

COUNCIL CHAMBER

Regular Meeting

October 8, 2019

The eighty-second 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 October 2, 2019 and appeared in the Post and Courier October 6, 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 Waring will lead us in a prayer and the Pledge."

Councilmember Waring opened the meeting with an invocation.

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

Mayor Tecklenburg said, "So, thank you all very much for being with us tonight. I know most of you all have been here before, but just in case there were some kind of emergency that we had to evacuate the room, these are our two doors out of the main room, and there is also an exit door out of the room to my right. In that event, do not use the elevator but, please, just use the two stairs going down to the first floor and the one stair going out to the street. It's very unlikely, but I would just like everybody to have an awareness of how to get out if we needed to.

Now, we have some public hearings on the agenda tonight. Unfortunately, there was a little cross wire again this time with the posting of notices. So, even though we will conduct the public hearing and welcome anyone's comments on any of these matters, other than number one, we will not be taking action on those items tonight and will be doing that at the next meeting. So, starting with the first and when you come forward, please state your name and address and during the public hearing session, we ask you to limit your remarks to two minutes each and try to stay on point or on topic to the particular matter that's in front of us.

We will start with an ordinance establishing the Morrison Drive Redevelopment Project Area, one of these Tax Increment Finance Districts. Now, I would like to read it into the record, after numerous meetings we did get a correspondence from the Charleston County School District regarding the Morrison Drive Redevelopment Area, and after a prelude of a page long, basically this is their resolution to say that, 'The Board hereby consents to the removal of the Laurel Island properties from the Charleston Neck TIF District.' As you may remember, we were taking some properties out of an existing TIF and creating a new one. Number two, 'The Board hereby consents to the establishment of the Morrison Drive TIF District and the School District's participation therein for a period of 20 years to terminate at the expiration of the Charleston Neck TIF District on December 21, 2039.' So, as you all may recall, the proposal for the new district was for 30 years, so the School Board is saying, 'We're with you, we're okay with the formation of the district, but we're only going to participate for 20 years', which was the time that they had left on the Neck Area TIF District.

So, that's their participation, and their participation is also just limited to those properties that were already in a TIF District. Our proposal for Morrison Drive to all entities included some additional properties up and down Morrison Drive that we would be able to use proceeds from the TIF District to be able to address flooding and other infrastructure matters. The County is still fine for the whole shooting match for the 30 years and all of the property. They did not give us an official response by today, so that means they're in and, of course, City Council can likewise decide to do the same, but I did want to share specifically what the School District had agreed to. Would anyone like to be heard on this matter?"

No one asked to speak.

Mayor Tecklenburg said, "If not, it can come before Council."

Councilmember Mitchell said, "Move for approval."

Councilmember Gregorie said, "Second."

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

Councilmember White said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I couldn't find in the agenda packet the updated map that identified the parcels. My understanding is there are only six parcels remaining in the new TIF?"

Mayor Tecklenburg said, "Mr. deSaussure is going to come forward and straighten us out on that. The way I understand it right now our original map, our original properties, are what will comprise the new TIF District, but the School Board has the option to opt out of parts of it. So, they only agreed to opt in, if you will, on the six properties."

Charlton deSaussure said, "Yes, sir. The same 19 parcels that were in the ordinance which received first reading are presently, actually there might have been 20, but two of those were merged into one. We realized that in talking to the Auditor's Office, and what the Mayor said is right on point. We gave the overlapping taxing entities a 45-day notice, as required by the TIF statute, to review the plan. The County is good with it and supports it fully. The School District

supports it, with respect to the six properties that were already in the Magnolia Charleston Neck Redevelopment TIF District, and consent to their being moved from the district into this newly created district, but limits their participation in this district to those six parcels, not the other 13. Those original six and for the original term of the Magnolia TIF District, which is December 21, 2039, instead of the 30-year term of this, which has another ten years going to 2049.”

Councilmember White said, “So, the School Board is comfortable with what already existed only, nothing new. So, they’re really not supportive of the TIF. They’re just supportive of the fact that it’s not going to have a negative impact by doing it to them?”

Mr. deSaussure said, “Yes, sir. It’s neutral to the School District.”

Councilmember White continued, “Right. I didn’t realize we could actually carve out and so there was sort of a, I guess the reason I ask that is how long is this TIF, based on that, actually going to take to create revenue?”

Mr. deSaussure said, “The financial consultants have run some numbers, and it’s all dependent upon the economy, development, what goes up, what gets on the tax rolls, but developers, not surprisingly, have high expectations for this area and think that it will come online quickly. Other TIFs of the district have not come on quite so quickly. We had to extend the term of a couple of those created in 08’. You might remember, particularly those of us, those of you who were here then and also within the news, we sort of lost that decade due to the economic slowdown. So, several times we amended those to add ten years to make up for the lost time, but the logic is that things are going to proceed quickly because the market is so good and the demand is there. So, they feel that it’s going to have an increase in assessed value quickly. Increase will lead to TIF revenues, which will amortize debt, which will lead to the money that can build the public construction improvements.”

Mayor Tecklenburg said, “But, I would add that the additional properties down Morrison Drive included a couple that already have a development kind of teed up and even may have been approved by BAR or may be in front of BAR. Now, for those two developments or properties, only the City and the County portion would start accruing to the district since the School District opted out, but my point is that some accrual would occur in the relatively near future.”

Councilmember White said, “I guess my whole point in asking those questions is that we’ve done a lot of TIFs over time, and they roll off, and that’s great that the money comes back. The reality is that as you start to think about all of the significant developments that have occurred across the City, and you start thinking to yourself, ‘Okay, these are going to come online, they’re going to create tax revenue, and we’re going to be able to use that as part of the General Fund to help do the things we need for our City like building fire stations and other things.’ When they’re in the TIF, the reality is as we continue to move this ball along if we continue to create these TIF Districts, although it does create some infrastructure improvements, I understand a TIF is really, and it should be used in, an opportunity to incentivize improvements in an area that might otherwise lack incentive such as the Gateway TIF. That was extraordinarily successful. We went in, and we made improvements. Of course that entire area has really taken off and changed for the better. But, to exactly what Mr. deSaussure just said, I don’t know that we’ve got to incentivize developers now. There is plenty of incentive in the City of Charleston to develop. I don’t think that adding more incentive helps us, but I fear that we’re going to lead ourselves out in 20 years from now and Council 20 years from now is going to be saying, ‘Man, we could really use all of that money coming off Laurel Island.’ Sorry, you can’t. It’s all stuck there in a TIF, and you can’t use those funds to build the infrastructure and do the things that we need to do for the rest of the

City, whether it be dealing with traffic, fire, police, or whatever the case may be. I fear that we're putting ourselves out there, and then coupled with the fact that this TIF is so small and what it would create at least in the near term would be limited until such time as Laurel Island comes on. That's where the big opportunity is but, again, it's all going to be locked in on that site, and we're not going to be able to use any of that money anywhere else in the City."

Mayor Tecklenburg said, "I hear you conceptually, but Laurel Island, of course, is almost completely a former landfill. The good part of that is it was built up, and it's about 15 feet about sea level, so it doesn't have the flooding issues that some of our other properties have. To build on that site will require that everything be piled, including the roadways and the sidewalks and everything else. So, this is one of those cases where 'but for' really applies. But for the public infrastructure that would be made possible by the TIF, the investment, I believe, for the most part would occur. Now, there are a few properties where you may be right, that it would occur otherwise, but we have drainage improvements that are going to be needed all around the perimeter, including Morrison Drive. So, frankly, I think it gives us another avenue to pay for some of those things. Thirdly, I would add that the Gateway TIF has been the greatest one since the State probably created TIF Districts, and it does run out in 2023. So, we will be getting quite a bonus, if you will, of General Fund taxation back to the City when that occurs."

Councilmember White said, "I'll just make one comment, and that was the other thing I wanted to mention. I still, to this day, can't fathom why anyone would want to build on a landfill. For me, I just don't get that part. So, incentivizing and putting taxpayers' dollars into development of a landfill just for some reason that doesn't work up here for me. I hear you on that."

Councilmember Seekings said, "Half of District #8 is a landfill."

Mayor Tecklenburg said, "When you build that beautiful walkway around the perimeter of it overlooking the bridge and the harbor, I think our citizens will really appreciate it. Are there any other comments?"

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Mr. deSaussure, how many people live on Laurel Island today?"

Mr. deSaussure said, "Zero."

Councilmember Griffin said, "Zero. I know it's zero. I already knew the answer. I just want to make sure people understand that because people that don't live on the Peninsula might not know that. Would you say that this TIF affects the least number of City of Charleston residents of all of our TIFs currently in place today?"

Mr. deSaussure said, "Affects the least number--"

Councilmember Griffin said, "I'm saying the number of people that live in this TIF and even of the six properties on Morrison, I don't think there is anybody. There is no residential, so it's really zero. Basically, what we're trying to do is we're trying to convince our residents now that this TIF is going to affect people that eventually are going to possibly live there, even though we have several issues today that we still can't fund. I understand where you're coming from, Councilmember White, because we're really putting a lot of chance into this, that it's going to pay off. I think it's going to take a while for it to pay off. I think this is the weirdest TIF I've ever seen,

and I kind of agree with the School Board. I can see why they said, 'This isn't going to negatively hurt us. That's why we're staying in.' But, they also didn't really give us anything that we were looking for. So, they obviously have some concern there, if I read between the lines."

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

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I have a question. I have been working with this from the beginning. This is all of the district that I represent. This problem has been going on for a long time, even before the first developer had the Magnolia Project and they went down, because the economy went down, and then it came back with another person who purchased it. So, this was going on for a long time with Morrison Drive, and if you know Morrison Drive, we have a lot of challenges there. On Morrison Drive, we have a lot of blighted areas that need to be fixed. With the TIF coming in, I'm going to need that TIF to help out with some things coming because in that particular area, Morrison Drive, we have the Upper Peninsula. So, we can have something there that people in this community will be able to utilize and get these things going. This TIF coming into place will help in the long run with the development that's coming there. I'm staying on top of that because they're coming all the way over from where the Rosemont area is, so it is a pretty huge project. I don't think any of us are going to be around when they finish it anyway except you, Councilmember Griffin."

There was laughter in the Chamber.

Councilmember Mitchell continued, "So, this is why I said I was supporting it, and I'm wholeheartedly supporting it. I've got a lot of entities in there that you all might not be aware of, but I have been there since day one. That's why I'm supporting this. Otherwise, I would say no. I'm supporting this wholeheartedly."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Mr. Mayor, thank you. I just want to make sure of Councilmember White's very first question. Attached is Exhibit B to the ordinance. There is a map and a list of properties. So, I just want to make sure we're all clear and on the same page. Those properties that are listed, are they in the TIF, even the ones that are highlighted and in green?"

Mr. deSaussure said, "The first six are the ones that the School District participates only, and the six plus the 13 beneath it are the 19 in which the City and the County participate."

Councilmember Shahid said, "So, what is the total acreage of all of this property? Do we have an idea?"

Mr. deSaussure said, "I believe it's about 193 acres."

Councilmember Shahid said, "Okay. So, what we're doing is, we're taking land that's for lack of a better word, not being used to its fullest potential. We're creating this TIF to help incentivize infrastructure to develop the TIF, and whatever is developed on that property is going to be on the tax rolls of the City of Charleston. It's Residential or if it's Commercial, we're going to start generating property taxes and business taxes out of that property. So, we're taking a

negative and incentivizing with this TIF and creating a positive. I'm going to support this thing. Thank you."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Just a point of order, I got an e-mail today that said that the public hearings were going to be deferred."

Mayor Tecklenburg said, "Well, the ones that needed to be posted, which were numbers E-2 through E-8."

Councilmember Moody said, "Okay. I just wanted to be sure."

Mayor Tecklenburg said, "But, this particular matter did not require to be posted, so we can take action on it this evening."

Councilmember Moody said, "Okay. This is the only one we can deal with tonight."

Mayor Tecklenburg said, "That's correct."

Councilmember Moody said, "Okay. We were getting ready to vote, and I wanted to be sure."

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

No one else asked to speak.

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

2019-093 AN ORDINANCE ESTABLISHING THE MORRISON DRIVE REDEVELOPMENT PROJECT AREA; MAKING CERTAIN FINDINGS OF BLIGHT WITHIN THE REDEVELOPMENT PROJECT AREA; DESIGNATING AND DEFINING REDEVELOPMENT PROJECTS CONSISTING OF PUBLIC IMPROVEMENTS WITHIN THE REDEVELOPMENT PROJECT AREA; DESIGNATING APPROPRIATE REDEVELOPMENT PROJECT COSTS; APPROVING AN OVERALL REDEVELOPMENT PLAN; PROVIDING FOR NOTICE AND PUBLIC HEARING IN CONNECTION WITH THE FOREGOING; AND OTHER MATTERS RELATED THERETO. **(AS AMENDED)**

The vote was not unanimous. Councilmember White voted nay.

Mayor Tecklenburg said, "Alright. So, since we did advertise these next matters for public hearing, we will ask Mr. Morgan to very briefly explain what's on the table. Then, we'll ask for public comments. Mr. Morgan."

Christopher Morgan said, "Yes, sir. Mr. Mayor and members of Council, this is 1815 Beechwood Road in West Ashley. It's a request to rezone from Single-Family Residential (SR-

6) to Diverse Residential (DR-6). DR-6 is actually a little bit less density, but it does allow Multi-Family, and that is the request, and Planning Commission had recommended approval.”

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

No one asked to speak.

Mayor Tecklenburg said, “Alright. We’ll go ahead to E-3.”

Mr. Morgan said, “This is 1220 Hobart Avenue in West Ashley. It’s nearly a fourth of an acre. It’s a request to go from SR-2 to General Business. The Planning Commission actually recommended Limited Business because of the Residential across the street from it, and that is the item before you. It’s in the Ashleyville/Maryville area.”

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

No one asked to speak.

Mayor Tecklenburg said, “Hearing none, we’ll proceed.”

Councilmember Moody said, “Mr. Mayor.”

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “Could we ask a question?”

Mayor Tecklenburg said, “Yes, sir.”

Councilmember Moody said, “Just out of curiosity, when the Planning Commission recommends this Limited Business, does it take ten votes to override them?”

Councilmember Shahid said, “I knew you were going to ask that question.”

Councilmember Moody said, “You might want to get an answer to that before next week.”

Mr. Morgan said, “Yes, we will double-check on that but, I think, if you are not voting for Limited Business, it would take that.”

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, “I just thought that we should clarify then, what we are being asked to vote on is General Business, right?”

Mr. Morgan said, “That was the request. Yes, ma’am.”

Councilwoman Jackson said, “So, we would have to have an intervening motion to change it to Limited Business?”

Mr. Morgan said, “Yes, ma’am.”

Councilwoman Jackson said, “Okay.”

Mr. Morgan said, "To follow the Planning Commission's recommendation, if that's what you choose to do."

Councilwoman Jackson said, "Do we do that on the floor at the next meeting, or do we do that in advance?"

Mr. Morgan said, "That would be suggested on the floor in the meeting. Yes, ma'am."

Mayor Tecklenburg said, "Alright. E-4."

Mr. Morgan said, "This is on James Island, 1165 Folly Road. This is adjacent to some other Commercial development. It's a request to go from General Office to Limited Business as the property to the south is zoned, as well. Planning Commission recommends approval for this one."

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

No one asked to speak.

Mayor Tecklenburg said, "Alright. Hearing none, we'll continue on."

Mr. Morgan said, "Then, we have 6 Riker Street. It is a request to go from DR-1F to Limited Business, and it is a very small piece of property just to the west of Meeting Street and to the east of I-26. It's adjacent to another development that would use this for access to the project, and the Planning Commission recommends approval of the rezoning from DR-1F to Limited Business."

Mayor Tecklenburg said, "Would anyone like to comment on 6 Riker Street?"

No one asked to speak.

Mayor Tecklenburg said, "Alright. We'll keep moving."

Mr. Morgan said, "Then, the next one is the Citadel Mall property, and that was deferred by the applicant. They had sought that deferral, and I believe we do not have that in this package because it was deferred by the applicant, but that is the Citadel Mall site minus the department stores, Dillard's and Belk. It's to go to a PUD that has had some discussion and will have more discussion before you all."

Mayor Tecklenburg said, "Alright. So, this matter has been deferred by the applicant as well, so it clearly would not have taken any action, but if we advertise the public hearing, if anyone would like to come forward, please step forward."

1. Anthony G. Bryant, 2123 Courtland Avenue, had several documents from Senator Tim Scott, his BZA membership, the Planning Enabling Act, Ethics and Campaign Reform Act, a lawsuit which he stated didn't mean anything, and a letter he received in 2009 from the FBI and Homeland Security which he thought were incompetent when it came to Black people. He had another one from DHEC regarding public comment that was made and they wanted information about types of zonings like this one, huge zonings like the one with the TIF District and

he thought was a bad idea. Somebody told him that he had a problem West Ashley, but he didn't live West Ashley. He said the State Ports Authority had big influences here too, and this was a large piece of land. MUSC's mission was to deal with healthcare for people in the community, not to redevelop areas. The School District and all of the TIF Districts were being used to take money away from young people who needed an education.

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

2. Brett Barry said he lived in West Ashley in Charlestowne Estates and he asked for a second time that the vote on changing the zoning at Citadel Mall, a massive redevelopment project for the area, be held in West Ashley. It was hard to expect residents to come downtown at 5:00 p.m. on a weekday. Particularly, he had heard from members of the Jewish community who were displeased that the meeting would be held on the evening of Yom Kippur, one of the holiest days in the Jewish faith, and this was the Holy City. Most, including himself, were in favor of redeveloping Citadel Mall, but the potential scale was out of line, 25-story buildings taller than anything downtown. As he had said before, it was more appropriate for Atlanta than West Ashley, and with many elected officials talking about tackling overdevelopment, this was a great place to start. He asked that someone introduce an amendment to the proposed zoning that required a reasonable height restriction that respected the suburban character in West Ashley.

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

No one else asked to speak.

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I just had a question. It references in the item that it was up for second reading, as amended, but I went back and read the PUD again. I couldn't tell what amendments may or may not have occurred. So, do we have a redline version, so we can determine what actually changed?"

Mr. Morgan said, "We can get you a redline version because they did make some amendments based on the Planning Commission comments and other staff review comments. So, we can get you a redline version before the final public hearing on that."

Councilmember White said, "Great. Thank you."

Mr. Morgan said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Shahid followed by Councilwoman Jackson.

Councilmember Shahid said, "Thank you, Mr. Mayor. I'm pleased that this matter has been deferred. I've had several conversations with members of my colleagues about this

proposed PUD. I'm not sure when it's going to come back before us but, I think there are a lot of questions that we have. I don't want to speak for everybody sitting around this Chamber. But, one of the things that was not included in our packet was a Transportation and Traffic Study and, I think, that's critically important. I know I've had conversations with Councilmember Waring about that in particular, but also the other particulars, and I know this matter came before the West Ashley Revitalization Commission. We were looking at some more specifics along this line, particularly the question about the 25-story buildings that are being proposed. So, I would just, as maybe a communication to the applicant, that before they come back, that we have more specific information concerning this. I don't see how we're going to vote in favor of a 25-story office building. I don't think I'm ready to do that, and I don't think that's going to be part of our plan here, but the overall conceptual plan of this PUD is important to the economic development of West Ashley. I just want more information and more details concerning what they have in mind for this plan."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mayor. Yes, I would just like to ask, I am assuming that it's proper for us to promise to hold another public hearing when we do take this matter up again, so that we will not be penalizing people who could not come tonight."

The Clerk said, "We will."

Mayor Tecklenburg said, "On all of these matters tonight, other than the one we took action upon, we will restate and have another public hearing. Yes, ma'am."

Councilwoman Jackson said, "Great, and then I would add to Councilmember Shahid's good suggestions about more detail. I do think that, in light of by the time it comes back we will have seen, most likely, the final draft or the adopted version of the Stormwater Design Manual that will be in front of the Council in the next few weeks. So, I think that would be very important, knowing all of our concerted efforts, to be educated about how we're going to be protecting. West Ashley is blessed to have high ground compared to a lot of the neighborhoods that we're concerned about today but, I think, it would give a good education and a good level of comfort to citizens to know how they're planning on using the natural resources and expanding the opportunities for water that, right now, are centrally buried under ground and covered over by seas of parking lots. So, I look forward to that. Thank you."

Mayor Tecklenburg said, "Alright. Thank you."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Just one more comment, and Councilmember Shahid alluded to this. The PUD does reference a Traffic Study that is available upon request although, I think, that's sort of an official request that we all get a copy of the Traffic Study. So, thank you."

Mayor Tecklenburg said, "Alright. Mr. Morgan. Next up, E-7."

Councilmember Waring said, "No, Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Waring.

