didn't mind it coming to Council."

Councilmember White said, "It has to go to the Recreation Committee."

Councilmember Waring said, "Okay. Well, I put a motion on the floor that it goes to the Recreation Committee to come forward for the official naming of it, so we can quit calling this thing Bender Street Park and the name of Carr-Richardson can begin to get the familiarity that it should have."

Mayor Tecklenburg said, "That would suit me fine."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Is there any further business to come before us?"

No one asked to speak.

Mayor Tecklenburg said, "We next meet in two weeks on September 24th. Thank you."

There being no further business, the meeting was adjourned at 8:35 p.m.

Vanessa Turner Maybank
Clerk of Council