

## Council Chamber

Regular Meeting

September 24, 2019

The eighty-first meeting of the City Council of Charleston was held at this date convening at 5:03 p.m. at City Hall.

A notice of this meeting and agenda were mailed to the news media September 18, 2019 and appeared in the Post and Courier September 22, 2019 and are made available on the City's website.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

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

Mayor Tecklenburg called the meeting to order at 5:03 p.m.

The Clerk called the roll.

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

Councilmember Gregorie opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Thank you very much. I think most everyone has been here before but if you haven't, if there were the occasion that we needed to exit the building quickly, these are our two exits from this main room, and there's one other exit from the room to right. Do not use the elevators in that event, but use the two stairways going down and then the one stairway going out the front. It's very unlikely, but just in case, I want everybody to know how to exit the building. So first, I'd like to call forward, is someone from Motley Rice here, Lance Oliver?"

Mr. Oliver said, "Yes."

Mayor Tecklenburg said, "Please come forward. He's going to join me as we recognize Mesothelioma Awareness Day. The attorneys at Motley Rice have done an exceptional job of not just representing individuals who have been affected by asbestos and Mesothelioma, but by working to raise awareness of this rare and aggressive form of cancer through our community. As we recognize this day, I hope we encourage more of our citizens to learn about effective

treatments that have been developed for Mesothelioma. I have a proclamation I'd like to share with everyone."

--- INSERT PROCLAMATION ---

Mayor Tecklenburg continued, "Thank you for being with us, and we'll present this to you and ask if you would like to make any brief remarks."

There was applause in the Chamber.

Mr. Oliver said, "Thank you, and on behalf of my law firm at Motley Rice, we're honored. It is always a great pleasure to represent clients who deserve it and who have been victims of this disease. A special condolence to the Mayor's family, his brother-in-law suffered from Mesothelioma and succumbed to that, and so we want to extend our condolences to him. It's always an honor to represent clients who did nothing more than go to their job and do a good day's work, and then were ultimately the victims of corporate negligence and this disease. We want to praise our local government, Mr. Mayor and City Council, for taking the time to recognize this disease at this time. We continue to fight everyday on this forefront and other forefronts. You all may not know this, but there is currently a fight going on with Johnson & Johnson because we believe there is asbestos in their baby powder. We have been working to fight that, as well. Thank you, Mr. Mayor, and thank you, City Council."

There was an applause in the Chamber.

Councilmember Seekings said, "Mr. Mayor, may I just say briefly, I want to thank Mr. Oliver for coming in for his support of all the things he does all year long. They do amazing work when it comes to all the issues that are surrounding lung disease, not the least of which, relevant to my pin tonight, they are huge supporters in the community of the American Lung Association, which is allied very closely with the issues that come along with Mesothelioma. Mr. Oliver came up to accept the proclamation today. Last year, I actually participated in one of the events the American Lung Association puts on, which is a lip sync for lungs. It's a lip sync competition, and he participated as Johnny Cash. We won't ask him to repeat that performance, but he actually walked away with the award, the winner. They're at it 24/7, 365, in the community. I just want to thank them for all the work they do, so thank you very much. By the way, lip sync for lungs is live this Thursday night at the Music Hall. I think Mr. Oliver will be there."

Mr. Oliver said, "I will."

Councilmember Seekings said, "Excellent, thank you."

Mayor Tecklenburg said, "Thank you for remembering my brother-in-law. Willie Pace was his name. He worked at the Charleston Naval Shipyard for a career and then retired, of course, when they closed the base. He seemed to be fit as a fiddle, and it was years later that he, I guess you would say, contracted Mesothelioma. Just like the Resolution said, within 18 months or so, we had his funeral. That was very sad. He was a wonderful guy, and so thank you for your work on this terrible disease.

Without objection from Council, I would also like to add to our agenda a Resolution to be presented to the Clyburn family in memory of Mrs. Emily England Clyburn. If I could entertain a motion to accept the Resolution."

Councilmember Waring said, "So moved."

Councilwoman Jackson said "Second."

On a motion of Councilmember Waring, seconded by Councilwoman Jackson, City Council voted unanimously to add the Resolution to the City Council agenda.

Mayor Tecklenburg said, "I know a few of our Councilmembers attended the service yesterday. She was a remarkable woman. If I may read into the record this Resolution and then ask for Council's support. We'll present it to the Clyburn family."

---INSERT RESOLUTION ---

Mayor Tecklenburg asked, "Can I entertain a motion?"

Councilmember Lewis said, "So moved."

Mayor Tecklenburg asked, "Is there any discussion?"

On a motion by Councilmember Lewis, seconded by Councilmember Shealy, City Council voted unanimously to approve a Resolution honoring the late Dr. Emily England Clyburn.

Mayor Tecklenburg said, "We will convey this to the family. Thank you so much. We have no public hearings this evening. Next is the approval of City Council minutes. We have August 20<sup>th</sup> and August 26<sup>th</sup>. Any additions, deletions?"

On a motion by Councilmember Moody, seconded by Councilwoman Jackson, City Council voted to unanimously approve the minutes of the August 20<sup>th</sup> and August 26<sup>th</sup>, 2019 City Council meeting.

Mayor Tecklenburg said, "So we're going to move right along with our Citizens Participation Period. We have a number of folks that signed up. We have 15. We normally try to keep this to 30 minutes, so we ask you to keep your remarks to two minutes each. Please state your name and address when you come forward. Madam Clerk will call the names, and please queue up. Thank you for being here."

The Clerk called on Anthony Bryant, John Steinberger, Mohammed Idris, and Brett Barry.

1. Anthony G. Bryant said Council needed to be clearer on what's going on in the community. He said in 2017, 10,000 of the young people in the State that had been arrested were juveniles. Mr. Bryant said he represented his community as a brother who received a full scholarship to play football to get out of his community. He knew it was rough for African American boys in the area. Mr. Bryant said he was connected to the reality these young boys lived in. Many of the boys were born in poverty and ignorance. He was sick and tired of seeing people deflect the issues of black folks. In 2020, Mr. Bryant said he would go precinct to precinct, door to door, to make sure that people understood the injustices of the African American community. He asked, 'How could people support someone who created the 94' Crime Bill to be President of the United States?' He said Donald Trump supported the policy dealing with the Criminal Justice Reform. Mr. Bryant encouraged Council to receive a copy of the Fourth Circuit Court of Appeals as he would be hearing from the Supreme Court in October, to help fight the issues in the community.
2. John Steinberger said he was pleased with the development at Citadel Mall since Trademark Properties took ownership. There had been a film production studio, community theater, DIY space, and on January 1<sup>st</sup>, the opening of MUSC would allow patients to visit there with free parking and convenience. Mr. Steinberger also addressed his concern of the increase in zoning density in the Epic Center. He said

- West Ashley was a suburban area, and it needed to be kept that way. Putting a 25 story building, parking decks, traffic, apartments, and hotel rooms in the area didn't fit with the kind of community that existed in West Ashley. He suggested Council should take a hard look at that, as well as the significant congestion on Orleans Road and Sam Rittenberg Boulevard. He asked, 'What it was going to be like with additional office space, hotels visitors, and apartment dwellers?' Mr. Steinberger said the development would not work with the area's infrastructure. He encouraged Council to vote against the increase of zoning density near Citadel Mall.
3. Mohammed Idris said he was pleased with what he heard from the Audit Committee. He was proud of the Councilmembers. He said racism died in 1965, and the body had to be buried. It was continuously brought up because the body of racism hadn't been buried, and the citizens were suffering from the 'smell'. Mr. Idris said Congressman Jim Clyburn received support from many groups of people at the late Dr. Emily England Clyburn's funeral. This showed that racism was dead. He acknowledged there were still a lot of problems in the community, but racism wasn't one of them. It was corruption, greed, jealousy, envy, and pure ignorance. The community needed to get together and work with people who were willing.
  4. Brett Barry expressed concern about the proposal to erect 25 story buildings in West Ashley. He said many, including himself, would like to see Citadel Mall revitalized, but the proposal must respect the surrounding community. A 25 story building would be larger than anything built downtown. It would resemble Atlanta more than it would resemble West Ashley. He request there be a vote to change the zoning for Citadel Mall and that the meeting be held in West Ashley, so residents may be allotted convenience to travel and attend that meeting on a weekday. He also requested Council to support a reasonable height restriction that respected West Ashley's current suburban character. The residents wanted revitalization, not over development. In downtown, there were more cranes visible than church steeples, and apartment buildings made Meeting Street unrecognizable. The traffic congestion was already bad in West Ashley, and he hoped Council would consider his requests.

The Clerk said, "Ben Chase, Leah Ferrell, Steven Ruben, Joseph L. Watson, in that order please."

5. Ben Chase said that in the Ways and Means report, about a third of the budget for the International African American Museum was coming from the City of Charleston's Accommodations Tax Revenue Bond, 13 million, and the Charleston County's Accommodations Tax, 12 million, which he supported. He said he supported the hotel ordinance, as well.
6. Leah Ferrell, Preservation Society of Charleston, thanked Council, the Mayor, City Staff, Planning Commission, the Task Force, and all the residents who helped to shape a well-balanced community. The Preservation Society was pleased with many of the amendments that came from Council regarding the hotel ordinance as it added additions to what was proposed. She said she felt it was thoughtful, effective, and would get the job done, and urged Council to give a final reading. In regards to rooftop use, an ordinance was a good start and needed in the residential community. Community input that should be considered when discussing it were traffic, historic building visibility, and for additional restudy from the Taskforce.

7. Joseph Watson said he lived on the corner of America Street for 61 years. He liked the idea of the nearby park being renamed after his mother. He said his mother asked God in a prayer where she could raise her three children, and that's what led her to the corner of America Street. He said his mother served the people of the community who didn't have food in the 50's. Mr. Watson expressed his appreciation and would like to see the park renamed after his mother because everything she had done in Charleston was a reflection from the heart.
8. Steven Ruben of West Ashley said revitalization needed to be accomplished and benefit the community equally. He and his wife moved to Charleston from Connecticut six years ago and were greeted by the historic charm of the area. The tallest point of the City was a church steeple, traffic was less, but getting worse every day. Now there was a high rise building being contemplated, combined with parking and retail development which would deter from the beauty of the West Ashley area. One of the buildings would be located at Citadel Mall. High rise buildings were not what he bargained for, and it was not what should be bargained for. The added pressure of Police, Fire, EMS, hospital traffic, and schools were drastic. He urged Council and the Mayor to not change the wonderful area in Charleston.

The Clerk said, "Next, we will have John Marsland, Valerie Perry, Judith Fry, and Phil Dustan."

9. John Marsland, President of the Historic Ansonborough Neighborhood Association, said he had served as a Taskforce member for the Accommodations Overlay Ordinance. He recommended Council support the ordinance as drafted because he thought it was an excellent output from a lot of hard work, and the process had resulted in a much better product than where they started. He supported the Rooftop Ordinance for first reading. The Historic Ansonborough Neighborhood Association discussed that rooftops should be restricted only to hotels. The idea of coming back to a more comprehensive approach for rooftop usage across the area was a good idea. He said the draft before Council was a good first step, but there were several areas for refinement such as: amplified music, television, video monitors, that also contributed to noise. He said language about the spread of noise could be refined, and the issues around distance should be enforced. The current proposal was 150 feet. Mr. Lindsey would share some information that there were currently 17 rooftop businesses on the Peninsula. On average, they were 347 feet from a residential district. 12 of the 17 were greater than 250 feet from a residential zone. He said if Council looked at the existing landscape, 150 feet was too close. Finally, he believed there was an opportunity to consider operating hours whether it be in the zoning portion of the ordinance or elsewhere.
10. Valerie Perry of the Historic Charleston Foundation addressed the Accommodations Ordinance and Rooftop Bars. She said the Historic Charleston Foundation had been really involved with the Accommodations Ordinance, and they felt it was a fine decision. Regarding rooftops, some of her concerns were how close rooftops were to neighborhoods and affected neighborhoods with noise. The ordinance needed to be considered once more to provide the best outcome for the City.
11. Judith Fry said she was worried about the proposed construction at Citadel Mall. The 25 story buildings were out of scale with the area. She went to the presentation that was given by the developer at the Mall and felt it was less than honest. The images

shown were lower level, and there was nothing concrete. She said most of the remarks were not reasonable. She urged Council to take a second look because the idea was not reasonable for the area.

12. Phil Dustan said his business gathered data and put together a quick look report that he handed out. While everyone was running away from Hurricane Dorian, he and his colleague placed instruments around town to get an idea of the flooding increases in the City. He said it was a fascinating experience. Hurricane Dorian came by with almost no winds, six inches of rain in a nine hour period, and left the area pulling water off shore. He took the water sheds in Burden Creek Basin and partitioned them into one that was heavily developed. The area was the work of the Planning Commission and it was time there were more responsible law abiding people on the Planning Commission, that took flooding more seriously, realizing the repercussions of their work.

The Clerk said, "The last two are Susan Bass and Jenny Germuth."

Mayor Tecklenburg said, "While Ms. Bass is coming to the microphone, I know Council knows this, but I'll remind you, and let the public know, that this Thursday at 6:00 p.m., at the Gaillard, we have the full presentation of our Dutch Dialogue Study at 6:00 p.m. this Thursday. It's open to the public. So, I invite everyone to come."

13. Susan Bass, member of the Hotel Taskforce, said she urged everyone to pass the hotel ordinance. There was a lot of work put into it, and it had been refined in such a way that it may not be perfect, but it was something to work with. Ms. Bass also spoke about the proposed Rooftop Bar Ordinance. She believed it was a great first start, but also believed there were a number of issues that needed to be elaborated. She asked Council to consider the definition of eating and drinking places, and commercial or residential event spaces. There was a condition about architectural features that would minimize the spread of noise. She asked who would determine what that would be, and who was responsible for monitoring that. Ms. Bass' greatest concern was the 150 foot distance to residential areas. Lastly, she said the hours of operation should be considered if businesses would like to have rooftop bars.

Mayor Tecklenburg said, "Thank you and thank you for your service. Both you and John on the Hotel Taskforce. Yes, ma'am."

14. Jenny Germuth, Seamon Whiteside, was present on behalf of her clients' request on the annexation for properties off of Savannah Highway and Hughes Road. Ms. Germuth made herself available for questions or concerns Council may have.

Mayor Tecklenburg said, "What matter was that again ma'am?"

Ms. Germuth said, "The annexation off of Savannah Highway and Hughes Road."

Mayor Tecklenburg said, "Oh, thank you."

The Clerk said, "It was deferred."

Mayor Tecklenburg said, "We deferred it already."

Ms. Germuth said, "Earlier today?"

Mayor Tecklenburg said, "Yes ma'am."

Ms. Germuth said, "Thank you."

Mayor Tecklenburg said, "We're going to have our Planning Department meet with you and discuss. Alright. Thank you for participating. Did we miss anybody? I think we got everybody. Thank you all for sharing those thoughts."

Mayor Tecklenburg said, "Next is our appointments to the Citizen's Police Advisory Council."

Councilmember Moody said, "So moved."

Councilmember Lewis said, "Second."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "This is the second one that was sent out because Joe Lysaght, he's going to remain right?"

Mayor Tecklenburg said, "Yes, it's clear that Joe is included on this one. Yes, absolutely."

On a motion of Councilmember Moody, seconded by Councilmember Lewis, City Council voted unanimously to approve the appointments to the Citizen Police Advisory Council.

Mayor Tecklenburg said, "Next, we wanted to give a short report on one or two items from the West Ashley Revitalization Commission. I think we're going to have the screen available."

Councilmember Shahid said, "Allen Davis is going to come up and give the presentation."

Mr. Davis said, "We've got a little bit of a setup, won't take long."

Mayor Tecklenburg said, "Okay, Councilmember Shahid do you want to give us an intro of any kind?"

Councilmember Shahid said, "Yes, thank you Mr. Mayor, members of Council, Madam Clerk. The West Ashley Revitalization Commission last met on September 11<sup>th</sup> at Citadel Mall. We received a report from Mr. Lindsey on the status of the redevelopment of what we call the former Piggly Wiggly site. Allen is going to give us a historical background on the history of the site and where we're headed with the development of this, and the steps that we've taken along those lines."

Mr. Davis said, "One of the biggest things I want to share with you tonight is the timeline. As you can see from the timeline, we created the work in 2016. We conducted a design study that was very preliminary before we knew what was going to happen with the intersection. We purchased the site in 2017. Plan West Ashley was adopted in 2018. The building was demolished in the middle of that year, and then we began design development through a great deal of public input. At this time, we began working with the County on the redesign of the intersection. During the public input period what we heard was, 'We really need this intersection redesigned.' So, working closely with them, we had several meetings, we had several design iterations. As we went through all the design iterations of the County's intersection, we emerged with two. As most people know, the two that were presented to the community were not favored. At the July work meeting, we heard from the community and we said, 'We're going to rethink this design.' What that led us to is a design configuration that was based on an intersection that really hemmed us in. The design configuration that came from the County would have limited access to the site. It would have limited the use of the site to mainly office, because the access limitations that were imposed on the site by the intersection design would have prevented a retail user from being able to get onto the site. That's really a longwinded way of saying that after the July work meeting, it

really gave us a great opportunity to simplify things, to go back to a modest scaled redevelopment scheme that is in keeping with the scale, character, and context of its surroundings, that introduces walkability within the triangle that's shared with the adjacent shopping center, to take Sumar Street, which is a City street, and do what we want to with it. Also, adding traffic common features like medians, crosswalks, street trees, and really beautifying the entrance to this site. Since we did not go with any of the County's intersection configurations, we're not limited on the sides of the site to access.

What that means is that we're able to reintroduce retail which is what most of the community really wanted, a place to go and gather, a place to have meetings, and so that brings us to the Civic Building that presents itself at the very front of this site. In planning, the Civic Building is designed as sort of a modernist structure. We were thinking about a Performance Hall but then, just in the past week or so, we reverted back to a more neo-traditional structure because we feel like that is more civic in nature. It has a lot more doors and windows. It can be celebrated. It's very stately as it presents itself to the intersection. We've also got an opportunity for usable, open space with, perhaps, a water feature that would really emphasize the gateway nature of this site. The configuration of this site and its angularity is a great opportunity. That's why everyone says 'gateway' because it's really what you see when you get here. A couple of more features about the site is that, like I said, we have a lot of walkability. We have sidewalks that connect to the main sidewalk system. We have a small amount of greenspace. We have plenty of parking for every use on the site. The buildings, in terms of the scale, are 1-2 stories, so they fit well into the surroundings. We've even done a little bit of planning on the adjacent shopping center for them, so that the two sites can go well together in terms of connectivity and what I call an 'Urban Form Transition', which in filling buildings on their site would really help to complete the overall triangle. That's all I have."

Councilmember Shahid said, "Mr. Mayor, I have a couple of points on this. The hold up on presenting this before Council was, in fact, when we met with the County Officials on the redesign of this intersection. The first plans that came out were four alternatives that were presented back in December of 2018. We received a lot of comments from those four alternative plans. The County went back to the drawing board on that and then came out, as Allen mentioned a few moments ago, with two plans, which were presented back in the spring, or early summer of 2019. It is important to note that many of the designs that we saw, the preliminary designs, on how to redesign the Highway 7/171 intersection would have had an impact on this piece of property. Some of the designs I saw were immediately rejected, including a roundabout out here.

We just realized we could not proceed with how to address this site if those kinds of designs were floating around. Those went off the table rather quickly about a roundabout and other things. There were also some other things we saw including the Clemson extension service, as noted on the timetable, presented some ideas for us, as well. Part of the delay is the two things we wanted to do. We wanted to see where the County was going to come from on proposed redevelopment of the site. As Allen mentioned, we're leaving the intersection the way it is. There are going to be around the Sumar Street and the Sam Rittenberg sections, and on Old Towne Road, other things that we're going to do that, I think, will enhance the neighborhood and enhance this area to provide connectivity, which is one of the main things that we heard when we did Plan West Ashley which was connectivity, connectivity, connectivity. It was connectivity from these neighborhoods including Ashley Hall Manor, North Bridge, Sandhurst, and Charlestowne Estates. Not to leave anyone out, just to give you sort of a flavor, folks wanted an opportunity to get to this area, and you can do that with some enhancements with crosswalks, pedestrian walks, and bike paths, as well. The County is looking at what they can do to enhance Sumar Street and this

particular intersection that is surrounded by this plan. Part of the delay included, we wanted to make sure where we were headed with this intersection.

As Allen mentioned earlier, and this is critical. I want to underscore this several times. We received several inputs from the community, including the forum that we had back in 2018, asking what folks were looking for out here. This is the gateway, and I repeated this several times to this Council and other times. This is a gateway to one of our most precious assets we have in the City of Charleston, and that's Charles Towne Landing. As many of you know, we're planning to commemorate the 350<sup>th</sup> Anniversary of the Founding of Charles Towne Landing and the founding of Charleston. Charles Towne Landing is just down the street from here. The site that we're looking at has to be beautiful. It has to be magnificent, and it has to make a statement to the community as to who we are as Charlestonians and who we are as folks who live in West Ashley. So, we want to make sure that the site conforms to the nature and the character of the community. We don't want to overbuild this, and we want to make sure that it is a gateway into the City of Charleston. That's why we are proceeding somewhat slowly with this process. We want to get it right, we want the community input on this. It is critically important that the community has a say into what they want out here. I think we're getting to that point. Allen, I just can't tell you thank you enough for the diligence that you've shown on this project. Thank you Mr. Mayor."

Mayor Tecklenburg said, "Thank you, Councilmember Shahid."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilwoman Jackson.

Councilmember Griffin said, "With all due respect, I can understand that it would take a little bit of time to put this together, but I have a hard time believing that it's taken two years to come up with a design like this. We floated these ideas around several times. At the end of the day, some other people wanted other designs, like maybe a spot for a bus stop and some other things over there on that property. Ultimately, this make the most sense. But, the one thing that I'm really concerned about is we can't fund anything right now. How are we going to fund this? I don't even want to get into that. I just want to know if there have been any estimates of preliminary numbers of what something like this would cost. I know that there's a chance we could use TIF money eventually out of this because it's in the TIF District, right, this property? I'm just wondering how much something like this would cost compared to maybe some of these other ones that have already been up."

Mr. Allen said, "Well, all of this is the same scheme. Unfortunately, we haven't done any cost estimation on this particular scheme. We think it will really pencil out because it has sufficient parking. It has great visibility. It's at a modest scale, and there are an abundance of building types just like it. When we engage the private sector in the RFQ process, we're going to solicit ideas from the design and development teams, experts in the private sector that will really start to shape this development and do costing for and with us in order to implement this project. This will be a public-private partnership, and we'll have the funding force behind that through the private sector. It's much too early to really run those calculations at this point in time."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I basically just wanted to make the comment and the assumption. This is the same presentation that was at the Mall when the Epic Center was also being presented that same night. For people who can't see here, it was the display that was already done a couple of weeks ago. I think those same points, Councilmember Griffin, were made at the time. You have to start with a layout, and I do think that the whole traffic constraints, the design of what kind of gateway road system really has been the challenge that

needed to be solved first. I think that this is a great opportunity for people to put something in their mind, but it's not going to happen tomorrow. I think we've got a lot of hurdles to get over. It really does help to have something that is a vision as you're driving in and out of Sam Rittenberg and Folly Road extended. You can look over there and see where all the debris is right now and envision that this will be a community center that will define West Ashley and put it on the map. I always tell my friends to come into Charleston on Highway 7. It's just a much easier way to get to where I live on James Island, Johns Island, and Folly Road Access. I think it's going to be a really fun, new adventure for people that have never thought about Charleston as having that kind of wide open territory, yet has a character that's already there. We just need to make the most of it. Thank you."