Mayor Tecklenburg said, "Sorry, I didn't see you."

Councilmember Waring said, "Thank you. As you all know, the Mall is in the district that I'm pleased to represent. This mall, this location, is just as important as the development of Charleston Place was to downtown to West Ashley. Now the developer, it is my understanding, has pulled it back, and I thank them for that. I know we're not supposed to act today but, I think, prior to bringing it back to Council I would like all of my colleagues to consider sending it back to the Planning Commission, and this is why. I'm very surprised. When we sent it to the Planning Commission initially, I thought we sent it there for additional vetting and basically what came back to us, which was initially presented to us over on Daniel Island, the vetting that would normally take place in Planning simply didn't take place. I would say, by comparison, we recently went through a PUD with Mr. Kerr and the Kerr Family on Johns Island right at the southern portion of the Pitchfork. There were a lot of specifics discussed on the floor as far as units, ingress/egress, dedicated roadways, and, obviously, through that negotiated process, the gross number of units that were contemplated, in particular in the County and the PUD didn't satisfy all, but were certainly greatly reduced and came through with a dedicated right-of-way. We've had conversations with the developer. We've had conversations amongst ourselves as colleagues, and we talk about not being specific. If you read that PUD, there are specifics in there. I don't think we agree with the specifics. Now, one of the biggest advantages of a PUD a Planned Unit Development, is it's supposed to provide a lot of information up front to the community to, in this case, our Planning Commission, certainly to our staff, and, obviously, the Mayor and Council. We don't have that. So, while we have this phase of going with the developer being gracious enough to pull it back, I would hope we could make some positive use of that time in between them pulling it and bringing it back, because when it comes back, whether we are ready to admit it or not in its current form, the Traffic Study certainly--well, there are two questions that have to be answered, and I've actually discussed this with the developer, two huge questions. How do you get them in, and how do you get them out? How do you get them in with that type of capacity? The PUD says 1.4 million square feet of office space. I've mind melded that number. It says 1,025 apartment units. I've mind melded that number. It goes on retail space, 600,000 square feet, athletic space, 200,000 square feet.

So, I would say when you look at the tallest building in the State, that's the old AT&T building up in Columbia on the corner of Assembly Street and Gervais Street, as you approach that corner, it's six lanes with off-street parking and a pedestrian median on Assembly Street. You've got two lanes in each direction with dedicated turn lanes, same thing on Gervais Street. Now, picture Sam Rittenberg Boulevard and Orleans Road. Orleans Road is a road that goes in front of the Mall, five lanes, no pedestrian median, no off-street parking, and as soon as you pass the Mall, it reduces back to one lane in each direction in between the Mall and Savage Road, same thing all the way to Highway 61 and, obviously, from Sam Rittenberg to Savannah Highway. The height, Councilmember White made mention of that sometime ago, I forget where it was, some public comment. The Ravenel Bridge, the driving deck that we drive on, is about 187 feet. Twenty-five stories is 250 feet. So, the Ravenel Bridge is certainly an icon that we all are very proud of, and we all remember when that opened. The Highway Patrol had to come to control the traffic. People were literally driving over, so proud of it, and driving back. A 25 story office building is something that is going to have to be negotiated. Nine stories on Orleans Road, that's something that's going to have to be negotiated. Connectivity with Hazelwood Drive, which is a neighborhood street that cuts through the center of Orleans Woods from Highway 61 to the Mall. As a matter of fact, one of the first things that maybe I rang the bell on in a way of accomplishment, there was not an intersection at Hazelwood Drive and Orleans

Road. People from Orleans Woods had to be like Rikki Tikki Tavi getting across from one side to the other, and we got an intersection put there. Connectivity between 1.4 million square feet of office space, 1,025 units of apartment space, potentially nine stories on Orleans Road, potentially eight to nine 25-story Mixed-Use buildings, and connectivity through a Single-Family house subdivision. Things have to be negotiated.

So, when this comes back, this is not something that's going to pass as quickly as it did the first time around on Daniel Island. Our Planning Commission, and I respect our Planning staff, but the due diligence that went into the Kerr PUD and this PUD is a drastic difference. I'm going to repeat that a second time. The information that went into the Kerr PUD for the southern end of the Pitchfork, and thank goodness for Councilmember Wagner who made us study and study and study again. I think we all knew that PUD by the time it hit the floor of this Council, and I think at the other end everybody wasn't satisfied, but I think we ended up with a product that made sense for the many, maybe not the few, but for the many. With that said, I am asking my colleagues to pull out, we're not going to look at the Cliff Note version of this, we're going to look at the exam version on this when it comes back. Thank you, Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilmember Shahid.

Councilmember Griffin said, "I've just got a couple of questions for Mr. Morgan. First question is, with MUSC set to open at the end of the year, does this rezoning affect that at all?"

Mr. Morgan said, "No, because that's in leased space that is already subject to zoning. The MUSC use complies with the zoning that's in place on the property."

Councilmember Griffin said, "But if MUSC were to want to expand and maybe put a hospital on that property, could they do that under the current classification?"

Mr. Morgan said, "Yes."

Councilmember Griffin said, "They could."

Mr. Morgan said, "Yes. There could be extensive development on the property, thousands of Residential units, thousands of square feet, and probably millions of square feet of office space on the property under current zoning. Yes, sir."

Councilmember Griffin said, "Is there any way that we can get maybe like a one-off or something sent out to us that shows what the differences in the two zonings would create, so that we could have something to look at like that?"

Mr. Morgan said, "I think the PUD, overall, is reduced because as long as you can park it, and let's just say you elevated all of the buildings and parked underneath it, you could build up to 55 feet solid building on the entire 50 acres."

Councilmember Griffin said, "As long as you could park it."

Mr. Morgan said, "Yes, sir, and I would imagine you could probably park it if you elevated and had the ground level."

Councilmember Griffin said, "Okay. Alright. Thank you."

Mr. Morgan said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. I just want to echo Councilmember Waring's comments about returning this to the Planning Commission. I've read this presentation from cover to cover, and while it does have some specific information in here, it really, as Councilmember Waring said, does not have the specifics that we need to drill down and to appreciate the scope and magnitude of this project. I think your analogy, Councilmember Waring, about it being the Charleston Place of West Ashley is right on point. I think that's one concept that we need to take into consideration and remind ourselves about Plan West Ashley and one of its core principles in redevelopment emphasizes and states. So, this is what the Planning Commission needs to take into consideration, is not to disturb the nature and character of the surrounding neighborhoods. That was something we fought over during the discussions of the implementation of Plan West Ashley, and the residents who live nearby this area spoke very passionately about that, that we make sure that this project is as important as it is that it strikes the right balance and the right chord for our neighborhoods, and it doesn't overpower them. That's a real concern for a lot of folks. So, while the Planning Commission gets this back, and I hope it goes back to the Planning Commission, that it takes those principles of Plan West Ashley into heart and apply it as we go through this thing. I think this is going to take a little while on our part to digest this and hash this out because I was just totally surprised that it came out of the Planning Commission so fast without the details that I think we're all looking for. So, I just wanted to emphasize that."

Mayor Tecklenburg said, "Alright."

The Clerk said, "Councilmember Wagner had his hand up."

Mayor Tecklenburg recognized Councilmember Wagner.

Mayor Tecklenburg said, "Thank you. I didn't see him."

Councilmember Wagner said, "You still want to go again?"

Councilmember Waring said, "No, I'll go after you."

Councilmember Wagner said, "It doesn't matter. You can go first if you want to."

Mayor Tecklenburg said, "No, Councilmember Wagner, please proceed. We're trying to catch folks that hadn't spoken yet first."

Councilmember Wagner said, "It's my understanding, after visiting with the owners, that the City, when it first looked for a purchaser, did this under an urban core type document. I was unfamiliar with it, but in a nutshell it was a whole bunch of stuff in a general space. When we first looked at this PUD here three or four weeks ago, we kind of all knew that it was a tad bit devoid of the facts that we're asking for. He could not complete it, and I asked specifically why it was so devoid of facts and what it would look like. The answer was, 'Well, I've got four other people here that own a piece of this, and it's a very unique arrangement with the other people, the Dillard's and the Belk and the other folks in there.' So, basically, they all have to agree to what's going on, and this is all he was holding, I guess, when he came here. Now, everything

that I've heard here is right. There is nothing in the City at 25 stories at all, but we have a document here that is going to be alive, called the PUD, that possibly Councilmember Griffin, possibly Councilmember Lewis, because he's going to live forever, might be here to see it, 50 years from now, but that's about all I can say about that part of it. But, we can't ask for the impossible when we've given, up front, this huge amount of latitude for change as we go. This is another thing that they told me. There was no specific height limit on anything, and they basically said, 'We just thought that was good number, so we threw it out there.' So, everything as I see it, I think they're wanting to make this thing work. They're really trying to make it work, and if I were in the development business, and I knew there were a thousand dead malls around the Country, I'd like to make the person work, too, because that gives me 999 places to go sell it. That would be my thought process. It might not be correct, but that's my process. So, it's in the deferral status. Where we go from here, whether it's back to negotiate straight with the gentlemen and the ownership, or whether it's by way of Planning Commission, it's not really that relevant. We do need more because it's really devoid, but I think they gave us all they had at the point in time they had to submit it. They have some great ideas, and I think it's going to be a real benefit. But, I cannot tell you what the City of Charleston, West Ashley, that little corner is going to look like in 50 years. In fact, I'd be pushing it if I said ten or 15, I think, but like I said, Councilmember Lewis, call me when you get there, and tell me what it looks like. That's all I've got at the moment. Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Wagner was excused from the Chamber at 5:52 p.m.

Councilmember Waring said, "Thank you, Mr. Mayor. Mr. Morgan, you said to the height-

."

Mr. Morgan said, "Yes, sir."

Councilmember Waring said, "So, just think about it, the plan that you said under the existing situation, you would have thousands and thousands of units under existing zoning. If you elevate for parking, the more you elevate it takes away from the number of Residential units you can build. So, I would like to see that plan that shows thousands and thousands of units under the existing height restriction. Let me say this, the buyers, I can't tell you how I root for them to be successful. That Mall has languished in receivership for years. So, the job center that they have created by having the Medical University come over there is just outstanding. It's not good, it's outstanding. The HBO division they have over there, again, creates jobs, brings revenues per capita into our City, frankly, our State. It's outstanding. We've got a great catalyst over there but, again, Charleston has been around since 1670, and I defy anyone of you in this room to show me one 25-story building, 250 feet worth of buildings and let's take that eight or nine times. So, I think about, because I was a young boy at that time, when Charleston Place was being done, when it was a field, I promise Charleston Place didn't pass as fast as the track that this is on."

Councilmember Griffin said, "As a boy?"

Councilmember Waring said, "I was a boy during that period."

There was laughter in the Chamber.

Councilmember Waring continued, "But you know what, lessons were learned as a young boy that I use today. So, with that institutional knowledge, this fast track, we can do better. West Ashley deserves better. West Ashley has been very good, and our Planning staff and community have been very good, at recreating villages. I would say, if you look at South Windermere, we all

know when that shopping center was virtually dead. St. Andrews Shopping Center, virtually dead. Avondale, virtually dead. Look at it today. It thrives today because of community input, professional staff, obviously elected officials having input, private sector input. Compare that to what we're doing with what was about to be on the agenda today. So, the developer was kind enough and gracious enough to pull it back, but the public has to have its day and they have to have their say so. Again, the threat of the thousands and thousands of units, and I looked at that as a threat of thousands and thousands of units at a 55-foot height. I would take that chance as every day versus eight or nine 250-foot buildings on a site that doesn't have the infrastructure that can simply get them in and get them out. Thank you."

Councilmember Wagner returned to the Chamber at 5:54 p.m.

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I just want to touch on a couple of more things about this developer, Trademark Properties, and Richard Davis. They're great people. They really are. We've sat down, most of us have, with Richard many times. He has been more involved in Plan West Ashley and going to the meetings and hosting meetings. He's really, really been great throughout this whole thing, and now we're getting towards the finish line. He's going out and trying to land some economic development to West Ashley because one of the things that he told me when I met with him was, 'The one number that stuck out more than anything to me was 84 percent of West Ashley residents work outside of West Ashley'. In the last couple of years, you've got HBO, you've got MUSC, and you've still got some big anchors over there at that Mall. But, if you walk into the interior of that Mall, it's depressing. It really is. It's just depressing, and it's nothing that he's done. This crash that we had pushed a lot of these stores out, and we never recovered. So, we have to change the way the Mall looks. We have to revitalize it. We have to give it a facelift. We're not going to be able to be successful on the interior until we can do some things on the exterior. We can all agree to that, that that entire campus has to be changed. We're really talking about two things. They're very, very important, but they're not end-all be-all's. We have to talk about the height, and we have to talk about the traffic, but because Richard has been such a great partner to us, I know that all of us will find a solution together with him. I know we will. So, I don't want anybody in West Ashley to think that we're trying to shut this project down forever or stall it or anything like that. We just have some legitimate questions that I know will be hashed out sooner rather than later, hopefully pretty quick. If there's anybody who hasn't met with him yet, go by the Mall, sit down, talk with him, and look at the plans. I feel like we're like 95 percent there and we just need to just work together. Councilmember Waring is saying we're a little bit. Not in terms of height, but what I'm saying is most of the hard work has been done. We're right there. We can see the finish line. We just have to make sure that our residents are supportive of it, and I know we will, but I just can't say enough good things about Richard as a person and as a lifelong Charlestonian. He's not somebody who has just come in and bought this property and is going to flip it and leave. So, that is something to look forward to as a West Ashley resident, somebody locally taking a chance on themselves as a business person to revitalize, probably, the most important parcel. I know Councilmember Shahid is going to say the Piggly Wiggly site, but probably the most important parcel in West Ashley is the Citadel Mall. To me, it is. So, thank you, Richard, and I know we're going to get there to the finish line."

Mayor Tecklenburg said, "Thank you, sir. Alright. Mr. Morgan, back to E-7, 1707 Mcleod Avenue."

Mr. Morgan said, "Yes, sir. This is a recently annexed piece of property off of Folly Road at the corner of Mcleod and Folly. The request is to come in the City as SR-1, and the Planning Commission does recommend approval of the SR-1."

Mayor Tecklenburg said, "Would anyone like to be heard about 1707 Mcleod Avenue?"

No one asked to speak.

Mayor Tecklenburg said, "Hearing none, we've got one more."

Mr. Morgan said, "Yes, sir, 2951 Bolton Road. This is another Single-Family residence recently annexed into the City, and it would also come in at SR-1, and it was recommended for approval by the Planning Commission."

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

No one asked to speak.

Mayor Tecklenburg said, "Alright. Well, that ends our public hearing matters. Next is to approve City Council minutes from September 10th."

Councilmember Moody said, "Move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We've got a motion to approve and a second. Are there any additions, deletions, or comments?"

No one asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Shahid, City Council voted unanimously to approve the minutes of the September 10, 2019 City Council meeting.

Mayor Tecklenburg said, "Next is our Citizens Participation Period. We normally take 30 minutes at each meeting and allow our citizens to come forward and share with us their thoughts, comments, and/or recommendations. How many people do we have signed up, Madam Clerk?"

The Clerk said, "It looks like we have 23."

Mayor Tecklenburg said, "We have 23, so could I ask you all to limit yourself to a minute and a half, 90 seconds each. Please state your name and your address when you come forward. Madam Clerk will call out your names, and just kind of queue up as best you can in the order she calls you out."

The Clerk said, "Mohammed Idris, Anthony Bryant, Tim Squire, and Sheri Irwin."

1. Mohammed Idris said he had been coming to City Council for more than 25 years, and he thought if he could get \$150 an hour for sitting at Council, he could have an office on Broad Street. He said Mayor Tecklenburg cut the time for citizens to speak because if they were paying \$150 an hour, that's why they only gave people 30 minutes to speak while he said the crooks took all day.

Mayor Tecklenburg said, "Thank you, sir."

2. Anthony G. Bryant said the Mayoral election was coming up and he was asked who he was voting for Downtown. He told them there were only two candidates running. He said campaign finance reform was needed. If they were going to spend half a million dollars for a job that paid \$100,000, there was a real problem. If they were going to spend over \$20,000 for a seat that costs \$20,000, there was a problem. He apologized to Councilmember Griffin who was 24 years old as he liked to support young people. He liked his fire and his spirit. Campaign finance

reform was needed on the local level. They were spending money on ads about flooding and traffic, and he was still flooding and still in traffic. He said there were no fireworks in the campaign. He believed if Councilmember Gregorie had run again, it would have been more exciting, and Councilmember Gregorie could dress better than all of Council. Regardless of party, a decision needed to be made where the City was going, and the people needed to come together when it was all over, whomever the Mayor was, and the Council should have a coalition for the people.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Tim Squire."

3. Tim Squire of Johns Island urged the Mayor and Council to support drafting an ordinance that banned fill and build development. They needed to get it done. This was a practice that had been ongoing for a long time, and it disrupted natural drainage. They had heard a lot of talk about drainage and flooding, and it greatly increased runoff. It used impervious material that created neighborhood flooding, and neighborhood-sized earthen dams with houses on them created flooding where there was no flooding before. It also destroyed and damaged the neighboring properties. He asked if there was a term for legally taking people's property away from them by damaging it through flooding. This was a dangerous practice that had been allowed to go on, and there was still a lot of foot dragging. He heard people talk about this sort of thing, but the leaders who were veteran leaders in the Chamber and on staff in the City had not done anything about it. He said it was a freshman Councilmember raising the issue, and the rest of Council better get busy.

Mayor Tecklenburg said, "Thank you, sir."

4. Sheri Irwin thanked Councilmember Griffin and said the citizens appreciated him trying to get this going. She thought it was a shame that they didn't have a vote before the election, so they could have everybody on record. People's lives were being ruined with fill and build, and it needed to end as quickly as possible. It needed to be retroactive on things that had been planned to be built. She didn't understand the push to keep using their tax dollars to build private sector residences, and Council just ignored it, people losing their homes to flooding. Council's number one concern should be to protect their private property rights and before using their tax dollars for things they shouldn't be using them for, Council should be using them to protect people's homes.

The Clerk said, "John Steinberger, Reverend Christian King, Luke Daniels, and Jackie Meaney."

5. John Steinberger of West Ashley said that Mr. Squire had said everything that needed to be said about the impact of fill and build development. He thought everybody understood how a new development could adversely affect neighbors, and that was the wrong thing to do but what Councilmember Griffin was asking Council to do was not in the practice. He was asking Legal staff to draft an ordinance that Council could go back and discuss, debate, and amend as they saw fit at a minimum. He expected Council to agree to send it to Legal staff, draft an ordinance, and then take action.

Mayor Tecklenburg said, "Thank you, sir."

6. Reverend Christian King said she operated an after school program and summer camp for kids for the last 20 years in the Ardmore/Sherwood Forest Subdivision in West Ashley. She said during the time in her work, she had met many people who had been disenfranchised by the lack of quality transit available in the West Ashley area. One of the people she met was Larice who was a VISTA who came from Virginia to work. She was assigned to the Palmetto Rose Program with the kids and she was able to get an affordable apartment in West Ashley, but she could not afford a car. Therefore, she had to depend on the CARTA bus, but because that bus was never on time, she had to take an Uber or tried to ride with someone to be on time at work. Larice had to make a choice between getting to work or eating because of the small stipen that she received and the cost of transportation. She felt that Larice was having challenges because of her health problems, and as a result, they were hoping that they could work in West Ashley to have a quality transit system in place. She was also running as a candidate for the District #7 City Council seat, and she said when she was elected, she would advocate for quality transit.

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

7. Luke Daniels, President of the Harleston Village Association, spoke on behalf of the Council and all of the neighbors' noise and being woken up in the middle of the night and early in the morning, pretty much every night. One of his neighbors asked where he was going. When he told him what he was coming to Council for, he was excited, but not in a good way. He lived on Beaufain Street, and his family was woken up every night, so their six-month old got woken up, too. He said it happened anywhere there was construction. He didn't understand how they allowed homeowners to be woken up. He was also speaking on behalf of Wiley Becker, the President of the Charles Towne Neighborhood Association, who had e-mailed him and said they were in support of the ordinance, but they would like the proposed hours to be changed as the Harleston Village Association did. They felt 7:00 a.m. to 9:00 p.m. was too extreme. They proposed 7:00 a.m. to 6:00 p.m. They would like the hours to be retroactive, which would also include Saturday and no work at all on Sunday.

Mayor Tecklenburg said, "Thank you, sir."