Mayor Tecklenburg said, "So, this is a conceptual plan, but one additional drawing from the time, a couple of weeks ago at Citadel Mall, is this rendition here. It's just a concept at this point, but it really is, and Allen has done an incredible job by the way. This was done by in-house staff, by Allen and our design team. The point is to have just a Civic Building that is impressive and has the public space. He shows a fountain there. It's conceptual, but it's a great step in the right direction."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Flip that back over one more time."

Mr. Davis said, "This is the backside of the development along Sumar Street."

Councilmember Wagner said, "Right. What I'm seeing here, and what we saw a couple weeks ago, that's by far the best thing we've seen yet. 'Yet' is the key word. If I'm looking at this, let's put everything in perspective because not everyone is from West Ashley, just most of the good folks. Highway 7 running basically west at that time, actually shows itself south, but you come down there this time of day, you're looking at the sun. So I would say that's close to west, and 171 going this way. Where's Sumar Street?"

Mr. Davis said, "Sumar Street is right here."

Councilmember Wagner said, "Okay, now we have a boundary. So, we have one major building at the tip and then one each in the other two corners of the triangle. Where's the parking? I heard the words 'plenty of parking', and I know that's on a bunch of folks' minds. Conceptually, how many cars are we going to be able to park under that particular rendition?"

Mr. Davis said, "In this parking field, I have 150 parking spaces, which is more than enough for the uses shown. On Sumar Street, I have an additional 16 on-street parking spaces, which would serve as overflow for some of this development. If we do this intersection and work with our neighbors, we'll be able to do a shared parking scenario."

Councilmember Wagner said, "That was my next point. The two buildings across the street aren't there yet? So, we're looking at three for us and two for somebody else to be determined, and then we'll call that revitalization. I need these folks to understand exactly where we're at because it's ultimately going to cost us money, and it's a strange looking thing. There are still going to be two lanes coming out, two lanes coming in with the turn lane. If I'm looking at 171 coming back towards Charles Towne Landing --."

Mr. Allen said, "Are you referring to Old Towne Road?"

Councilmember Wagner said, "Yes."

Mr. Allen said, "There have been no changes to Sam Rittenberg or Old Towne Road other than an occasional concrete median and maybe a landscape median to control access, actually improve access, to adjacent sides."

Councilmember Wagner said, "So just to be clear, we're not going to be walking across those lanes? Across from either Highway 7 or from over on the other side to get into there, we're not going to have any crosswalks, right?"

Mr. Allen said, "That's correct. The County's intersection improvements introduce crosswalks at strategic locations. We've been having a lot of difficulty getting crosswalks at these locations because of the proximity of other crosswalks. DOT has a minimal signal spacing that really interrupts us having a complete intersection in this location."

Councilmember Wagner said, "The suicide merge is still there because we couldn't do anything County-wise with it. It's still four lanes and four lanes coming to three?"

Mr. Allen said, "Correct. The County concluded with a 'No Build' scenario."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "A little quick history, before we saw this, the previous West Ashley Revitalization Commission conceptual plan that was brought forward had significantly denser parking decks, the whole nine yards. It was not met with much favoritism, so we ended up with this. This is obviously a much better rendition of what should happen there. A couple of things in that, you've got street trees, planning medians, you don't see any power lines, all underground wiring. This is what I would say, as I hear people talking about revitalization in West Ashley, looks like this. Not highly dense, not parking decks and all that. So, just as we went through that iteration to get to this outcome, I want to go to the other bookend that we heard earlier, Epic Center, and let's take ourselves through that same exercise with the developer. Again, this is their PUD, and it's a little different. But, the reality is that the same input was heard at the West Ashley Revitalization Commission with regards to the other bookend, and that's Epic Center. I want to point out something. There was discussion about a 25 story building. Well, at 10 floors per story, that's 250 feet. Just to put that in perspective, from the water level to the bottom of the Ravenel Bridge is 220 feet. So, just kind of put that into perspective. Is that what's right at the other bookend? So, I commend you. I think you took the input that you heard, and you adjusted it to something that's much more, as you put it, 'in-scale' and appropriate for the area. I would just encourage you, or whoever works in Planning with those folks at Epic, to mirror and do a very similar process with their PUD. I think this, in my mind, is much more what I think and believe when I think of revitalization in West Ashley, is much more in scale with this."

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

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "The Civic Center portion, how many square feet are there? Do you all have an estimate of how large that would be?"

Mr. Allen said, "25,000 square feet, two stories."

Councilmember Waring said, "And the other two buildings?"

Mr. Allen said, "The retail building on the West side would be about 9,000 square feet, and this would be two 7,000 square foot stories, probably a restaurant below, and maybe an office above, so a total of 14,000 square feet."

Councilmember Waring said, "One thing that's been very successful in the areas of West Ashley that has been revitalized, one of the areas I would point out, would be the South Windermere area, as well as the Avondale area. Those villages were enhanced. They were villages before, and they're much more fun, quite frankly, today. But, they were made more pedestrian friendly. I don't see any bike lanes. Again, how do you get from one side to the other? You've got North Bridge to my right making it easier for people. For example, if somebody wants to jump in their golf cart and drive to the Civic Center, how is that accomplished? So, it's a nice picture, and we're headed in the right direction. One of the things about Sam Rittenberg and Old Towne Road, we already have the rights-of-way and easements that the City and County already own. So, we don't have to go out and buy 10 feet to be able to put a bike pedestrian lane on Sam Rittenberg or Old Towne Road. Certainly, with us already owning a portion of property that abuts Sumar Street, we can control a pedestrian bike lane there. I think it's a good start headed in the right direction, but we're not there yet. This is designed to move cars, and if you're trying to get from Bi-Lo or the old Blue Cross/Blue Shield building, which would be the top of your drawing---"

Mr. Allen said, "Here's the plan. The intersection you're describing is up here."

Councilmember Waring said, "Okay. So, if you were to go to the north side of where the Civic Center would be, the point of the triangle there's a shopping center below. How does a pedestrian or a biker or someone on a golf cart, get from one side to the other?"

Mr. Allen said, "That is an excellent question. When we were working with the County, we were working aggressively with them to include as many intersections as possible where it made sense. Mainly where it made sense was at either end of Sumar Street. The configurations that we ended up with at the final version of the County's iterations did include signalization into Sumar Street to enable that east-west flow. Without a design of the intersection, we do not have those intersections. Without a design of the entire roadway to retrofit intersections, to make them more pedestrian friendly and make more sense, you can't get across the street."

Councilmember Waring said, "I understand the County had its six iterations, and the public came out against it. Where are our iterations? We just sit back and play catch with the County? Do we have the creativity? Do we have the sources that we can go to, to say 'you know what, these are our thoughts' and take that to the County for them to consider? Right now, we're playing catch, and the County is calling the pitch. Quite frankly, we own the property. We made the capital investment from tax payers' dollars to control that site, and I don't see our creativity. I appreciate what the County has done, but frankly, I think we need to go a step further and say, 'you know what, we can consult transportation experts, too and come up with something that works for this village.' When we get connectivity to simply get from one side of the road to the other, then I think the shopping center where the new restaurant is now would be revitalized, and you begin to take on success that has been created in South Windermere and Avondale. Thank you."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "A couple more questions. First one, excuse me, I'm going to point these things at you. That picture right there, the Civic Gateway Building, on that map and this one right here below, match up. The one on the front is different. So, I was wondering what thought process went into that because when I saw the picture for the first time sitting in this meeting, I thought that was a church. I have no problem with it looking like a church, but other people may have a problem with that. So, how did we come up with that design? It kind of reminds me a little bit of City Hall. But, I thought that someone was building a church right there. Even if we want to stick with that design, we need to make sure we explain that is the Civic Building. To piggy back on that, what sort of City Civic services have we talked about hosting? I always said this would be a great place for residents West of the Ashley to go get their business licenses and

some other bills, so they don't have to go downtown. It may be an opportunity for us to hold more meetings West of the Ashley, that sort of thing."

Mr. Davis said, "Those are really great questions. When we laid out the plan, we laid out the Civic building with a mass that has a triangular shape. It orients itself orthogonally along the site to really engage the parking lot, but it aligns that way to make the parking base make sense. This location is turned such that it presents itself a little bit differently to the intersection. This would result in a more modern form. What we realize is we were designing a concept with something that may not be reading as truly civic, in a way that we're in this very civic building, in a way that is true to Charleston.

I will say that style and the detailed design of the building will be up to our design team and the architects that they bring along. But, what we have here are two different styles of the same building that work very well. So, after we kind of realized that we designed a modern building that may not go too well on the site, we designed this one. It does look a little bit like a church because a lot of civic buildings look more like a church. But, this is a concept. This is just a massing model. We're going to have a lot of architects on the team. They're going to come in and have great ideas. This is really just to inform folks of the configuration and orientation and the type of building that we want to see. We want to have a ground floor that really opens up to the plaza space. We want to have something that presents itself really well to the intersection. We want to have something that really reads as stately, civic in nature, and opens up to both sides. But, to your program question, this building is capable of holding a small meeting space, probably about the size of this room on the first or second level in this back portion. The original building, the way it was configured, was in pursuit of a small performance center that also had an indoor/outdoor kind of function. We are certainly capable of small retail on the ground floor of this building or it may be somewhere you can pay your bills. We're going to pursue that, and we're going to pursue that in the request for qualifications process, where development teams and their architects will come in and introduce and work with us on some pro forma."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I want to follow-up a little bit on that. It almost felt to me like we were putting a building there, and we didn't know what we were going to do with it. Is that not better used as retail space? It could be used. A private business could go in there and we could work with them to get a fountain and make that the gateway. I'm not sure where we're going to get the money to pay for that building to sit there and not be used all the time. That would be my concern about this whole project. We need something that is very functional. We don't have any money for niceties. It would be nice to have a building over there. We've got the School House and other places that could provide some of that civic stuff, which you have to pay for. I assume you'd have to pay for this, too, or would it be free? Then, that's a whole other discussion. That's a great retail spot to me."

Mr. Davis continued, "The three main things that we're bringing to the deal on this is (a) we own the land, (b) there's a TIF here, so we can probably use some funding from that to make improvements to incentivize the kind of development that we want, and (c) this is an excellent visibility location that people are going to want to be. So, the retail space works very well at this location at any of the three corners."

Councilmember Moody said, "The retail, if it would look like that, would be perfect. But, I'm afraid of the use."

Mayor Tecklenburg said, "Councilmember Shahid, and he may address meetings we've had, Councilmember Waring, with the County, about reviewing all the pedestrian accessibility, not just at this corner, but really within about a 4-5 block area."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. I want to respond to some of the comments, and I appreciate everything that Council has discussed here. All those points are very vital to this process, and Councilmember White, I think you sort of hit the nail right on the head with the process. The delays have been because we want citizen input on this project, and we want to make sure that it fits into the character of the neighborhood. I come out of Southgate every day, and I'll be looking exactly at this project when it's completed. So, we've got to have the citizen input on this thing to make sure that this is acceptable to our residents, and it fits the conceptual design of all of this. The very first meeting I had with constituents, after I got elected to office, was this concern. The concern about, what you mentioned Councilmember Waring, about getting over to this area, the comments we heard about what we wanted to do with this part of this property was the Avondale approach to it. There was a huge discussion on that, and the Mayor and I met early on, back in March of 2016, with the County with some ideas that we had. You're right, Councilmember Waring. We've got to take the lead on this as to making sure the connectivity is there, so we can get over there by bicycle, on foot, golf cart, if that's a preferred means of transportation.

I am very clear as to what folks want over here. They want to be able to get over to this particular piece of property without having to use a vehicle. We've got to make this safe. This intersection carries, the County has advised us, 42,000 cars daily. That's one of the highest traveled, if not the highest traveled, intersection in the County. Accomplishing those goals is going to be something challenging, but we have to use our imaginary juices and our energy to make sure that whatever we put in here, that we can get to it by means of foot, bicycle, or golf cart. To Councilmember Moody's point, I don't want this to be a dead building. This is the tip of the TIF. We want to make sure that it has a good public use.

I told Eric that we may be sticking him over here as West Ashley Project Manager. It may be an ideal location for him. He's located in West Ashley at this facility. I think that putting facilities over here, City offices over here, would be a great idea, maybe even a police substation or some other police functions. We want activity in this building. We don't want it to remain dormant, and at 5:00 p.m. we have meetings. I do want this to be available for citizens to use, either for small performances because we are struggling, every Neighborhood Association in this District struggles to have a meeting location. We're at the mercy of churches and other organizations to use their facilities, which they are wonderful to do that with, but if we could use it as a meeting location, that would be a wonderful opportunity, as well. This is conceptual. We will need all 12 members of Council's input on this project. I appreciate the concerns that we have and the comments that we've got on this thing, but we're just trying to push this thing forward as best we can, so we make sure we get this thing taken care of. Thank you."

Mayor Tecklenburg recognized Councilmember Griffin.

Mayor Tecklenburg said, "Then, let's wrap up."

Councilmember Griffin said, "I just want to make one last point. We have to remember at the end of the day we spent City funds to purchase this site, which means that this site belongs to the residents of Charleston, every one of them. Not just you, not just me, not what you want, not what I want, it's what all these people want. If we don't have a million public meetings about this, then we failed as Councilmembers because this might be the gateway to West Ashley, but

at the end of the day, our tax paying residents put their faith in us to make this site the best part of West Ashley, something that millions of people will see, not just residents, but everybody that goes along I-26, everybody that comes into West Ashley. We really need more public input because I like where we're going. We're getting better, but we've got a lot of people that live in this City, and they deserve to be heard on this subject matter. Thank you."

Mayor Tecklenburg said, "Thank you very much and thank you Allen. I appreciate all your good work on this."

Councilmember Seekings said, "I just have a quick question. You mentioned very briefly in your comments, the TIF. If this property is owned by the City, and we're going to get the development business, it's not going to generate any revenues that go into a TIF, right? The money would flow from the TIF back to it. This would create no revenues for the TIF whatsoever."

Mayor Tecklenburg said, "It could likely be subdivided to where a couple of buildings on Sumar Street are in the private realm, and the Civic building on the corner remains public."

Councilmember Seekings said, "Well, so that is kind of what I want to get to my point. What you showed here is a conceptual plan where the City effectively is acting as the developer, the agent of the developer. There are other options for people here in the community looking at not only good development, but development that actually helps do other things like beautify West Ashley, help with drainage, and all those things. We could do the one thing that we're best at, and that is zoning, rather than development, and also, we can enhance West Ashley, give opportunity for growth, and fund the TIF through private development, not public development. Everyone's pointed to Avondale as the perfect example. That's 100 percent private development. The government, we the City, are not involved in that. So, I just think as we think about this, the role that the City plays has to be part of the public conversation, and it may be that we want to zone it, partner with a development team, and sell it. That's how we ultimately are going to make money at this. So, this is a great concept, but I'm not sure we're the best entity in the world, that being the City of Charleston, to be the developer of this, right? We bought this back because we didn't like what was coming. Probably a good idea to put it back out there in a public realm to generate revenues for the City. So, just a thought."

Councilmember Waring said, "Mr. Mayor, I have one additional comment, please. I was just harkening back to private Charleston Place being built. Those of us who are old enough to remember that, it was a blighted area. You didn't hang around down there after the sun went down. Today, because we got trash thrown over there, this is a blighted area. But, when the City incentivized, and you were formally a part of that team, the revitalization if you will, of Charleston Place and the empty buildings that were around Charleston Place, Hyman's Seafood, those of you that remember, we didn't call them homeless back then. They were called 'hobos.' Hobos used to live in the shell of Hyman's Seafood. But, look at it today. Again, Councilman Seekings is right on that. The City incentivized through zoning, actually through UDAG Grant money. It's 100 percent privately owned, and that TIF funded for 15-20 years additional infrastructure. I'm just trying to think, what part of the City of Charleston, which is one of the most successful stories of revitalization, in particular after the base left Charleston and all the jobs and economic impact left with it, payrolls left with it. We are a template for the rest of the Country on how to make a comeback. How many successful economic initiatives in the City of Charleston were done by a civic center? So, I would say it's a good start. If we are going to put some sort of portion of this for a civic center, does it compete with the Gaillard space, or does it compliment the Gaillard? Ms. Wharton, how many bonds has the City issued in the public/private partnership? We talk about

our capacity to pay for things, but how many bonds did we issue for the Gaillard, the \$142 million renovation?"

Ms. Wharton said, "Just one."

Councilmember Waring said, "How much was that bond?"

Ms. Wharton said, "It was like \$70 million."

Councilmember Waring said, "That's right. \$70-71 million. So when you're talking about a civic center, obviously this isn't going to be as large or grandiose, but you're talking about serious capital that again, will not benefit the TIF. The TIF has been so successful for the City of Charleston that we know today."

Mayor Tecklenburg said, "Thank you. While he's wrapping up, Councilmember Waring, that's a good example of Charleston Place. As you know it was a project the City was heavily involved in. In fact, the City purchased those buildings where the hobos were in order to build a parking garage, which really helped make the development possible that the City still owns. So, we had skin in the game there. When we had our public input on this site, over a year ago, I think both online and in person, we had about 1,000 people participate. It was a real constant drumbeat that some civic use of the property was desired. So, I think that's the direction we're headed. We're going to put together an excellent development team to take this concept to the next stage that's going to look at the finances and making the numbers work, and whether a civic function still works there. We'll continue to get citizens' input as we go along. I wanted to just a little more address the County's role in improvements in the region because when they decided the 'No Build' scenario for the intersection, they committed from Orange Grove Road up to the car wash and down to Donahue Drive to look at the complete perimeter in terms of sidewalks and pedestrian improvements. They'll be spending a lot less money than they would have if they had done the intersection improvements, so they are committed to working with us and making as best improvements as we can for accessibility, and that will be a County project. They've already announced that they would do it."

Councilmember Waring said, "Mr. Mayor, one last comment."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "When we come back with iterations to us, I would hope we don't come back with any iterations that don't have the multimodal aspect to it. In other words, we have to start some place. The best place for it to start is with us. So those bike lanes, it's just too easy to put a 10 ft. bike pedestrian lane up in those areas because of the easements and the rights-of-way that we already have access to."

Mayor Tecklenburg said, "I agree. Yes, sir. Next, is a discussion about the STIB applications for flooding and transportation projects, Councilmember Seekings. I'm sorry, we have (a) first. Thank you very much. Zoning Ordinance change, Councilmember Mitchell."

Councilmember Mitchell said, "Yes, this was a Zoning Ordinance that came before us when we were in West Ashley, and we had deferred it because I wanted to make sure that the gentleman who wanted to do this property in the Accommodations Overlay Zone would be able to get into the community and talk to the community organizations and the churches that he's abutting on. He has done that because I met with both of them, both churches, but one of the churches I couldn't get in contact with. I called many times and left messages, and they never got back with me. So, once I've called 3 or 4-5 times and leave a message, and they don't get back with me, then I say they're probably not interested in it. He has done his due diligence, as far as

I'm concerned. What I'm doing is asking to proceed with this. We're going to put his property in the Overlay since most of the properties on Huger Street are in the Overlay already. Whatever he's going to build there, he still has to go back to Planning, and if he's planning a hotel there, I don't know, he'd still have to go through the Taskforce on that particular issue. The only thing we're doing here today is adding his property to the Accommodations Overlay. That's it. So, I'm asking for approval of that."

Councilmember Shealy said, "Second."

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

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Yes, sir. Sorry, I was traveling, and my only comment when I read this item, Councilmember Mitchell, was and I must have misremembered because I thought we actually denied this."

Mayor Tecklenburg said, "I believe that's correct. It was denied. Yes, ma'am."

Councilwoman Jackson said, "Are they eligible to come back for a new---"

Mayor Tecklenburg said, "I understand since Councilmember Mitchell was in the majority, the prevailing majority, that he's able to bring this motion back to us."

Councilmember Seekings said, "As a motion to reconsider."

Mayor Tecklenburg said, "Right."

Councilwoman Jackson said, "You don't have to wait a year?"

Councilmember Mitchell said, "No."

Councilwoman Jackson said, "Okay."

Councilmember Mitchell said, "Well, I told him at the last meeting that, I think you missed that meeting, that if he did what I asked him to do, I was going to bring it back. I wanted to make sure that the community was informed, and the churches there were informed. There's a warehouse there, and it's a blighted warehouse. There isn't anything going on there. So, I said, 'I'm going to bring it back', since he did his due diligence with everyone that I asked him to do. I met with them together. I was there at the meeting with the church, Bishop Jackson, and with the neighboring Association President at the time. I sat there and listened, and he told him what he was planning to do. I told him we are voting to put it back in the Overlay because most of the buildings there are already in the Overlay. I said, 'That doesn't mean that you're going to be able to build what you want to build because you still have to go through Planning throughout the steps.' That's just putting that piece of property there in the Overlay."

Councilwoman Jackson said, "Yes, sir. I do remember everything you're saying right now. My question was just of the process. I didn't realize that once we denied it, the applicant would have an opportunity within a year to have it reconsidered."

Mayor Tecklenburg said, "I checked with Legal, and since he was in the prevailing, it's technically a motion to reconsider."

Councilwoman Jackson said, "Okay, thank you."

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

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "When we brought this up before, it was a close one. One vote made the difference on this. We were split on it, but there was a lot of people in favor of this. I just want to mention that there are other hotels in the immediate area, so it's not like this going to be a hotel sticking out somewhere all by itself. There are other hotels in the area. The Chase Family have been great business people and great residents in City of Charleston for a long, long time. This is someone who is active in the community. It's not somebody working out of New York, and they have always done business the right way. I think we'll see something great out of this. Obviously, he's got a good reputation in the community, and he's brought forth his ideas to the immediate community, and now he has the community behind him. So, I hope we'll vote for this."

Councilwoman Jackson said, "Thank you. I'm not saying that I disagree with the whole application. I'm learning the process. I didn't know we could do a reconsideration when it was majority vote and so, thank you. I'm very happy to vote yes for this."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I just want to echo, I remember this very vividly that this was a very close vote. Councilmember Mitchell was concerned about the community input on this. Now that we've got that, we'll vote in favor of it, as well. Thank you for bringing it back up."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just a matter of process, we are going to take up the third reading tonight, the new hotel ordinance. Is there a pending application here? This is just a rezoning right? So, this is going to be subject to whatever, if we do pass tonight."

Mayor Tecklenburg said, "Absolutely, and as you heard from Mr. Chase, he supports."

Councilmember Seekings said, "I heard him say he supported us going forward with it. I just want to make sure we know its two ways. He will then be subject to it."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Whatever he's planning on building, he still has to go back through Planning. It's going to probably be around November, and it's going to be a long process. I already gave him my input as to what I'm looking for and if it's not that way, the same way I voted against it the first time, Mr. Chase knows the way I am, I'll vote against it again. So, I just want to make sure that he's going to do exactly what the community is looking for, and he has to go before the Taskforce."

The Clerk said, "Just to clarify, we're voting now on the motion to reconsider, which is separate from the motion that approves."

Mayor Tecklenburg said, "We have first a motion to reconsider."

On a motion of Councilmember Mitchell, seconded by Councilmember Shealy, City Council voted unanimously to reconsider the rezoning request for 245 Huger Street.

Mayor Tecklenburg said, "Now, for the question at hand to amend the Zoning Ordinance."

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 245 Huger Street (Peninsula) (0.50 acre) (TMS# 459-01-03-048) (Council District 4), be rezoned so as to be included in the Accommodations Overlay Zone (A). The property is owned by Chase Furniture Company Inc. (Requested by Councilmember Robert Mitchell)*

Mayor Tecklenburg said, "Next is the STIB discussion, Councilmember Seekings."

Councilmember Seekings said, "Very briefly because I'm what stands between on page one and page two tonight, a couple of things. Last night, for those of you that weren't there, it was fascinating. There was actually a forum that was put on about sea level rise and the financing in municipalities and governments about what's going to come in the future for us, as we look around and have to build infrastructure to learn to live with, combat, and rethink how we live with water. The Dutch were here this week. We spent a lot of time and money with them. Their recommendations are going to come on Thursday, and one of the things we've learned through the Dutch is, if you put a lot of really smart people in a room and let them think great thoughts, they can come up with just about anything. Then, they'll put it in front of you, and you've got to finance it. What you're going to hear a lot on Thursday is, we had some challenges, we have some infrastructure needs, and we've got some financing needs. One of the lessons learned by this body recently was it's probably better to get ahead of something than behind it. The reason I put this on the agenda tonight is, we know with some certainty, Mr. Mayor and fellow Councilmembers, that in January there's going to be another opportunity for us as a City to look for opportunities to finance infrastructure projects that are both flooding and transportation related. Harking back to what we did with Spring Fishburne, one of the things we did in the process once we got the TIGER Grant go ahead, is in order to augment that process, we filed an application with the STIB for monies and, ultimately, were granted \$88 million. That process is an arduous process. So, when we talked about the Low Battery Program which, by the way, on Thursday at 2:00 all bids are due for the Low Battery, so we'll have that project moving forward. One of the things I want to just bring out on the floor and think about and talk about as we go through our budget process, and we think about next year, is being ahead of the curve when it comes to seeking financing for large scale projects that involve both transportation and water. I went back and read two things in advance of talking about this tonight, one of which was all the reports in the Calhoun West Drainage Basin. I also went back and read the Weston & Sampson Report for Church Creek. One of the things that they do talk about in there is accessibility. I do think that Church Creek and that whole area of West Ashley for the West Ashley Circle, down Bees Ferry, working back into Shadowmoss, is somewhere we should think about how we're going to finance a large scale project that has to go in there. Clearly, Calhoun West, with the Hospital sitting in there.

So, Mr. Mayor, one of the things I would request, as we now go through our budget process, we have the Ad Hoc Committee, is that we get out ahead of these applications, but start putting together our processes because we're going to be talking not about 10 or 20 millions of dollars. We're talking about hundreds of millions of dollars. We're going to be a repeat customer for sure at a lot of places, not the least of which is the State Infrastructure Bank. Rather having an argument on the floor a week before an application is due, let's work together to start putting the pieces together of these applications, so when January comes around, and we know that application is going to open up. It's the same application every time that requires the same information, and also requires cooperation and participation by the COG. Let's get out ahead of this. Let's identify projects we reasonably believe are going to be appropriate for applications with the STIB, start putting it together, so when that application process opens up, we are ready to go. We're not sitting around here talking about it some more. We know for sure we can get through

all of the venting process about what's prioritized, what we can apply for, and we are together as a City, going forward, asking for what's going to be large scale help for infrastructure projects. So, I just want to put that out there as we go through the budgeting process, January coming, let's get out ahead of this, and let's make sure that we identify projects that reasonably are subject and eligible for STIB funding. We're not going to be talking about tens of millions of dollars. We're going to talk about hundreds of millions of dollars. So, with that, I would just ask that as we go through this process, Mr. Mayor that we participate collectively in that and get out ahead of it. Thank you."

Mayor Tecklenburg said, "Alright. Any further discussion on that from anyone?"

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Mr. Mayor, I know next on the agenda we have discussion on the Auditor's summary by my colleague, Councilmember Waring. I want to ask if we could take K-1 through K-3, because we have some people sitting and waiting. I think it's going to be a lengthy discussion. Can we take the Committee Reports and get them out of the way and go back to Councilman Waring?"

Councilmember Waring said, "If Council agrees, I agree."

Councilmember Mitchell said, "Does Council agree with me?"

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "Okay, was there any other discussion on item (b), though?"

No one asked to speak.

Mayor Tecklenburg continued, "Alright. Thank you, sir. Next, we'll go to our Council Committee Reports, starting with the Audit Committee. Councilmember Seekings."

Councilmember Seekings said, "Move for the adoption of the Audit Committee Report that was presented at the Ways and Means Committee."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Any further discussion?"

No one asked to speak.

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

--- INSERT AUDIT COMMITTEE REPORT ---

- External Auditor's Report (info only)
- Internal Auditor's Report
- Discussion regarding Internal Auditor reporting structure

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

Councilmember Waring said, "All the items that you see on the Acceptance and Dedications of Rights-of-Way were motioned and approved. I'd ask the same. I so move."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Any further discussion?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Lewis, 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) Quit Claim a portion of Hanover Street (.06 of a mile between Romney and Center Streets)

- Quit claim deed

(ii) Quit Claim a portion of Nassau Street (.007 of a mile between Romney and Center Streets)

- Quit claim deed

(iii) Quit Claim a portion of Romney Street (.06 of a mile between Nassau and Hanover Streets)

- Quit claim deed

(iv) Acceptance and Dedication of Daniel Island, Parcel S, Tract 2- a portion of Farr Street (50' R/W, 1679 LF)

- Title to Real Estate

- Affidavit for Taxable or Exempt Transfers

- Exclusive Stormwater Drainage Easement Agreement

- Plat

**b. Stormwater Management Department Update**

(i) Stormwater Fee – Assistance Program Discussion

(ii) Stormwater Design Standard Manual Update Discussion

(iii) Dupont Wappoo Project Area Recommendations Discussion

(iv) Church Creek Task Force Discussion

(v) Project Update

(vi) Floodplain Management Update

(vii) Update on Spring/Fishburne and Low Battery STIB grant applications

Mayor Tecklenburg said, "Next, the Committee on Recreation, Councilmember Gregorie. Oh, I'm sorry, there's an ordinance in there."

Councilmember Waring said, "This is the ordinance pertaining to our staff using what valuation to come by substantial damage in the event of a hurricane, fire, or personal tragedy to a building, or I've even said Formosan termites. If you've seen the kind of damage Formosan termites can do, they can certainly take out a building. Our previous ordinance used the assessed value. We've had a good bit of discussion about how the assessed value, by design, doesn't keep up with the market value. This ordinance will allow, if a homeowner is determined to be above the

50 percent threshold with damage and sustain substantial damage, then the City comes up with that determination.

The homeowner can actually go out and get an appraisal to validate the value that our department comes up with to say what your house or what you're building is worth. The Mayor came up with a good idea last meeting and said that he got in contact with the Auditor, I believe, and the County does have a market value. If we all go back to assessments, when assessments are done every 5 years or maybe 5-7 years in some cases, the County does an appraisal, and then they take that value and the State has said, 'It doesn't matter how much your house goes up in the value, you cannot increase it more than 15 percent for the purpose of taxes from one assessment period to another.' Well, if we use the assessed value, we're using a value that we know will trail market value. Hypothetically, we're going to exacerbate the number of homes that will hit that substantial damage ceiling in error. This wasn't anything intentional. This is, I think, an unintentional consequence of the substantial damage ordinance, I guess.

So, we accepted the Mayor's idea. Instead of using the County's assessed value, the amended version that's in front of you, should have been put on your desk today, we wouldn't use the word 'assessed value' at all. We're going to use the County's market value. The reason we're not going to use the assessed value, we're proposing not using the assessed value, is people shouldn't be getting a false alarm on whether they can repair their homes in place or have to repair their homes and lift their houses on inaccurate numbers. Even the County market value isn't designed to keep pace with current market value because the County only does that during assessed periods or, if you did a substantial renovation to your house, the County comes back out and does another appraised value. So that's the motion that I have."

Councilwoman Jackson said, "I'll second."

Councilmember Waring said, "I'll put a motion on the floor to approve the amendment, but I wanted to give that explanation. When you look at your agenda that was mailed or emailed out, it has a terminology, 'assessed value' that the County will use. It has been amended, and thank you, Ms. Halversen. She's coming up to help me out. She's actually updated this as recent as today. It wasn't her fault, it was mine."

Ms. Halversen said, "Okay. So, the version that was in the agenda packet was the original version that we prepared that refers to the County's assessed value. Councilmember Waring, at the Public Works and Utilities Committee meeting yesterday, added a change to that. So, he's changing it from the County's assessed value to the County's market value. So, that's the change in language. This ordinance is up for first reading, and we put 'as amended' because it's changed since the last time it was on the agenda. But, in addition to that, Councilmember Waring is making some extra changes. I think that if you wanted to make a motion, you would make a motion to do first reading as amended, also including Councilmember Waring's change to change the language from County assessed value to the County's market value every time that's mentioned in this version."

Councilmember Waring said, "That is my motion."

Councilwoman Jackson said, "I'll second."

Mayor Tecklenburg said, "Any discussion?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I just had one question. I thought that it was in the original ordinance that the owner of the property, we were to expect the owner of the property to pay for a licensed professional appraiser. I don't see that in here this time."

Ms. Halversen said, "The appraisals would still be paid by the owners. It's just not a part of the definition. It was a little bit different last time when the last version of market value was only going to be the appraised value. In this situation, there's a choice if the owner wants to do it or not."

Councilwoman Jackson said, "But our intent behind the document is for the choice to be the owner's choice, and if they choose to have the private appraisal..."

Ms. Halversen said, "And go the extra expense, then the appraised value would then supersede whatever the County's market was. We would give that the dominant consideration."

Councilwoman Jackson said, "I read that. Thank you."

Mayor Tecklenburg said, "Any further discussion?"

Councilmember Waring said, "I just want to thank Ms. Halversen for going above and beyond. She really did. I'm talking about getting a lot of back and forth on this one. She took legal language, so laymen like us can understand. Thank you so much."

Ms. Halversen said, "I do want to add just that we will do a little bit further work with the County Assessor's Office to work out the procedural issues and to make sure that we had the right definition and everything before it comes for second reading."

Councilmember Waring said, "Thank you so much."

Mayor Tecklenburg said, "If I may make just a couple of comments, this is a very good change for our policies. Thank you for bringing it forward, Councilmember Waring. A lot of the discussion we've had, which led to the revelation by our Floodwater Department Director, Matt Fountain, that one of the acceptable numbers you could use, had to come from a governmental source. I do want to shout out to my nephew Peter Tecklenburg, who's our County Auditor. After some discussion with him, he shared that they had this separate market number that they keep which is different from the cap number, or the number that the assessment is based upon. Even though it might be a few years old, we are reserving the right for our citizens, if they don't agree with the market number from the County, they can still go out and get their own appraisal and use that, as well. I just didn't want to force that on anyone, nor did I want to obligate the City to have to pay for all these appraisals. So, this is really the best of both worlds and I think is a good result. Any further discussion?"

On a motion of Councilmember Waring, seconded by Councilwoman Jackson, City Council voted unanimously to give first reading to the following bill from Public Works and Utilities, as amended:

*An ordinance amending Chapter 27, Stormwater Management, and Flood Control, of the Code of the City of Charleston, by amended 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 allowing the appraised value of a structure to be used in place of the assessed value. (AS AMENDED)*

Councilmember Waring said, "Thank you all for that motion. Mr. Fountain, do you have any information you want to bring forward on any of the projects listed on our agenda in the way of update?"

Mayor Tecklenburg said, "Maybe we can ask if any Councilmembers have any questions about the agenda?"

Councilmember Waring said, "Does anyone have any questions? As a matter of fact, we're going to change the format, and the first of the month it's the intent of the Public Works Committee to give a full rundown on these projects listed and the second meeting of the month, we have a cliff note version. So, unless you guys have any questions on any of these projects then, Mr. Fountain, you have a pass."

Mayor Tecklenburg said, "Alright. So, we're ready for the Committee on Recreation, Councilmember Gregorie."

Councilmember Gregorie said, "The Committee met today, and there were items that required action from the Committee. They are as follows. There were three park names that we voted on. The first was the Carr-Richardson Park, formally known as the Bender Street Park, in Maryville, West Ashley. The second was the pocket park on America Street, to be named after Ms. Mary Watson. So, it would be called the Mary Watson Park. Joe, we took care of it. The naming of the Daniel Island Neighborhood Park Number 4 was renamed now the Fallen Oak Park. We voted on it unanimously, and it passed. The other items that we took action on, one was a City property on Woodland Road. We voted to send this to our Budget Committee and Parks and Recreation to cost out the possibility of redoing that park for soccer.

The second thing we voted on was Stoney Field. Staff presented us with two renditions of the field. One was a recommendation from the School District, which we did not prefer. We preferred the Staff's recommendation that we stick with a 400 meter track around the field. That, too, was voted on unanimously. Mr. Mayor and Council, I move that we approve."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "I think we're going to approve all five of those things. Correct?"

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Can I just get a quick update that you all received regarding that Charleston Battery?"

Councilmember Gregorie said, "There wasn't any update. No movement. Nothing."

Councilmember White said, "Nothing? Thank you."

Councilmember Lewis asked, "Anything on 1099 King?"

Councilmember Gregorie said, "It's actually called the Reverend Alma Dungee Recreation Building and we're moving forward with the construction and renovation of that building."

Councilmember Lewis said, "I like to hear him say it. We'll be meeting on Thursday morning to select who's going to get the work."

Mayor Tecklenburg said, "Okay. But, I think we're planning to have a rededication and naming of the building prior, so..."

Councilmember Lewis said, "I need to get that date from you. I have it in my pocket, and I'll check with the family tomorrow."

Mayor Tecklenburg said, "Okay, great. Terrific. Alright, any other discussion on those items?"

No one asked to speak.

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

---INSERT RECREATION COMMITTEE REPORT ---

- a. Naming of the Carr-Richardson Park;
- b. Naming of the Mary Watson Park;
- c. Naming of the Fallen Oak Park;
- (Action may or may not be taken on any of the below items):*
- d. Update: 1099 Meeting Street, the Reverend Alma Dungee Building;
- e. Update: Renovations at the Municipal Golf Course;
- f. Update on the Charleston Battery;
- g. Additional Items for Discussion:
  - (i) City property on Woodland Road;
  - (ii) Golf Course Commission and Recreation Commission (citizen advisory boards);
  - (iii) Brantley Park;
  - (iv) Longborough Exchange Agreement;
  - (v) Waring Senior Center;
  - (vi) Stoney Field;
  - (vii) WPAL;
  - (viii) Status of the ongoing Cultural Planning Process;
  - (ix) Status of Cannon Street Arts Center (134 Cannon);
  - (x) Corrine Jones Community Garden proposal;
  - (xi) Daniel Island Neighborhood Park #4;
  - (xii) Ferguson Village;
  - (xiii) Wellness and Aquatics Center Complex;
  - (xiv) Mrs. Tee

Mayor Tecklenburg continued, "Next is our Committee on Ways and Means, Councilmember White."

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

Mayor Tecklenburg said, "Any discussion?"

No one asked to speak.

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

--- INSERT COMMITTEE ON WAYS AND MEAN REPORT ---

(Bids and Purchases

- (Police and Fire Departments: Approval to accept the 2019 Port Security Grant award in the amount of \$324,435 for equipment with a cash match of \$108,145 for 2020.
- (Parks-Capital Projects: Approval of the International African American Museum Professional Services Contract with S&ME in the amount of \$62,060 for pre-construction condition surveys, vibration recording, and pile installation testing and observation services. Approval of the Professional Services Contract will obligate \$62,060 of the \$92.7 million budget. The funding sources for this project are City of Charleston Accommodations Tax Revenue Bond (\$13,200,000), Charleston County Accommodations Tax (\$12,500,000), State Appropriations (\$14,000,000), IAAM Contributions (\$53,000,000).
- (Parks-Capital Projects: Approval of CFD Savannah Highway Fire Station #11 Professional Services Contract Fee Amendment #2 with Liollio Architecture, Inc. in the amount of \$61,410 for the extension of construction administration services beyond their original contract of 365 calendar days. The additional days cover additional days for the substantial completion in the general contractor's contract, awarded change orders, and anticipated future change orders and delays. This fee amendment approves an additional 268 days to the contract. The approval of Fee Amendment #2 will increase the Professional Services Contract by \$61,410 (from \$623,715 to \$685,125). The funding sources for this project are: 2015 Installment Purchase Revenue Bond (\$8,369,524), proceeds from sale of real estate (\$1,135,607) and Hospitality Fund (\$380,000).
- (Housing and Community Development: Mayor and City Council approval is requested to execute an Agreement between the City of Charleston and the Charleston Redevelopment Corporation for the use of \$3,000,000 to acquire Sea Island Apartments from Humanities Foundation (HF). The \$3,000,000 would be awarded by granting the CRC \$2,000,000 and lending the balance of \$1,000,000 based on the terms outlined in the agreements attached. The funding would be released contingent upon a commercial appraisal validating the value of the property and a physical inspection of the units by an independent agent. The apartments consist of 48 units of rental housing for persons earning 50% and below the Area Median Income. Sea Island is located at 3672 Maybank Highway, Johns Island, SC. Currently owned by HF, the affordability restrictions expire at the end of 2019 and the purchase of the apartment complex will ensure the properties remain affordable for perpetuity.
- (External Auditor's Report  
(Internal Auditor's Report  
(Discussion regarding Internal Auditor reporting structure  
(Request approval of an easement agreement under which the City will grant an easement for the right to construct, extend, replace, perpetually maintain and operate an underground electric line or lines to Dominion Energy for the Daniel Island Recreation Center at Governor's Park. (Fairbanks Drive and Fairbanks Oak Alley; TMS: 271-00-00-006)
- (Consider the following annexations:
- 2988 Bolton Road (TMS# 307-10-00-037) 0.5 acre, West Ashley (District 5). The property is owned by Sandra Lynn Mixson.
  - 3894 Savannah Highway and 711 & 715 Hughes Road (TMS#287-00-00-139; and 287-00-00-140, 142, 178) 28.85 acres, West Ashley (District 5). The property is owned by Colson Jean R Saltwater Breeze LLC.
  - 333 and 335 Wappoo Road (TMS# 350-10-00-144) 0.46 acre, West Ashley (District 5). The property is owned by Robert J. Suli.

First reading was given to the following bills:

*An ordinance to provide for the annexation of property known as 2988 Bolton Road (0.5 acre) (TMS# 307-10-00-037), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Sandra Lynn Mixson.*

*An ordinance to provide for the annexation of property known as 3894 Savannah Highway, and 711 & 715 Hughes Road (28.85 acres) (TMS# 287-00-00-139; and 287-00-00-140, 142, 178), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Colson Jean R Saltwater Breeze LLC.*

Mayor Tecklenburg said, "Next are bills up for third reading. We have a Hotel Ordinance. Do you all mind if we just keep on going to the end, and then we'll come back to Item J? Alright, so bills up for third reading, we have third reading of our Accommodations Overlay Ordinance. We have a motion for approval. Is there a second?"

Councilwoman Jackson said, "I'll second."

Mayor Tecklenburg asked, "Any discussion?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I don't know who exactly to ask this question, but this is why I like to read through a clean bill on this particular thing. I'm basically okay, but when you read these things you kind of come up with maybe some unintended consequences. If you go to page 6, and when you start reading down through that, it talks about Accommodations use, having an excess of 150 rooms, it shall be a full service hotel, but in no event, kind of in the middle of the page there, shall it be 250 units. Then, you go on down to item K, 'the proposed Accommodations uses incorporates meeting and conference space at a ratio of 400 square feet per 10 sleeping units. So, when you start doing a little bit of figuring there, if you had 150 room hotel, and you had 10 sleeping units' for 400 square feet of community or meeting space, so that would be 15 x 400 would be 6,000 square feet. Right? But, if you go to 151 room unit, you have to have 20,000 square feet. Is that what was intended? That's the way I read it. Are we saying we're going to stop this thing at 150 room hotels unless you go to 250?"

Mayor Tecklenburg said, "Unless you become a full service hotel."

Councilmember Moody said, "A full service is everything over 150. So, if you're 150 rooms, you have to have 4,000 square feet. If you have 151 rooms, you have to have 20,000 square feet. Is that what's intended?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "So, I had this similar question. I talked to Jacob about that a lot this week. I don't recall, and there are members of the Task Force here, I don't remember us talking about that in the Task Force. That is something that came along a little bit after, and I'm trying to figure out, I think we're all trying to figure out, why we're doing that."

Councilmember Moody said, "Well, that's my question. If you're going from 4,000 to 20,000."

Councilmember Seekings said, "To 20,000, shouldn't we grade it up just like everything else? We're going to have a whole bunch of 149-room hotels, and there may be places where we want 160 or 170, and we're putting them out of business. We're going to then encourage,

'Boom. Go big or go home', and we're going to miss an opportunity in the middle. I think that may be an unintended consequence, but I would like to hear from Mr. Lindsey on that and, I think, Councilmember Moody would, too."

Mr. Lindsey said, "So, Councilmember Moody, your numbers are correct. In the Task Force's discussions, they had intended to provide a cap of 250 rooms throughout the entire Peninsula, but the way that it was originally drafted, it would actually only apply south of the Septima Clark Parkway. North of that point, there was no limit on the number of rooms. So, in order to provide for that cap, it had to be stated specifically that nowhere on the Peninsula shall the total number of rooms exceed 250. However, even with the cap north of the Parkway, a hotel could still go up to 250 without meeting the provisions of being a full-service hotel. That would have the unintended consequence of driving big hotels to the upper part of the Peninsula, but without having them provide the positive benefits that a full-service hotel provides like restaurants, coffee shops, and other amenities that residents can visit. Instead, you could just get large highway style hotels that don't have those amenities. So, what this does is it says a hotel can go up to 150 rooms, but no more, on the area north of the Septima Clark Parkway. In order to get bigger than that, to go up to 250, they have to meet these more strenuous requirements which would provide benefits back to the community like a full-service hotel does. That's the effect of that amendment, and it provides a cap on very large hotels in the upper part of the Peninsula. Certainly, a number of hotels may build just shy of 150. They may build 149 rooms. In our estimation, as we studied it, that's okay because, today, north of the Septima Clark Parkway, functionally there is no limit on the number of rooms. So, that's the thinking behind that specific language."

Councilmember Moody said, "Well, it just seems to me like there is something very arbitrary or like it's not thought through completely there. I hear what you're saying, but I don't know that you can economically build a hotel with 175 rooms and have 20,000 square feet of meeting space or community space, whatever it is. That ratio seems to be out of whack there. So, you're kind of saying, Okay, it's either 150 or it's 250. There is no in-between.' I don't have any problem with the 250. I don't have any problem with the 150. It just seems like there ought to be some graduation or something there that makes that sense, makes it economically feasible if you only wanted to do 200. Then, you might have to have 15,000 square feet, but that might be the right size for 200."