8. Jackie Meaney spoke with regard to the proposed Construction Noise Ordinance on behalf of the Ansonborough Neighborhood Association where she was a Board member. She said a year ago City Council deferred a Construction Noise Ordinance that proposed 70 allowable construction hours 7:00 a.m. to 7:00 p.m. weekdays, 9:00 a.m. to 7:00 p.m. Saturdays, and no work on Sunday. Council would be considering that night a revised ordinance that proposed to allow 104 hours of work including building construction, repair, demolition, and renovations until 11:00 p.m. Construction noise was a significant quality of life issue for all residents of the City, not just the Peninsula. They researched existing noise ordinances of more than a dozen cities along the East Coast. There were two key elements of the proposal that were directly at odds with every other city that they examined. Not a single city allowed construction of any kind until 11:00 p.m. Most were 7:00 a.m. to 7:00 p.m. with restrictions on weekends and holidays. Also, not a single city differentiated between high impact and low impact. Noise was noise.

Renovation and demolition were construction. They advocated two changes to the proposed ordinance. Construction hours should be limited to 64 hours: 7:00 a.m. to 6:00 p.m. Monday through Friday, 9:00 a.m. to 6:00 p.m. on Saturdays, and no work on Sundays or official City holidays.

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

The Clerk said, "Next, we'll have John Marsland, Peter Ward, Mary Ann Ward, Brett Barry has already spoken, and I don't think he's here. So, Kris King and Phil Dustan."

9. John Marsland, President of Ansonborough Neighborhood Association, finished Ms. Meaney's remarks. Their second ask was that they thought the false distinction between high and low impact noise should be eliminated. Noise was noise. He said the attempt to distinguish high versus low missed the mark, and he thought they were trying to describe the general distance that noise traveled. As homeowners or residents, noise happening next door wasn't high or low impact, it was impact. They thought it was a false distinction. Their final point was concern about regulating activities that didn't generate noise such as mudding, painting, etcetera. It was attempting to infringe on activities that a homeowner may do within their own home with artificial deadlines. They thought that was a dangerous precedent. With regard to the Hotel Ordinance, he was a member of the Hotel Task Force, and they urged Council to pass the third reading of the Hotel Ordinance with the amendments proposed since the last meeting.

Mayor Tecklenburg said, "Thank you, sir."

10. Peter Ward said he lived downtown on Concord Street, and he was in opposition to the proposed hours for heavy and light construction noise. His recommendation was to limit the hours for construction noise of all kinds to no later than 6:00 p.m. He understood the City wanted to control the hours when construction noise was allowed, but the proposed hours of 7:00 a.m. to 9:00 p.m. for heavy construction and 7:00 a.m. to 11:00 p.m. for light construction was too permissive and probably too difficult to differentiate and enforce and likely posed a safety hazard for workers and nearby residents. Residents and guest should be allowed peace and quiet at the end of the workday. Cutting off construction noise to no later than 6:00 p.m. was certainly more hospitable than 9:00 p.m. or 11:00 p.m. Differentiating between light and heavy construction did not recognize all the sources of noise from a construction site. A concrete truck backing up with a beeper would sound a lot louder at 11:00 p.m. than 6:00 p.m. He questioned if the enforcement mechanism would be City employees with noise meters and if they would be on duty at 9:00 p.m. and 11:00 p.m. He asked what the standard was, how many decibels would be allowed, how much would enforcement cost, and who would pay for that time? Council needed to think about the safety implications of late night construction work. He asked if light pollution from job sites in neighborhoods need to be limited. He recommended Council limit the hours of construction noise of all kinds to no later than 6:00 p.m. only Monday through Saturday and never on Sunday.

Mayor Tecklenburg said, "Thank you, sir."

11. Mary Ann Ward said she lived downtown on Concord Street, and she spoke to quality of life issues regarding the construction noise ordinance. She asked if Charleston was being turned into a Disney World where full-time residents no

longer lived downtown or anywhere in Charleston because they all had been chased out by constant construction. She bet that even visitors would no longer want to stay in any hotels if they had to listen to construction noise until 11:00 p.m., even on Sundays. She said they had families with children who went to bed early, children who had homework to do and needed quiet, and older students studying for important exams. They all needed quiet in the evening and on weekends. She questioned if church would be interrupted on Sundays and Temple of Saturday. They lived and voted here and did not want the City destroyed with the proposed noise ordinance.

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

12. Kristopher King, Preservation Society of Charleston, echoed the comments on the noise ordinance. He thought most people didn't necessarily focus on the ordinance and the technicalities. They related to what they understood, and noise was noise, whether it was high or low. It needed to be looked at holistically. He said they supported the comments Council had heard and hoped Council would take that into consideration. With regard to the Hotel Ordinance, there was not a lot left to say. They had gotten to know each other well and appreciated the thoughts Council had put into it. He added that after the last meeting of Council when the corrections were made and the ordinance wasn't passed, they felt like there was a collective sigh in the community. The community was so ready to get it done, and hopefully, they would have a nice, cool copy to look at and would be ready to go. He asked Council to support and approve the ordinance to show the residents they were going to get hotels in check and rebalance the City for the residents.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Phil Dustan."

13. Phil Dustan said Jimmy Bailey, Jr. might be a good man, but he was not the right man for the Planning Commission at the time. They didn't need another 'downtown development-friendly good ole boy member again. They needed someone with experience, knowledge, integrity, and they needed someone that represented James Island, Johns Island, and West Ashley. They needed somebody that cared about the other parts of Charleston. He said since Mayor Tecklenburg had been elected, whole neighborhoods had flooded repeatedly, and lives and property continued to be at risk. The experts had spoken, the science confirmed their concepts, but the developments kept rolling on with the blessing of the Planning Department, even while the City was under a fraud investigation. He asked how many developers had contributed to the re-election campaign of the Mayor? He said the Dutch Dialogues were looking more and more like an \$800,000-plus exercise to generate a photo op for Mayor Tecklenburg's re-election campaign. Charleston needed an ordinance that banned fill and build, revisited all building permits, and stopped the evil, amoral, Godless atrocity on nature in its tracks. He said the voters were going to hold Council responsible for all of it. He thanked Councilmember Griffin for his good work and having the guts to bring it forward.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Steve Green, Lorie Adams, Rich Thomas, and D. Payne."

14. Steve Green said he lived on Johns Island and spoke out against the City of Charleston giving a non-stop green light for fill and build developers to destroy the ecosystem of Johns Island. For the past 36 years, he had lived on River Road, and until Waterloo Estates brought in three feet of fill dirt and built a house that bordered the freshwater wetland and his property, he had never experienced flooding around his house. It got worse because then the City of Charleston approved the Stonoview Subdivision that was built between his property and the Stono River, and it flooded him out so much that he could no longer use his driveway to get to River Road during heavy rains. He hoped everyone had the opportunity to read the article about fill and build and the Stonoview Development that recently made the New York Times. He highly recommended reading it if they would want to know that Stonoview made the cut to be titled the 'National Definitive Model of Fill and Build Development.' As a resident of Johns Island for the past 36 years, he was there to tell Council firsthand what was horrific about fill and build development. He had been forced to spend many thousands of dollars on fill dirt, crushed concrete, and gravel just so he could get from his driveway onto River Road. His yard now flooded whenever there was a heavy rain. He asked that they listen to the citizens of Johns Island, Councilmember Griffin, Dr. Dustan, and to re-read the article in the New York Times and the Dutch Dialogues because the time was now to stop fill and build development on Johns Island.

Mayor Tecklenburg said, "Is Lorie Adams here?"

Lorie Adams said, "Yes, I'm Lorie Adams, and I'll defer my time to Rich Thomas."

Mayor Tecklenburg said, "Okay. Rich Thomas."

15. Rich Thomas of Johns Island said he was concerned that the proposed Planning Commission member was not from Johns Island or James Island, as they knew these were areas which had significant flooding issues over the last 30 to 40 years. They also had no representation on the Planning Commission, and he thought that needed to be addressed by appointing someone who lived on either James Island or Johns Island and knew what happened there. With regard to fill and build, it absolutely needed to be stopped. This was one of the primary recommendations of the Dutch Dialogues a couple of weeks ago, particularly for Johns Island. It was said, 'Don't do it anymore.' A lot of money was paid for them to say that, and he hoped everyone listened to it. He thanked Council for taking up the issue and Councilmember Griffin for bringing it up. He hoped to see a successful resolution that banned the destructive process on Johns Island and other places around the City. With regards to the Oakville Development known as 'A River Runs Through It', it would be an incredibly destructive fill and build development which would essentially create a dam across the Burden Creek Estuary. There was a parcel up for annexation into the City, but it was also being discussed on Thursday by the Technical Review Committee. He didn't understand how a property that was not yet in the City was being considered by the City's Technical Review Committee.

The Clerk said, "Time."

Mayor Tecklenburg said, "Thank you, sir."

Ms. Adams said, "He has extra time."

Mr. Thomas said, "Alright. Well, that's about all I have to say."

The Clerk said, "Explain to her that she doesn't get to give time."

Mr. Thomas said, "Thank you for your time."

Mayor Tecklenburg said, "Thank you, sir."

Mr. Thomas said, "Thank you."

Ms. Adams said, "I deferred my time."

The Clerk said, "No, your deferred time doesn't count. You can't defer time."

Mr. Thomas said, "That's okay. I'm good."

The Clerk said, "Alright. Next is Fran Henty, D. Payne, I called D. Payne before."

16. Delores Payne said she was lifelong resident of Johns Island. She asked the Council and the Mayor to support the ban on fill and build. She lived next door to Stonoview and when they get to her property line she was going to flood due to fill and build. They didn't care that it was going to flood her. Legally they were supposed to care but water can't be stopped. The impact of the dump trucks, the tailgate bombs when the dump trucks dump the stuff, trying to get across the street to get the mail was insane because the trucks didn't care about the speed limits. She said they couldn't get enough police protection out there to slow the trucks down and the only thing that fill and build helped was the developer and didn't help the existing community. She said they begged Council to support it because they were getting wiped out and nobody was listening to them and it was making their lives miserable. FEMA wasn't going to help them once their properties flood unless it was ten years down the road and if then. She thanked Council for bringing this up and they were looking forward to Council's support.

Ms. Adams said, "Excuse me. Can I take my time since I can't defer?"

Mayor Tecklenburg said, "Please come forward."

17. Lori Adams of Johns Island said Johns Island had no representation as they were the redheaded stepchild of the City of Charleston and the County. The attitude was 'We have all of this free land. Let's take this land, let's fill and build it, and then the City of Charleston can annex it.' She asked what was happening on River Road with the construction as the land didn't belong to the City, yet the City was trying to plan for it. She came from New England, and the saturation that was happening here was nuts, and it was all for money. The residents of Charleston weren't getting any of that revenue and she didn't know who was, but how this was being handled had to stop.

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

The Clerk said, "Franny."

18. Franny Henty spoke as a realtor seeking to protect the inventory of the homes they already had, as a grandmother who wished to preserve the quality of life for generations to come, and as a taxpayer. She urged Council to support the ban on fill and build and make it retroactive for current permitting applicants before plans like the Central Park cluster was permitted to place a three-foot plus mountain, which would cause major runoff in her backyard and exasperate flooding for many other neighbors' homes. This had already happened with three other PUDS which were permitted in this low lying area. She urged Council to restore their hope in the future by taking the right action. She knew Council had much to consider in correcting the unintended wreckage of the past. She thanked Council for their time and special care in the matter as their future was in Council's hands.

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

The Clerk said, "Katie Zimmerman, Winslow Hastie, Neita Wiese, and Steve Omlor."

19. Katie Zimmerman said she was there as Executive Director of Charleston Moves, as a member of the Re-Think Folly Road Steering Committee, as a member of the Bicycle and Pedestrian Advisory Committee, and as a resident of Charleston. She had heard several members of Council mention how important it was for the City to have budgetary leverage for projects when going to the County and other entities to help get sidewalks built and multi-modal accommodations in place. At the Traffic and Transportation Committee meeting, their Bike and Pedestrian Advisory Committee budgetary recommendations were presented by their Vice-Chair. They put those priorities out there, in no particular order, to put them on Council's radar, so they could start having a little bit of money put aside each year to compete properly for projects to protect the public. Charleston County led in bike and pedestrian fatalities in the State, nor was the State doing great nationally. Regarding the proposed zoning change on the Folly Road Overlay Ordinance, they had projects that were coming where they needed to make sure the developers were including a multi-use path when they were doing major redevelopment along Folly Road. It was important because they, as a Committee working on the Re-Think Folly Road projects, needed the help of developers to put in their parts of that path. Folly Road was one of the most dangerous routes in the County, as well. She urged Council to pass first reading of the zoning change ordinance. The Town of James Island had already done their part on it, and it was very important.

Mayor Tecklenburg said, "Thank you very much."

20. Winslow Hastie, Historic Charleston Foundation, implored Council to pass third reading on the Hotel Ordinance. They were involved in the Hotel Task Force, and they thought it was a model for how to move policy forward. They hoped that it passed that evening. Regarding the Construction Noise Ordinance, Historic Charleston Foundation was in support of all of the neighborhoods already heard from. He said there needed to be some tweaks made to be more respectful to neighbors. He thought that was important, particularly in Residential zones. He asked Council to consider those changes that had already been brought forth from others. Also, as Historic Charleston was the proud sponsor of the Dutch Dialogues Project, the issue of fill was a prominent discussion point, and it was one of the

major recommendations moving forward. It was time for the City to look at how new development occurred, particularly in the suburban areas, not just on Johns Island, but in West Ashley and all around the City. He urged Council to initiate that policy analysis because it was going to take time, but he thought it was important. The City needed to move forward and be more progressive on that front.

Mayor Tecklenburg said, "Thank you, sir."

The Clerk said, "Neita Wiese."

21. Neita Wiese, Charleston Sister Cities International, said she was in Washington, D.C. during Hurricane Dorian and met with some of the current Sister Cities like the new Ambassador to the United States from Panama. They talked about some next steps. After they completed their trade mission to Panama last year, the Panama Canal and Charleston's Port was a good fit. She also met with the Dutch Embassy about doing a Sister City with the Netherlands, probably Rotterdam, with regard to a good fit for sharing best practices when it came to flooding. John Mitchell, who worked for Mayor Tecklenburg, had called her to say that he was working on a meeting next week where she would be available for a couple of hours for anyone to drop in and ask her any questions they might have about Sister Cities and how they benefited the community. She also had some invitations for Council about an Ambassador visit in Charleston on the 21st and 22nd. She said they would love for Council to attend, and Boeing was also hosting a breakfast, as well as a co-Chair on one of their committees for this particular visit.

Mayor Tecklenburg said, "Thank you, kindly, and, Steve Omlor, please come forward. Did I miss you? Please proceed."

22. Steve Omlor thanked Council for the opportunity to speak. He and his wife had lived in West Ashley for more than six years and enjoyed the area for its proximity to most everything in Charleston and a slower pace of life. The addition of a 25-story apartment complex would be out of character for the area and eyesore, and there would be increased traffic which was already heavy. They would not like to see West Ashley become too gentrified and more congested.

Mayor Tecklenburg said, "Thank you, sir. Please come forward."

23. Peggy Malaspina, Vice-President of the French Quarter Neighborhood Association, said she wanted to add her support to the Noise Ordinance and the suggested changes as they lived in a construction zone. They understood they chose to live there, but they would like a little peace and quiet.

Mayor Tecklenburg said, "Thank you, ma'am. Yes, sir. Did you want to be heard as well?"

Gary Worth said, "I do."

24. Gary Worth of Johns Island said he was probably public enemy number one. His property was part of the Oakville Development, and he just wanted to put a face to the piece of property he had owned for 30 years. He respected everybody's decision about the development. People told him he was selling out, but he wasn't. He was a Charlestonian, and he was planning on staying in Charleston. He was

doing what was good for him and his family, and it was his property. If someone wanted to buy it, he didn't want to hurt anybody, flood anybody, or do anything to anybody. He had been there 63 years. Charleston had been flooding as he grew up downtown. He didn't know whether development added or didn't as he wasn't that versed in it. He said people didn't wave at him, and they said he had a target on his back. He was just there to ask Council when they looked at developments whether it be Johns Island, Daniel Island, or elsewhere to come out and look at the property and walk it before they made a decision on the Dutch report or fill and build.

Mayor Tecklenburg said, "Thank you, sir. Appreciate your comments. Did we miss anyone else?"

No one else asked to speak.

Mayor Tecklenburg said, "So, thank you all for being here tonight and for sharing your comments and advocacy with our Council. I really appreciate it. Next, we will proceed with Petitions and Communications. I had a recommendation for the Planning Commission. I do want to share with Council that we got a notice today of a resignation from one of our Planning Commissioners, so there will be yet another open position that we can bring forward another recommendation to you at the next meeting and we're happy to consider any suggestions that you all may have."

Councilmember Lewis said, "Move for the appointment."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a motion for approval?"

Councilmember Lewis said, "Move that we approve the appointment of Jimmy Bailey."

Mayor Tecklenburg said, "Okay. We have a motion--"

Councilmember Lewis said, "Let me say this, Mr. Mayor, before we go any further. Jimmy Bailey, he is in my district, lives in my district. He was my opponent four years ago, and I think he is qualified. We have a process that you have to go through to fill out the applications online. He met the requirements, so I will support the decision to appoint him to the Planning Commission."

Mayor Tecklenburg said, "Thank you. Did we have a second?"

Councilmember Shahid said, "I did."

The Clerk said, "Councilmember Shahid seconded."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I would like to recommend, for the seat that just opened up through the resignation, that Teresa Tidestrom get the position. I think she is very qualified. She is so great for not only West Ashley, but Johns Island and James Island, as well. She is an advocate for a lot of our suburban areas, and I think she would be a great, great addition to the Planning Commission."

Mayor Tecklenburg said, "We'll consider that."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Yes, I would agree with Councilmember Griffin that Teresa Tidestrom would be an excellent candidate, and we have other excellent candidates that are in the West Ashley area as those come available. I think we need to look at where we have our Planning Commission, where they're coming from. We need to look and see, so that people understand we have a representative from different areas, so that we balance that out a little bit on that Committee, on that Planning Commission. So, I hope that we will consider that and take a look at where people live that are on that Planning Commission, but I do support Jimmy Bailey in this, as well."

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

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Yes, I do. This seat fulfills what vacancy?"

Mayor Tecklenburg said, "I think Mr. Geer, who recently was not allowed for reappointment."

Councilmember Waring said, "That's what it would be, and believe me, I know Mr. Bailey, and he is a fine gentleman and comes from a fine family. But I will say this, as a person who has served on the Planning Commission, the people from James and Johns Island have a very legitimate concern. James Island had been represented on the Planning Commission for 30 years with Ms. Barbara Ellison who had exemplary service, but she is since retired now about three years ago. As a result, James and Johns Island, just from a geographical standpoint, we always did a good job trying to balance the Planning Commission appointments geographically. Daniel Island, for example, has had a representative for at least 15 years, and Daniel Island doesn't have the population that James and Johns Island have in the City of Charleston. So, I understand how it happened, and this has nothing to do with Mr. Bailey, but I think we need to defer this in an effort to try to find somebody from James and Johns Island for this position. That's what I think. So, anyway, we don't have the balance that we need."

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmember Moody and Councilmember Shahid.

Councilwoman Jackson said, "Thank you, Mayor. I appreciate Councilmember Waring's suggestion. I, too, think that we should defer it. I've heard great things about Mr. Bailey. I don't know him personally. His qualifications certainly before us are very legitimate and admirable, but I do think that as much as we have heard from citizens in growing numbers and in growing involvement in educating themselves about the way our City is developing and needs to be developed. We're going to be doing a Comprehensive Plan starting at the end of this year for the next year. I think that's an opportunity to really change the way we think about Charleston, instead of just a main city with boroughs. We are one city that has distinctives that need to be dealt with by the people who can really appreciate those distinctives and put it all together in a Master Plan. Just for the record, we do have Harry Lesesne who lives in my district on James Island. He is an upstanding member of the Planning Commission and also the CEO for the Parks Conservancy, so the City is well-served by Mr. Lesesne. I would think that as much as we've been talking about southern West Ashley and the situations with the open land there that's very ripe for redevelopment and very vulnerable for protected development and certainly Johns Island, that we recommend that you consider some more candidates, Mayor, before we vote on Mr. Bailey."

Mayor Tecklenburg said, "Well, let me share some information. I guess there is no strict geographic requirement for distribution on the Planning Commission, but presently there are three West Ashley Commissioners, one James Island as you just mentioned, one Daniel Island, and one Downtown. There are actually three openings. We've had some turnover lately. Mr. Geer's seat, if you could call it that, that this appointment would fill tonight, and then there is another opening that never got fulfilled that we had either recommended or approved Mr. Matt Yaun, and he wasn't able to serve because of a dual office holding requirement. He also serves on some Statewide Board and he opted not to join the Planning Commission at this time and then Ravi (Sanyal). That is an attorney's position, but he is the one that announced today that he would not be serving. So, in addition to this one, we have two more coming up and, in fact, we do have a pretty good geographic distribution, not Johns Island, but we've got two positions coming up. We could certainly entertain someone from Johns Island and Teresa, by the way, would be a great recommendation. I think she would have that same decision to make whether she wants to serve on the West Ashley Revitalization Commission or the Planning Commission. I don't know that she would be able to serve on both, but we can talk to her about that."