Councilmember Seekings said, "So, I think you're hamstringing yourself on this one. I think you're really taking some of the planning process out of this as you're talking to people who are going to be building and, again, we're capping in so many different ways. Some of them may come to you, and it may make sense in a certain area, particularly north of Septima Clark as we build out towards the airport. You may be sitting there in your Planning Department with everyone saying, 'Okay, 175 with other things going on around here with 10,000 square feet makes perfect sense, given the conditions not just today, but four or five years down the road.' You've hamstrung yourself. I worry about that. I think we've just got this huge chasm and gap now between 149 and 250. So, if we pass it the way it is we're just saying, 'Boom, 149 is the number or 250.' You're going to be, and your Planning Department in discussions with people coming with applications in the give and take and back and forth are going to lose some opportunities to do some good perhaps. I can't see the future, but some development consonant with what's going on in the community, what's going on around the land that we're talking about. So, it's just a big chasm and divide. That's a big chasm and divide. There is a huge difference between 6,000--"

Councilmember Moody said, "There is a lot of difference between 6,000 and 20,000."

Councilmember Seekings said, "It's a big difference."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I don't see why it would be very hard for us to just put another level in there that caps off at 200 rooms."

Councilmember Waring said, "Put a grading in."

Councilmember Griffin said, "Yes. Put something in between because you have all of these smaller tiers, and it builds up and then you have this extravagant jump. So, if there was something around 200 that was maybe 12,000 to 13,000 square feet, then you have a little bit more wiggle room to work with. Obviously, we don't want very many full-scale large hotels. We're capping the number in this document, but there has got to be some variance in between. We definitely don't want there to be a hundred 149's and then eight 250's. That wouldn't make very much sense. So, I'm all for us having another level in between, and if somebody has an idea of how we can do that or what makes sense, I'm happy to support it."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Mr. Lindsey, what is, and maybe this was already stated, but what is the correlation of the 20,000 square feet to a particular number of hotel rooms? The place we were at today, when we had that announcement with the I-526, I was talking to Mr. Palassis. He intentionally kept out, I think, meeting room space for a particular reason. He was trying to attract a certain type of clientele and patron to that new hotel. So, what is the correlation of X number of square feet to X number of hotel rooms?"

Mr. Lindsey said, "So, the 20,000 square foot number is one that dates back to 2013, and it was determined in conjunction with the Convention and Visitors Bureau who said that that was the number at which a hotel could viably attract a large convention. Conventions are seen as being, and we're seeing them as being, very economically profitable and a good thing for the development of the economy of the City. So, that's how the 20,000 square foot number originated. Now, here's what it would get you in this proposed ordinance. Presently, if you're south of the Septima Clark Parkway, there is a 50-room cap. A hotel cannot exceed 50 rooms in any case, unless that hotel is in an area that we call the full-service zone between Line Street, Meeting, King, and Mary to the south. So, within that small window, that six or seven block zone, a hotel can exceed 50 rooms if it meets certain criteria, the primary one being providing that 20,000 square feet. So, that's an area where everybody said and this body, of course, voted on, that in that area we want convention center type hotels that offer 20,000 square feet. Now, in the proposed ordinance, there would also be, in effect, a 150-room cap in the areas north of the Septima Clark Parkway, which doesn't presently exist. In order to get taller than that, you would have to also meet that 20,000 square foot criteria. Less than 20,000 square foot is not something that was seen as a hotel that would be somewhere that would be a viable location to host a large convention. That's the thinking behind it if that answers your question."

Mayor Tecklenburg said, "So, basically, the way I do the math, if at 150 rooms you've got to have the 20,000 square feet if you're full service, that's 1,333 square feet per ten rooms. 1,333 times 15 would be 20,000, right? So, I think the number 400 was recommended by Mr. Palassis, just from a business point of view, that if you weren't doing a full service, just to provide some amenities at 400 square feet per ten rooms, would be kind of a reasonable number for a hotelier to do. So, it seems to me there are a couple ways to skin it. One would be to say, 'Well, gee, if you had over a hundred rooms, you would need to do 600 or 800 square feet of amenity space per ten rooms'. Just raise the bar so that they would have to provide more if they got over a certain number of rooms."

Councilmember Moody said, "Seems like if you went over 150, rather than 400, you would go up to say 600 or 800. Is that what you're saying?"

Mayor Tecklenburg said, "Right."

Councilmember Moody said, "Then, that last extra hundred gets you up to 20,000."

Mayor Tecklenburg said, "That's right."

Councilmember Moody said, "I don't have any heartburn as to how you get there. I just thought it was too big of a gap."

Mayor Tecklenburg said, "Yes, it is a pretty big gap."

Councilmember Moody said, "That's three and a third times for one room."

Mayor Tecklenburg said, "Right. So, you want to make a proposal to amend it?"

Councilmember Moody said, "Well, I don't want to defer this, but I don't want to throw a number out there that I don't know what I'm talking about. So, if you went to 600 square feet per ten rooms after 150, rather than 400, jump that up so that you get to 20,000 maybe at 200 or 225 or something."

Mr. Lindsey said, "As a bit of background here, it was previously written as 500 square feet, and it was brought down in discussions because the consensus among the Task Force and my Planning staff was that that high ratio might prove too burdensome on smaller hotels. Because remember, that ratio applies."

Councilmember Moody said, "I'm talking about raising that from 400 up to 150, and then after the 150 rooms up to the 250. Then, we raise that threshold back up to maybe 500 or 600 to try to get to that 20 quicker."

Mr. Lindsey said, "I'm trying to think about how to make this edit on the fly here and get it into the record in such a way that makes sense. So, if the number is 600, that's the ratio, you could propose an edit something like this. At the bottom of subsection i. on page 6."

Councilmember Moody said, "It needs to be about twice as much because your gap is three and a half, so it needs to be for that last 100. So, you're talking about ten blocks, and you've got to get from six to 20, so that's 14. So, it needs about a thousand."

Mayor Tecklenburg said, "You need to go to a thousand."

Councilmember Moody said, "Probably a thousand to get it up to the 20,000 by the time you get it to 250."

Mayor Tecklenburg said, "Two hundred rooms would give you the 20,000 feet if you used 1,000 feet above 150. Does that make sense?"

Councilmember Moody said, "So, you start that over--"

Mayor Tecklenburg said, "Over 150."

Councilmember Moody said, "Over the 150, that's right."

Councilmember Seekings said, "Per ten."

Mayor Tecklenburg said, "Per ten."

Councilmember Moody said, "Per ten."

Mayor Tecklenburg said, "Right. You got that Jacob?"

Councilmember Griffin said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "If you go over the 1,000, you're going to hit 20,000 at 200 rooms."

Mayor Tecklenburg said, "That's correct."

Councilmember Griffin said, "You don't want to do that. We don't want to do that, do we? Because if we go 750, 800 then you're going to get the 20,000 closer to where we're at now which keeps the ordinance more like what the Task Force recommended."

Councilmember Moody said, "You've got up to 150, you've got 4,000."

Councilmember Griffin said, "Six thousand."

Councilwoman Jackson said, "Six thousand."

Councilmember Moody said, "Six thousand. So, you've got 6,000. So, if you go from 150 to 200, that's 50, that would be 5. So, see that 1,000 is probably not enough. If you want to get up to the 20, you've got to get it up to, say from 151 to 200, it would be a 1,000 and then over 200, it would be 20,000. I'll do it like that. Say from 151 to 200 rooms, it's a thousand per ten, and then once you get to 250, it's the 20,000."

Mr. Lindsey said, "Okay. So, it could read something like this, 'Any Accommodations use on the Peninsula having in excess of 150 sleeping units shall be a full-service hotel as herein defined with the exception that the proposed Accommodations use incorporate meeting and conference space at a ratio of?'"

Councilmember Seekings said, "Over 150, 1,000 per ten."

Mr. Lindsey said, "What's our number?"

Mayor Tecklenburg said, "One thousand."

Mr. Lindsey said, "One thousand square feet per ten sleeping units or a fraction thereof of which 75 percent thereof must be contiguous, and in no event shall any Accommodations use on the Peninsula exceed 250 sleeping units.' So, that added to subsection i. should accomplish what you all intend."

Councilmember Moody said, "So, let me be sure, we're 400 per ten of the 150?"

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

Councilmember Moody said, "One hundred fifty-one up to 200 is 1,000?"

Mr. Lindsey said, "That is correct."

Councilmember Moody said, "Per ten and then over 200, 201 to 250 is 20,000?"

Councilwoman Jackson said, "No, over ten."

Mr. Lindsey said, "So, we would then add to the previous set up that I read into the record 'Any Accommodations use having in excess of 200 sleeping units shall be a full-service hotel as defined herein.' So, that takes you from up to 150 at a ratio of 400 square feet per unit, from 150 to 200 at a ratio of 1,000 square feet per unit, and over 200 meaning the complete definition of full-service hotel which is 20,000 square feet."

Councilmember Moody said, "You add those on top of each other."

Mr. Lindsey said, "Correct."

Councilmember Moody said, "In other words, you still keep the 400, you add the 1,000, then you add the 20,000."

Mr. Lindsey said, "Correct. So, that would do it."

Mayor Tecklenburg said, "Right."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "We've got to go back and fix, well not fix, revise k., as well. 'Proposed Accommodations use incorporates meeting in conference space at a ratio of 400 square feet per ten sleeping units until you get up to 150 rooms', and then we need to add those same things."

Mr. Lindsey said, "So, the language that I read would be applied to subsection i., which would cover that."

Councilmember Griffin said, "Well, isn't that going to make it confusing if we just leave 400 in k. and then add a bunch of stuff in for i.? Then, somebody could make an argument, 'Well, you've got conflicting ideas here because k. and i. need to reflect each other.'"

Mr. Lindsey said, "So, the way to accomplish that if you wanted to cover that base would be to, at the end of subsection k. it should also read after the final semi-colon, 'provided that if the Accommodations use contains more than 150 sleeping units, the provisions of subsection i. hereof shall govern the square footage.' Okay. So, those are all on the record. We'll have to clean it up, but it makes sense."

Mayor Tecklenburg said, "That makes sense. Good point. Good catch. Alright. Is there any further discussion?"

Susan Herdina said, "I just wanted to mention--"

Mayor Tecklenburg said, "We had a motion to amend as discussed. Who made the motion originally?"

Councilmember Gregorie said, "As amended."

Mayor Tecklenburg said, "Are you acceptable to the amendment?"

Councilmember Gregorie said, "As amended."

Councilwoman Jackson said, "Yes, I second."

Mayor Tecklenburg said, "We have a second on that."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I just kind of felt like I was in the midst of a sausage factory."

There was laughter in the Chamber.

Councilmember Griffin asked, "What?"

Councilmember Shahid said, "Of a sausage factory."

Councilmember Waring said, "Yes. I think we just made sausage. Now, the two votes that we have, no hotel would be proposed and get beyond this new ordinance, as I understand it. Isn't that right, Counselor? Ms. Herdina?"

Ms. Herdina said, "I'm sorry. What did you say?"

Councilmember Waring said, "If somebody came with an application right now to build a hotel anywhere in the City, basically they're going to have to comply with this ordinance or whatever amendment we come up with."

Ms. Herdina said, "Whatever is ultimately passed. Correct."

Councilmember Waring said, "Do we really want to, I mean, we're right there, we're right at the goal line. We want to finish it off like this, or do we want to get that put in place and bring it back? There won't be any new hotels that are going to be able to be built in this City without coming through the auspices to this ordinance. Can't we finish this the right way and bring it back? Believe me, I want to vote for it tonight as well, but I didn't think we were going to finish that final part like this."

Councilmember Shahid said, "I tend to agree. I'm sitting here listening to these numbers being thrown around and what paragraphs we are referring to, and we've jumped around from k. to j. to i., and the numbers that we're going over. So, I would feel a whole lot more comfortable, and I hate to delay this, but we've got to do this right, and we've got to make sure we've got it exactly the right way. My concern is, as Councilmember Moody just pointed out, an unintended consequence, as we go through the wording of this one more time, all of us are going to read it, and we may catch another unintended consequence. I don't want an amended version of this. I've been scratching all over here what the numbers are. I want another copy that's clean, so that we understand exactly what we're passing and that the community, particularly this Task Force, sees it, and they have an opportunity to see it. If we screw something up, let's catch it before we do that."

Mayor Tecklenburg said, "Well, I'll just comment that Ms. Bass, who was on the Hotel Task Force, came up before us tonight, I think, maybe she's left, but she admitted it's not perfect. Mr. Marsland has an eye for detail unlike just about anybody I've known in this matter, and he has been so perceptive at catching every little thing. It's not to say that six months or a year from now we're not going to find something else that needs to be tweaked. Councilmember Moody found a very interesting catch, if I may say, that we didn't catch before that makes sense, and I believe that what we just proposed, what he just proposed, resolves it. So, anyway, I would recommend we support passage tonight and come back in the future whenever, if it ever needed amendment again, and I'm sure it will. The City has been monitoring and having requirements for hotel development now for over 30 years, so this is not the last cigar either."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Well, I tend to agree with the fact that we've already got the pending ordinance doctrine in place, and how can we trust a guy who didn't have an app today?"

There was laughter in the Chamber.

Councilmember Griffin continued, "He may be a CPA, but he is retired. So, I'd like to make sure his math is right before we vote on this."

Ms. Herdina said, "If I could, I would just like to remind Council of our rules which require that if there is an amendment on third reading, it has to be accepted by unanimous consent."

Councilmember Seekings said, "Which we discussed last time, and that wasn't quite what we got. So, I think we should vote this through. What we just did was not particularly revolutionary. We just sort of caught the math up of something that was added post-Task Force anyway. Let's put this to bed. We've been working on it for a long time."

Mayor Tecklenburg said, "Absolutely."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I agree. I think that the public has been very cooperative, patient, and encouraging. I do think that we just did a really good thing in terms of being fair to the developer community and also putting it to a place where we can start to enact it. We just got, what I consider, a pretty cogent letter on our desks today asking us to be thinking about how we're leaving out the older Mom and Pop, two- and three-story buildings, on King Street. So, I do think that we're going to be back here, I would say, in a matter of months, not years, to make changes to this ordinance that should be a living, breathing document. This has been the life blood of Charleston in terms of revenue. Thankfully, we have a much broader based economy now and we're not sweating every dollar that we take in from the tourism industry but we, obviously, are trying to make it as fresh and exciting as we were in the early 80s when Charleston really did need that kind of revenue generation. So, I think we should pass it. I think it's time, and I think this is good. I thank you for all of the math that could be done, and I'm very comfortable with it."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Mr. Mayor, can we then have a full re-reading of this with the amendment, so we all can follow along, and we know exactly what those amendments are going to entail and start with the paragraphs that we are amending and that wording."

Mayor Tecklenburg said, "Sure."

Mr. Lindsey said, "Thank you, Councilmember. So, beginning on page 7 at the top of the page following the words 'full-service hotel', the amendment should read as follows:"

Mayor Tecklenburg said, "Tell me where you are again."

Mr. Lindsey said, "Page 7, 'full-service hotel'."

Mayor Tecklenburg said, "What paragraph is that?"

Mr. Lindsey said, "At the very top."

Mayor Tecklenburg said, "I see."

Mr. Lindsey said, "The first three words at the very top."

Mayor Tecklenburg said, "Got it."

Mr. Lindsey said, "So, the amendment would read ' ; with the exception that the proposed Accommodations use provide meeting space at a ratio of 1,000 square feet per sleeping unit of which 75 percent thereof must be contiguous up to a total of 200 sleeping units; any Accommodations use on the Peninsula having an excess of 200 sleeping units shall be a full-service hotel, as herein defined.' That's the first part of the amendment. The second part of the amendment is going down to subsection k. At the end of subsection k. after the semi-colon, it would read that, 'provided that if the Accommodations use contains more than 150 sleeping units, the provisions of subsection i. hereof shall govern the square footage of required meeting and conference space;' That would be the total of the amendments."

Councilmember Griffin said, "I'm not following along."

Councilmember Gregorie said, "I don't have it either."

Mayor Tecklenburg said, "Explain it."

Mr. Lindsey said, "So, what it does is this, a hotel all the way up to 150 rooms shall provide meeting space at a ratio of 400 square feet per ten sleeping units. So, that's one category. Over 150, up to 200, means you've got to provide meeting space at a ratio of 1,000 square feet per ten units. You've got to provide more meeting space. From 200 to 250, you've got to be a full-service hotel, 20,000 square feet of meeting space. That's what it does. It scales up the amount of meeting space as needed in a way that's less punitive in the way it was originally proposed."

Councilmember Seekings said, "Forty square feet a unit to a 100 square feet a unit."

Mr. Lindsey said, "Correct."

Councilmember Griffin said, "So, repeat the 200 to 250 again."

Mr. Lindsey said, "The 200 to 250, they have to meet the full requirements of a full-service hotel 20,000 square feet of meeting space."

Councilmember Gregorie said, "At 151, how many square feet?"

Mr. Lindsey said, "At 151, they would have to meet 1,000 square feet per ten units, so it scales up at that point."

Mayor Tecklenburg said, "So, you would be at 15,000 square feet."

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

Councilmember Gregorie said, "Right. I got it."

Mayor Tecklenburg said, "Yes. That's what it does."

Councilmember Griffin said, "Call the question."

Mayor Tecklenburg said, "It just does what you did and scales it up, that's right. Alright. Is there any further discussion?"

Councilmember Waring said, "I'm opposed. I think we ought to finish it the right way."

Councilmember Moody said, "I'd still like to see a clean copy of it."

Councilmember Waring said, "Mr. Mayor, can you recognize me?"

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "No new hotels are going to come through and get built without having to come through this ordinance. So, why can't we finish this? Not on the floor tonight, in two weeks, October 8<sup>th</sup>. Get it done, and we come back and vote on it. Anyway."

Councilmember Griffin said, "I make a motion to defer."

Councilmember Gregorie said, "It's already deferred."

Councilmember Shahid said, "A point of order, we can ask Legal Counsel."

The Clerk said, "Yes, I think they're meeting in the hallway, because I think this has to be a unanimous vote."

Councilmember Seekings said, "The amendment has to be unanimous."

Mayor Tecklenburg said, "The amendment has to be unanimous."

The Clerk said, "Just the amendment?"

Mayor Tecklenburg said, "Yes, just the amendment."

Councilmember Waring said, "Who's going to vote for it without the amendment?"

The Clerk said, "This is the third reading."

Mayor Tecklenburg said, "This is the third reading. So, can I propose to Council, we've got a little ways to go, a couple of other things to discuss and a proposed Executive Session, that we print this out for you in the next 30 or 40 minutes while we're still meeting? You'll have an opportunity to read it before the end of the night."

Councilmember Seekings said, "Can we take a five-minute break, please?"

Mayor Tecklenburg said, "We can take a five-minute break."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Why would we need an Executive Session?"

Mayor Tecklenburg said, "We're not there yet."

The Clerk said, "No, we haven't voted. They're still discussing."

Mayor Tecklenburg said, "We'll take a five-minute recess. Thank you."

City Council recessed at 7:20 p.m.

City Council reconvened at 7:48 p.m.

Mayor Tecklenburg said, "We do have a quorum. Would it please Council for us to proceed with the bills up for second reading, and we'll come back to this matter right when everyone fully is convened. Bills up for second reading? We have Items 1-8."

Councilmember Griffin said, "I make a motion we take 1-8 together."

Councilmember Wagner said, "Second."

Mayor Tecklenburg said, "Items 1-8 together. Alright, that's good. Councilmember Seekings, we're proceeding right now with bills up for second reading to move along."

Councilmember Seekings said, "Thank you."

Mayor Tecklenburg said, "We have Items 1-8. We have a motion to approve and a second."

Councilmember Lewis said, "So moved."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I'm sorry. I probably will be fine voting on 1-8 together, but it occurred to me that number one, as amended, maybe we should hear a little more detail about that. I was thinking that that was the question that was before us earlier this summer where there was going to be some unintended consequences of property owners not having access to their property. Was that the property I'm thinking of? Then, what was amended?"

Mayor Tecklenburg said, "I don't remember that. We have someone in the audience here standing up who is knowledgeable about that. Sir, please come forward and introduce yourself."

Councilwoman Jackson said, "Then, my question is, what has been amended? Because I couldn't really see that."

Mr. Santos said, "Thank you. My name is David Santos. I'm here on behalf of one of the owners of the property that would be affected, the owner of 741 Meeting. The matter that you're referring to is actually a different matter and it's been deferred for this evening, but Kinloch Court is basically a City right-of-way, twenty feet wide, and we've asked that it be abandoned and quit-claimed to the respective owners. I think the only amendment, and I guess Legal could speak to this, would be abandoning it and conveying it subject to existing easements that are in place. There's a water line that Charleston Water Systems was okay abandoning in place, and then SCE&G or Dominion was, as well. We're honoring the easements that are currently existing."

Councilwoman Jackson said, "Okay, so as long as there is no fighting among the property owners that are over there, I just thought, maybe I mis-remembered that."

Mayor Tecklenburg said, "I didn't recall there had been any objection or difficulty with the matter. Ms. Herdina, do you recall?"

Councilmember Seekings said, "That was a different property."

Ms. Herdina said, "Chip has been handling this matter and I assume you've been talking to him."

Mr. Santos said, "Yes, ma'am."

Ms. Herdina said, "He's been working with this for several months and knew it was ready to go forward, so I don't think there's been any objection."

Councilwoman Jackson said, "Okay, alright. Fine. Thank you."

Mayor Tecklenburg said, "Thank you very much."

Councilmember Shahid said, "Was this the property with the problem with the driveway issue and there was no right-of-way?"

Councilwoman Jackson said, "That's what I mis-remembered."

Mr. Santos said, "That was Summerville Avenue."

Councilmember Seekings said, "That one was a whole different deal."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I'm trying to find when the first reading on Item number three was done."

Councilmember Griffin said, "We did it last meeting."

Councilmember Moody said, "Last meeting?"

Mayor Tecklenburg said, "It was the last meeting. This came from our Committee on Sustainability."

Ms. Halversen said, "That was reported out by Katie McCain. That's right."

Councilmember Griffin said, "That was part of the Sustainability report."

Mayor Tecklenburg said, "We basically brought our plastic bag ban ordinance in conformity with Mt. Pleasant, upon suggestions from Publix and some of the other retailers. Any further discussion?"

No one else asked to speak.

On a motion of Councilmember Griffin, eight (8) bills (Items M-1 through M-8) received second reading. They passed second reading on motion by Councilmember Wagner and third reading on motion of Councilmember Griffin. On further motion of Councilmember Mitchell, the rules were suspended, and the bills were immediately ratified as:

- 2019-085** AN ORDINANCE TO CLOSE AND ABANDON KINLOCH COURT, ALSO KNOWN AS KINLOCK COURT, A CITY RIGHT-OF-WAY, SAID RIGHT-OF-WAY RUNNING WESTERLY APPROXIMATELY 200 FEET FROM MEETING STREET TO THE INTERSTATE 26 RIGHT-OF-WAY; AND TO FURTHER AUTHORIZE THE MAYOR TO EXECUTE QUIT CLAIM DEEDS AND ANY OTHER NECESSARY DOCUMENTS, APPROVED AS TO FORM BY THE OFFICE OF CORPORATION COUNSEL, TO THE OWNERS OF THOSE PROPERTIES ABUTTING EACH SIDE OF KINLOCH COURT, CONVEYING TO EACH OWNER ONE-HALF OF THE WIDTH OF KINLOCH COURT AS SAID KINLOCH COURT ABUTS EACH OWNER'S PROPERTY, SUBJECT TO ANY AND ALL EASEMENTS OR OTHER MATTERS OF RECORD. **(AS AMENDED)**
- 2019-086** 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.
- 2019-087** 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.
- 2019-88** 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.

- 2019-89** 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.
- 2019-90** 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.
- 2019-91** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS PLAYGROUND ROAD (0.06 ARE) (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.
- 2019-92** 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.

Mayor Tecklenburg said, "I'll start signing those things up and now that we're all fully assembled, let's move back to L-1, the hotel ordinance. We had an amendment to the ordinance, which on third reading required a unanimous consent. So, the amendment has failed, and we would entertain a replacement amendment if one would like to make one. Otherwise, we could have a motion to approve the ordinance as is."

Councilmember Shahid said, "As I understand this, and certainly what Councilmember Moody brought up was a very important amendment to the ordinance, so my concern about not going forward with this, and trying to follow along with the amendments, Mr. Lindsey did kind of clear that up for me. So, we have the option to vote on the ordinance as written without Mr. Moody's amendment which would then go into effect. Can we come back and amend the ordinance later?"

Mayor Tecklenburg said, "Absolutely, and in fact, I was going to mention to Council that when we get to the matter of the rooftop bars, since that needs some work, we all agree that that needs some work. I think a logical place to send it back to for review is, by the way I'm going to propose that we give it first reading, we'd sent it back to the Hotel Task Force, and for them to make some further recommendations and assimilate all the suggestions that come forward tonight and that we've been receiving. So, I'm sure they'd be happy to look at this issue that Councilmember Moody has identified and give it some thought and bring us back an amendment on that when they bring back recommendations on the rooftop. So, we could give third reading tonight, that's fine, and have those folks look at the matter that's been risen here tonight."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilmember Waring.

Councilmember Griffin said, "I move that we defer for two weeks."

Councilmember Waring said, "I'll second it."

Mayor Tecklenburg said, "We have a motion to defer and a second. Any discussion?"

Councilmember Waring said, "I do have some discussion and, Ms. Herdina, could you come to the microphone please?"

Ms. Herdina said, "Yes, sir."

Councilmember Waring said, "If you could clarify, because I think we all understand this, if "John Q. Public" comes to the Planning Commission tomorrow, and submits an application for a new hotel, they're going to be subject to what we are discussing tonight. They're not going to be able to circumvent to some sort of grandfather status because they got their application in prior to third reading to be able to do something that is not the intent of this ordinance."

Ms. Herdina said, "Yes, sir."

Councilmember Waring said, "Okay. So, we have that protection in place. We already have that protection in place. If we vote approval on something that we already know we're not comfortable with, and then we're going to come right back to amend that with an amendment that we pretty much know we're comfortable with it. We just want to get it cleaned up, so we can read it. You still have to delay it. You still have the protection. How is the City hurt waiting until October 8<sup>th</sup> by any new hotel that would be built in the City of Charleston? Can anybody explain to me, if we wait until October 8<sup>th</sup>, Mr. Lindsey, Mr. Morgan, can you tell me how the City would be damaged if we waited until October 8<sup>th</sup>?"

Mr. Lindsey said, "Well, certainly Council can choose to delay any item or bring it as you all see fit. We do have an amended ordinance ready, in addition to the suggestion that was being discussed when I came back into the room. So, if you choose to take action, we do have an amended ordinance ready for you, as well."

Councilmember Waring said, "But, answer the question. How would the City be damaged by way of new hotels if we wait until October 8<sup>th</sup>?"

Mr. Lindsey said, "We would simply have another delay on the adoption of the ordinance, but the City would not otherwise experience a change, because we are operating under pending ordinance doctrine."

Councilmember Waring said, "Does that mean the City will not be damaged?"

Mr. Lindsey said, "I don't know that I can speak to whether the City can be damaged or not, but there's-"

Councilmember Waring said, "I'm talking by way of new hotel development being able to circumvent what we've done so far."

Mr. Lindsey said, "The current ordinance that we have is pending."

Councilmember Waring said, "I understand that."

Mr. Lindsey said, "So, everyone would be subject to that."

Councilmember Waring said, "Thank you. So, I'm going to support the deferral. I know we've got a warm copy over there, but doing business with warm copies is not the way to do business."

Councilmember Shahid said, "Point of clarification, is the deferral until the October 8<sup>th</sup> meeting?"

Councilmember Waring said, "That would be my recommendation."

Councilmember Griffin said, "The deferral is until our next scheduled October 8<sup>th</sup> meeting."

Councilmember Waring said, "That's the next scheduled meeting for City Council, first meeting in October. Hopefully, we're going to be comfortable, re-read it, it reads as discussed and we vote on it."

Councilmember Griffin said, "Until then, all we have to do is get a copy of the proposed amendment that we're comfortable with."

Councilmember Waring said, "We've got a warm copy up there waiting on all of us for a midnight reading."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "If the deferral passes, I do think that we need to look at some of the issues raised from PrimeSouth Group LLC, if staff can just take a look at those."

Mayor Tecklenburg said, "Which issues, sir?"

Councilmember Gregorie said, "We all have a letter from PrimeSouth Group which has four issues, with respect to the ordinance as it's written. I'm just requesting that staff take a look at PrimeSouth's recommendations and see whether or not they are things we should also accommodate at that time. Do you have a copy of it? It was on our desk."

The Clerk said, "We placed copies on everybody's desk."

Mr. Lindsey said, "I don't have a copy of that."

Councilmember Gregorie said, "Once you get a copy, if you can just take a read, Jacob, and see whether or not any of the issues raised here are things that we should also accommodate, by the 8<sup>th</sup>, if deferral passes."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Not to get in a big fight about this, but one advantage, I think, of passing tonight and then going back and making amendments is it won't take unanimity to pass amendments. That's just an internal issue that we could be wrestling with forever. Clearly, the Task Force, this Council, has moved forward and has asked that we get this thing passed. We gave it second reading, which only will allow amendments with unanimity. We pass it and then send it back to the Task Force for looking at this issue which, I think, we could clean up, but if we don't that's fine. Then, the PrimeSouth stuff, that's a whole different ballgame. So, I think I'd be in favor of whatever we do tonight. We still have some business to do. I know that Jacob has worked on the amendment. We can look at it. You have it drafted, right Jacob? It's not complicated. It's really not complicated at all."

Mayor Tecklenburg recognized Councilmember Wagner, followed by Councilmember Moody, Councilwoman Jackson, and Councilmember Lewis.

Mayor Tecklenburg said, "This is on the motion to defer."

Councilmember Wagner said, "Yes, sir. I will readily admit that I don't think I was confused when I came to this Chamber tonight, but now I am, which would mean it's going to take a little

bit of time for me to retool my mind. That Task Force had six, eight months and they did one tremendously good job. They got almost everything and I honestly don't see where a week or two is going to matter whether we go with it or not tonight. I honestly don't, and we know it's going to go through. It's just whether it's tonight or two weeks from tonight. That's just my thoughts, guys."

Councilmember Moody said, "I'm going to support the deferral. I'd like to get that PrimeSouth, I'd like to send that back to the group and ask them to look at it. What I see there, and I've talked with a colleague, it looks to me like that's kind of a short-term rental issue, maybe, rather than a hotel issue. But, I think it needs to be addressed, as to how it maybe needs to be done, and the other thing, well I'll talk about the rooftop bar because it was all in there together, but what bothers me about this is we keep getting stuff on our desk the night of the meeting. I kept promising myself that I was not going to vote on anything that was put on my desk the night, unless it was one page that I could read and comprehend. So, I'm going to vote to amend this, or defer this until the October 8<sup>th</sup>. I agree with Councilmember Wagner. I'm okay with it. I just want to be sure that I don't have a mistake here and when I read through it and I saw that, I started asking myself about that. Quite frankly, I'd intended to call in, but I screwed up getting my stuff and I didn't have as much time to read it. So, I'll take my bad on that, but I think that's the right thing to do. I think this group has done a good job. I think we just ask them to look at this, maybe it goes to this PrimeSouth thing, maybe it goes to short-term rentals and we can get this thing clean and go."

The Clerk said, "So, let me explain, that when you get things on your desk, it's because those people have given us things to put on your desk on the particular day that you receive it."

Councilmember Moody said, "Right, and I recognize that, but sometimes these things show up on our desk too. If it's not, if it's somebody from the outside, I get that, that's not your problem."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I'm going to vote against deferral. I think that we probably do have some things in this ordinance in front of us tonight, but it's what we've been calling the clean version. I do repeat myself again, I think the public is expecting us, we promised the last meeting that all we needed was the clean version of an ordinance and we would be ready to give it third reading and ratification. I think we need to keep that promise. There's nothing to say that we can't then ask for all the help and advice that we need to in order to amend it. If we're going to open up Pandora's Box, I didn't mean that we were going to be trying to incorporate the PrimeSouth recommendations by the next time we would see this ordinance in a couple of weeks. This kind of processing of important decisions, sooner or later we have to do an ordinance that we know the public is asking of us. All of the experts have given us the advice that we've been asking them to do. I think we need to pass it tonight, and then we can take our time and see if it needs to be amended. I agree with the amendment discussions that we were having tonight. I'm sorry that we couldn't get a piece of paper that we could all look at confidently and just incorporate that one way of making sure that we don't have that kind of loophole for developers, but we'll get that right. We need to pass this tonight. We honestly do."

Mayor Tecklenburg said, "Thank you. Councilmember Lewis."

Councilmember Lewis said, "I would agree with Councilmember Waring and there is something I was going to say, that is the ordinance is in effect. We did a first reading. Once we have done a first reading, the ordinance is in effect. The good work of this Task Force is not going to go to waste. If we're going to get it done right, when you debate and debate and debate you're going to find things that should be in there that you might have left out. Nobody's perfect. We live

in an imperfect world, so it won't hurt us to wait a couple more weeks to make sure that we get a clean ordinance, and then we'll have to go through this to re-write it again, someone else will say, 'Oh, we didn't do this. We should have done this.' But, we're getting it right, and getting it right forever. This, from PrimeSouth, doesn't bother me, but what bothers me is when I come in here and I find things on my desk that we have to vote on and it shows up here last minute. I've been saying that for years, over and over. In my book, it's unacceptable. We don't need that. But, let's go ahead, do the deferral, two more weeks aren't going to hurt because the ordinance is in effect. We're just correcting some things that we think need to be corrected. Thank you."

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

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I guess I'm kind of not clear on what we're doing with the deferral. Are we doing it just so we can get a clean copy of that graded amendment, or are we also sending something back to the Task Force? What are we doing?"

Mayor Tecklenburg said, "Well, this is the way I understand it. We had an amendment that basically, all but two, agreed upon. I think the consternation was more about just making sure we had it right. They wanted to read it. So, the amendment failed because it did not get unanimous consent. The amendment is out the window right now. If we defer, then it'll still be up for third reading next time, and you'll need a new amendment to add what we've talked about tonight. It's already written down in front of you, so it'll be clearly written. If we have a unanimous consent next meeting that what we discussed and what got written is correct, then it would get passed as amended. Tonight, we could defer or we could vote on it without the amendment, and amend it later. I, again, repeat what Susan Bass said. She admitted it's not perfect, and what we had before us tonight, Councilmember Moody, was a clean copy. This PrimeSouth group letter, I have not even read. So, what we're trying to add tonight was based upon your very valid observation that there could be a minor improvement to the ordinance. Next week, we might have a letter from somebody else saying something else, so how long is this cycle going to run? I know we're getting there, but I personally would prefer to pass it tonight, and amend it later, but the will of Council will rule."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "A point of order, my motion for deferral was not for the PrimeSouth, it was for the clean copy. I thought I made the motion."

Councilmember Griffin said, "My motion was so we could get a clean copy."

Councilmember Waring said, "Well, I agree with you."

Mayor Tecklenburg said, "A clean copy of the amendment as discussed this evening?"

Councilmember Lewis said, "This evening. Correct."

Mayor Tecklenburg said, "Okay. Any further discussion?"

On a motion of Councilmember Griffin, seconded by Councilmember Waring, Council voted to defer the following ordinance (L-1):

*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; limit the*

*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)*

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

Mayor Tecklenburg said, "Next, we took care of the bills for second reading. We go to bills for first reading. We've got an ordinance regarding telephonic attendance."

Councilmember Shahid said, "Move for approval."

Councilmember Lewis said, "Second."

The Clerk said, "Are you taking them one-by-one?"

Mayor Tecklenburg said, "Unless I get a motion otherwise. I think we'll take them one-by-one. Bill number one, regarding telephonic attendance. We have a motion and a second. Any discussion?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I know Councilmember Lewis brought this up. I thought that we had done something on this previously."

Mayor Tecklenburg said, "We discussed it, and then we instructed Legal to write it up for us, so we're bringing you back—"

Councilmember Moody said, "This is pretty much exactly what it used to be, or what we had before. Mr. Lewis wanted all of the committees, that you couldn't attend a committee meeting by telephone. Well, you could not attend Ways and Means and City Council. You had to be present at those two. The old rule was that if you had one of the other committees, you could attend by telephone. I thought that that was our agreement, and when I talked to Councilmember Lewis, I thought that he was fine with the way it was."

Councilmember Lewis said, "Councilmember, I think we've got a responsibility. We have got a responsibility when we've got a meeting. Either we're going to be present or we aren't going to be present. If we can't make it, then you pick up the telephone and say that you can't make it. That's just it, and if you just don't have a quorum, then you'll just have to reschedule the meeting like we do with some other meetings. But, I think this is taking advantage of some because you didn't want to be at the meeting, you're going to pick up the phone, and you can sit there and talk, and then in two minutes, the phone goes down, and we're still sitting there discussing business. It's just not suitable in my case. I think this is what we need this ordinance."

Mayor Tecklenburg said, "We're now saying in this ordinance, I believe, that for Committee meetings, you can only attend by telephone if it's an emergency."

Councilmember Moody said, "That was my concern, because I know the reason we did it before was that sometimes we would have a committee meeting on a Monday, and the committee meeting would last just a few minutes. Real Estate is one I'm thinking about, would last a few minutes, you'd have a couple annexations or at T&T, you'd have a couple of taxi approvals or something like that. To drive downtown and find a place to park and come to a meeting, we had some rules that the Chairman had to be there. We obviously had to have a Clerk present. It was obviously open, and there were certain other things that made it convenient to do that. I didn't see any problem with that. I agree with you on Ways and Means and City Council, that those meetings, you're either there or you're not. I thought it was a convenience to us, but I'm fine with whatever we do."

Councilmember Lewis said, "The Clerk has to be there, the Chairman has to be there, the rest of the people have to be there. The Chairman isn't the committee by itself. It takes how many other persons to make that quorum, so that quorum needs to be there. That's the way I look at it."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I'm not going to support this tonight, not because I don't respect your opinion on this, Councilmember Lewis. I just think what we're doing here is we're telling people that have a job that they can't serve in government. You're basically telling young people, 'You either have to own your own business or be retired to be on City Council,' based on this ordinance."

Councilmember Lewis said, "I'm not saying that."

Councilmember Griffin said, "All my committee meetings are spread out all over the week. I've got to come down to City Hall three or four times a week for committee meetings. It made a lot of sense that if I had a meeting at 2:00 on a Monday, I could call in if it was only going to last ten minutes. If it passes, it passes, but I'm not going to support this because I think what we're doing is pigeon-holing the number of people that can run for government."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I've got friends all over this issue. Let me say this, and I just want to discuss this among colleagues. Councilman Lewis is right, but I would hope that you would consider there are times when, I'll say Public Works, we actually have a quorum in the room present. A committee member may be en route, and they call and get patched in. That's happened with Real Estate over the years, but the quorum was not made up by the person on the phone. You actually had, if it's five people on Public Works, we had four people in the room and then one person on the phone. I think if you have a quorum in the room, I don't think there's anything wrong with somebody calling in. But, I hear you in that, because we've discussed this, there are times when it would just be the Chairperson and the people from the Clerk's office, and then everybody else is on the phone making up the quorum. That's wrong. But, if you already have a quorum in the room by people being there present, if somebody needs to join by telephonic call, I don't think they should be excluded from doing that. I don't think we've ever had that part of the discussion. If I'm Chairman, and I am of the Public Works Committee, and we had the Mayor and the Clerk of Council and everybody else on the telephone, we don't have a quorum in the room. So, if you have a quorum in the room, business can go forward anyway. Nothing's being held up, but I agree, a quorum of the committee needs to be in the room and not made up as a result of being on a conference call."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I'm in support of this ordinance. The one thing that I think we're missing out on, is we don't have to come here to have a meeting. We can advertise a committee meeting, some of us, I think one committee, we're all West Ashley residents, and we can have a committee meeting publicized properly and have it in West Ashley. That may cause a little bit of a problem for the Clerk's office as far as getting somebody there to record the minutes, but if we do it properly, to accommodate where we're located, we can certainly have a meeting, and I think the public would enjoy that from time to time. That's one of the reasons we want to have this Civic Center on the Sumar site erected. That's a perfect reason to use something along those lines. Until that's completed, we can have other locations to have committee meetings West of the Ashley. I don't know why we don't do that now."

Mayor Tecklenburg said, "Any other comments?"

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "One quick one. About eight years, I don't think I've missed even half a dozen of these with the call-ins. But, you're going to have to be really careful of, we had one last month, a Public Safety meeting was called for a Friday afternoon. I'm en route to North Carolina, and we had a terrible time getting the connection. I think there were three, maybe four, times, Mike tried to call me, Peter, and every time I'd do it, the phone in the car would go nuts. I'd get about five, six, ten words in. It was weird, but I don't miss your meetings if I can help it. In that particular case, that was an important meeting that I was more upset about missing it than anything. Whichever way it goes, I'm not going to say a word."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Gregorie said, "I think I'm before him, Mr. Mayor. It's my turn. I haven't spoken on the issue."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, I'm going to support this because I think that the Councilman is correct. When we're in meetings, and we're having presentations by third parties, or even by staff, whoever's on that phone is lost, totally lost. So, I do think that that the Councilman has a point here. I've never done a meeting by telephone, and the first time I really experienced a meeting by telephone was when we had somebody voting by telephone in this body, which I'd never experienced in my life. So, I whole-heartedly agree with Councilman Lewis because I think that you miss so much when you're on the phone calling, voting on something that you've not even seen."

Mayor Tecklenburg said, "Any further input?"

The Clerk said, "I need to know who made the motion. Shahid? I need someone to second it."

Councilmember Lewis said, "I seconded."

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

*An ordinance amending Chapter 2, Administration, of the Code of the City of Charleston, by amending the provisions in Article II, Division 1, Section 2-23, related to the rules for telephonic attendance by Councilmembers at Committee Meetings.*

The vote was not unanimous. Councilmembers Griffin and Moody voted nay.

The Clerk said, "Okay, so the nays were who? I need to record that."

Mayor Tecklenburg said, "Griffin and Moody. So, next is an ordinance regarding rooftop eating and drinking places."

Councilmember Mitchell said, "Mayor, I move for deferral on that."

Councilmember Griffin said, "Second."

Councilmember Mitchell said, "I had so many neighborhood association people from Mazyck-Wraggborough and Ansonborough and other places calling me pertaining to this. They were kind of upset because they feel that this wasn't explained to them properly, and they don't know much about it. That's why they want it deferred. So, I said, 'Okay, I'm going to vote to defer it if it passed.' I'm asking the Planning Commission to go out to and send information out to these neighborhood associations, so they'll know exactly what we are talking about, with this rooftop bar that is being planned. I got a lot of calls from residents, even up until yesterday. I also got some of them on Sunday after church. I even had voicemail messages, so I'm asking for deferral on this and asking the Planning Commission, Planning staff, whomever, to get out to these neighborhood associations. Let them know exactly what pertains to the rooftop bars, where it was written down in this ordinance, so they will know about it. Right now, I don't even know too much about it, to tell you the truth. So, that's why I'm asking for deferral on it."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I made several comments over the last couple of months about this ordinance before I ever saw it, mostly in a joking manner to some extent. But now, after seeing it, I realize why I'm so angry about it. Number one, this ordinance just seems like it's come out of left field but, in actuality, it was discussed in the Hotel Task Force and then excluded. Why? I can only assume because it was too controversial, and it may cause us to not pass the ordinance, the hotel ordinance, so it was brought as a separate ordinance. We had public comment tonight. You had people say things like, 'You know, if we pass this, let's make sure that the hotel, let's make sure that the restaurant bar is shut down by 11:00 p.m. if it's outside.' It reminds me a lot, eerily similar to the ordinance that was brought up a few years ago about shutting down all entertainment at midnight, very similar. Let me just tell you this, downtown is unique for many reasons. History? Sure. Beautiful buildings? Yes. Old families? Absolutely. We have some of the most beautiful, beautiful landscapes and some of the most beautiful venues you could ever go to being up on a rooftop at sunset. What I would like to know is, let's take the emotion out of it, because there's definitely emotion there, myself, I'll take it out of me and the people that want this thing to be passed. Let's take that out, and let's stick to the facts. How many noise complaints have been made by rooftop bars on King Street that have actually led to a ticket or summons or anything like that? I'd love to know that answer. How many tickets have been written because a neighbor called in a complaint and said, 'I can hear them playing music?'

We're saying that the nearest neighborhood to any hotel, excuse me, any hotel/restaurant/bar, is 250 feet away or farther. So, I want to see what that looks like, because to say that they're a problem and them actually being a problem is a big difference. We have restaurants and bars that operate currently that have a rooftop, including somebody on the Task Force that has a rooftop venue that is very popular and doesn't see why there's any problem with it. It's right on Market Street in the middle of the Market where you have hotels and restaurants and bars all around it, the same thing with what goes on, on King Street a lot of the time. Have we reached out to the restaurant/hospitality community and told them that we're going to ban these? Have we done any due diligence on that? No, we haven't. That is pathetic, absolutely pathetic. This doesn't just affect one person. This affects the whole City, and my point is we

shouldn't be in the business of banning things. Environmental purposes, fine. We've done that. We banned smoking in public parks. We banned single-use plastics. Bravo, we're looking out for the environment. But this, to me, is letting the voice of a few dictate something that's really great in our City, and I would love to see how many people in this room have actually gone to a rooftop bar and enjoyed it. I could probably name off five names of great places, and I bet you the people that want this to be passed, this ban, have never been there. That tells me that, no matter how much you try to accommodate that, the answer is going to be 'no'. I don't think we should send this back to the Task Force. I think you're making a dire mistake. The reason it was pulled out of the ordinance is because it was controversial, in my opinion, and I haven't been told otherwise. Send it to one of our committees if we're going to send it anywhere, but more than likely we ought to just kill it."

Mayor Tecklenburg recognized Councilmember White followed by Councilwoman Jackson.