Councilmember Waring said, "Mr. Mayor, I know I've already spoken, but I didn't realize Mr. Lesesne lived on James Island, so I'm going to stand corrected and pull back my statement."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Moody followed by Councilmember Shahid.

Councilmember Moody said, "Yes, there are a couple of names. Teresa would be great. There is also a John Cowan on here who I happen to know. I think he lives in Councilmember Wagner's District, but it's still out in that further area, and I think maybe somebody from Johns Island. I was looking forward, there is another appointment that we're going to consider which is also another Downtown person, and I did some checking on Mr. Bailey. I talked with some people over on Daniel Island, and I've talked to some other people, and they highly recommended Mr. Bailey. So, I don't have a real problem here with Mr. Bailey, but it seems like I need a little bit of, we need to find an attorney. So, if we could put this thing off, and that Planning Commission is so important that we could come forward with maybe a slate and try to fill this thing up and get it done. So, if your motion is still on the floor with a deferral just to wait, then I'll go with that, or I'm not even sure where we are right now in terms of the motions."

The Clerk said, "I don't have a motion."

Mayor Tecklenburg said, "There was a recommendation. I didn't really hear it in the form of a motion."

The Clerk said, "I don't have a motion. The only motion I heard was Councilmember Lewis and Councilmember Shahid."

Mayor Tecklenburg said, "We have a motion on the floor to accept the appointment."

The Clerk said, "Right."

Councilwoman Jackson said, "Can I ask a question?"

Mayor Tecklenburg said, "Councilmember Shahid is next, then Councilmember Gregorie, Councilmember Seekings, and anybody else who would like to speak who hadn't been heard, and then I'll come back for a second time around."

Councilwoman Jackson said, "Okay, I just have a question that I think knowing that we might be deferring and now we have three vacancies, will we still have a quorum on the Planning Commission for when they meet this month?"

Mr. Morgan said, "Yes."

Councilwoman Jackson said, "Okay. Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor, and you answered a lot of the questions I was going to pose. So, I know we've got this criteria as to lawyer, architect, and some other qualifications. So, do we have a breakdown of all of that, so we're making sure that these people that we're talking about because this packet that we have in here, we've got some wonderful people in here, Dr. Irons, Dr. Brown, Teresa, and others on here, as well. I just want to make sure that we're covering all of our tracks, so I have an idea what vacancies are available and whether or not we're meeting our criteria for those particular qualifications. If we could move forward with Mr. Bailey, that would suit me just fine to get Mr. Bailey's name on here and then see where we are with the rest of these applicants. We would like to know where we are with the breakdown of these certain vacancies."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, Mayor, I think we should defer this."

Councilmember Griffin said, "Is that a motion?"

Councilmember Gregorie said, "Yes, it's a motion. I move that we defer and we come back with a list that would be reflective of all of the areas within the City."

Councilmember Griffin said, "Second."

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

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just briefly, I think the confusion around this table speaks well for why we should put this off just one meeting. Let's get a list of the requirements in terms of qualification and the current makeup of the Planning Commission, in terms of geographical location of the members so we can then speak. There are people around this table who didn't know the residence of some of the members currently, and I do agree. We've just accepted this huge report. We all got a copy of it tonight, and some of us had it before the Dutch Dialogues. A lot of it talks to areas on Johns Island. There should be representation out there, clearly. So, I think, one time waiting around to make sure we're made up correctly in terms of our ordinance requirement in terms of attorneys and all of that, and also, know the geographic distribution because we're going to need to make sure we have it across the board. So, Mr. Bailey clearly is qualified. I don't think there is any objection to him, but let's make sure the way he, well, I don't want to speak for other members, but just the way he fits into the makeup and the geography, so we can make sure we have it all done the right way at one time. I mean, we didn't know until today that the person who resigned was Mr. Sanyal."

Mayor Tecklenburg said, "Mr. Sanyal. That's right."

Councilmember Seekings said, "So, I would support the deferral and then come back with a list of everybody, and let's fill it all up next time."

Mayor Tecklenburg recognized Councilmember Wagner followed by Councilmember Mitchell.

Councilmember Wagner said, "I don't know that we have, where are the rules one more time, because we've got some Johns Island people here, and I believe we've got a couple of people that may be interested, including a certain attorney, that I've known for a while from Johns Island on the Growth Commission way back when, a whole year ago. Can you give us the website, and tell us how these guys can apply? That way we can have a full list, and we'll say right off the bat, 'Hey, if you want it, we're going to give it to you.' We just need to tell them how to apply, how to get on the list, and we'll take the whole slate, and we'll go from there."

Mayor Tecklenburg said, "People can apply for any City Board or Commission on our website. There is a Boards and Commission pull-down tab, and that's how you apply for positions that are available with the City. If you need some assistance, you can call my office, talk to Michael Tito, and he'll be happy to walk you through it."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, Mr. Mayor, I think that since we are doing this and whatever the will of Council is, if they want to defer, but I really believe that we should have someone from the Johns Island area. We were hearing so much about Johns Island, and like I tell people, I know Johns Island. That's my family. They go back 350 years on Johns Island, and I lived out there in the late '40s and '50s, so I know about Johns Island, period. But we need to have someone to look at those rural areas, and put someone on this Planning Commission, so they will feel like they're a part of the City of Charleston. Some people on Johns Island feel like they're not a part of the City of Charleston. They think they're the step-child sometimes, or a lot of people think we're not listening to them. So, I believe that we need to have someone on that Planning Commission, so they will be able to give us information and see what's going on when it comes to different developments and things that are happening on Johns Island because I know Johns Island has changed a lot. I was there when there were dirt roads. There were no Kiawah and Seabrook Islands and all of that stuff when I was living out there, and my family is still out there. So, I believe we need to have some representation because we've already heard a lot of people from Johns Island saying that we're not listening. So, with them on the Planning Commission, we can try to have someone from all of the municipalities that we are representing. Thank you."

Mayor Tecklenburg said, "We certainly have the opportunity to do that with two other openings available on this body. I would like to share with you that Mr. Bailey applied for the position, and I do happen to know him personally. I had known his family before by working with his brother by his uncle, Steve, when he worked in the City with me during the '90s. By the way, it was very gracious, Councilmember Lewis, of you to make the motion to approve the appointment, given that Mr. Bailey ran against you last time. That was very gracious of you. But, where I really got to know young Jimmy Bailey, big Jimmy Bailey, some people call him because of his stature physically, is when I opened a store on Daniel Island, he was the branch manager of the NBSC, the bank branch next door, and he was over every day in the store. But when he left there, and this is what really makes me feel like he would make such a great representative for neighborhoods on the Planning Commission, is that when he left the bank just a couple of years later, ever since then he's been working for Community Associations. First, for the one on Daniel Island and more recently for the Kiawah Neighborhood Association. That's what he does professionally is represent neighborhoods, and so, I thought with that great experience that he's had now, I think for almost 20 years that, in fact, he would be a great advocate for neighborhoods on our Planning Commission. That's why I wholeheartedly support

him. I must tell you I don't think you could go wrong putting him on there tonight, but be it the will of Council, we can come back with three recommendations for you at the next meeting, including someone from Johns Island. We have a motion to defer."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Yes, Mr. Mayor. I'm glad that we brought up the website, so people could go on and apply because he did just that. He applied, he was recommended for it, but I know the motion to defer supersedes all other motions on the floor."

Mayor Tecklenburg said, "That's correct."

Councilmember Lewis said, "So, I will vote against deferring. It's been equitable. Whatever City Council wants, I have to accept. Thank you."

Mayor Tecklenburg said, "Absolutely."

Mayor Tecklenburg recognized Councilmember Moody followed by Councilmember Griffin.

Councilmember Moody said, "Yes, I was going to suggest, because if I'm not mistaken, when this Mr. Yaun was proposed I asked a question at that time because I'm thinking he is on a State Board or a State School or something."

Mayor Tecklenburg said, "That's correct."

Councilmember Moody continued, "I asked at the time if he was willing to do this. It seems to me like we ought to have a question. If you do have another office held, are you willing to--we don't need to be going through this and then having somebody come back and say, 'No, I didn't want that, I want this over here', so it seems like a waste of time. But, he seemed like he was qualified, but my understanding was that he was going to get off of that."

Mayor Tecklenburg said, "So, I think he plans to. It rolls off in about six months. I spoke to him and he said if we come back to him next year, if there is an opening, he'd be happy to serve."

Councilmember Moody said, "Well, that's what I'm saying. The question ought to be on there, 'Are you available immediately?', or something. If not, then let's not go through the process."

Mayor Tecklenburg said, "Right. I understand."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "If the will of Council is that we wait, while we're doing that, we need to clean up that list a little bit. There are names on there of people who don't want to serve. There are names like Dr. Brown. He had a conflict, so he couldn't serve. Let's give a couple of weeks to maybe get a couple of great Johns Island applicants. We just have to clean that list up because we need to make sure, like you're saying, that everyone is on the same page, and when it comes to us, we know what we're looking at. Some of those people applied two years ago, some applied last week. There's not that many names on the list, so maybe we can call them, and just make sure they're still interested. If they're not, let's give people an opportunity that are to do it."

Mayor Tecklenburg said, "Thank you. Alright, anyone else?"

Mayor Tecklenburg called on Councilmember Waring.

Councilmember Waring said, "Again, I support the deferral. But, I am going to support Mr. Bailey when it comes back. I like your idea about a full slate coming forward. I like that idea. It will give us time to do that."

On a motion of Councilmember Gregorie, second by Councilmember Griffin, City Council voted to defer the appointment of Mr. Jimmy Bailey to the Planning Commission. The vote was not unanimous. Councilmember Lewis and Mayor Tecklenburg voted nay.

Mayor Tecklenburg said, "Next, we have the Board of Zoning Appeals new appointment, Robin Richards, Councilwoman Jackson."

Councilwoman Jackson said, "Move for approval."

Councilmember Mitchell said, "Second."

Councilmember Moody said, "Is she the merchant representative? She's a great merchant. I was just curious what her classification was."

Mayor Tecklenburg said, "I'm going to refer to our Planning Department."

Mr. Lindsey said, "She doesn't fill one of the seats that requires professional accreditation. She is a citizen, a long time business owner of a business on King Street, and she represents the interests of business owners Downtown. The seat that she fills, the person that had it previously held a similar role for many, many, years. So, we think she is the right person."

Councilmember Moody said, "I think one of the seats is for a merchant, is it not?"

Mr. Lindsey said, "Not to my knowledge, this specific seat that she's holding does not have a specific qualification around it. There may be another seat on the BZA that has that requirement. This one is not fulfilling a specific requirement."

Councilmember Moody said, "This is not the merchant seat?"

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

Councilmember Moody said, "I was just curious what seat she was occupying."

Mr. Lindsey said, "There may be another one. I'll research it right now."

Councilmember Moody said, "I think there was a merchant seat, but I just have to assume that that's what it was. She is a good merchant."

Mr. Lindsey said, "Right, she is."

Mayor Tecklenburg said, "Any further discussion?"

No one asked to speak.

On a motion of Councilwoman Jackson, seconded by Councilmember Mitchell, City Council voted unanimously to approve the appointment of Robin Richards to the Board of Zoning Appeals.

Mayor Tecklenburg said, "Next, our Board of Appeals under the International Building Code. We have two reappointments and three new appointments. Any discussion on this one?"

Councilwoman Jackson said, "Move for approval."

Councilmember Shahid said, "Second."

On a motion of Councilwoman Jackson, seconded by Councilmember Shahid, City Council voted unanimously to approve the appointments of Brian Bates, James Webb, and Daniel Beck, as well as the reappointments of Robbie Marty and Eddie Porcher to the Board of Appeals Under the International Building Code.

Mayor Tecklenburg said, "Next is our Council Communications. First up is the discussion and a request for Legal Department to draft an ordinance that bans fill and build development City-wide so that a developer cannot use fill dirt to meet the City's Stormwater requirements for meeting proper elevation levels for new construction."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I want to take a moment before I go into this issue. I'm hoping that we're going to have a lot of time to discuss this in terms of the next couple of weeks. Let me just give you a synopsis of what happened when I tried to put this on the agenda, just so everyone around the table understands.

When I first got elected to Council two years ago, I had an idea that I wanted it on the agenda. So, I asked our Clerk what the procedure was. I understand that 95/ 96 percent of our agenda is already made up by the time we see it for the first time. I was told that a Councilmember can make a request if they want to put something on the agenda, or for a committee, and it needed to be in by 3 p.m. on Monday before the Agenda Meeting. The Monday before, a week prior to our meeting. Well, when we got this Dutch Dialogue Report, this mammoth 250 page document that could save our City, I read it almost cover to cover immediately. I was shaking because a lot of the things we've talked about, whether it be in this Council Chamber or out in the streets, or in Community Meetings, some aspect of that is touched by this document, this big report which is on our City's website, and I think every resident of Charleston should read this. I think our children should learn how to read by reading this document. I'll be the first to tell you I was a little bit skeptical that we spent so much money on this. Especially with already spending money on Weston & Sampson to study Church Creek specifically. But, this document touches on the entire City in one way, shape, or form, and it also, coupled with the Weston & Sampson recommendations and study report, to save Church Creek, Johns Island, and other vulnerable parts of our City, low lying areas that are constantly wet.

I read this, and at 10:00 at night on Thursday, almost two weeks prior to our meeting, I sent an email to our Clerk and to our Legal Staff that I would like to see a draft ordinance of what it would look like if we were to do a ban on fill and build development. I was told 'okay'. Many days passed by, and after the agenda meeting, and few more days pass by, I get told that the Mayor does not agree with the procedure that we've been following, that Council requests should come under the discussion item, and I should convince you to support our Legal Staff drafting ordinances. Basically, our City Councilmembers would need to come here and make sure that our Legal Staff and our Council are supportive. The way I felt was, here we are, I think this is one of the most important issues our City could ever take up and it looks, the way that I was perceived as, we're not going to waste our Legal Staff's time. So, if the will of Council isn't for them to draft this ordinance, it wasn't going to happen. I was told that it was going to be a fair process. Then, at 4:30 yesterday afternoon, we get an amended agenda. Another Councilmember's request was moved from discussion into a first reading and drafted by our Legal Department.

Now, maybe it's just a coincidence, I'm not going to speak for someone else. I hope the Mayor will address that issue because he's the one making all the decisions around here. I guess that he feels that it's his way or no way, and this is the agenda, and that's fine. But, we represent

12 very important Districts in the City. We're the ones who are knocking on our constituents' doors, taking their phone calls every day. We're the ones that touch them on a personal basis every day and can make their lives safer and improve their quality of life. So, I don't understand why it's so difficult for us to get an item on the agenda. It's like an act of Congress. We have to get down on our knees and beg for something to be on here.

To my points about this document and why this discussion needs to happen, you can open this thing up. I'm just going to read a couple excerpts because I have a little bit of time. For people that haven't read this, it's important to know. Right off the bat, you just go to the acknowledgements in the very beginning, and the Mayor had a great quote to start this thing off.

'We're known as a City to be the number one in hospitality in the world. That means, stay a while, come and find a place for you here. We haven't done that with water. We need to treat water respectfully and be an advocate for water. This is a community effort, and we have to share this cultural mindset.'

That's great. I totally agree with that. We're not respecting water right now, and we're definitely not respecting water by filling in wetlands. There's no way you can justify that and say we're respecting water. What we're doing is displacing it. We're sending it somewhere else. Then, under the acknowledgements, just a little bit lower it says, 'Mayor John Tecklenburg, who encouraged us to do the right thing.' So, that's how the document starts out. That seems like a great endorsement from our most important person. There are a few more excerpts in here that they pointed out that I just think are really, really important.

If you go to the first chapter of Low Country Water it says, this is in bold print. Just giving you some light reading for later. 'Land that was once naturally wet will be again.' It's important to remember. The decisions that we make today, will impact generations to come Charlestonians. We cannot be shallow in our thoughts, we can't have tunnel vision. We can't just think about what today brings and what tomorrow brings. We need a comprehensive plan. Which, if the argument is we've had two sea level rise strategy presentations and documents, there's a page that I'm going to flip to where the Dutch says Charleston still does not have a plan. They pointed that out point blank, that our plan is insufficient. So, we have to make some big decisions. That's why I put this on the agenda. Probably, the best page in this document, for me, is on page 10, 'Lessons from Louisiana'. By the way, from their Dutch Dialogues they got over \$100 million in Federal relief based on their presentation. So, the lessons that they learned there can translate into big dollars, potentially, for Charleston down the line. It's not going to happen tomorrow, but there are many things that we can take from what they did in New Orleans. That was not that long ago. It feels like a long time, but it hasn't been. Just a couple more things, and then I'll cede.

Honestly, tonight, all I'm looking for is for Council to support me in putting it on the agenda in two weeks. That's all I'm asking for. It says right here in bold print, 'We recommend prohibiting future development in the wet zone of Johns Island.' It's very important. These discussions have to happen, and there's one very, very important thing in here that I've stared at many, many times: Overall recommendations. 'Reduce fill', bold print, 'reduce fill'. In areas of new development occurring in flood zones, marshy, intertidal, or otherwise, low lying areas, eliminate or substantially reduce the placement of fill or other structures that decrease the infiltration and absorption performance of those areas.'

I just don't see how it can be laid out any better than that. Now, you're going to hear probably that, well, we've had a Stormwater Manual Committee that's been meeting for several months, and they've got some drafts for fill requirements. I've seen them. They're not that good. They're not that aggressive. We can do better. We have to. We have to give back to Mother Nature because she's been very good to us. We're very blessed to live in this City that we have,

but you hear the Doomsday scenarios. They're in the newspaper, they're on the news. Charleston is going to be underwater in 50 years. You're going to need a canoe to get to your house. Everyone is going to be built 20-30 feet off the ground because Charleston is going to flood, and we're not going to have a great quality of life. We can do something about it.

There is another important thing in this document, and it says that you have to have some trial and error. We have to take some risk. It's about time we've started. This document cost our City a lot of money, but it can save lives, it can make our residents safe again, it can keep people in Charleston that have talked about leaving because they're tired of living here. It's not because they don't enjoy their home or they don't enjoy the City or other aspects of it. It's because they can't even live in their homes. There is a risk that they will flood. Not to mention, there are a lot of indirect problems that come from fill dirt. Not only are you going to fill in wetlands and destroy our environment, you're going to put a lot more cars on the road than were originally planned. I don't see how it can be any more clear and I would love for us to have a legitimate discussion on this item. I've got plenty more to say. I think the only way to do that is, please honor my request and have our Legal Staff draft an ordinance to put it on the agenda. Thank you."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you very much, Councilmember Griffin. I have more to say, but I will support your request to have an ordinance for us to discuss in all earnestness as soon as the Legal Department can prepare it. I feel very maternal right now. I guess I get to say that because I'm the only female up here. I thought that in thinking more clearly and deeply about what you were putting in front of us to begin a conversation. To be honest, my first reaction when I saw this discussion item on the agenda was, 'where were my colleagues in January, and again, in March of this year when I was trying to do my best accomplish the same goals without the Dutch Dialogues making it so clear?'

So, I was pretty jealous. I felt like the older sister having to give way to the younger generation. Then, I had a talk with myself and said this is ridiculous. I feel like Councilmember Griffin, you in particular, have become the poster child of what I was hoping for the whole time we've been having this conversation the last year about the challenges of being responsible for development in areas that we know are increasingly vulnerable and increasingly needing our guidance and our decision making. It's going to be tough. It's going to be hard. I think that we have the guide by which we should be calling ourselves to account. I think that we need to give the Mayor and the sponsors of the Dutch Dialogues a lot of credit for seeing beyond the challenges. It's an expensive exercise that may or may not have any success.