Councilmember White said, "I appreciate rooftop bars. I was there on Friday at one with some friends of mine. They're great places to go and hang out, and you're right, great vistas and views of our community without a doubt. However, there is one thing that currently isn't taken into consideration that really, I think, is very important. That is, that our downtown is not Charlotte. Our downtown is a living city. We have neighborhoods in our City, and I have two in particular downtown that I represent, Ansonborough and French Quarter that are 100 percent impacted by rooftop bars, in many cases, negatively, because of the noise that comes from it. So, what this effectively does is not necessarily ban it. You could probably classify it that way, but it creates a set of rules, or guidelines if you will, to minimize the impact to the residents. As long as a rooftop bar, and I'd use Market Pavilion as a good example, I would say they would likely already adhere to every one of these rules, and it's a good example. I actually said that in the Hotel Task Force. That is a good example of a very high quality and well done rooftop bar. There is a rooftop that is next to the Harbour Club that I can tell you is not a good example because I was inside of the Harbour Club in a function where there was an amplified speaker, and the music was so loud inside of the building that it drowned out the speaker, and that was two buildings down. So, my point being is I would ask for my colleagues to consider the fact that if we're going to keep downtown a living and breathing neighborhood, we have to think about the residents who call it a neighborhood. If we don't think about them, they won't call it a neighborhood anymore either because their quality of life deteriorates to the point where it's no longer what they signed up for, if you will.

I will say, I'll give some clarity, the Hotel Task Force, how this began is it was in the ordinance. But, effectively in the discussion, what we identified was there was some pushback on it because it was, quite frankly, pretty vague. It was just sort of a ban holistically. What was identified was that wasn't likely the right solution, and so it was pulled out and we said, 'Okay, let's address it the right way because there are circumstances where we do want rooftop bars, but we want them done in a way that are mindful to the community that they are in and around.' Then, the discussion was further, 'Well, okay, maybe it's not necessarily the right thing to do to try to couple this into the Accommodations Ordinance, but separate it, because let's go ahead and address that issue holistically across the City.' That's kind of why it got to the point that it got to. So, I completely understand and agree, any time that I come downtown, if it's nice weather out, I'm on a rooftop bar. I enjoy it. It's great, it's wonderful, but at the same time I also recognize, although I don't live downtown, I represent folks who do, and I just know that if I lived next door to some of the rooftop bars, and I listened to that until midnight, one, two in the morning, my quality of life would be such that I would no longer want to live in that neighborhood. What makes Charleston so unique is that, as a City, we are not a museum. We don't shut down at 5:00 in the

evening time and everyone goes home. We're a living community and, after 5:00, people still live in these neighborhoods. That's what's different. Go to any town in the country, and tell me where you find that. We're a rare commodity, but we've got to protect that, and we've got to protect our residents that way.

The second thing I would say to a deferral, I came in with the expectation, because I got the same comments, a lot of consternation about whether or not this had gone through the process the right way. It's, again, probably 85% baked, but that 15% has got a lot of folks worried, and I got a lot of emails, just like Councilmember Mitchell and others did. However, we also mentioned something tonight that's really important to not forget about it, and that's pending doctrine. If we were to defer it, then we still have no guidelines in place that can help give guidance as things are coming along, because our City's rapidly developing, but if we were to give it first reading, we have pending doctrine, and we at least have adopted some rules and guidelines to begin creating some framework people can operate within. I've said a lot but, again, I just want folks to know where this came from, why we're here, and to really think about the fact that, if we want to have folks who are able to enjoy living in our City, I just think we have to be mindful these are the things that impact them. Thank you."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mayor. Thank you, Councilmember White. I think you said a majority of the points that I wanted to speak for myself. Obviously, out on James Island, we'd love to have a rooftop bar because we love having places to go that we don't have to drive a long way to get there. But, I do think that you have hit the nail on the head in terms of the type of environment that we want to have these rules, as you're calling them, for the neighborhoods of downtown, in particular, or West Ashley, in places where, when you think about it, as you drive down King Street, Meeting Street, Broad Street even, the residents are one block deep. You're on King Street and then, if you go to the back of that same block where you're having your rooftop bar experience, there are houses at the other side of that block. I think that really is the public trust that we are elected to serve. This, in my head, is a gift by the City to the establishments that really do want to have some sort of variety of the way they can set up their restaurant or their bar scene. So, as opposed to shutting down everything, which the Accommodations Ordinance did seem to be sort of that black and white hammer, we're opening up opportunities by even giving the kind of zoning codes where we wouldn't expect that hotels are going to go. So, I think that we should give it first reading tonight for the very reason you said, Councilmember White. Then, at least we have something to be explaining to anyone who would be coming in. Currently, they have a process, but it's a different way of thinking about this. So, in my mind, this is a pro-active, positive way of dealing with these establishments, as opposed to the special exception variance permitting process that people have to go through now, where they basically have to prove that they deserve to have a bar like this. So, I'm going to vote for first reading."

Mayor Tecklenburg recognized Councilmember Shahid followed by Councilmember Mitchell.

Councilmember Shahid said, "Thank you, Mayor. I'm not going to vote for deferral. I don't want to sound like I'm repeating Councilwoman Jackson or Councilmember White's comments, but I think we give this thing first reading, kick it back to the Task Force, let them kick this thing around a little bit. Make the changes that we need to make, advertise, and get public input from folks you talked about, Councilmember Griffin, that need to weigh in on this thing, the industry itself, and find out what their objections are to this thing. Find out from neighbors what they like about it, get something balanced out of this thing, and come back. We can wait until a month or

two months later, but let's get something that is much better. I don't like it the way it is written right now. I've got a couple of objections to it, but let's get something on the books. Let's kick it around and come back and revisit it."

Councilmember Mitchell said, "I hear my colleagues, and what they're saying, but I'm not going to support it at all, and that's why I voted for deferral. I'm not going to support it. I live in downtown Charleston. I ride all over downtown Charleston. The community is saying they want to know exactly how this is going to affect them in the community. This is what it's all about. We had one rooftop bar, which the City and I, fought and fought and fought and still didn't get anything done. That's the Dewberry Hotel. They went to court on it, and the City still lost. This is in the community there, and they want to know if these rooftop bars are going to be closer to their community. This is what they want to know. They don't know too much about this because it wasn't really explained to them. So, now I'm thinking about the people in the community, not me. It doesn't bother me because I don't go to it anyway. I don't even go to a bar, but this is what I'm saying. It's all about the community. I'm there on this Peninsula, and residents are close to these hotels that are going to be built. We have a lot of hotels that are going to be coming here, and if there are hotels coming close to a community, they're going to have a problem, and it's going to be too late. That's why I asked to have it deferred and let the staff, or whomever, go out and explain to these communities exactly how this thing's going to work. Also, where it's going to be located, if it's going to be located near a community, or how many feet it's going to be from the community, so they'll know exactly what's going to be voted on here in this Council Chamber. Thank you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. This issue presents many issues. It's sort of the great conundrum. When it came through the Hotel Task Force, there wasn't unanimity about it, and there was a lot of discussion. So, to Councilmember Griffin, I just want to say a couple of things. Councilmember White sort of captured what I have to say, but I, as you all know, live downtown, and for a long time I lived at 34 Pinckney Street. When I laid in my bed, I could not just hear, but I could see not one, not two, but three rooftop bars. Two of them were at hotels. One of them was not. The two at the hotels were the most responsible bars out there, never heard a word from them. They managed it. Why? Hotels, very much, when they get themselves established in a downtown area for their guests, want the same thing as the people that live there. They want clean, quiet, and safe. But, it wasn't uniformly that way.

There were rooftop bars that were loud, one of which was literally 100 feet from where I live. The people who live in and around there, and we have a living, breathing City, as Councilmember White said, and we have people living amongst places where people come and visit. We're 135,000 strong in this City, 20,000 on the Peninsula, and we have 7.5 million visitors a year, and there has to be some peaceful existence between those two competing interests in our economy and our quality of life on all of those things. This issue is the one that I think is going to drive that home for many of us as we work through this. This isn't a ban. It is a special exception. It will be left to Mr. Lindsey and his team and the communities to think about it and talk about it. I don't love bans, none of us do. I don't love not sleeping at night. The old adage, 'If you can't beat them, join them,' I love going to rooftop bars, but ultimately, we moved because it was that much of a distraction. So, we don't need to be putting people in a position where they have to move. That's not how this City needs to operate.

I hear what Councilmember Mitchell says. Tomorrow night, there's a meeting in Ansonborough. Many of us will be there. Councilmember White represents that district. They're going to ask about this, and they're going to have a lot of opinions because they're directly

impacted by it. Cannonborough/Elliottborough, Radcliffeborough, if you live on the back side of Upper King Street, if the wind happens to be coming from the east, you can hear it. It's loud, for sure. Rooftop bars create some issues, so it's something that we have to think about, along with other things that are out there. It's not just rooftop bars. There are many questions of livability and all that. We never did debate around these Council Chambers about closing bars at midnight. That never happened. That was sort of urban myth. We did talk about the balance between livability, business, and having a vibrant, urban downtown, and we came up with a set of rules that spaced where entertainment establishments were, required some kind of good management, and maybe that's where we'll go with this hotel ordinance. As written, it's not great. It needs some work, but we've got to think about it. We've got to talk about it. If it's deferred, or we give it first reading, it's something we need to address now. The Task Force told us to do it. The neighborhoods want us to do it. I see my around the corner neighbor sitting in here, from Pinckney Street. It is an issue, and it's one that we just haven't debated. So, I would ask that my colleagues sitting here think about this a lot. Think about what makes some sense from a livability standpoint, from a business standpoint, and this isn't just about hotels. There are rooftop bars in lots of places around the City. They're not just on top of hotels, and I will say, to my way of thinking, there may be people that have a different view, but the hotels are the most responsible when it comes to that because they have the same issues of livability. They want their guests to be able to peacefully coexist with people who are having a good time. So, let's give this thought. Let's not brush it off. Let's make sure it goes through a process where the neighborhoods get to weigh in on it, so we don't have another Dewberry, so we don't have another group of homeowners that are thinking about leaving because of noise. That's an issue. Whether this gets deferred or not, it's something we've got to think about, and we've got to be rational about it."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. I'm going to vote for deferral. There's something about this ordinance that seems so loose to me. It's one of the worst I think I've ever seen that's come before us in terms of just general terms and stuff like that. I don't think it's ready to be voted on. I agree with most of my colleagues. I haven't heard from the Mayor, but I suspect that he's the same way, that we need a meaningful ordinance that controls the noise, or that sets limits on the noise, and what food service is, how that works out. I'm questioning whether or not this Task Force that we set up for the accommodations is the right group of people to do this. It seems to me that they, a little bit, cast it off. That's the way I feel about it. That's just my opinion. It might be that we don't have the right people at the table, and we need to maybe think about that. I'm interested in doing something because one thing I do know, there's got to be a balance. You can't have noise destroying your peace at night downtown, late at night. I don't think this is even, I don't agree with Councilmember White's analysis of 85%. I think it's probably closer to 50/50. So, that's why I'm going to vote to defer or to send it back to have it reviewed."

Mayor Tecklenburg said, "Anybody else for the first round that hasn't spoken yet?"

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I just want to make a couple of more points. I'm absolutely happy to entertain some regulation, but I will not support a ban, ever. I can't think of a time where we went to put something this regulated in place, and we hadn't even reached out to the business owners about it at all. Jacob sat over there and said, 'No, we haven't reached out to them.' Nothing, not at all. That, to me, just doesn't make sense. Not to mention, I really would like to see some data. I'm sure there have been calls from neighborhoods. I'd like to see what areas of Charleston actually see those call-ins. What bars are actually getting the calls, because there are some that do a great job. I just want to paint one more picture real quick. It could be a slippery

slope because we have a lot of restaurants and bars downtown that have a downstairs outside area, as well. What are we going to do about that? We can't just say, 'Well, we're going to ban all these rooftop bars,' when you can walk into numerous establishments along King Street, Market Street, Calhoun, and you could go out back on the bottom floor and hang out out there, too. This ordinance needs a ton of work, and I'm not ready to give something first reading to say, 'Oh, well let's put something on the books here,' when honestly, I think a kindergartener could have written this better."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just very briefly, in response to Councilmember Moody, we have limited options of where we send this. I do think the Hotel Task Force is probably a good place to send it, and here's why, the make-up of it. There are people on that Task Force who live in Ansonborough. There's an owner of a rooftop bar on that Task Force, who doesn't live downtown, but does have a very large rooftop bar downtown. I think it's actually a pretty responsible group. The conversation about this was not crazy. They weren't just ready to go out and ban rooftop bars all over the place. You've got three Councilmembers on there, I think, that are either directly affected, or their constituents are affected. I think that's a good place to send it. It's certainly up to this body, and I don't want to speak for them all, but there's a few of them here. I do think the Task Force would happily accept it back and come with some recommendations. I see John back there nodding. I see some others, too. I would recommend, whether we defer or give it first reading, to send it back to the Task Force. The other thing is, they're assembled, and they're ready to go. I don't think we should let this thing sit around for six or seven months. There was somebody here in this debate who said the Task Force took six or seven months. It didn't. We didn't take six or seven months. We took about six or seven weeks to come up with what we did, and it was good work. Just my view of where this should end up, I think we'll get more action on it if we send it to an already assembled group that's ready to go, and equipped."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Well, I do think obviously with the Task Force assembled and all of that, it was a good group of people who worked very well together and had a good mix of Councilmembers and everything. The other thing, though, I will say is because it was born out of discussions with the Hotel Task Force, I do think that it was the interest of that group to somehow make sure we addressed rooftop bars. So, to exclude them now from that discussion I don't think would be the right thing to do. I'm not saying that needs to be the end-all be-all group, but I do think, in some form or fashion, this needs to go back to that group to be able, if it gets deferred, or even if it takes first reading. I think it still needs to go back to that group because, again, it was born out of that group. I think that they certainly had a vested interest in wanting to have that discussion specific around hotels, but it doesn't preclude it from going to any other committee that may be defined or determined to be the right place to go to."

Mayor Tecklenburg said, "We have a motion on the floor to defer. I do want to add a comment. I haven't spoken yet. I do feel the Task Force would be a good place to send it back to. If we give it first reading, by the way, it would also go to the Planning Commission and be able to get public input there from many individuals. So, this was not deleted, Councilmember Griffin, because they were afraid of it being controversial. It's a quality of life issue, and they just wanted to make sure it was comprehensive and applied to the whole City because you can put a rooftop facility on a building other than a hotel, although most of them are on hotels. As we discussed it, we said, 'Well, what about somebody who wants to put a loud rooftop bar on an office building or some other kind of building?' They just wanted it to apply to the City. They asked that we bring Council an ordinance by this particular meeting, September 24<sup>th</sup>, just to make sure that, in a timely

fashion. So, we got going on this thing, and it wasn't unreasonable. I will admit to you that the thinking requires significant more input, thought, and improvement. It's far from perfect, but to put it on the books would not be a bad thing while we went through that process. I will vote against the deferral in the hopes that we'll give it first reading, and then also send it to the Task Force and Planning Commission."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I agree with just about everything you said, because I think it was staff that suggested that the Task Force not take it up, because our focus was so narrow. They thought it should, like you said, be more comprehensive. I don't know whether or not the Task Force is the correct group to do that either. So, I may disagree with you on that."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "That's why I didn't vote to say to kill it. I said vote to defer and send it back to wherever it needs to go. This is what I'm saying. I don't want to give first reading on this right now. That's why I said defer it, and let it go back to where it came from, go to the community, let the community understand what's going on. Go to the neighborhood consortium, let them know, because you have a lot of neighborhood association presidents there. They were calling, too, so that's why I asked for deferral. Let it go back to whatever committee it needs to go to. Let the Planning staff make that decision to go to these various neighborhood associations, whomever they need to go to, to explain it to the community. I don't know why it's so hard. Very seldom do I get up here to talk about these things, but I've received a lot of calls, and I'm adamant about this. I'm out there, out in those streets, more than most of you, my colleagues here. This is what I was hearing, so I said, 'I'll go to the Council and ask them to defer it and send it back to whatever committee it needs to go to and let it go out to the community, so they can understand exactly what they were talking about, rooftop bars, how close it's going to be to the community, where it's going to be placed.' These are the types of questions they're asking that they want to know because they don't know."

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

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Representing a bedroom district, and that's pretty much what District 7 is, and a lot of Councilmembers that represent West Ashley, Councilmember Shealy, Councilman Wagner, you guys too, I'm very sensitized to what the downtown Councilmen are saying, in particular those who have neighbors that live next door or in close proximity. If West Ashley does get revitalized in the right way, someone's going to ask for a rooftop bar over there that's going to be 100 feet or 200 feet from the residents. So, if you guys get it right, that means we get it right. Councilman White, Seekings, obviously Mitchell, I hear you about the concern. I want to support you, but let me ask you this, or maybe this goes to staff, as well. If we defer, and it goes back to the Task Force, I mean I'm in favor of doing that with the Task Force, in the interim. The part that caught my attention is, if we did give it first reading, then that tells everybody, 'Stop the show until we get this worked out.' Councilman Mitchell, my question to you is, if we don't stop the show, and to staff by the way, are there any intrusions to additional rooftop bars that could occur until this Task Force finishes this body of work? I'm talking about, let's say somebody already has the zoning."

Mr. Lindsey said, "Sir, are you asking, would it affect a rooftop bar that is currently?"

Councilmember Waring said, "Or that hasn't come before Planning yet."

Mr. Lindsey said, "So, there would be no change to the ordinance unless Council gave it first reading. So, right now, effectively there are no additional regulations on rooftop bars. Rooftop bars are treated just like a bar on the ground level in the current regulations. The regulations that apply to a bar, apply to a bar, or a restaurant. That would be the same, unless you give it first reading, in which case it would be pending, otherwise no change."

Councilmember Waring said, "Councilman Mitchell, I need some feedback from you. I hear your deferral, I hear what you're saying, but your people are also upset about rooftop bars, noise, etcetera, destroying the quality of life. How do we put a gatekeeper on that until the process is finished with a deferral?"

Councilmember Mitchell said, "I don't even know if what we have here now is going to do anything, the way it's written. I have read over it, and it seems to—"

Councilmember Waring said, "We have unanimity on that."

Councilmember Mitchell said, "So, that's why I'm saying that when they read it and they heard about it, the community heard about it, and these neighborhood associations heard about it, they called me and said, 'Why didn't anybody mention this to us that the City was going to talk about the rooftop bars, so we can give our input because we're dealing with it?' This is what I'm saying. Whatever my colleagues vote is fine with me, but I'm just saying the calls that I was getting pertained to the rooftop bars. A lot of these people were dealing with rooftop bars more so than anybody else around here. That's the problem, and they figure if more rooftop bars are going to come closer to the community than they have already, then the quality of life that they have is going to be destroyed. That's what I'm saying. So, I don't know what's going to be the best solution, I don't know."

Mayor Tecklenburg said, "Alright. Without objection, we've discussed this at some length. By our rules, you speak twice, and some of us have now spoken three or four times. Could we call the question on the deferral of this matter?"

Councilmember Griffin said, "I'd like a roll call vote, please."

Mayor Tecklenburg said, "That will be fine."

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

*An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to make rooftop eating and drinking places subject to the approval of a special exception in the GB, UC, MU-2, MU-2/WH, and UP base zoning districts, adopt regulations for rooftop eating and drinking places in the GB, UC, MU-2, MU-2/WH, and UP base zoning districts, and prohibit rooftop eating and drinking places in all other base zoning districts. (DEFERRED)*

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

Mayor Tecklenburg said, "Raise your hands."

The Assistant Clerk said, "Alright. So, I have Councilmember Shealy, I have Councilmember Mitchell, I have Councilmember Wagner, Councilmember Gregorie, Councilmember Waring, Councilmember Griffin, and Councilmember Moody."

Mayor Tecklenburg said, "All opposed I presume are the rest, but the motion passes. It is deferred."

Councilmember Seekings said, "Can I just ask a quick question? Is it deferred, and it will go to the Task Force for consideration?"

Mayor Tecklenburg said, "I don't know that we need to have a motion for that."

Councilmember Seekings said, "Well, it's got to go somewhere."

Councilmember Mitchell said, "I think the motion, when I was making the motion, I wanted the motion to be deferred, but send it back to whatever committee, the Task Force, wherever it needs to go to. That's what I wanted included to that."

Mayor Tecklenburg said, "If your motion is to send it to the Hotel Task Force, I will second it. We have a motion to send this matter to the Hotel Task Force for further review and to make a recommendation back to Council."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I just want to maybe give a little attention to West Ashley. Councilmember Waring was kind of going where I was going to go. I know in Avondale there are a lot of bars there, and there's a lot of houses right behind there. So, this is not necessarily a downtown problem. This could be anywhere, and right now in Avondale. I would say wherever we send it that we give some attention to West Ashley, or have some input from maybe some Task Force people, or put some people on that that could maybe look at that that are familiar with that situation. That's my only recommendation or ask."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I want to echo that because I think that's a problem that's going to come across the bridge, sooner rather than later, and I think one other person, or one other entity that ought to be represented there, is anybody from the Police Department on the Task Force? Because, when it comes from an enforcement issue from bad actors, like Councilmember Seekings referred to, one hotel's great, two blocks down the street you've got a bad actor."

Mayor Tecklenburg said, "So, as we had with the Task Force before, for example Chairman Krawcheck was like an auxiliary member, like an advisor, and I'm happy to add some more firepower to the Committee as needed. We do have a couple of West Ashley residents on the Task Force already, being Jimmy Palassis and myself, but I'd be welcome to add some more."

Councilmember Waring said, "I would say Avondale, and maybe off the Planning Commission or something like that. If we can put some enforcement on there, that's all I need."

Mayor Tecklenburg said, "That would be great. Good suggestions."

On the motion of Councilmember Mitchell, seconded by Mayor Tecklenburg, Council voted unanimously to send Item N-2 to the Hotel Task Force.

Mayor Tecklenburg said, "Next, number three. We've got an ordinance to update the requirements of introduction of touring stock. That's mostly our horses. Any discussion on this?"

Councilwoman Jackson said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Did Mr. Riccio leave?"

Ms. Wharton said, "He just stepped out."

Councilmember Moody said, "I was just going to give Mr. Riccio a shout-out for working with the carriage people. Both of these ordinances have been vetted through them. I think they're good ordinances. I was going to give him a shout-out for doing a good job."

Mayor Tecklenburg said, "He'll be back, I think. Any further discussion?"

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

*An ordinance to amend Chapter 29, Article V, Sec. 29-212 (e) (1) (f) of the Code of the City of Charleston to update the requirements for the introduction of touring stock, and bi-annual inspections.*

Mayor Tecklenburg said, "Number four involves the vehicle weight of the carriages."

Councilmember White said, "So moved."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Alright, any discussion on that one?"

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

*An ordinance to amend Chapter 29, Article V, Sec. 29-220 of the Code of the City of Charleston to update the language and process related to the certificate of appropriateness application and inspection to add the requirement of a certified vehicle weight and to remove references to the Manager of Arts and History/Tourism Commissions.*

Mayor Tecklenburg said, "Next is an ordinance to just expand the membership of the Commission on Women. Any discussion?"

Councilmember Gregorie said, "Move for approval."

Councilmember Mitchell said, "Second."

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

*An ordinance to amend Chapter 2, Section 168, to expand the membership of the City of Charleston's Commission on Women to include women who work for a business, non-profit, or other entity in the City.*

Mayor Tecklenburg said, "Next, I believe, unless I'm missing something, we go back to Council Communications Item Three about Mr. Willey. This was a request by Councilmember Waring. So, Councilmember Waring."

Councilmember Waring said, "Thank you, Mr. Mayor. We discussed this during the audit done by Mr. Majernik. These expenses came up and in this process, at least I as a Councilman, and I don't believe that the majority of Council knew, that we spent north of \$83,000. There isn't

a person elected in City Council that can spend \$83,000 without going through Procurement or certainly the due diligence of those expenses coming in front of Council. This started from the '16 budget, which was the last budget that would have been passed by Mayor Riley. So, those of us who were on Council in 2015 when we began, perused the budget, discussed the budget, looked at those expenses and passed those expenses and income, frankly, this expense that occurred in 2016 and spanned across to 2017 wasn't in there. It wasn't brought in front of any Councilman. Our procurement processes were laid aside. When I brought the question to Mr. Majernik, during the internal audit part, because he had a small amount for Mr. Willey in the initial audit report, it was a small amount, something like \$1,600. I said, 'My understanding is that the expenses to Mr. Willey were more than \$1,600.' He said, 'Well, that's because he's in the Legal Department.' Now, I've been on Council almost eight years, and I have to admit, and I don't believe I'm the only one on the Council that just found this out, during the internal audit that expenses can be created in our Legal Department above \$40,000 without having to come through City Council. Well, we asked for those expenses to be included. Mr. Majernik did a good job, and I have it in front of me. There are one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen total categories where work was done by Mr. Willey and paid for by the City of Charleston. This Council asked our Legal Department to provide the copy of the contract by which this was approved. At the meeting over at Daniel Island, our Legal counsel came back and reported, as you all know, there was no contract. So, then, we asked also about an engagement letter. Our Legal department told us there was no engagement letter. We asked about scope of work. There was no scope of work. So, I asked Mr. Majernik during his final reporting on the audit draft, 'How can you audit expenses if you don't have a criteria, or a contract or a scope of work, or even as little as an engagement letter to say whether an expense was an allowed expense or not?' He told me, 'You can't.' As a matter of fact, he told us he couldn't. An expense was created and, in my opinion, it was egregious, that our auditor couldn't even audit. He could total up the sum of the invoices. The income, or the body of work, was so, I would say had no parameters on it, to the point to where there's an expense here for Council meetings. So, he got paid to, I think at \$150 an hour, to sit and observe Council meetings. The \$9,999.46 was to sit here at \$150 an hour and observe City Council meetings. Now, I want to ask our CFO, do we have anybody on the City payroll right now that we're paying \$150 an hour, as a consultant, to watch and observe City Council meetings?"

Ms. Wharton said, "No."

Councilmember Waring said, "Pretty easy to answer that."

Ms. Herdina said, "Councilmember Waring, I don't want to interrupt, but I had recommended that this go into Executive Session to talk about because I had some concerns of the direction we were heading. I would just like to bring that up to Council, and if it's so minded we go into Executive Session to discuss this."

Councilmember Waring said, "Since you directed that to me, someone can put the motion on the floor, but I'm not going to vote for that, and I tell you why-"

Councilmember Shahid said, "I so move."

Councilmember Waring said, "I'm not going to vote for that, and I'll tell you why I have the floor. We've done this in Executive Session. When we went into Executive Session, we must have been in that Executive Session almost an hour and a half. We had no disclosure of these expenses. None of the Councilmembers knew about this, and that was one of the problems with this expense being created. It is our process by which this expense was approved. There was no process. There was no due diligence. Tax-payers' dollars were actually allowed to pay for a person to sit at home and look at a virtual meeting on YouTube on the internet, tax-payers' dollars.

That should never happen. So, whatever legal advice you have on that, I would ask Council that we get that in the public square, not behind closed doors. I'm not in favor, if there's a second to your motion to go into Executive Session. I'm telling you now, I'm going to vote against that because I think the public needs to hear the legal advice that the City may be threatened with or subject to."

Mayor Tecklenburg said, "Alright, we have a motion on the floor to go into Executive Session."

Councilmember Waring said, "It wasn't seconded."

Mayor Tecklenburg said, "Well, he didn't have the floor at that time."

Councilmember Waring said, "I yield the floor."

Councilmember Shahid said, "I understand, if I'm reading this agenda correctly, 'discussion of internal auditor summary of charges paid to Mr. Willey from January 2016 to June 2017 to be turned over to SLED.' I think that involves a person who served as an independent contractor even though, as Councilmember Waring has said, there was no engagement letter involved with it, but he served as an independent contractor. It falls under, tell me if I'm wrong with this Susan, but it would fall under a personnel matter. If it does, then I think we have an obligation to go into Executive Session."

Ms. Herdina said, "My basis was that I think if this discussion is headed where the agenda suggests it is, then the City could potentially be exposed to litigation. It was that that I wanted to discuss with Council, whether Council chooses to accept that advice or not, that's obviously up to you. But, I felt, as Corporation Counsel, that at least I had an obligation and a duty to bring that to your attention."

Councilwoman Jackson said, "I second the motion."

Mayor Tecklenburg said, "A second to the motion to go into Executive Session."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Ms. Herdina, everything that has been said so far was laid out in the audit report. So, couldn't you give us some sort of signal if that conversation turns that way? I don't think that we should go into Executive Session when we're literally going over items that were presented, that were put out to the public, and they were tax-payer's funds that were used to pay for them. What he said so far, I can't imagine anything that was said that would be privy to any litigation so far."

Ms. Herdina said, "The facts that were in the report are certainly in public. What is listed on the agenda, in my estimation, takes it to a different level. Before action is taken on that, before this body takes action on that, I felt an obligation to say that I think it should be discussed in Executive Session because it could lead to exposure. You're absolutely right, what's in the auditor's report is public. It makes no findings. It's a listing of expenses and a description of expenses, but what is listed on the agenda, I'm concerned it leads us to a different place."

Councilmember Griffin said, "I'm just going to make my one comment, and then I'm not going to open my mouth about this again. I know how I'm going to vote. I am ashamed that our City paid for these services because we would never allow any other person, probably in the history of this City, to be paid to go to a catered lunch, to go home and watch meetings online. I think there was definitely an extreme level of deceit. I don't think we've gotten all the facts. I think we could ask them 100 different ways, and we're never going to get them. I'm not saying you. I'm

saying there's only two people who know how this agreement was made. One of them is sitting right there, and the other one is not in this room. It doesn't matter how many times we ask, we're never going to get the answer. So, I'm not going to say, I know how I'm going to vote. I'll leave it at that, but something definitely needs to be done, because we can't justify this. We can't. Two years have passed since this situation was resolved, but as you've said many times, and we talked about this before, out of the grace of good fortune it seems like there was six months of pro-bono work done. I can't see how that wouldn't come back up at some point. So, I'm just appalled that it happened, and I sure hope that we can find some solution because our tax-payers deserve to know how their money is spent, and I can't imagine that they would ever allow something like this to happen, not when we have a drainage project that's \$50 million over budget, not when we can't even give a cost of living increase. We've got to beg and beg and beg. We were going to start it six months into the year. We couldn't even afford to do it for the whole year. We did it, but when you look back at how some of this other money was spent, then you realize the kind of hole we're in and how we got there."

Mayor Tecklenburg said, "We have a motion on the floor to go into Executive Session. Is there any discussion relative to that?"

Councilmember White said, "Yes, I was just going to ask Ms. Herdina, is your concern that you believe that Mr. Willey has intentions of suing the City?"

Ms. Herdina said, "I think that's certainly a risk if this action is taken by Council. I don't know that for sure, and this is what I would be discussing in Executive Session, but I think that to suggest that a matter be sent to SLED gives rise to a suggestion of criminal conduct, and I think that could very well lead to a defamation lawsuit."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I don't think that anybody is talking about Mr. Willey. To me, these issues have nothing to do with him. I saw that there, but I think the issue, to me, has to do with the decisions that were made to pay him, nothing to do with him, and who made those decisions?"

Ms. Herdina said, "Councilmember Gregorie, I'm just going by what we discussed to be included on the agenda, and if this is going to turn into another direction that's not included on our agenda, so that raises another question, frankly, whether it should be deferred until the next meeting."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "That's sort of the other question that Councilmember Gregorie just brought up. If we're looking at something that's improper, an impropriety, which means it involves another human being, another person, and we're talking about something that's very serious here. Its criminal charges being referred to a law enforcement agency, and out of an abundance of caution, we have an obligation to this body to make sure that we do this properly. We're getting legal advice from the person whom we hired to go into Executive Session. Now, the facts that we've been dealing with are public. We're not hiding anything from the public. We've gotten the information. Councilmember Waring has gone over that again with us, and I appreciate him outlining the things that you just outlined."

Councilmember Waring said, "I'm not finished."

Councilmember Shahid said, "I know you aren't, but you outlined and gave us a good review of the things that you're concerned about, which is public information. So, the public part

of it is out there. Then, we're going into a different tier, and I'm just cautioning everybody here that when we get to this sensitive nature, this is why that statute is written the way that it is that we go into Executive Session."

Councilmember Waring said, "We can get that advice in public. There's no law against getting legal advice in public in the public square."

Mayor Tecklenburg said, "There's a motion on the floor. I'd like to call the question."

On the motion of Councilmember Shahid, seconded by Councilwoman Jackson, City Council voted to consider going into Executive Session to discuss the Internal Auditor's summary of charges paid to Mr. Willey from January 2016 to June 2017 be turned over to SLED. The motion failed.

The vote was not unanimous. Councilmembers White, Shealy, Gregorie, Waring, Seekings, Griffin, and Moody voted nay.

The Clerk said, "I need to record the votes so there are no discrepancies. So, all in favor of going into Executive Session. I'll call out the names. These are the people in favor of going into Executive Session. Okay, so I have Councilmember Jackson, Councilmember Shahid, Councilmembers Mitchell and Lewis, Councilmember Wagner, and Mayor Tecklenburg."

Mayor Tecklenburg said, "Alright, the motion fails."

The Clerk said, "Yes, the motion fails."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Ms. Herdina, I absolutely appreciate your thoughtful guidance on the issue. You are, obviously, in a role to protect us, and that's what you're doing, and I appreciate that. The reason I voted 'no' for the Executive Session is because, as I read this, although Mr. Willey's name is noted here, this is a discussion about charges paid to him, not necessarily about him. So, as I read it, I didn't think that this was an issue. It could have been Mr. Smith. It didn't have to necessarily be Mr. Willey. The second thing, but that being said, if we find ourselves in the discussion here as we're talking about this, and we do start treading in that area, it is mindful that we all need to be very cautious about what we say in the public realm and not putting ourselves, or City at risk in that discussion. The other thing I'll say about this is, transparency. We have, under Mayor Riley, for eight years, I probably could count on one hand how many times we went into Executive Session. It was taboo, and I have to say, over the last four years, I think I can't find a Council meeting where we haven't gone into Executive Session. So, I would just say that it's our role and responsibility to be as open and transparent as possible, protecting ourselves in the interests of the City, and I think that we need to be mindful of that as this discussion pursues forward. But, we have got to stop going into Executive Session for every single thing. Our role is to be transparent with the tax-payers. That's the reason why that video camera is rolling, because there was a time when that camera wasn't in this room, and we voted to bring that camera in this room because there were people who wanted to know what their government was doing, but didn't have the capacity to get here. Transparency, I think, is critical to us as we move forward, and that's outside of any of this discussion. We need to be mindful of that. Thank you."

Mayor Tecklenburg said, "When I got elected, I had a number of meetings with Mayor Riley about different topics, everything under the sun it seemed like, that the City was involved with at that time. I thought my sessions were over, and I was walking out of the room and he said, 'John, we've got to have one more meeting.' I said, 'What's that about, Mayor Riley?' He said,

'The lawsuits.' There were numerous lawsuits that the City was engaged with, and I don't savor going into Executive Sessions, but everything from the Gaillard lawsuit, annexation lawsuits, and personnel matters. From my recollection, those are the things we've had to discuss in Executive Session. They're totally appropriate in my opinion, for what it's worth."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I yielded the floor for the deferral vote. Now, Counsel, you had advice for us. I, for one, am willing to accept that advice in the public square. We can get that advice on the floor of Council. So, do you want to continue with your advice?"

Mr. McQueeney said, "The attorney-client privilege runs to the body, so you actually have to vote as a majority, regardless of Executive Session, to waive the attorney-client privilege which protects the public fisc of the City of Charleston, not you all individually, just so you know. So, in order to get legal advice from Susan or an issue that involves litigation, I practiced litigation for seven years and would never ever do this in public, ever. But, in order to do that, you have to vote as a majority to waive the attorney-client privilege on behalf of the City of the Charleston."

Councilmember Waring said, "I'm sure we all understood that. I tell you what, we'll get our advice later on. I'll stick within the parameters of the audit report."

Ms. Herdina said, "Again, from my concern, the issue is any publication, what is said here in public that could lead to the City's exposure."

Councilmember Waring said, "Thank you. I want to address, how do we get to the approval process to approve, and it's in excess of \$83,000? It's in excess of what Mr. Majernik has here. The reason I say that is we're told that there may be five or six months' worth of invoices that were never turned in to our CFO. If you average out the monthly amount to the invoices, they came to about \$4,644 per month. So, if you took that, times six months, that could be somewhere between another \$25,000 or \$30,000 that has not been brought forward, and the statute of limitations has not passed. So, we could be, at the end of this election, frankly, if you lose, those invoices will probably be presented. There's a potential that those invoices will be presented, and then we'll have the decision on whether we pay them or not. We would be approving expenses after the fact on a level of expenses that should have come to us on the front end. That's what wasn't done. The name, Mr. Willey, it could be Jim Brown, it could be Katie Zimmerman, it could be Mr. Alexander. It's the method in which the money was approved to spend. There are other things out there. There was an expense with Gigabyte and Chernoff Newman. Chernoff Newman is a public relations firm, and Mr. Majernik has the fee being paid for that being \$4,677. I'm told there were four or five things to be done by Chernoff Newman. All of them were not completed, but the expense was paid. Also, the initial expense to that marketing firm was in excess of \$40,000. I believe that final amount was right around \$38,000. It appears that amount was negotiated down to avoid the \$40,000 threshold coming in front of Council, which would mean more due diligence. As a matter of fact, we never got any report or any substance why we paid Chernoff Newman, I believe it was around \$38,000.

So, when you begin to drill down and ask the questions, that's not what we do. We're not investigators. This isn't our money. We are stewards of someone else's money. When somebody else's money isn't spent in an appropriate way, those dollars need to be returned. You know, sometimes on Sunday, and most of us are very active in our churches, sometimes I actually collect contributions. So, you get the basket and you go down the rows, and you eventually come and obviously turn the monies into the church. Well, have you ever looked at some of the faces of people that are putting money in those baskets to support the church? Young people, middle-

aged people, in particular, senior citizens. As a matter of fact, if it wasn't for the support of senior citizens, a lot of churches would have to close. But, two Sundays ago, I had the privilege of doing that at St. Patrick's, and I thought about the same retirees on fixed incomes that were putting money in that basket, paid their property taxes to this City, and I'm convinced they didn't think their money would be spent this way. So, how does City Council say, you know what, when we had an internal audit and we found that travel expenses weren't paid in 280 something days, you paid them, and I thank you for doing that. When you didn't know that taking a City car home, etcetera, was an expense, you said you didn't know, and you paid it. I thank you for that. I'm sure the taxpayers did, too. But, when transparency is avoided, and the expenses on this, when you look at it, go beyond \$100,000. We paid Novak \$250,000 per year on the consulting contract. I saw where the expense paid for advice on the Citizen's Help Desk was, I want to get it right, well number one for quality of life was \$5,500. Customer Service Desk, I'm sorry, wasn't Citizen's Help Desk, \$6,105. We already paid Novak \$250,000 which helps set up the customer help desk to increase efficiencies. This person who's supposed to be working in the Legal Department, by the way, the amount of monies that our Internal Auditors could trace, and let me read what the Internal Auditor said: 'Based on the invoices, most charges are for advisory services for the Mayor and his staff, rather than Legal services.' When you go down to Legal research, of the \$83,595.44, the Legal research that our Internal Auditor could trace was \$4,137. Now, for all the inquiring minds, that's less than 5% of the total amount paid to Mr. Willey, according to our Internal Auditor. In excess of 95% had work outside of our Legal Department, which means it should have gone through the procurement process.

The only reason that it was stopped was because of discussion in Executive Session. Again, we didn't know the amounts at the time, but it had to stop. As a matter of fact, for the public, it was clear that the 2018 budget was not going to pass if these type of expenses were continuing in the 2018 budget. Let me repeat that. It was clear to all Councilmembers that if those expenses continued, the 2018 budget would not have passed. That expense was removed from the budget, and I'm happy for that, and I thank you for that. But, the money needs to be returned. We don't have the ability to do that. We don't have the ability to investigate, hypothetically, the additional aspects of the Chernoff Newman expense. Almost 50% of the expenses were tied with coming to meetings, just coming to meetings. You know, if we advertise that position to the City of Charleston residents, that you would be paid at that level to come and attend meetings, I promise you the applicants would exceed the applicants for the Ravenel Bridge Run. That many people would sign up for it. But, the part that was shameful, how could somebody sit at home, look at City Council meetings online, and get paid for it? By the way, just take \$150 an hour and divide it into \$1,347.50. That's what we paid for virtual observation. Certainly, that's more than one meeting. That's several meetings. Just take \$150, and divide it into \$1,347.50. Mr. Mayor, who approved that? Who said, 'Yes, pay that?'

Mayor Tecklenburg said, "The Legal Department."

Councilmember Waring said, "Listen, that's where the problem is. You're saying that the majority of these expenses are in the Legal Department, and that's just not true."

Mayor Tecklenburg said, "It absolutely is true. Would you like me to reply? Are you finished, sir?"

Councilmember Waring said, "I would. I am not finished. I would like to hear from my colleagues."

Mayor Tecklenburg said, "I would like for you to finish first, and then I'd be happy to reply."

Councilmember Waring said, "You can't tell me when to finish. You don't have that right."

Mayor Tecklenburg said, "Our Council rules limit us to twenty minutes. You're at 14 minutes and 29 seconds."

Councilmember Waring said, "So, now you're timing me? I'll ask my colleagues for additional time, should that arise. I'll listen to you. As a matter of fact, we need to hear this for the first time, because of how this was approved, we never heard it the first time, so tell us all, please."

Mayor Tecklenburg said, "Well, actually, I replied to this matter at the Audit Committee meeting, the last one. I presume my answer was not acceptable to you, but it hasn't really changed. What I said at that time, this was on August 19<sup>th</sup>, from the beginning of my term as Mayor, he, Mr. Willey, has been an advisor on legal matters and also, I would have considered him at the time part of my leadership team. We had weekly meetings at my office of City staff, including Mr. Willey, who I considered part of my leadership team, to help put in place initiatives, all of which have legal implications, which I proposed when I was running for Mayor. I had this long list of things, my quality of life initiatives, which included forming a Customer Service Desk. I can pull the copy out for you if you'd like. It was on many different initiatives, things like getting the Citizen's Service Desk in place, things like exploring our economic development opportunities in our City. So, Mr. Willey worked on all these things and I guess, if I may recall a little history, I changed the practice of the Mayor in the City having an outside Corporation Counsel when I asked Ms. Cantwell to become our Corporation Counsel. Prior to that, Mr. deSaussure was our Corporation Counsel. There's a budget in the Legal Department for the hiring of attorneys on legal matters and advice to the Mayor. That's exactly what I did. So, to tell you the truth, we saved a lot of money in that line item when we brought the Corporation Counsel in-house. So, how the invoices were broken down were actually reviewed and approved by the Legal Department. Honestly, they didn't come to me personally. They were submitted, as any outside attorney would, to the Legal Department, and they were approved.

I know it's not cheap to hire an attorney, but on the range of fees that the City had allowable for attorneys to be paid, he was at the lower end. I find in almost every issue we dealt with, even in one of the emails I was referring at the time that Councilmember Griffin had submitted, where Mr. Willey had listed eight or nine different initiatives that he was working on at the time. He reported that he was advising me and helping me on those, and they all had some legal aspect. But, honestly, I mean it's not unwise or unusual to have an attorney be part of your leadership team, and that's just what happened. It went on for about a year and a half, which you have noted, and it became clear to me, after the Executive Session that we had, that Council didn't like some of his extracurricular volunteer activities, and I agreed with you and decided not to ask him to provide any additional services to the City. At that point, the indication from Council was that would be it with the matter. Here we are two years later talking about it again. Anyway, that's what happened."

Councilmember Waring said, "Who gave the advice not to have a contract and a scope of work? He's an attorney. You wanted legal advice. Who approves, 'you don't need a contract. You don't need a scope of work. You don't need an engagement letter?'"

Mayor Tecklenburg said, "No one advised me that one was needed. He was an outside attorney, and we submitted our bills to the Legal Department. They were reviewed and approved. I didn't see the details of them until you did, to be honest with you."

Councilmember Waring said, "I'll listen to my colleagues. I'd like to hear comments."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "One question, being part of the leadership team, and invoices didn't come to you, they went to the Legal Department, but how did he get direction as to what to do? Was the Legal staff saying, 'Go to this meeting? Go to that meeting?' Who was giving him direction? That's what I was confused about, exactly who, if there was no contract, no scope of work, who was telling him what to do?"

Mayor Tecklenburg said, "Well, the scope of work would have been to help put into place the quality of life initiatives that I mentioned. We have, I've got them in my desk across the hall, I could bring them over here and show them to you, we would review all of our initiatives and what we had accomplished quarterly, and that was the scope of work, if you will. We were working on the things that I proposed and our citizens obviously agreed with, or they wouldn't have elected me in the first place. We were trying to put those initiatives into action, and we were doing that. That was the scope of work."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I've just got a couple of questions. You just said that you told Mr. Willey it wasn't a good idea for this to go on anymore after the Executive Session, but the Executive Session didn't happen until November of 2017, and the invoices stopped in June. So, what would you say as to, was he not working for the City from June to November? Or, was he?"

Mayor Tecklenburg said, "Well, he was, but we didn't approve any more invoices."

Councilmember Griffin said, "So, there were some other invoices out there."

Mayor Tecklenburg said, "There were, yeah."

Councilmember Griffin said, "I'd like to see those because that was during election season."

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

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Mayor, just a couple of things. I know you make light of the cards, because you did the other night at the debate."

Mayor Tecklenburg said, "I make light of what, sir?"