Now, we have this document that we need to flesh out, and we need to create a staff enterprise that is our water board. Essentially, every time we make a decision, we need to consider water no matter what the topic is: Transportation, Planning, Zoning, Drainage, Resiliency, how we spend money on the people under the Mayor's Offices of Seniors, Youth, and Family. So, we have a call, and I really thank you Councilmember Griffin for seeing it so clearly and being able to put a word to it. I do think that we need to be listening to the experts. We have gathered an amazing Taskforce over the last year that a few of us have been a part of every month. Understanding the differences when you start to look at land use from a three dimensional elevation directed criteria, then you deal with water in a way that we have land here. It's all low, but it's low by degrees. So, we do need to be more thoughtful. We do need to encourage development, as I heard some of you talk about the tools that were given to us in theory, transfer development rights in places that we know we need to put more concentrated efforts into infrastructure that will grow our community in a smart way. So, I feel like we're on a great path here. I feel like we had a positive vibe. Whichever citizen came before us tonight and said 'After

this election season on November 5th, the Council that appears in January, we need to be together because this is a crisis of our time for our region.' I feel like if we choose to stay apart for our distinctive and our differences, then we deserve to go down with the ship. I really thank you, Councilmember Griffin. I'm glad that you've got religion. I think that we all are going to be better off for being together in what we decide, and I do support your request to have some sort of ordinance in front of us in a couple of weeks to talk about. It can't be just 'no fill and build' City-wide, but we will get to the right solution, and we need to do it yesterday, so I join you in saying it's an urgent task. Thank you very much."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Councilwoman, get used to it. Sometimes other people's ice is colder than your ice. Just get used to it. As long as you get what you want, don't worry about it, okay? Mine is more of a procedural question, but I'd also like to say that we do have to develop that water plan, which is the recommendation, and without that we can't move forward. Mine is a procedural question, Mr. Mayor, in terms of how to get items on the agenda, including the development of an ordinance. I did not know that had to be preapproved by this body, and that's what I'm hearing from my fellow Councilman, that he couldn't move forward with his recommendation for developing an ordinance without getting something from this body. Based upon my reading of our rules, that's not right. We can submit, as a legislative branch of this City, any ordinance that we deem necessary without it being preapproved by anyone. If I am incorrect, please let me know. But, I think that's the way the rules are written. Maybe we need Legal on this one because the way I read our rules, at any point and time, we can submit an ordinance for consideration. We are the legislative body. I have written ordinances and submitted it to Legal for cleaning up without necessarily going through the executive branch for permission to do so. Maybe it was a misunderstanding because I know the Mayor knows the rules. My question is, am I correct that this legislative body does not have to get preapproval from anyone to develop and/or submit an ordinance for review?"

Mayor Tecklenburg said, "Well, you certainly could have submitted an ordinance to be on the agenda tonight. You did in fact, Councilmember Griffin, make the request in time, and yes, it is on the agenda as you requested to discuss and request for the department to draft an ordinance, and that's exactly what we're doing right now, so that's what got put on the agenda. If you want to take it a step further at any time and write an ordinance and bring it to Council upon your request to put it on the agenda, it's certainly your right to do so. Now, I happen to be the Mayor, and I do direct our staff's time, and I wanted to have this opportunity to continue the discussion that we really had yesterday about this matter of fill and build because we've been working on this issue for almost a year as part of the stormwater regulations, and we discussed that yesterday. So, it's certainly the pleasure of Council to have a robust discussion upon request, and in this instance, I believe we have a decision to make whether we would like this discussion to inform what is included in our Stormwater manual, which was reported to our Public Works yesterday that's coming to us very soon. Or whether in fact, you want to accomplish the same thing by having a separate ordinance on this matter. I will say that this sounds like a real simple thing, but it can be a complex issue. There are different circumstances. There are different parts of the City. Even Councilmember Waring, yesterday, went at some length to explain that when he built his office on Highway 61 in an area that wasn't flooded, that he had to have some fill for the foundation to level out the property in order for him to proceed with that construction project. So, there are some circumstances where you don't want to completely ban any fill material from being used on any project. So, I welcome us to have a robust discussion here this evening. I did want to point out also that the way that you make this request, Councilmember Griffin, was to use

fill dirt to meet the City's stormwater requirements for proper elevation for new construction, correct?"

Councilmember Gregorie said, "Mayor, just a Point of Order, my question was, this is just a follow-up. Mine is a very simple question. I understand we're going to get into some discussion and probably at depth. Am I to understand that as a legislator that I cannot request Legal to develop an ordinance for anything? Not just this, but for anything, I can't request that as a legislator?"

Mayor Tecklenburg said, "Yes, you can."

Councilmember Gregorie said, "I thought I could, and I just want that to be clear because I think that's the issue that my Councilman is raising, is that he felt as though there was an obstacle for him to request X, Y, Z from Legal. Now, I understand that you manage the City, and you have a responsibility to make sure that the resources are available for requests, etcetera. I understand that part."

Mayor Tecklenburg said, "Our Legal Department is doing quite a few things. "

Councilmember Gregorie continued, "I understand, and as the Mayor, you are more aware of what they are doing and what they can't do than we can, necessarily. But, all I want to do is make sure that as the legislative body, at any point in time, we can request assistance or the development of an ordinance to address an issue at hand because I think the Councilman did have the authority to make such a request."

Mayor Tecklenburg said, "He did make the request. He absolutely has the authority to make the request. I want to have a discussion with you all tonight about the most practical, sensible way to proceed because we're already working on this issue within our existing stormwater manual update, that as was reported at the meeting yesterday, will be presented with a little bit of additional feedback in either two weeks or four weeks. I personally think it's the best mechanism for us to have the comprehensive update, not just about fill, but to think about all of the stormwater requirements that are needed that we have been talking about on this Taskforce for the last year. Three of your Councilmembers have served on that Task Force, along with representatives of the community, neighborhoods, even the business community. So, let's talk about it."

Councilmember Gregorie said, "I'm with you on that, but I still think that going back to Councilwoman Jackson's point, who actually did draft something, and it wasn't necessarily a part of any manual or anything. I don't think that we necessarily have to wait for the completion of anything to address the issue raised by Councilmember Griffin. I really don't think that we have to. I think we can do piecemeal and make it fit into the bigger part of it. I think he's right. We have a crisis. James Island, you know the issues that we've gone through on the island with respect to fill in and build and how it's been affecting the old traditional low lying areas. They need relief now, I mean now. If it means resurrecting a recommendation by Councilwoman Jackson, then do so. I just don't think that, you know better than I do."

Mayor Tecklenburg said, "Well, I hear you loud and clear. I think that's what frustrated Councilwoman Jackson. She tried to bring this old matter before us earlier this year, and Council wasn't receptive at that time. Perhaps, the Dutch Dialogues have raised awareness and worked us up a little bit. Hallelujah, that's a good thing. But, I must say from a time management point of view for our staff and our Legal staff, not to pick on Councilwoman Jackson, but staff spent untold hours trying to develop the ordinance and proposals that she had. At the end of the day, without support from Council going forward, you could look back right now and say, 'boy that was a waste

of time.' We have a lot going on. So, we have to manage our staff's time, as well, and I want to do it efficiently as possible with the consensus of City Council that this is the direction we want to go."

Councilmember Gregorie said, "We're in the same place. But, if staff has spent an inordinate amount of time on a piece that we think might be appropriate, then we've got it. We've got something already that would address Councilmember Griffin's issue. Why not pull it out, deal with it, and put it back before this body? If we've already spent an inordinate amount of hours developing something."

Mayor Tecklenburg said, "Well in the meantime, it's also here, so we'll talk about it. Let's go back to recognizing Councilmembers as they had been asked to be. Councilmember Lewis was next and then Shealy, and Wagner."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Councilmember Griffin, did you make a motion to put this ordinance on the agenda for the next meeting?"

Councilmember Griffin said, "Please."

Councilmember Lewis said, "You made it? I'll second the motion if you made the motion. I don't want you to feel like the Lone Ranger. When we were dealing with this Police Bias Report, I made a request on time, but I was told it could not go on the agenda. It didn't go on the agenda. Finally, I guess the Mayor and staff had their way of doing things, the way they wanted to do it. Now, everyone is praising the Police Bias Report. Just be a little patient, brother. It's going to get there. I felt like the Lone Ranger when they told me. I put my request in, and I put it in on time. There were two Councilmembers, along with the Mayor, that got behind my back, and made sure that my item did not get on the agenda at the time I wanted it to get on there. Finally, the item was addressed, and the report came out a week or so ago. Everyone was very pleased with the Bias Report. Just have a little patience and, hopefully, we'll get this on the next agenda. It's going to come out. You did what you're supposed to do. You did it according to what the Rules of Council say. I'm a person who believes. The Bible says, 'you do things decent and in order.' You did it in order, brother. So, don't be discouraged. Keep on doing the good work you're doing."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Thank you, Mr. Mayor. I want to thank Councilmember Griffin for bringing this. He called me before this was asked to be on the agenda and told me he was going to put an ordinance on there, and I appreciate his work. I tell you, when we went back to the Dutch Dialogues, I had just walked in the room and Dale Moore stepped up to me. He said, 'Kevin, we've got some things that we're going to learn from your District and from Church Creek.' When you open this up, one of the biggest lines that sticks out to me is, 'the Church Creek Basin has been irreparably shaped by human activity.' Now, it goes back. There are a lot of things before building that happened that went along with that. But, the Dutch Dialogues talk a lot about 'fill and build' and how we should not do that. But, if we continue to do that, somewhere down the road, we are going to have X,Y, Z, maybe it's Johns Island, I don't know, has been irreparably shaped by human activity. So, it's extremely important to me.

When Councilman Griffin brought this, I told him, 'That's extremely important, you need to try to get that done.' Lake Dotterer has come out big on this Church Creek Drainage study. I can tell you that one area that is not really covered in here. I bought my home in the Providence

Commons area probably around 2003-2004, and it backs up to Wayah Drive. Wayah Drive was a swamp area that Lake Dotterer, when it overflowed, it went into that swamp area. Now, it's a circle of homes there built up out of that swamp. Obviously, we need to open up Lake Dotterer back out to Long Branch. That's been told, too. But I wanted to mention, look at Village Green, Grand Oaks, and these neighborhoods that were built up higher than Shadowmoss. We have got to make sure that we take care of that right now. We need to make sure that we take care of 'fill and build'. Now I know like we've said, maybe it's not a blanket thing that covers every particular situation, but it's extremely important and I thank you, Councilman Griffin, for bringing that forward."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Let's get right back to it. The biggest thing I got from both sessions, and I went back a second time because I wanted to make sure I passed the test, both to the morning session and the night session. The biggest thing I heard them say is none of these areas, Coastal, Johns Island, Church Creek, Peninsula, East Side, or the Medical District, they are not the same. One size will not fit all. So, I understand the point where you're wanting to hold on and wait for the Stormwater Manual, but that Stormwater Manual will not be able to be one size fits all either. In fact, at one point in time, Mr. Wagner made a statement in his briefing that what was happening on Johns Island, and what happened in Church Creek was completely opposite. One was on one side of the coin, and one was on the other.

You can't one-size-fits-all it at that point. I think we need to study because I don't want to be told that Johns Island was irreparably damaged on my watch since, it is the last frontier of land in Charleston. We've got 27 percent, in the City of Charleston as a geographical area. So, 'we', the City, are going to have to work very hard with 'they', the County. Otherwise, we will have one really nice section of Johns Island in 50 years. All of us have to play this game together to do it right. We cannot one size fits all. Is the fill and build an integral part of the Johns Island discussion? Yes. Is it the enemy of what happened in Church Creek? Yes, no doubt about it. I'm about ready to put a black cover on this and call it my new Bible. This document is tremendous in my mind. There are the recommendations. Now, how smart are we? Are we going to take the recommendations or are we going to do something about it? Or are we going to talk about it?

We haven't had the first dime for Church Creek in the study out there last year. They gave us a bunch of good recommendations for about half of what we paid for this. We haven't done anything, and we're still flooding. We dodged a bullet recently because of the weirdness of the storm, and the water went the wrong way. What I'm seeing here is, we have a golden opportunity to do exactly what we've all been wanting to do. I grew up, Ardmore, was the first flooding issue that this City attacked. Where I grew up in Ardmore. I waited for the rain, so I could ride my bicycle through it when I was a kid. This thing, we've got is a gift. We paid for it. But, I think if we take what Weston Sampson and Bob Porter had to say, we nail what these guys have to say, we ought to have a pretty good looking picture of what each of the areas in Charleston should look like. What do you all think? I think that is what you were telling me, weren't you Harry? That's what we talked about."

Mayor Tecklenburg said, "I think so. That was the whole point of having the Dutch Dialogue process."

Councilmember Wagner said, "The whole deal is, now it is up to us. I take this and put 'ordinance' on it and say, 'Do it.' I would be content in doing that. It's that good. Don't mess with it. That's really all I got to say about it. I'm thinking we've got gold, so let's use it."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I want to get back to the procedure. Mr. Mayor, do you think, as Mayor, you can unilaterally change the rules of Council?"

Mayor Tecklenburg said, "No, sir."

Councilmember Waring said, "So, why couldn't Councilmember Griffin bring this ordinance to Council?"

Mayor Tecklenburg said, "It's a complex matter that is already being dealt with on another front. I do direct staff time, correct?"

Councilmember Waring said, "Who changed the rules of Council? That's the Rule of Council. He had the right to do that."

Mayor Tecklenburg said, "I guarantee that if you request work on an ordinance to be done, that it be produced within a certain period of time, my friend."

Councilmember Waring said, "Well let me ask you this, when Council votes in the majority, of which you are a part of Council..."

Mayor Tecklenburg said, "Right."

Councilmember Waring said, "Can you unilaterally change the majority vote?"

Mayor Tecklenburg said, "No, sir."

Councilmember Waring said, "Well, let me ask you another question. Recently, Council voted, in an overwhelming majority, that the City would send a letter to County Council asking them to support the amendment to the STIB to get additional monies to fund Spring-Fishburne/Septima Clark. Has that letter gone to County Council?"

Mayor Tecklenburg said, "I'm not sure that it has."

Councilmember Waring said, "It's been over six weeks ago, we took that vote. We also voted, you voted against it by the way."

Mayor Tecklenburg said, "I don't believe I did, sir."

Councilmember Waring said, "Yes, you did. In the first Committee Special Meeting, you did. I'm sure we got it on film. You voted against that. You were in favor to support the Low Battery Wall. We also voted to send a request to the Council of Governments, that they would support the amendment of the application to the STIB for additional funding, hopefully, to cure the deficit, as we all know we have on Spring/ Fishburne. Has that letter gone out?"

Mayor Tecklenburg said, "Not that I am aware of."

Councilmember Waring said, "In six weeks, it hadn't gone out. You are changing the policy of Council. We voted in an overwhelming majority to do that. So, see when it gets to the point to where Council takes a position in the majority, you do not have the authority to override the will of the majority of Council, not even in the Strong Mayor form of government. Now, that's the larger issue because, if you disagree with something I say, and I go to Legal staff with it, then you're going to tell them to sit on it potentially, like you did with Councilman Griffin. The treatment of Councilman Griffin can happen to every one of us in this room. That's the issue. You didn't want that ordinance to come forward. You wanted to have a discussion. You brought three ordinances on hotels. The first ordinance you brought to Council, as an elected Mayor, was a Hotel Ordinance. Because you brought it the wrong way and it wasn't inclusive, we are now, and I'm a predictor, three years and nine months, I predict that Hotel Ordinance is going to pass overwhelmingly tonight. But, if that process was used three years, nine months ago, we wouldn't be just doing it tonight. We put an inordinate amount of time in all three of the Hotel Ordinances that you brought forward to Council to no avail, a lot of discussion. So, to say that staff time wasn't wasted on that? I would say it was a huge amount wasted of staff time. The process that will come forward tonight for third reading is admirable. You were a part of that. We will be a part of that. Did we waste time on the first three failed efforts on your part to curb hotel growth? Certainly. A lot of hotels that would come out the ground, would not have had the approval to come out of the ground if what we're going to vote on in a few minutes were in place. So, that process doesn't work well for the City. I ask this Council, that when the Rules of Council are unilaterally changed, we have to stand up as the Council and say, 'No, Mr. Mayor. You cannot do that.' If we have to go to the Attorney General to prove that, we'll do that. It is not a dictatorship."

Mayor Tecklenburg said, "Well sir, this is just the same kind of case with the stormwater regulations that includes addressing this issue. We formed a Taskforce, just like I admit, we effectively did recently with the Hotel regulations. Three Councilmembers served on it, many members of the community, including the business community--"

Councilmember Waring said, "Point of Order, Mr. Mayor, I'm talking."

Mayor Tecklenburg said, "They've been very thoughtful."

Councilmember Waring said, "Point of Order, Mr. Mayor. Robert's Rules of Order."

Mayor Tecklenburg gavelled the desk.

Councilmember Waring said, "Point of Order. No, don't gavel me on a Point of Order. The Point of Order is the procedure."

Mayor Tecklenburg said, "May I at least finish my thought, sir?"

Councilmember Waring said, "Don't gavel me on a Point of Order. The Point of Order is the procedure."

Mayor Tecklenburg gavelled the desk.

Mayor Tecklenburg said, "I will gavel you. You broke into my midsentence, and I think it's respectful to the Mayor--"

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

Councilmember Griffin said, "He had the floor."

Mayor Tecklenburg continued, "For you to allow me to at least finish my thought when I have the floor. You had the floor, now I have the floor."

Councilmember Waring continued, "You are not talking about procedure. You want to talk about the manual. That's deviating the issue. You cannot unilaterally change the majority of Council by law. That's what you're doing with Councilman Griffin. If we allow that to happen, it will happen again."

Mayor Tecklenburg said, "Do you yield the floor?"

Councilmember Waring said, "Do you respect the Rules of Council?"

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "Okay, will you do that to Councilman Griffin or any other Councilman again when they go to get an ordinance drawn to Legal staff?"

Mayor Tecklenburg said, "Under the circumstances, we have a complicated issue that we needed to have a discussion about, and we're doing that right now. We're trying to talk about the issue itself."

Councilmember Waring said, "My point has been made."

Mayor Tecklenburg said, "Thank you. Who else has not been recognized?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I just very briefly wanted to figure out, as we've gone around, where we're headed with all this? Do we want to have a debate? Let's get it into the hands of Legal. Let's draft something up, and let's send them the Dutch Dialogues along with it. Let's put something out there, get it on the floor, and debate it on the merits. Right?"

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

Councilmember Seekings said, "I think there is already a motion on the floor."

Councilmember Lewis said, "Motion and second."

Councilmember Seekings said, "I would like that to be the motion, which I think was made by Councilmember Griffin..."

Councilwoman Jackson said, "And I'll second."

Councilmember Seekings continues, "Let's send it to them, get it drafted, Legal Counsel, let's get it drafted up, send it to Councilmember Griffin, send it to the Mayor, and send it to all of us. We'll come here prepared. We'll have it in advance, and we can debate it, and I think that is exactly what we need to do."

Mayor Tecklenburg said, "Thank you very much."

Councilmember Seekings said, "Let's call the question on this. That's fine, you get to respond. After you get a response, then let's get it moving, and get on with something."

Mayor Tecklenburg said, "We have a motion on the floor. Would you state the motion please?"

The Clerk said, "I don't think we have a motion."

Councilmembers Seekings said, "That's my motion."

Councilwoman Jackson said, "And I second."

Mayor Tecklenburg said, "We didn't have one on the floor. Now we have one. Thank you. Councilmember Seekings--"

Councilmember Lewis said, "Councilmember Griffin made the motion to put this item on the agenda, and I seconded it."

Councilmember Seekings said, "I'm not here to take credit for a motion. Let's just have a motion on the floor and then a quick response."

Mayor Tecklenburg said, "Alright. Has anyone not been heard yet?"

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. I certainly support having this discussion. I certainly support having this ordinance drafted. We've had some round about discussions about the Stormwater Manual Taskforce, and I just want to add onto that discussion. Councilmembers White, Jackson, and I discussed this yesterday at our Public Works Committee Meeting that we've been working for over a year, I believe, on this Taskforce, on revising the manual. So, I think as part of the process of what we're going through with all of this, because this issue about the fill dirt has been discussed as part of this process. So, it's important because that Taskforce has included the stakeholders involved, who will be directly affected by how this manual is rewritten. So, while I support what Councilmember Griffin is attempting to do, I just want to make sure that whatever we consider, that we do it consistently with this process we've been going through for the past year plus, so that we don't create a conflict of a manual that's saying one thing and an ordinance that's saying something else.

It's important that we keep this in proper perspective because we have been dealing with this issue. We have been arguing about this issue. We have been trying to process this issue about fill dirt. It hasn't just sort of popped out of the sky overnight just because of the Dutch Dialogues. It's been battled around for a considerable amount of time already. Whatever we do with this ordinance about fill dirt, make sure that we're operating consistently with what we've been talking about with this revision of the stormwater manual. I think this is an important point. We need to make sure that we are consistent with one another and how we are handling all this. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Would anybody else like to be heard that hasn't been heard yet?"