Councilmember Gregorie said, "Business cards. You've been making a joke and making it look as though Council is petty. But, we're not, because I think, but for 'Cardgate', that's what I call it, we probably wouldn't be here. But for the business cards issues that were brought up as a part of the audit, we probably would not even have gotten here. For me, there's a pattern, Mayor. With all due respect, there is a pattern from the cards to this, and I can go beyond the cards, earlier than the cards, with regard to, what I consider, a pattern. It's a pattern, well, what I have to say, Mayor, I just have to say it. It starts before we got here. It started with Ms. Wineglass. I have to say it, okay? Ms. Wineglass, to 'Cardgate', now here. There's a pattern to me, and I think that this Council has been remiss, and by that I mean that if you go to, I think it's Section 200 of this City Code that deals with forfeiture and talks about moral turpitude, all of which are assessments of whether or not the Mayor can, in fact, be removed. We didn't touch that. We didn't even discuss that as a Council. We really didn't. We did not discuss it. We didn't even bring it up. But, we could have. I'm saying all that to say, Mayor, I think that this needs to be looked into. I think that these numbers need to be looked at and need to be looked at not by us. I don't think we have the skills to do the kind of, I hate to use the term investigation, but investigation into these costs. It has to be somebody outside of us, Mayor, because I do think that you got a pass from this body some

time ago. But, this is not something I think we should continue as Councilmembers who took an oath. We took an oath to uphold the Constitution, to uphold the laws of this City. This has nothing to do with the Mayor's race or anything for me, nothing. But, I do think, Mayor, that as I read this, I can't explain it, and I don't think you're really doing a good job of explaining it either. So, I do think it's necessary for a third party to investigate these invoices and costs."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "When we first voted to do this audit, it was because of the business cards. We had no idea we were going to get this deep. I heard more than one Councilmember say, too, 'We put the Internal Auditor in a bad spot.' We put him in a position that he didn't want to be in. We should have had an Auditor outside do this auditing, and we wouldn't be sitting here tonight. We didn't, and that's why we're sitting here tonight. I don't know if the right thing to do now is to send this to SLED, because I don't think we've got anything else different to tell SLED than what's in the Auditor's report. We made a mistake by just not having someone outside come and audit your office the way it was suggested. I don't know where to go from here. I know we made a mistake. I had no idea it was going to get this deep, and it was going to go to this point. I don't know where I'm at on this."

Mayor Tecklenburg said, "Well, Councilmember Lewis and Councilmembers, we did hire an outside attorney who had worked for the Ethics Commission. He gave you a letter stating that he saw no criminal intent, no criminal activity, whatsoever. We have a matter here where, through the Legal budget of the Legal Department, I in essence hired Mr. Willey to be an advisor both legally and as part of my leadership team for the first two years of this administration to try to put in place a number of things that I ran on that have been good for the City. Mr. Willey did, frankly, a very good job. I know you all got upset with him because he gets involved with political races and other things that you don't agree with or like him for. He's a fine young man. Just this last Saturday, at the NAACP banquet, you were still there, Councilmember Mitchell, for the work that he had done on behalf of, on a pro-bono basis for the NAACP, he was recognized and awarded for wonderful community work. He did, in fact, Councilmember Waring, take the due diligence and work that was necessary to help get our customer service desk started. That's been a wonderful success. Just last month, we fielded over 7,000 calls. I got to tell you all, sometimes you need somebody who's a little tough and a little hard-nosed to get things done in a bureaucracy, even as we have here in the City of Charleston. I was glad to have Roy helping me get some of those things done. He gave me sound advice and good advice. He worked hard. Yes, part of his duties were to stay in touch with what was going on with Council. Honestly, I never saw those specific billings until after the fact that, as I told you here tonight and I told you a month or two ago, were approved by the Legal Department. Nobody ever raised any red flags with me or cautioned me as to anything being improper or inappropriate. He was working. He was helping achieve the things that I set out to achieve when I ran for office, and that's just what happened. That's it."

Councilmember Lewis said, "One last thing, Mr. Mayor. I didn't say that I had something against Mr. Willey because he does political work. You're the Mayor. You have the right to hire who you want to hire. I'm not an Auditor. We had an outside Auditor that attorneys hired, but when this money came up with this \$80,000 something dollars, it was about at the end of when we were about to wrap this thing up. He didn't present it to us. Our Internal Auditor presented it to us, and said this was what he found. We didn't get a break down on every penny he spent. I'm not accusing you or saying you did anything inappropriate, but we didn't do our job by Council recommending someone outside. Legal Counsel's already got someone from the outside, so whatever this Council wishes to do after this is fine with me, but I know where my position stands."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mr. Mayor. Once again, I really hadn't planned on saying anything this evening. I feel like we have two observations, and those observations are leading to accusations by some of us about the way that you conducted your first couple of years in office in bringing in someone, as you're calling Mr. Willey, a member of your leadership team. I think if we can separate out that decision from the way that the payments were made and potentially should have been put on a different procurement type track, we would have a much different conversation. Now, I don't really fathom that, looking around this room to the men who I serve with, who have important positions, have had a lot of management and leadership in your own lives or you're still in that kind of role, to say that someone like our Mayor, who's coming into a job following a gentleman who had been in office for 40 years and cultivated his team, his staff, his City, his inside City Hall way of doing his job, to a level of excellence that put our City on the map for how many years of Mayor Riley's tenure. Why would any of us criticize this new leader of our City who came in with a list of things that he wanted to accomplish, which is why many of us voted for him to be our Mayor in 2015? Why would we criticize that a new leader would not value having someone who is on his team? I think that would be the natural thing that any leader coming into a responsible job, like Mayor Tecklenburg took over in 2016, we would all have that kind of person by our side. So, the decision that he made to hire a gentleman that he trusted, who proved himself to be capable and smart, I think that's a very logical step by the Mayor when he joined the City.

The way that the payments were made, that probably is questionable, and probably should have been done in a much more formal procurement way, but frankly, I think strategically he had the ability to say this man was an outside counsel within the procurement regulations for our City for that purpose, and it would never be an ethics violation or even a procurement violation in the way that money was used. He didn't go outside of budget. I don't think anyone is saying that they went over budget. The Mayor just said that he actually saved money by rearranging the Corporation Counsel's office. So, I know that we have a lot of complaints around this table. I'm personally very tired. I was away yesterday, first at a friend's house who had a stroke, and then last night at a memorial service for another friend. I got up at 5:00 a.m. to drive to come to Council. I'm really very tired, and I don't know what we're going to accomplish right here. So, I hope that we can come to a conclusion that mistakes were made, as you all have been fair and judicious to remind the Mayor of his judgement and his ability to learn how to do better with the way he made the decisions about the expenditures going in and out of his office. But, I don't think we have any reason to be here any longer this evening talking about something that will not be any new information coming forward. So, thank you very much. I'm sorry to be a cranky woman, but that's where I am."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "I'm a little bit torn on this one. As it's been framed, this is not about an individual. It's about procurement and if procurement rules were followed, whether or not the money was authorized or not, that's what it's about, from what I've understood so far. I'm not sure what to do next or of what I've just heard. It's pretty obvious, I've read the audit report. I've been to all of the meetings, and my mind hasn't gone quite yet. I am not certain that, whatever comes next, I'm prepared to vote one way or the other just yet. If it is taken that these are very serious, this could be a whole lot of problems for the Mayor. We don't want to do the wrong thing here, I don't think there's anyone here who's said, 'Let's go do something stupid.' But, my feelings are, I don't want to do you wrong, but I don't want to give you a pass if you're guilty. That's not my decision. You know what I mean. I don't think I'm willing to vote, personally, on anything. I'm just not sure what to do next, and I don't want to do anything premature. If you fell asleep or something and said, 'I did it. I'm guilty.' Then, I'd really feel bad, but that's not going to happen.

What I'm trying to do is make sense of all of it with any of the procurement rules I've known all my life, and there's no end product that you can see, feel, or touch. That's always been a problem. So, I'm not going to vote on anything about anything. Whatever's going to come down is going to come down."

Ms. Herdina said, "Councilmember Wagner, picking up on that point, our procurement code, or it's actually a policy, it's not even a code, does not address legal services. So, as you all know, the way we've operated forever, and I always think very well, is every year we give an estimate of what we think we're going to incur in legal costs. It's just an estimate because sometimes we have cases that come in that we don't anticipate and we have to pay defense costs. Then, there are other cases we want to bring, like the LDC case, where we incur costs that we didn't anticipate. So, the procurement policy has been designed, I think, intentionally to exempt legal professional services from that to give us the flexibility to operate. So, we talk about violation of the procurement policy, that right now doesn't exist, or that would not be a violation. I don't believe that the State code regulates legal services either. I believe legal services are exempt from the State code too. One other point that I want to bring up, and I know, Councilmember Waring, I think I mentioned this at Daniel Island, when Robert Majernik characterized the expenses and he only had a small amount for legal services. Frankly, that was an accountant looking at time sheets. It wasn't necessarily a lawyer looking at a time sheet, and I think that anytime a lawyer gives advice, he's got his 'lawyer hat' on, and I think that when those bills were looked at by Corporation Counsel that was the way she viewed it. So, when Robert described legal services as a very small category, I'm not sure that was a totally correct way to list those expenses because a lawyer is always acting in an advisory capacity when he's sitting in a meeting. That's a legal service. So, I just bring up that point."

Councilmember Waring said, "You brought up that point to me so, kindly, let me respond. You were graciously saying that all these expenses were in the Legal Department, and I think that's a stretch. One other point, the Mayor has just said that the invoices from June until potentially November, he's seen them. You're in the Legal Department, have you seen them?"

Ms. Herdina said, "I have not seen the invoices since the last invoice that was submitted and approved."

Councilmember Waring said, "Has our CFO seen those invoices?"

Ms. Herdina said, "I have not seen any beyond the ones that were paid."

Councilmember Waring said, "So, Mr. Mayor, why would you not disclose those invoices? It's now been almost two years. Why would you hold onto those invoices? The statute of limitations, Counselor, hasn't passed. Those invoices can still come forward."

Ms. Herdina said, "Councilmember Waring, it's my understanding we don't have those invoices."

Councilmember Waring said, "But, the Mayor said he saw them."

Mayor Tecklenburg said, "I thought we had them the night we were in the Executive Session."

Councilmember Waring said, "It's on the camera. You told Councilmember Griffin you've seen the invoices."

Mayor Tecklenburg said, "That's my recollections, sir."

Councilmember Waring said, "But why didn't you bring them forward?"

Mayor Tecklenburg said, "Because we didn't approve them for payment. They're not approved for payment."

Councilmember Waring said, "I thought you said the Legal Department approved it."

Mayor Tecklenburg said, "Yes, everything that was paid was approved by the Legal Department."

Councilmember Waring said, "So, did the Legal Department deny payment on those invoices from June-November?"

Mayor Tecklenburg said, "I don't want to violate our Executive Session from two years ago, and I must admit my memory isn't perfect, but we had a discussion about those invoices, and you all were present, and we agreed not to approve those."

Councilmember Waring said, "We didn't even know there were invoices from June-November. We had seen no invoices at that point in the Executive Session. Other Councilmen were there. Did any other Councilman see invoices? I would like to see a copy of those invoices."

Ms. Herdina said, "Just for purposes of the record, the last invoices that were actually submitted to the Legal Department were dated 10-10-2017. That was for April, May, and June of 2017. So, I think we said that Executive Session was in November of 2017. Is that right? So, obviously Mr. Willey got the message after that. The last set of invoices we received from him were dated 10-10-2017."

Councilmember Waring said, "But, that's where the question is, in other words if he continued the work, as the Mayor told Councilmember Griffin, from June to November, those invoices for work ended in June you said, so if he continued to work from June 18<sup>th</sup> until November, there are invoices out there that you said you saw, you have not seen, and our CFO has not seen."

Ms. Wharton said, "I don't believe we ever received any further invoices after those invoices."

Councilmember Waring said, "Our statute of limitations has not passed on being able to, how long is the statute of limitations?"

Ms. Herdina said, "Three years."

Councilmember Waring said, "Three years from now, or three years after that?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I'm kind of in Ms. Jackson's corner. It's getting late. I didn't have a nap. As I look at these things, and I'm listening to all of my colleagues and our staff, there's obviously a lot of conflict and missed information. I would just call it as what I see it, as bad judgement. I don't think the Mayor got any personal benefit out of this, in terms of remuneration, or I don't think he benefitted financially from this. I don't have any idea what Mr. Willey was doing. I think it's all suspect as to what was going on, but again, I think it's bad judgement. I don't know if the invoices I saw, I think Ms. Cantwell had signed off on them. There was no engagement letter. There was no work product. There was no report that was given. The Legal Counsel we hired from the Ethics Committee basically said that the Mayor had a lot of free reign as far as how he could run his office and what he could do. He didn't see any ethics violations, I think is where his report, not bad judgement or legal stuff, he said he didn't see a violation of ethics by the Mayor. So, I'm like Councilmember Gregorie, Ms. Wineglass, I'll go further, Mr. Lonnie Hamilton's

birthday party, Mr. Jim French's birthday party, Chernoff Newman, the Roy Willey, all of these things. I've said it, I think I've been very consistent with this, I don't see an ethics violation, and I don't think what was done was illegal. I don't know that, but I don't think in my heart it was. So, it comes down to, what do we do? What do we do with this information? I mean, can we go on? If we turn it over to SLED and let them investigate it, and they're going to come back with any kind of definitive answer.

So, I'm kind of stuck with this. It seems to me like the only remedy is really at the poll. I wish this was not happening during the crazy season, but it is. So, maybe it's up to the voters to decide. I don't know how we get this out other than what we've done. We've been out of Executive Session. We've discussed this. I think it's extremely bad judgement. You can call it bad judgement by a new executive that didn't know. Okay, there's a learning curve. I don't think that's illegal. I don't think that's unethical. I think it's bad judgement. Is it continuing? I hope not, but we've got to be very vigilant, as a Council, to be sure because we did violate some of our policies and we ignored it. That's on us. We may have been deceived, but maybe we should have looked a bit harder. When we found it, we stopped it. So, I'm not sure where we go from here. I'm struggling with that. I'm not sure what will happen, if anything, if we go further. Anyway, maybe I'll just reserve the rest of my time if I have a better thought."

Mayor Tecklenburg said, "Has anybody not been recognized that would like to speak?"

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Thank you, Mr. Mayor. I think that Ms. Herdina said it, that Legal services are exempt from procurement. I think you're right, there may not be a criminal activity here. It may just be that there was some bad judgement, some bad money decisions with the way our City dollars were spent. I agree, I think it's bad judgement. I don't know that sending this on, legally, is going to do anything for us. Again, I'm split. This has been on my mind. I've been thinking about it, which way do I go. I've got constituents saying, 'Hey, you've got to do the right thing. If something's wrong here, you've got to stomp it out.' I've got some other constituents saying that, but I'm not sure that going this route is the right way to go. But, I'm not sure what that answer is right now."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I've just got a couple more legal questions and then I just want to make one statement. Ms. Herdina, the Legal Department hires outside attorneys all the time, right?"

Ms. Herdina said, "Yes, sir."

Councilmember Griffin said, "How often do they come in and work with no scope of work whatsoever? I mean, with nothing in writing. For example, how did we even get the \$150 an hour? That had to have been described or it had to be discussed."

Ms. Herdina said, "Well, in this case, I don't know how that fee was discussed with him, but I will tell you that a couple years ago, we adopted a fee schedule for outside counsel and it's based upon the number of years of experience. It goes from \$150 an hour for least experienced up to, I think it's now \$275 for most experienced, and then there are even some exceptions for really highly specialized areas. So, in this particular case, given the number of years that he had practiced, \$150 was the rate that he would have been paid, consistent with other lawyers."

Councilmember Griffin said, "But, how about the no written contract? Is that usual?"

Ms. Herdina said, "It's interesting. I talked to Frances about that and I will say that we have some long-standing relationships with attorneys where we don't have a current retainer agreement. In other cases, we do. In this case, we did not."

Councilmember Griffin said, "My last point would just be that we, as a City, to protect ourselves, I think, should get something in writing from Mr. Willey that he's not going to put any more invoices through, now that we know there were additional invoices that have not been seen by some, and have maybe been seen by others. I think we need, at the very least, to have an acknowledgement from him that he's not going to charge our City what could be \$25,000 or \$30,000. I also think that we should have some sort of policy that we put in as a City that we don't do business with people actively working on campaigns. I don't see why that would be a hard thing to do. But, those are just a couple of things that are coming in my mind right now because whether or not it's an ethics violation, that's one thing, but when you can go out and work on campaigns and do other things and tout that you also have the ear of what goes on within the City, and within these walls, to me that is a conflict of interest. Maybe it's just because I'm not a lawyer, but that to me seems like a blatant mistrust right there."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. I'm not sure where we are going with all of this, quite frankly. It goes without saying that, as a Council, as elected officials, we have the responsibility of guarding the public trust, and we have the responsibility of guarding public funds. That's rule number one. That's not anything that we should even be debating about. However, and I've said this constantly, if we think, as an individual, that somebody has done something wrong, we don't need the approval of Council to do something about it. If you think, or anybody in this room, thinks something has gone wrong, then you, as an individual, have an obligation to report it to the appropriate authorities. If you think public money has been misappropriated, you don't need Council's approval to call a law enforcement agency to investigate it. If you think that's what happened, do it. It's just really that simple. If you think there has been an ethical violation by a lawyer engaged in some practice, then there's a process to report that person to the Office of Disciplinary Council to have that case investigated. Do it. If you think that an elected official has done something improper, report him to the Ethics Commission. That's all that this comes down to. Now, I don't know if anything has been violated. I don't know if public funds have been misappropriated. But, there's an agency that does that and they can go ahead and do that. Just report the matter to the appropriate law enforcement agency. That's all we need to do. We don't need to have this open discussion about having it done. We had to have this audit, and this audit did bring to light certain things. That was something we needed to address and that was appropriate that we did all that. Now, whether or not Mr. Willey, and I'm not here to defend him, I'm not here to throw him under the bus either, but if we think he did something improper, then report him to the appropriate authorities, either the Disciplinary Council for Lawyers or a law enforcement agency to have it done. Otherwise, what we are doing is really, quite honestly, a character assassination going on around this table.

That's why I wanted to go into that Executive Session because once you get into these personnel matters, what we're doing is we're smearing somebody's good name. If we're going to do that in the public, so be it. I guess that's what we just did tonight. Now, we all have our opinions about whether or not we're doing something right, and elected officials, Councilmember Moody brought it up and he hit the nail on the head. The judgement comes on November 5<sup>th</sup>. Those of us who are up for reelection, our constituents are going to judge us and either vote us out of office or vote us back into office, and that includes the Mayor, as well. That's where this all ends up, quite frankly. So, we've got business to run with this City. We've got some serious business to run with this City. All of us here are good-minded, good-intended individuals, men and women

who want to do best for this City. We need to continue that. If we think somebody did something wrong, then individually go ahead and report that person. Otherwise, we need to end this discussion. Thank you, Mr. Mayor.”

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Very briefly, as I recall after our first Audit Committee meeting when we went through all this, we heard from our internal auditor, we heard from our outside Counsel who went through the whole thing. I believe that a large part of this issue has been taken care of, because the Mayor, as you recall, said he was going to voluntarily turn this over to the Ethics Commission. I’m assuming that’s happened, and so that’s kind of where it’s all gone. I think that was taken care of, that issue anyway, sometime ago.”

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “It’s been a hard conversation, but it’s been a necessary conversation. It has not been a character assassination. That’s your opinion, Councilmember Shahid. It’s our approval process that allows this type of expense to be paid for with taxpayers dollars. There has to be an action step to prevent this from happening again. Whomever the next Mayor is, he or she cannot be allowed to create an expense like this ever again for the City of Charleston. So, with all due respect to our Legal staff, for Legal to be able to procure six figures in expenses without coming before the Mayor and Council for approval, that should never happen again. The only way to prevent that is for us to change that policy or it can happen again, or it probably will. After 40 years, we didn’t think it would happen. It took eighteen months for it to happen, and we found out about it in the rearview mirror. There’s a very empty feeling when you feel taxpayers dollars have been spent unwisely. All the things that the Mayor said defending this, we know a lot of it is helium. The Staff does too. Staff does not like to see the monies that they’re entrusted with, particularly Accounting, spent frivolously. When you pay somebody to look at T.V., that’s frivolous spending. That should be returned. But, I hear you all, I don’t know who should investigate it either, SLED, Attorney General, but I know one thing. We need to put a policy in place, because in this process Counsel was allowed to go out, and the Mayor just alluded to it, and hire outside independent Counsel. I understand why they did it. Mr. Majernik couldn’t do that. Mr. Majernik couldn’t go out and hire an outside CPA. With all due respect, when I heard the outside Counsel, he did not address this \$83,595. He did not address that.

So, I would offer, to get us out of this, I brought it up and I take responsibility for it, because one of the highest honors you can have, and I work in the business where people entrust their nest eggs to my advice. The golden rule, ‘Do unto others as you have them do unto you’. We need to operate by the platinum rule, ‘Do unto others as they hope you would do unto them’, as they want to be treated by you. That was not done here, but if we don’t put a motion on the floor, or at least for consideration, that the Legal Department will be prevented from doing this kind of thing again, and I’ll tell you why, even those in the Legal Department work at the pleasure of the Mayor. The Mayor has the right to hire and fire. We have the right to fund. We don’t have the right to hire and fire, but for Legal to be able to stand up and say, ‘No, Mr. Mayor. I’m not going to approve this expense.’ Let me give you an example. They could be fired. Frankly, Mr. Willey could have been appointed head of the Legal Department. The Mayor had the right to do that. The only thing that we could do about that would be to pull his funding. So, what is the action step lady and gentlemen? What is the action step? We just shake our head as though we heard this at the water cooler and walk away? How’s the City better on the other side of this consternation that we just went through? What do we do in the event that these invoices were to come forward? Are we compelled to pay them? Was there a verbal contract, and who was the verbal contract with? It’s shameful that this money was spent this way. It’s shameful. But, I propose that we put, or we have

a discussion that limits the City of Charleston Legal Department to be able to go out and procure services like this without coming before the Mayor and Council with a transparent process. That should never happen again. Shame on us if we don't put a stop-gap measure in place. We protected the internal auditor. I beg you to protect the taxpayers from this kind of frivolous spending ever again in one of the oldest cities in the United States of America. That's the extent of my comments."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I don't think this is an ethics issue at all. It's my understanding, when it was reported out, this was really not looked into. We were just given these numbers. There was not an opinion from the outside Counsel with regard to this. I just want the record to reflect this. There was not. This was the one part that they did not look at. I think that's a part of the reason why I think, as Councilmembers, we are concerned, Mayor. I don't think you're a dishonest person. I don't at all. But, if something goes wrong, you can break the law and be honest, I guess is what I'm saying. You can have bad judgement and go to jail. Some bad judgement just doesn't get us anywhere either. I don't know where we are, Mayor, but there's something wrong with these numbers. I think, as a Council, we need to require better answers than we've been provided."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "So, if we want to take an action measure on this, I think it probably would be prudent for us to give the Legal Department some guidance when we hire outside Counsel that a written contract is approved and the engagement letter is specific as to what that person is supposed to be doing and how much they're going to get paid. That would be, I guess, an early start to where we are with this process. If there's something else we need to do with the procurement process, I think we need to find the right people to look into that and write those policies for us. I would make that motion."

Councilmember Griffin said, "Can we make a motion like that? It wasn't on the agenda."

Ms. Herdina said, "We're pretty far afield here from what's on the agenda, so I think if we want to make that motion, we'd probably need a motion to add it and then go ahead and vote on it, or we can put it on for a discussion for the next agenda."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I agree. That's one thing that ever since I've been here, the Legal Department did hire outside attorneys, and so if it's something that we need to make a policy change then it needs to be added to the agenda and we need to discuss it. We don't want to get into the business of telling Legal how to run their Legal Department when they have experience. That's why Legal is hired. So, I think that's something we need to discuss at a future time."

Mayor Tecklenburg said, "I can ask to do that. Is there any other business to come before us tonight? Hearing none, we stand adjourned."

There being no further business, the meeting was adjourned at 10:25 p.m.

Vanessa Turner Maybank  
Clerk of Council