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, “Just so we can clarify a couple of points, number one, what I asked for was to see an ordinance. I have that in writing. Our Legal staff said they’d do it back on September 26th. Then, it just never happened. Number two, to say that the reason why it wasn’t in an ordinance form is so that we could have a robust discussion is a farce. So, you almost had me there because there were two other items under Council Communications, another one brought forward by myself and one brought forth by Councilmember Jackson, who subsequently had her request put as a first reading, as an ordinance. If I remember correctly, at our last meeting, Councilmember Waring had an ordinance request that was put under first reading. If you flip to the last page, it clearly says the ordinance with her name in parentheses, ‘Requested by Councilmember Carol Jackson.’ So, I agree with you. There have been plenty of things brought in front of us that have not had legs that have been drafted, but eventually a lot of good comes out of them. Here we are on the Hotel Ordinance four years later. But, to say that it was put there, so we can have a discussion, is just wrong in many, many, many ways. But, on top of everything, to tell me, that if I want something to come before this Committee, or this Council, I need to act as an attorney and draft an ordinance. You literally said that. Are you going to pay me \$150 an hour?”

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, “Thank you, Councilmember Griffin. I think I would like to explain the differences between what happened with the simple Folly Road Overlay Amendment Ordinance that I had put forward. I used the Town’s ordinance and I told the Mayor two months ago that we needed to get our Folly Road Overlay Ordinance in sync with the Town, in the same way that we had made changes to the Folly Road Ordinance about a year ago to bring it in sync with the County. So, I got a copy of the Town’s ordinance, with the Mayors ‘okay’, that this was a good tactic. It was a very simple half-page document. The legal office took it and assigned it to their legislation writer. He turned it around in less than a day and it was ready to go. I thought, at that point in time, it was going to the agenda meeting as a first reading amendment. We’d all seen it, and it was ready to go. My problem was, I was entertaining my family on Monday, and I forgot to call and make sure that the ordinance was showing up with somebody to make sure it got onto the agenda. So, when I saw the packet two days later, I started asking for it to be reworked into the agenda for first reading the way that everyone had agreed it was going to be. I said, ‘What happened?’ That’s when I heard that the agenda meeting had a lot of discussion about how to handle open-ended ordinances that have yet been vetted in order to be more easily framed by the Legal Department.

Frankly, I think that’s where we need to take responsibility as the legislators that we are elected to be. I can’t look at Mr. McQueeney at all without feeling badly that I put him through the ringer back in January, and again in March, trying my very best to get some sort of protective ordinance in front of you gentlemen in order to do just what you all are talking about needing to do now. I do feel vindicated on all of those levels, but I still feel guilty that I did make the staff do a lot of research, a lot of teamwork. They met together.

If you read the preamble to my ordinance where I basically just wanted to take a time out until the stormwater manual that we’re about to adopt was written, knowing that a lot of the properties that were being put through the zoning redevelopment, PUD, and TRC processes from 2017 to now, are going to be concerning to all of us. In the same way the Dutch Dialogues guide to our success has pointed out to us irrefutably, it’s all about elevation. We don’t need to

build where we have low-lying land. So, I do feel like we have come a long, long way, even since last March when I couldn't get anywhere near majority to even entertain these two different ordinances attempts.

But, comparing the open-ended ordinance that you wanted us to discuss tonight, and I am overjoyed that you brought this topic forward in a timely manner immediately after receiving the Dutch Dialogues and being able to read it thoroughly for ourselves. I thank you for that. But, it's 'apples and oranges' compared to how the little simple ordinance amendment to the Folly Road Overlay, in order to make sure that we get the value out of redevelopment that's coming forward on Folly Road to implement the vision plan that's been in place since 2013, as Mr. Seekings said when he came out to James Island. Where is the Rethink Folly Road Plan? We need to implement it, and we don't have the money, arguably, to do that. We've got one segment underway. We had to beg COG to give us a grant to get one segment of Folly Road built out into a multi-ped path. I will speak more about that in a minute. That is a very simple ordinance that should have been on first reading. It got caught up in the discussion about how to deal with the more open ended requests coming into the Legal Department. I support the fact that we need to have some way of prioritizing that work. I do think that's the Mayor's responsibility. I also think that, Councilmember Waring is not here to hear this, but he just described the two sides of the spectrum of how to create good law.

The first was the Mayor responding to his citizens, as he was being elected in 2015, to control accommodations growth. He felt the mandate to bring an ordinance to the Council. Yes, the process was more one way than cooperative. Then, what we're talking about now, the success of the Hotel Ordinance became more of a consensus driven Taskforce. We've now seen that happen successfully with the short term rental ordinance, and we are now going to see it happen again very successfully with the stormwater regulations. So, we know what works. When it's a big, big challenge, we all have to be in the same place in order to get on board and pass something that is a paradigm shift for our community. It's got to be that consensus making discussion, work it through from all the stakeholders that are part of a process like that. I think we're living proof of why we're doing this right now. I'm on board with looking at an ordinance that is more specific to no fill and build, and I do think we have to marry that together with the lessons that we've learned. I think we should be starting to circulate, Mr. Fountain, Chapter 2 of the Stormwater Manual that's now drafted, the concepts for why we're doing those standards and regulations. You'll see the comparisons are in lockstep with what we're reading in the Dutch Dialogues. So, I say, 'Hallelujah', lets just do this. Take Mr. Seekings advice, agree that we want to have an ordinance to look at what's married into the rest of our goals for Stormwater and Resilience Planning and be happy. Let's be happy that we're all on the same page about the good things that we're doing for our community."

Mayor Tecklenburg said, 'Hallelujah.'

Mayor Tecklenburg recognized Councilmember Gregorie.

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

Councilmember Gregorie said, "Yes. I don't know where to begin because there was so much in there. I don't know what we're talking about anymore. I just want some clarification on the motion and, correct me if I'm wrong, I think the motion is for us to request from Legal to draft an ordinance and send that ordinance back to this body for review. Am I correct?"

Mayor Tecklenburg said, "That's correct."

Councilmember Griffin said, "The Dutch Dialogues ---."

Councilmember Gregorie said, "Well, them too. But, I just wanted to make sure, Mayor, that we are on the same page in terms of what we're talking about. I'm ready for the question."

On a motion of Councilmember Griffin, seconded by Councilwoman Jackson, City Council voted unanimously to that the Legal Department draft an ordinance that bans fill and build development.

Mayor Tecklenburg said, "Next, is our Council Committee Reports. First is the Committee on Community Development."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said "I don't know if I remember my report now. I'm brain dead."

There was laughter in the Chamber.

Councilmember Gregorie said, "Move for approval."

Councilmember Lewis said, "Second."

Councilmember Gregorie said, "It's for the ordinance that Councilwoman Jackson is sponsoring."

Mayor Tecklenburg said, "Order please."

Councilmember Mitchell said, "This is Community Development."

Councilmember Gregorie said, "Oh, I'm sorry. I'm confused."

There was laughter in the Chamber.

Mayor Tecklenburg said, "Community Development Committee, Councilmember Mitchell."

Councilmember Mitchell said, "Okay. Community Development met on September 26th at 3:30 p.m. We had the Opportunity Zone Ordinance, and we had business number (a), and then (b) and (c) for information only. (D) was a recommendation for a Resolution to define the property located 332 King Street as an abandoned site. That was approved. (A) was approved, (d) was approved, and I'm asking the Council to approve those. Also, there is an ordinance at the bottom. We want to get that approved and give it a first reading."

The Clerk said, "'A' and 'd' and the ordinance?"

Councilmember Gregorie said, "Yes."

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

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, “Just to let the record reflect, I did vote against the Opportunity Zone Ordinance, and I’d like to make sure we carry that ‘nay’ vote forward.”

Councilmember Mitchell said, “That’s the only vote we had in here. He voted against that particular one.”

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

On a motion of Councilmember Gregorie, seconded by Councilmember Lewis, City Council voted to adopt the Community Development Report as presented. The vote was not unanimous. Councilmember White voted ‘nay’ on Item ‘a’ of the report.

--INSERT COMMITTEE ON COMMUNITY DEVELOPMENT REPORT--

a. Opportunity Zones Ordinance

b. Legal advice regarding proposed use of streets near intersection of Summerville Avenue and Discher Avenue (Information Only)

c. Discussion of ordinance relating to processing of applications for real property, income tax, and other credits under the South Carolina Abandoned Buildings Revitalization Act. (Information Only)

d. Request recommendation in favor of a Resolution certifying property located at 332 King Street (Charleston County TMS 457-04-02-007) as an abandoned building site under Section 12-67-160 of the South Carolina Code)

First reading was given to the following bill:

An ordinance to amend Part 15 (Mixed Use 1 – Workforce Housing District Mixed Use 2 – Workforce Housing District) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance), to implement the Federal Opportunity Zone Program, by creating certain incentives to encourage the development of Workforce Housing Units within designated qualified Opportunity Zones.

Mayor Tecklenburg said, “There’s a ‘nay’ to the ordinance from Councilmember White. Next up is our License Committee.”

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, “Mr. Mayor and Council, the License Committee met yesterday at 3:00 p.m., and we reviewed the Business License Ordinance. There were no changes, no amendments. We unanimously voted for adoption.”

The Clerk said, “Is that your motion?”

Councilmember Gregorie said, “Yes.”

Councilmember Moody said, “Second.”

Councilmember Gregorie said, “Yes.”

Mayor Tecklenburg said, "Is there any discussion?"

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

--INSERT LICENSE COMMITTEE REPORT--

An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2020.

First reading was given to the following bill:

An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2020.

Mayor Tecklenburg said, "Next, the Committee on Public Works and Utilities."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. Item 'a' is suspended for a second, and I ask that we, hopefully, take Item 'b', as amended. I am going to ask Counsel if they can come and address the Noise Ordinance Amendment in between the Public Works Committee Meeting and tonight. I know you have three things going on at a time, Ms. Herdina, but was the Noise Ordinance amended between the Public Works Committee Meeting and today's meeting?"

Councilwoman Jackson said, "It's on our desks."

Councilmember Waring said, "I know it is, but I mean..."

Ms. Herdina said, "No formal action has been taken on that, so if the Council is of the mind to amend it, then we would need to do that."

Councilmember Waring said, "I would like Ms. Borden if she could touch on the amendment changes."

Ms. Herdina said, "Yes, sir."

Councilmember Waring said, "Thank you very much. Thank you, Ms. Borden. Number one, she heard the discussion as we did at Public Works from citizens. As a matter of fact, Ms. Meaney was very eloquent. As a matter fact, Mr. Mayor, you left, and we deemed her queen for five minutes, and she got the most she could in that five minutes. But, Ms. Borden heard it, and the Legal team made some good amendments on the fly. Ms. Borden will give an explanation to us right now. Thank you."

Ms. Borden said, "I've laid both the redline version and a clean copy on your desks, indicating those changes between yesterday and today. Basically, we just tightened up the definition of what a low impact activity was, to exclude renovations and to further explain, to better define, that these are repairs that a homeowner completes entirely within their property so that the sound can't be heard outside, and it's not contractor work."

Councilmember Waring said, 'Did it address the time at all?'

Ms. Borden said, "It did not because that was going to be left out for debate."

Councilmember Waring said, "Well, we had a hearty discussion about the construction time. In particular, for construction companies going all the way to 11:00. Ms. Meaney made some good comments in Citizen's Participation, as she did in Public Works, about cities of similar size up and down the East Coast allowing construction to about 7:00 p.m. What I'd like to do is amend it. I'm asking for an amendment. I'll make that motion to amend it to include our Legal team's amended redline that's in front of us. I think that time, we voted, and it passed unanimously to go to 11:00 p.m. for construction companies. After hearing the discussion yesterday and certainly today, I think 7:00 p.m. for construction companies would make more sense than 11:00 p.m. for construction companies working in communities and neighborhoods. Remember, this affects downtown and, quite frankly, suburban areas alike. I know that some of the areas downtown, houses are close together, but most neighborhoods in West Ashley, the houses are about 18 feet apart. In some cases, they're closer than that. So, construction noise would certainly be heard in that short distance. My motion is to accept the redline version of our Staff, our Legal team, but the construction time should be changed from 11 p.m. to 7:00 p.m."

Councilmember Lewis said, "Second the motion."

Councilmember Greogie said, "From 7:00 to 11:00? I'm not sure."

Councilmember Seekings said, "On 'a' and 'b', right?"

Councilmember Waring said, "Right, on 'a' and 'b'. I'm sorry. So, the construction time will stop at 7 p.m. Thank you."

Councilmember Moody said, "Item 'a' is 9 p.m, and that would be 7 p.m.?"

Councilmember Waring said, "Correct."

Mayor Tecklenburg said, "Well, let me ask you the question. Are you?"

The Clerk said, "9 a.m. to 7 p.m."

Councilmember Seekings said, "That would be on Saturday."

The Clerk said, "Is it Saturday?"

Councilwoman Jackson said, "Weekdays and Saturdays."

Councilmember Waring said, "We are not changing the time that it begins. We are changing the time that it should conclude."

Councilwoman Jackson said, "All days of the week."

Councilmember Seekings said, "Currently, it says 7 a.m. to 9 p.m. on weekdays, and 9 a.m. to 7 p.m. on Saturdays. This amendment is proposing 7 a.m. to 7 p.m. on weekdays and 9 a.m. to 7 p.m. Saturdays on 'a'. Then, on 'b', it would just be 7 a.m. to 7 p.m."

Mayor Tecklenburg said, "Is that correct?"

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

Mayor Tecklenburg said, "So, I would just ask the question. I'm not advocating one way or the other. We had a separation between high impact construction and low impact. If we're making the times the same, I don't even know that we need to make that distinction anymore. As we pointed out, noise is noise. I think the original intent was that there were some activities, like painting, that weren't as noisy as some other things, and you would have a little wider leeway with the time. But, if we're going to make the time the same on both, I don't see why we even need to have to distinguish between one kind of noise and another."

Councilmember Lewis said, "No, I don't think so either."

Councilmember Waring said, "Well, one thing. Hopefully, we give this first reading and then after first reading, we can allow for more input from the communities and the like."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just briefly, Mr. Mayor, I think, I wasn't at the committee meeting, but I understand what Ms. Meaney was saying and certainly what Mr. Marsland was saying. I think on the low impact side, one of the questions, and John, correct me if I'm wrong. You're in your house, and you get home from work at 7:00 at night, you go start painting, you would technically be in violation of this ordinance. One of the things that has been done in the redline version from Ms. Borden is it reads as follows: 'low impact operations'. Then, it says 'repairs, maintenance, or indoor remodeling operations completed by the homeowner within the structure.' That's the redline that then lets you go to 11:00 at night. Am I right about that? That was one of the suggestions that came through the Committee that has made it into this redline version? If you don't mind, I asked Mr. Marsland a question."

Mr. Marsland said, "Right. What we're trying to point out is we didn't think it was a good practice to try and regulate what the homeowner is doing inside of their home if they aren't creating any noise. So, what we were actually trying to argue is we didn't think it was applicable or appropriate to try and be governing what any homeowner does at whatever time of day as long as it's not creating noise that disturbs their neighbors."

Councilmember Seekings said, "That's likely going to be outside of the permitting process any way, and the hooks that we've got in this ordinance is the permitting process and the licensing process. I think that's the distinction that probably, Mr. Mayor, the reason why we need an 'a' and a 'b' with a couple of different times."

Councilmember Waring said, "We were talking about construction companies."

Mayor Tecklenburg said, "That makes sense."

Councilmember Seekings said, "While I've got the floor, I just want to make one comment. There were some people who came here tonight and said they were speaking out against the ordinance. I just want to let everybody know that, currently, in the City of Charleston, you can do construction 24/7, 365. So, we are making progress here. It might not be what everybody wants, and I suspect we'll get first reading on it. But, right now, there are no rules. Although, that is hard to enforce, we've been working on this for a long time. I'm glad it finally made it to the floor, and I thank the Committee for getting it through. I thank my Councilmembers. Let's give this first

reading. Let's send it back into the neighborhoods. Let's make sure, I know Ansonborough got ahead of this. I know South of Broad did and so did Harleston Village. You might remember, fellow Councilmembers, I know Mr. Fountain wants to weigh in a second, but one of the things that got this going was, about a year ago, we had a citizen come and speak to us. It wasn't somebody downtown. It was someone who lived in a subdivision in West Ashley that was being built out. They were complaining that there was construction going on at 9,10,11:00 at night of both new and renovations that were going on.

This is an ordinance. Certainly, Daniel Island's affected by it. This is an ordinance that's been requested City-wide for some peace and quiet at certain times. We spoke with the homebuilders about this. They have been partners in this. They are not going to love every bit of it, but the Sunday part, I think, makes good sense. I think the 7 to 7 p.m, I know people like it earlier, is really reasonable in the summer time. It's still light outside. We do want to make sure things get moving. One of the things people complain about in the City is things take too long to do. If we stop construction at 5 or 6, we're going to extend projects even longer. I'm interested in what Mr. Fountain has to say about this. But, I do think the amendments that are suggested after coming through the Committee are good amendments. I'm going to vote for the first reading, and then let's send it out. Let's get some public comment on this back between first and second reading."

Councilwoman Jackson said, "Call the question."

Mayor Tecklenburg said, "Maybe we can get a clean, cold, copy of it for the next meeting."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I think this has already been addressed from the comments from Councilmember Seekings. We have to be careful. We can't restrict what people do inside of their homes. That is a very important part in what we're discussing. I think we got it addressed on the emergency repairs that we have to work on. If a sewer line is bursting outside of my house, I want to make sure that emergency crew is working overnight to get that up and running. But, I think we've got a good ordinance here to at least do first reading."

Mayor Tecklenburg recognized Councilmember Gregorie, followed by Councilmember White.

Councilmember Gregorie said, "Yes, Mr. Mayor. I think that we are making progress here. But, for the last couple years there have been aspects of the noise ordinance, outdoor concerts, loud radios, in terms of what I'm getting from folks who live near certain venues with entertainment, band, etcetera. Wagener Terrace, Hampton Park, and many other neighborhoods have been talking about also amending the noise ordinance to start talking about decibels. I know that staff have been working on it for a while, but there have been some Supreme Court decisions, if I'm not mistaken, that sort of restrict what we can or can't do. I would still like to try to resurrect that effort and put as much into it as we're putting into noise from construction. My constituents in those neighborhoods on the West side etcetera, etcetera, have been complaining and talking about trying to get some amendments to our ordinance to give them some relief. I'm not talking about the Citadel games, that's a part of Charleston. I'm not talking about the churchbell's ringing. All of that is a part of our City. I'm talking about when we have events, maybe at 'the Joe', maybe at Hampton Park, and some other outdoor venues, Lowndes Grove. There are some issues that I've been battling with now for the last three years with regard to that, so I would like, if we can, to put some attention to that part of the noise ordinance, as well."

Mayor Tecklenburg said, "I think that's one of the issues that the Hotel Taskforce is going to look at again. Not just the rooftop bars, but terraces, and maybe another look at venues like that."

Mayor Teckleburg recognized Councilmember White.

Councilmember White said, "Thank you, Mr. Mayor. A couple of things I'll say, number one, Daniel Island already has covenants and restrictions in place that guide noise and construction hours. I would encourage Planning, and I've already talked to Planning about this, to look at this. They've obviously used this for 20 plus years of Daniel Island successfully, and people continue to make money in that process. So, I think that there is an opportunity to review that and use that as a way forward with this. Second thing is, under Item 'b', and I'm going to read it to make sure, I don't think it's written correctly. I want to get some clarity. 'Low impact building operations are defined to include mudding, painting, and minor repairs where the construction work and noise are not completely contained within the structure where the low impact construction operation is being completed.'"

Councilmember Seekings said, "That's a typo."

Councilmember White said, "I'm pretty sure 'not' is not supposed to be in there. So, part of the amendment needs to include striking the word 'not.' The last thing I would say is the exemptions that are under Item 'c', two of which I think are probably related directly to development for the most part of neighborhoods that are newly built neighborhoods, and that's the construction of utility work being done in a public right-of-way and concrete pouring. I would say that this is an ordinance that is specific to noise as it relates to it being an issue for residents and occupied residents. But, we don't really specify exactly, or I think we could specify directly that this should apply in cases where, within a linear distance of an occupied residence, this would apply. Otherwise, it wouldn't. I'll give you an example. If somebody comes along, and they decide they are going to pour concrete for a footer to build a poolhouse, that doesn't need to necessarily happen at 3 a.m. But, if someone comes along and needs to pour a foundation for an 11,000 square foot warehouse in the middle of Johns Island, and there's no one around, they can do it at 2 in the morning or whatever they need to do. I think that we need to recognize that if we tie this directly to and state that it specifically relates to projects that are happening within a certain distance of an occupied residence, and otherwise it wouldn't apply. I think that there are situations where we're going to put this in place and, quite frankly, if there is a project happening out in the middle of James Island, and there are no houses within a quarter of a mile, who cares if they operate at 3:00 in the morning on a Sunday? It's not going to bother anyone. So, we've got to be mindful of that. I think we need to think about it as we move forward in addressing that and making some changes to it."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mayor, I agree with all of those suggestions. One of the things to add on to what you're saying, Councilmember, in August and July, pouring concrete, they like to do it early because of the 100 degree and 95 to 98 degree weather. So, you're right. But, between first and second reading, that will give us chance to vet all that out."

On a motion of Councilmember Waring, seconded by Councilmember Lewis, City Council voted unanimously to approve Item 'b' of the Public Works and Utilities Report, as amended:

First reading was given to the following bill:

An ordinance to amend Chapter 21, Article II of the Code of the City of Charleston by adding a new Section 21-17 that prohibits certain building construction operations during stated hours. (AS AMENDED)

Mayor Tecklenburg said, "Any other stormwater or committee reports?"

Councilmember Waring said, "I do have an exception that I'd like to call recognition to. When Ms. Meanie was heard, and her considerations came forward from Legal and again, today, I think it's important to note that it were three only Councilpeople from West Ashley that agreed with her to bring this forward. Councilman Seekings was nowhere around."

There was laughter in the Chamber.

Councilmember Seekings said, "I'm not on the Committee. I'm here now."

Councilmember Waring said, "That's why we were able to bring it forward so fast."

There was laughter in the Chamber.

Councilmember Waring said, "But, continuing with the report, we have Pastor Rienzo here who made a wonderful presentation at Public Works with his church, which is in jeopardy, frankly. It's probably flooded three times in five years. Could you come forward to the microphone?"

Councilmember Griffin said, "He's wearing a tie."

Councilmember Waring said, "He's wearing a tie."

Pastor Rienzo said, "Well, I was told I look good in it, so I appreciate that, Councilmember. Thank you very much."

There was laughter in the Chamber.

Councilmember Waring said, "Well, if you would share what you all are trying to do at your church to mitigate the flooding, that would be very helpful. Thank you."

Pastor Rienzo said, "I want to thank the passion of the Council on this issue and leadership of the Mayor. The Dutch Dialogues have pretty much adjudicated the whole issue. We don't have to understand everything about it. I don't ask my surgeon about everything. I trust the experts. They've adjudicated. They've identified the line items that need to be addressed. Crosstowne, in response to that expert opinion, during the storm of Dorian, Crosstowne observed and measured hydrological performance of the Church Creek at its location. This information and the resolute conclusions of the Dutch Dialogues have further galvanized our understanding of the basin during a storm event. As a result, we feel it's necessary to communicate to you our position on various issues in the basin. One, our objections to the Long Savannah development and our commitment to appeal any permit approval will continue non-stop. Crosstowne Church will not allow Long Savannah to be built until an over-site water management program is put in place for the Church Creek Basin, and they have given us a rigorous hydrological analysis that we have been demanding and don't have. Two, our insistence for a long-term moratorium is congruent with everything that has been said here in this room. We can talk about how powerful this document

is that is basically the Scripture on this issue. Why a moratorium is not put in place and permits are being halted, we are questioning that and would like the City to move forward.

We've also given to every Councilmember, you received a package during your weekends, and you probably had an opportunity to take a look at them. Our plan is for a basin relief refuge in-line storage system that would provide immediate relief and a low-cost solution that would be part of a larger basin project that could restore possible growth, even in the area of Long Savannah. It would utilize properties adjacent to Crosstowne Church. Crosstowne would also be involved in donating some of its property resources to provide horizontal storage, enabling quicker evacuation of flood damaging waters for residential areas. Our future on Bees Ferry Road is not to be compromised. Crosstowne has no desire to move from its current location. All studies explicitly affirm that Crosstowne's problems are not the result of global warming, tidal surge, or any action of Crosstowne. A lack of sufficient storm drainage and development regulations over the past ten years, not just a part of this administration, have created the ongoing, imminent threat to Crosstowne and surrounding neighbors. We propose a significant, cheaper, effective berm solution for the City that could serve as part of a relief storage system. It is time for a solution for Crosstowne and its neighbors. With cooperation, contribution, and patience, we have proven our citizenship.

Our proposals offer significant advantages to the City of Charleston. One, the creation of a City park that emulates the Caw Caw Interpretative Center and a trailhead that would be donated by Crosstowne. Two, a continuing, cascading expansion of in-line storage in the future, of which Crosstowne represents the arterial system. Three, Crosstowne's collaboration with property owners for in-line storage that could help avoid lawsuits. We have already been contacted by one such property owner that is seeking to sue the City for \$8 million. They want to enter into a conversation with Crosstowne in helping them mitigate this issue if they would be part of solving the problem and providing in-line storage land. Four, a low-cost solution for the City that would help store water and avoid unnecessary Crosstowne buy-out which is valued, by FEMA, pre-flood, at \$4 million. Our conclusion, we stand ready to substantiate our claims and collaborate in finding solutions. More research is forestalling action. Every element of governance in Charleston, especially City Council, must submit to a new canon of development. It cannot merely be a momentary narrative. It must become the metanarrative for the City. 'Loving Charleston is living with water.' This requisite ideology cannot be voted out or deemed too costly. The thinking has already been done. It is time for action. We thank you for your service."

Mayor Tecklenburg said, "Thank you, sir."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I wanted to point out that Crosstowne Church is willing to come and pay for some of the solutions, learn from the Dutch Dialogues and begin implementing now. Obviously, they need City assistance, but some of the solutions, they are being solution-orientated, even though they're grandfathered. Remember, we talked about these older areas that are grandfathered. That's not that old, but the older areas that are grandfathered coming into compliance with our stormwater regulations, they voluntarily want to step forward and do it. So, I thought it was worth it, worth you all hearing. Councilman Shealy."

Councilmember Shealy said, "Yeah, I want to thank Pastor Paul Rienzo, too. A lot of you know that his church is in my district and those adjoining properties that he's talking about. But, to mention one more thing. That property is just across the creek from West Ashley Park. So,

when he talks about developing a park, there's a possibility that we could connect all of that and really make something special in a special part of Charleston."

Mayor Tecklenburg said, "I think it should be noted that the Committee voted to move forward with the Crosstowne Church in pursuit of the project that Reverend Rienzo has recommended to us."

Councilmember Waring said, "And it passed unanimously."

Councilmember Jackson said, "And with a grant."

Mayor Tecklenburg said, "And with a grant that we're applying for to help to fund the project, as well."

Councilmember Waring said, "So, the Committee voted unanimously on that, and I make a motion that hopefully Council supports it after they acquire the grant on behalf of Crosstowne Church."

Councilmember Lewis said, "Second."

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

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "In the grand scheme of things, that grant is going to be, even though it is going to be an idea specifically for the presentation made by Crosstowne Church, it's going to be an amazing step for all of Church Creek because it's going to create storage opportunities. That was one of the top recommendations of the Weston & Sampson report which, when you add that in with the Dutch Dialogues, we finally have a legitimate plan for Church Creek. Those two documents, teaming up and going out and finding funding, that's the toughest part. We know we need \$50 million. We ought to be putting money aside for Church Creek every year. We ought to be budgeting money for Church Creek. We've done it for other projects, Low Battery Wall, we could do it for Church Creek. At least \$3-\$5 million every year for the next ten years for Church Creek."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Mayor, during our Committee meeting yesterday, I just wanted to make sure that what was proposed by the Church, and Mr. Fountain confirmed this for me, that that plan that is being promoted was consistent with one of the options that Weston & Sampson had recommended. So, I want to make sure that we are consistent with what is being recommended with the Church Creek Basin study."

Mayor Tecklenburg said, "I think that's correct. They are studying that now. Alright, any further discussion?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "When I read that report, Reverend, I remember from the Weston & Sampson report, and I don't think the Dutch Dialogues even looked at that Long Savannah development at all, that that was in a whole different watershed or basin. It's not part

of this, and I was just wondering why that was thrown into this. I know they're working on that development out there. There are some City parks, County parks. As a matter of fact, if I remember from Weston & Sampson, they were talking about Long Savannah actually taking some of the water out of the northern Church Creek. In other words, putting a canal or something to divert some of that water, so that it wouldn't go down to your area. Am I missing something here? Why are they throwing it in? Why are we holding up that development? I'm all for what you're trying to do here, but I'm concerned that we've thrown a net out there, and it's way bigger than it needs to be."

Pastor Rienzo said, "Yes, sir. One of the things, the modeling that they used did not dig down deep enough to analyze the sub-surfaces hydrological movement that was taking place in that area. When we challenged it, and also the Southern Environmental Law Center joined us and did their own independent study, we saw a sub-surface movement of water that did not coincide with the claims of the Long Savannah plan. Our dig down on the hydrological level with the study is far deeper and has more expertise than the computer modeling that was initially used in the development of the PUD. So, we found more stuff that they just didn't dig down and find. We found water moving into the Church Creek basin that they were not aware of. We responded to that and the Corp with our objections and with all of the systemic information that was necessary, and we have yet to hear any response on it. So, we just dug deeper."

Councilmember Moody said, "So, the Weston & Sampson report wasn't adequate, is what you're saying?"

Pastor Rienzo said, "That it was not adequate to analyze Long Savannah, and I think Bob Horner would concur that that was not part of the scope of their study."

Mayor Tecklenburg said, "So, I guess I would just, since it's out on the table, make it clear that what we talked about at our Committee meeting yesterday, and I think on the table tonight, is supporting you with the project going forward. Your stance with your legal action with the Long Savannah development is a different matter."

Pastor Rienzo said, "It is a different matter, but in-line storage could also relieve some of the demands that Long Savannah has."

Mayor Tecklenburg said, "Absolutely. It could be very helpful to resolve the issues that you have with them, but by our agreeing tonight on this motion, we're agreeing to move forward with you on that water storage plan. We're not agreeing to join you in a law suit or anything like that. I just want to make that clear."

Pastor Rienzo said, "Yes, sir. Absolutely. Councilmembers, you need to know that if Long Savannah is built correctly, I will be the first one to buy a house in that subdivision. We put ourselves, as a Church, where we are so things like Long Savannah could happen. But, with the Dutch Dialogues and the events of the last five years, we realize there's some conscientious action that needs to go beyond just computer modeling to say if something substantiates the claims."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I just have a question for Mr. Fountain for clarity with this grant application. Right now, Weston & Sampson is doing hydrology of several sites near the circle, including Pastor Rienzo's site, right, and also the inner part of the circle?"

Mr. Fountain said, "So, the way the hydrologic modeling works for what Weston & Sampson is looking at is they are evaluating a conceptual volume of storage between Bees Ferry Road and the railroad tracks. That volume of storage can kind of be located on different parcels or in different areas along that canal, but it doesn't have to be an exact site."

Councilmember Griffin said, "So, part of this grant could also be to do storage at the inner part of the circle though?"

Mr. Fountain said, "Yes, so one of the options evaluated is between CSX and Bees Ferry. Another option they're evaluating is within the circle itself, and then the third option they evaluated is within what's generally referred to as the Woodfield Canal, which is the canal that extends back towards the Woodfield property, more towards Highway 17."

Councilmember Griffin said, "And all three of those options would be covered by this grant application, if we were to receive this grant to do storage on all three of those?"

Mr. Fountain said, "So, we're looking at the hydrology results to see which one will be beneficial, but the way that we're going to write the grant is to say whichever one is the most beneficial, we can do a naturalization project. There are varying degrees of success in which project would likely to be funded, but yes. I mean, we can write a grant to be more open-ended than that."

Councilmember Griffin said, "Thank you."

Mayor Tecklenburg said, "Alright, any other further questions or comments?"

No one else asked to speak.

On the motion of Councilmember Waring, seconded by Councilmember Lewis, Council voted unanimously to approve the project proposed by Crosstowne Church.

Mayor Tecklenburg said, "Any further report from Public Works?"

Councilmember Waring said, "If Mr. Fountain can give us a cliff-note version of some of his updates."

Councilmember Griffin said, "We asked for him to do that at the last meeting."

Councilmember Waring said, "You don't have to do the whole one. Alright."

Mr. Fountain said, "Okay, there was an extensive meeting. I will try to be brief. The first item was a one year contract extension in funding for the Stormwater Plan Review Process with JLA. That was on the Ways & Means agenda and was passed there. That's the third year of an original one year contract with the option of two one-year extensions. We also discussed the Dupont-Wappoo evaluation, the drainage evaluation. We laid out the first four improvement projects that were recommended from that evaluation with AECOM. We did get direction from the Committee to prepare a design scope for consideration for funding for those projects, to move those projects forward. We discussed the Crosstowne Church and their presentation and willingness to work in Church Creek on these projects to try to relieve flooding. Moving onto Item four, the Committee proposed forming a Stakeholder Committee to consider Church Creek

drainage plans. I think the final make-up that was recommended for that Committee would be a Chairman of Pastor Rienzo, a City Councilmember, a County Councilmember, four residents, two engineers, two persons from the construction industry, one commercial property representative, and one large tract land owner. Item five, we talked about the National Fish and Wildlife grant opportunity for the Emergency Coastal Resiliency Funding round. This was intended for coastal communities impacted by Hurricanes Florence and/or Michael. The applications are due November 12th. They encourage a 50/50 match. This is a program where grants are strongly encouraged to support nature-based solutions, natural habitat, and coastal resiliency. The funding for near-term implementation projects are recommended at \$1-\$3 million, so that's the project we had recommended from the presentation with the Pastor. There's also a Planning project that's also a smaller \$125,000-\$250,000 project. We looked at doing that with Johns Island, asking where on Johns Island we could incorporate that type of project to try to reduce the impacts of flooding on that Island. That was also supported by the Committee. Those would both come to Council at the next Council meeting for action by Council to allocate that funding.

Let's see, Item six, we talked briefly about the Stormwater Fee Relief for Economically Disadvantaged Household Program. Ms. Wharton reported that she has been working with CWS on the details of their program and will have more information, again, in a further meeting. Item seven was a follow-up to the previous Public Works & Utilities meeting at which we discussed the Stakeholder Task Force actions over the last twelve months on the Stormwater Design Manual. At this meeting we actually went through some of the major concepts that had been proposed in the Stormwater Design Manual, including how those relate to management of fill and incorporation of some of the Dutch Dialogues aspects into the Design Manual. Again, that's intended to modify the way new developments are brought. That process is continuing. Item eight, we had discussed performing an inventory survey of stormwater infrastructure in the general area of the Cooper River Bridge Redevelopment area. As the projects out there have progressed, there's funding allocated in the redevelopment TIF for drainage work. So, the first step is to inventory that. A lot of sort of hidden infrastructure was found by CWS when they were doing a lot of utility relocations for some of the affordable housing. They found a lot of infrastructure that was likely installed by DOT with blind boxes and other things. So, we don't actually know what's there, so we need to actually get out there and inventory it. Then, we can do like we did in Dupont/Wappoo and make recommendations for improvement projects. The Committee recommended we move forward with developing a scope to start that work.

Number nine was our project updates. For major changes and major projects, we did receive bids to raise the Low Battery. We're in the process of reviewing the bid documents now. We plan to bring a recommendation for award to Council at the next Council meeting. We did get a number of good bids. They were in the vicinity of where we had estimated construction, so it is within the allocated budget. That should be coming at the next meeting. Spring/Fishburne Phase IV, the construction is making significant progress again. We can actually see between the two bridges. We have cranes out building the trestle into the marsh, which is where they'll construct that outfall structure and wetwell from. The Orleans Road repair project, pipe liners were installed. CWS has gone back and restored most of the surface work, and it's a private easement, it's a public easement on private property just off of Orleans Road that had a combined storm, sewer, and water line failure at the same location where they impacted each other. So, that project should be complete in another week. James Island, the drainage plan that Thomas & Hutton had prepared, that work has been completed. We've discussed it at a couple of the James Island Intergovernmental meetings.

The Town is hosting a charrette just to present it to the public on October 23rd from 6-8 p.m. at Town Hall. So, that's available if anyone is interested in attending. Forest Acres, that's the

drainage project on Playground Road. We've been dealing with an AT&T conflict. We have gotten AT&T at this point, going back and forth with our plans. They have agreed to relocate their duct banks, which was originally a major undertaking. They plan to be out to bid for that relocation in the next 60-90 days. The option of relocation, which is what they had originally not been supportive of, they originally asked for a redesign of the project, the object of relocation will require us to go back in design to the simplified culvert approach rather than a more complex structural approach. So, we will have to modify our design, but it does give us a path forward with that project. It will reduce the overall construction cost of the project significantly, but it will require some redesign work.

Market Street, we did have our final TRC reviews on this project. Traffic & Transportation did bring up a really good recommendation to add in a pedestrian refuge island as part of that project work, more of their Complete Street approach. That, of course, was not envisioned in the original 2012 plans for Market, but it is a good idea. I think there was support at the Committee to come back with a minor change order to add that traffic island in. For flood plain updates, we've completed all the Hurricane Dorian field work at this point. We're finishing up the damage evaluation paperwork. That should be complete in the next week. As a result though, we will be requesting an extension for the community assistance visit with DNR for the due date we had agreed to with them. We'll be pushing that out a couple of weeks, most likely based on the work we had to do for Hurricane Dorian, and I think they're supportive of that. Finally, we have been initially notified that we will be awarded two more grants for property acquisitions for a total of four additional properties."

Councilmember Waring said, "Thank you, Mr. Fountain. I think it's important to note that the bids on the Low Battery Wall came in extremely competitive and pretty much right around what our staff estimated it would be. So, that's great to come and not have a big surprise on the upside. The Task Force that we recommended for the Church Creek basin, there are going to be 13 people on it. One City Councilman, and just my opinion, I'd like to recommend Councilman Griffin to be our City Council Representative on that. Hopefully, if that's the pleasure of Council."

Councilmember Griffin said, "As long as these two don't mind."

Councilmember Waring said, "They're going to be involved anyway."

Councilmember Griffin said, "They'll be involved. That's right."

Councilmember Waring said, "Anyway, that's the extent of my report."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Quick question, when will the manual be completed? We've been working on this for, what, almost three years now, since before you got here."

Mr. Fountain said, "The Task Force has been working on it for about one year. I think the original concepts and discussion about the manual have been going on for about three years. The manual was originally being revised because the EPA and then State permits are updated every five years or so, and you have to make updates to your manual to comply with the new updates to those requirements. The draft is complete and is out. It was provided at the Public Works and Utilities meeting last week. It's been provided to the Stake Holder Committee. The engineering community had asked for another week or so to look at it and make comments. They're compiling their comments from all the different entities into a single document, and the

Chamber of Commerce had asked for about one more week. So, the plan is to take those comments, try to address those comments with those entities in the next couple of weeks. We'll probably bring a presentation for the next October meeting at Council just about the concepts within the manual, so we can have some more information about what's within the manual. We're hoping to be ready for first reading sometime in November would be the plan."

Councilmember Gregorie said, "Okay, and when are you going to develop a water plan?"

Mr. Fountain said, "So, the water plan is a different thing from the Stormwater Design Manual."

Councilmember Gregorie said, "Oh, I know."

Mr. Fountain said, "So, the water plan basically builds off of the work we have going on right now to develop, kind of backing our way into a master plan. We currently have the prioritization task that's going on with AECOM. That's supposed to be completed in the spring. We also have the delineation of special protection areas with AECOM, which is identifying all those areas of known flooding. That's also supposed to be complete sometime in winter. I'm excited for that one. So, once you have those two items and the design manual you say, 'Well, here are our areas of known flooding. Here are the projects we've identified in those areas. Here's how we prioritize those projects based on these areas.' At that point, you've got a sense of what you've got and you can say, 'Well, where are the holes of what we're missing?' That's where things like the water plan start to come in as you say, 'Okay, here's the information we don't have,' that you would need to complete, to flesh out a full capital improvement plan and master plan for the community."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "If you can give us, at the next Committee meeting, an update on where we stand with these easements on these ditches that we've been dealing with for the past several months, that would be fine."

Mr. Fountain said, "I can. We've certainly made progress on a number of those projects. I can give an update on those, as well."

Councilmember Shahid said, "Thank you."

Councilmember Gregorie said, "Could you include Howle?"

Mr. Fountain said, "Yes. So, Howle is included in that Central Park drainage. I can give you an update now on that if you'd like."

Councilmember Gregorie said, "Would you please?"

Mr. Fountain said, "Yep. So, Howle is included within the Central Park drainage study. AECOM has completed the majority of the field survey work for that. They've built, originally, a draft model for stormwater based on available information we had already collected. Based on that, they asked, 'Where do we need additional survey information? Where is the sensitivity in the watershed?' They went out and did the field survey work. We met with the community to get input from the community members on what they've seen for flooding and different sized storm events. The County has performed a little bit of heavy maintenance work recently, which we'll have to go

back and recapture some of that data for a survey. We've talked to the County about doing that, and they've agreed that they'll help with that. At that point that data goes back into the model, gets finalized, and then we can do the project recommendations for improvements out there. So, that's pretty short-term for making those recommendations."

Councilmember Gregorie said, "We still can't do the back flow on that creek?"

Mr. Fountain said, "I wouldn't be surprised if that doesn't end up being one of the short-term recommendations. In order to do it, we have to get a permit from the Corp because it's a jurisdictional water. I don't think the Corp will oppose it because they have said there isn't really evidence of habitat that's like salt-based upstream of Central Park. So, they wouldn't oppose it. They just don't have a general permit to allow a rapid permitting process. It still has to go through the full public notice, the multiple resource agency comments, and that just tends to take a while. But, I think that will likely be one of the recommendations in this study, would be the support work to go through that full individual permit application."

Councilmember Gregorie said, "I appreciate that. Thank you."

Mayor Tecklenburg said, "Alright, anyone else? Does that finish our Committee report?"

Councilmember Waring said, "Well, with the exception of putting Councilman Griffin, hopefully by acclamation, on that Task Force when it's named."

Mayor Tecklenburg said, "Sir?"

Councilmember Waring said, "That's the extent of the report, but I did make a suggestion of adding Councilman Griffin to the Church Creek Task Force when it's named. One Councilman, as you remember, out of thirteen people who serve, would be on the Committee, and I suggested Councilman Griffin. I make that motion."

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "Alright. Any discussion?"

No one asked to speak.

On the motion of Councilmember Waring, seconded by Councilmember Shealy, Council voted unanimously to approve the Committee on Public Works and Utilities report as presented:

a. Stormwater Management Department Update

- (i) Stormwater Plan Review Services Contract Extension and Fee Amendment with Johnson, Lachober & Associates
- (ii) Dupont Wappoo Project Area Recommendations Discussion
- (iii) Crosstowne Christian Church Stormwater Discussion
- (iv) Church Creek Stakeholder Committee Discussion (***Recommendation that Councilmember Harry J. Griffin serve as the Councilmember representative.***)
- (v) National Fish and Wildlife Foundation Emergency Coastal Resilience Fund 2019 Grant Program Discussion

- (vi) Stormwater Fee – Assistance Program Discussion
 - (vii) Stormwater Design Standard Manual Update Discussion
 - (viii) Cooper River Bridge Redevelopment Area Stormwater Inventory Discussion
 - (ix) Project Management Update
 - (x) Floodplain Management Update
- b.** An ordinance to amend Chapter 21, Article II of the Code of the City of Charleston by adding a new Section 21-17 that prohibits certain building construction operations during stated hours. **(AS AMENDED)**

Give first reading to the following bill from Public Works and Utilities:

An ordinance to amend Chapter 21, Article II of the Code of the City of Charleston by adding a new Section 21-17 that prohibits certain building construction operations during stated hours. **(AS AMENDED)**

Councilmember Griffin abstained from voting.

Councilmember Waring said, "That's the extent of the report, Mr. Mayor."

Mayor Tecklenburg said, "Alright, next is our Committee on Traffic and Transportation, Councilmember Seekings."

Councilmember Seekings said, "Thank you, Mr. Mayor. Very briefly, there's one item on there that does require Council approval, which is the amendment to our ordinance to essentially eliminate the ability to rent scooters in the City of Charleston. So, I move for adoption of that."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Any discussion?"

No one asked to speak.

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

---INSERT TRAFFIC AND TRANSPORTATION REPORT---

- a. An ordinance to amend the Code of the City of Charleston, South Carolina Chapter 19, Sections 91 and 92 to prohibit the rental, offer for rental, and the use of rented motorized scooters on the public right-of-way
- b. Bicycle and Pedestrian Advisory Committee: FY 2020 Priorities
- c. Presentation of Maybank/Riverland Traffic Study – Information Only
- d. Director Updates

First reading was given to the following bill:

An ordinance to amend the Code of the City of Charleston, South Carolina Chapter 19, Sections 91 and 92 to prohibit the rental, offer for rental, and the use of rented motorized scooters on the public right-of-way.

Councilmember Seekings said, "One other matter, Mr. Mayor, because two members of the Committee are sitting here and have been patiently waiting. We did receive a report today from the Bike/Ped Advisory Committee, which I sit on, although I've been absent for the last two meetings. Please, note that I'll be back. They are a committee that exists by virtue of a City ordinance, and they have taken their job, I would say, more than seriously. They really are an incredible group. They meet every other month, and one of the things they're tasked to do is come up with recommendations to City Council on a number of things. What they've done this year is they've come up with their recommendations surrounding safety, and they've aimed it at our budgeting process. So, you'll see in your packet, and we accepted for information purposes only, not as an endorsement of those as priorities necessarily, but I do think it's important for you all to know a couple of things. Charleston County distinguishes itself as the most dangerous County in the State of South Carolina for bike/ped access participants and accidents. That's in a State that distinguishes itself as one of the top states in the Country as being the most dangerous place for bike/ped. So, kudos to the Committee for really focusing on recommending to us funding projects that are aimed across the City and city-wide for safety on bike/ped access. In your packet, there are five projects, or five categories, specifically, so as we all think collectively about the budgeting process, just please be aware that this group of dedicated citizens has taken a long time to think about this.

Just very briefly, one is a dedicated sidewalk project and plan in the City of Charleston, which is a great idea. The next is to continue to fund our People Pedal Plan of Charleston, which is Mr. Benjamin's plan that he's put forward. It's a plan, city-wide, to make sure we're better, safer, and more accessible for bicycle and pedestrian access. The next is the dedicated line item for hiring a Multimodal Safety Programs Manager. That's something Mr. Benjamin has advocated for in front of the Budget Committee for two years in a row now, so please put that on your radar. The next is the continued request, which I think many of us agree on, for the funding of the Ashley River Bike and Pedestrian Bridge access across the river. Finally, dedicated funding and design for the LowLine project, which includes getting people into a center part of the City where there are no cars. So, that was taken for information purposes, but I do think, as we think about the budgeting process, please know that there is a bike/ped committee. It is made up of citizens that are diverse in many different ways, but they are committed to making sure that we focus on safety for our citizens. I want to thank them for their participation, and as we go through the budgeting process, please think about this. I know Mr. Benjamin will make sure we do that.

Finally, very briefly, we had a report today from Mr. Benjamin, the County, and our private engineering firm on the intersection of Riverland and Maybank Highway, which is, I don't know what the actual word is, it's a cluster over there, it's horrible. It's a terrible intersection. People die. They get injured. The accident reports are numerous and difficult to look at. If you've been at that intersection, you know what I'm talking about. There's a lot of traffic. It's rough. They had a number of recommendations from doable to not doable. Some included taking away the tenth green at the golf course. Many of them included cutting down grand trees. Those were all non-starters. The one that does seem to be workable and doable is to put no-left turn signs off of Maybank onto Riverland going both north and south. We, at the Committee, thought that was a pretty good idea.

The County, who was there for the presentation today, also thought that was a pretty good idea. It's very low cost with, we think, high reward.

Our advice and recommendation from the Committee was to tell Mr. Benjamin, as the Director of Traffic and Transportation, to go forward and prosper, to go work with the County and see what needs to be done. We don't think it needs any actual approvals by the Committee or City Council, but we did want to make sure that Mr. Benjamin worked very closely with Councilmember Moody, that's his district, to make sure that everyone's well-informed that this is going to happen because it will change some traffic patterns, for sure, in a very heavily traveled part of the City, on a very heavily traveled road. It may divert some traffic into a neighborhood that doesn't know it's coming. So, all that being said, it's a super dangerous intersection. We've got to do something. Nothing is not an option. I think we took the course of least resistance for today, and we'll see how that works. I'm pretty sure that the recommendation from us back to Mr. Benjamin was to do it on a trial basis, just to see if it works. With that, I'd ask you accept the report. The only thing, and I think we already did it, was the amendment to the ordinance, but there's a lot cooking on our roads, and it's good that you, as members of this Council, participate, stay aware, and if you have any questions, please talk to Mr. Benjamin. With that, I will conclude my report. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you very much."

Councilmember Shahid said, "I just want to ask Councilmember Seekings, at your Committee, I brought this up a couple of times, as I'm traveling down King Street in different hours of the day, delivery trucks are blocking King Street. On Thursday, as I was going down, I have a picture of it, of a delivery truck in front of a restaurant by Liberty Street and an Amazon truck stopped, and a DASH bus had to maneuver its way through that. By the time I got down to Wentworth Street, there was another delivery truck blocking the intersection, and by the time I got down to Queen Street on King, there were two delivery trucks blocking the intersection. That was in the middle of the afternoon, around 12:00 in the afternoon. I brought this to the attention of Chief Reynolds, Mr. Benjamin, and to you in the past, but I would ask you all to look at it again. It is a huge problem, just maneuvering down King Street and Queen Street at all hours of the day with these delivery trucks."

Councilmember Seekings said, "So, in brief response, and then we'll move on, we do have an ordinance for that. That's an enforcement issue, and we need to get back after it. That's a combination of Traffic and Transportation, I know Mr. Riccio I saw here, and the Police Department, because today, trying to get to City Council, I actually couldn't get down King Street because it was blocked by a delivery truck. No one could get by. So, I think we just need to redouble our efforts and collectively get together with the various departments and make sure that is taken care of."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "At your all's next meeting, can you put something on there for a brief discussion, and sort of a history of the ordinance to where Uber and Lyft drivers can't be on King Street after, I think 12:00, or something along those lines?"

Councilmember Seekings said, "We have some zones in the City where we require pick-up and drop-off off of the corridors on King Street to the most crowded and choked points. We're certainly happy to put it back up for discussion. That was something we adopted. Ms. Borden's here. I know she'll remember, probably three or four years ago, and it has worked."

Councilmember Griffin said, "I'd like to just look at that briefly, though, because there are some safety concerns that do arise from going off of the street, and I don't know if necessarily all of our forms of taxi-cab are following those rules. It's only Uber and Lyft, I think, that are actually doing it."

Councilmember Seekings said, "We agree and, again, I think it's always good to bring those subjects back up because as we get more crowded and more visitors, and more people are coming to the core of the City and other places in the City, it's always great to revisit it. I'm happy to put it on our agenda. We'll certainly look at it. I will just tell you this, from my perspective as the Chairman and also looking at this, it is working. If we need some tweaking, I don't think there's going to be whole lot of stomach for changing it. Anyway, with that, we'll certainly put it on our agenda, and we would welcome you to come to our next Traffic and Transportation meeting. I know Councilmember Lewis, who sees this every day, has some comments."

Councilmember Lewis said, "Well, I'm not talking about the delivery trucks, but you know we need to do something with these golf carts also. Sometimes, you might have six people on a golf cart, and two of them are sitting on the back with their feet hanging on the sidewalk, and they're sitting there. They're drinking, or they have a baby in their hand. We need to do something to kind of regulate the way they drive. I was told in a Public Safety meeting, and I thought we were going to look at it, that some of them are regulated by the State, and some of them are regulated by the City. So, we need to know who has jurisdiction over what."

Mayor Tecklenburg said, "Let's add it to the agenda."

Councilmember Seekings said, "That's a great point. Ms. Borden, I know, is here, and I see her in the back. We'll add that to our agenda, just so we can get a briefing from Legal on what the rules of the road are and know who's following them, and who's not, and who's responsibility it is for enforcement and not. That has become a huge issue, and as it gets darker earlier, it becomes a big issue. So, good, very timely, we'll get that on the agenda, too, and we would invite Councilmember Lewis and Councilmember Griffin to come to our meeting. Thank you."

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

Councilmember Lewis said, "Move for adoption."

Councilmember Mitchell said, "Second."

Councilmember White said, "Second that."

There was laughter in the Chamber.

Mayor Tecklenburg said, "Any discussion?"

Councilmember White said, "You all take note of how that works."

There was laughter in the Chamber.

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

---INSERT WAYS AND MEANS REPORT---

(Bids and Purchases)

- (Fire Department: Approval to accept the 2019 State Homeland Security grant in the amount of \$80,000 for Charleston FD Collapse Search and Rescue Team. There is no financial impact with this grant in the FY19 or 20 Budget. There is no match for this grant.
- (Fire Department: Approval to accept the 2019 FM Global Fire Prevention grant in the amount of \$2,033 for Charleston FD Fire Marshal's Division for emergency scene lighting. There is no financial impact with this grant in the FY19 Budget. This is a no match grant.
- (Police Department: Approval to accept the FY19 Paul Coverdell Forensic Science Improvement Grant award for technological enhancements to the Charleston Police Department Forensic Science Division. The grant funds \$96,380 towards digital technology equipment and training. The project does not require a City match.
- (Police Department: Approval to accept the FY19 Edward Byrne Justice Assistance Grant award in the amount of \$28,553 for 3D Laser Scanner for use by the Forensic Services Division and the Traffic Unit. The project does not require a City match.
- (Parks-Capital Projects: Approval of a Construction Contract with Volunteer Restoration, Inc. in the amount of \$229,712 for concrete spall repairs to the Stoney Field bleacher stands on the east and west sides of the stadium. Repairs include replacing all the expansion joints and sealing crack in the structure and coating the bleacher surfaces with a waterproofing base coat and a texture top coat. Approval of this Construction Contract will obligate \$229,712 of the \$4,268,480.50 project budget. Funding sources for this project are: 2005 GO Bond (\$399,048), 2018 GO Bond (\$2,600,000), 2017 Hospitality Funds (\$1,250,000), and Capital Contributions (\$19,432.50).
- (Stormwater Management: Approval of a one year contract extension with Johnson, Lachober & Associates in a not to exceed amount of \$75,000 for NPDES Plan Review. This is the second contract extension of a max 2 allowed. Stormwater Plan Reviews will experience significant delays without the extension and funding associated with this request. This contract extension will be funded from available personnel budget due to vacant positions related to NPDES Plan Review. Budgeted amount is anticipated for expenditure in remainder of FY2019. Approval of this contract also approves a budget transfer of \$75,000 from 193010-51100 Stormwater Full-Time Salaries.
- (An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2020.
- (Request approval of the First Amendment to Lease Agreement whereby the square footage of the leased space is adjusted from 2600 square feet to 2435 square feet and the base rent table is updated. The property is owned by Twelve Farmfield, LLC. [12-C Farmfield Avenue (CPD Forensics); TMS: 349-08-00-027]
- (Authorize the Mayor to execute the Agreement of Purchase and Sale between the City of Charleston and Andrea Jones for the sale of 837 Minnie Street for \$172,837. Ms. Jones will receive \$50,000 in downpayment assistance from the City of Charleston and \$2,000 in grant funds from the City's Employer Assisted Housing Program. This property is one of 7 new houses recently constructed in the Ashleyville-Maryville neighborhood and is targeted to individuals and/or families earning up to 80% of the Area Median Income. The property is deed-restricted, subject to the City of Charleston Single Family Affordable Housing Restrictive

Covenants with an affordability period of 90 years. Ms. Jones is an employee of the City of Charleston. (TMS: 418-11-00-238; 837 Minnie Street) [Ordinance]

(Update on Richardson property on Camp Road (*Requested by Councilmember William Dudley Gregorie and Councilmember Perry K. Waring*))

Executive Session, if necessary, to discuss negotiations incident to proposed contractual arrangements and proposed sale or purchase of property, pursuant to SC Code Section 30-4-70(a)(2).

(Discussion regarding James Chapel AME Church (*Requested by Councilmember Perry K. Waring*))

(Consider the following annexation:

- 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.
- 0 Oakville Plantation Road (TMS#317-00-00-007) 10.47 acres, Johns Island (District 5). The property is owned by Keith W. Lackey. (*DEFERRED*)
- 2495 River Road (TMS#317-00-00-012) 4.75 acres, Johns Island (District 5). The property is owned by Gail Grimball. (*DEFERRED*)
- 2493 Summerland Drive (TMS#317-00-00-075) 9.91 acres, Johns Island (District 5). The property is owned by Gary S. Worth. (*DEFERRED*)
- 0 Summerland Drive (TMS# 317-00-00-076) 8.70 acres, Johns Island (District 5). The property is owned by Gary S. Worth. (*DEFERRED*)

First reading was given to the following bills:

An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina for the fiscal year commencing January 1, 2020.

An ordinance authorizing the Mayor to execute the necessary documents to enter into that certain Agreement of Purchase and Sale between the City of Charleston and Andrea Jones for the sale of 837 Minnie Street in the City and County of Charleston, State of South Carolina, for the purchase price of \$172,837.00 and bearing TMS No. 418-11-00-238, said Agreement of Purchase and Sale being marked as Exhibit 1 attached hereto and incorporated by reference herein.

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 up are bills for third reading."

Councilmember Seekings said, "So moved."

Councilmember Gregorie said, "Second."

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

On a motion of Councilmember Seekings, one (1) bill (Item L-1) received third reading. It passed third reading on motion by Councilmember Gregorie, and the bill was immediately ratified as:

2019-094 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 FOR THIRD READING).**

Mayor Tecklenburg said, "Bill's up for second reading. I think we have items one through eight."

Councilmember Shahid said, "Move for approval of items one through eight."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We have a motion to approve items one through eight and a second. Any discussion?"

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I've got a question about number eight. I'd just like to get a clarification about what we're doing in this amendment. Number eight, the PUD amendment."

Councilmember Gregorie said, "One through seven."

Councilmember Griffin said, "I asked for that, but he said one through eight. One through seven, Mr. Mayor, and then we'll take number eight."

Mayor Tecklenburg said, "Oh, take one through seven together. Okay, and we have a second. Any discussion on one through seven?"

No one asked to speak.

On a motion of Councilmember Shahid, seven (7) bills (Items M-1 through M-7) received second reading. They passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Waring, the rules were suspended, and the bills were immediately ratified as:

- 2019-095** AN ORDINANCE AMENDING CHAPTER 27, STORMWATER MANAGEMENT AND FLOOD CONTROL, OF THE CODE OF THE CITY OF CHARLESTON, BY AMENDING THE DEFINITIONS IN THE FLOOD HAZARD PREVENTION AND CONTROL REQUIREMENTS IN ARTICLE II, DIVISION 3, SECTION 27-103 TO ADD A NEW DEFINITION FOR “MARKET VALUE” FOR THE PURPOSE OF MAKING FINAL DETERMINATIONS OF SUBSTANTIAL DAMAGE AND SUBSTANTIAL IMPROVEMENT UNDER THIS DIVISION ALLOWING THE APPRAISED VALUE OF A STRUCTURE TO BE USED IN PLACE OF THE COUNTY’S MARKET VALUE. **(AS AMENDED)**
- 2019-096** 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.
- 2019-097** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 333 & 335 WAPPOO ROAD (0.46 ACRE) (TMS# 350-10-00-144), 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 ROBERT J. SULI.
- 2019-098** 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.
- 2019-099** 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.
- 2019-100** 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.
- 2019-101** 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, “Now, number eight for discussion purposes. We’ve got a motion to approve.”

Councilmember Moody said, "Second."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Mr. Morgan, can you just give us some background on this? I think it's been deferred for a while."

Mr. Morgan said, "Yes, sir. This would allow for larger format retail to be in this PUD because the PUD restricted the sizes of the retail buildings. For example, a grocery store could now, with this amendment, fit within this PUD, whereas before it couldn't because grocery stores are bigger than the size buildings that were originally allowed in the PUD."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I'd like to just follow along with that information, Mr. Morgan. Has anyone taken the temperature of the community there? Do they want that kind of a grocery store, larger retail?"

Mr. Morgan said, "At the public hearings, it was not a controversial issue. My sense of the pulse of Johns Island is that they want more services on the Island. They want more retail available to them, so they don't have to drive as far. But, it was not controversial at both the Planning Commission and at the public hearing, probably six months or so ago."

Councilwoman Jackson said, "Do we feel like the developer of this, the PUD's been underway for a long time, do we feel like they have a good communication pattern with the community?"

Mr. Morgan said, "They have so far, yes. The site plan that they've looked at, should this be the way that they go with this PUD, and it's not set in stone that it would go this way, really worked well with the trees and with the layout of the PUD there and the northern pitchfork and all that. So, we were pleased with it."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Yeah, this is a very minor modification to a very large PUD, which does include a certain pitchfork. I'm down one pitchfork right now, so let's not screw with it, please. I'd like to go ahead and finish it up. Thank you."

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

No one else asked to speak.

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

2019-102 AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN AND DEVELOPMENT GUIDELINES FOR PROPERTY LOCATED ON RIVER ROAD AND MAYBANK HIGHWAY (THE

VILLAGE AT FENWICK PUD – JOHNS ISLAND) (APPROXIMATELY 44.891 ACRES) (TMS# 346-00-00-004, 076 AND PORTIONS OF 346-00-00-258 AND 259).

Mayor Tecklenburg said, “Okay, now bills up for first reading. We have an amendment to the Folly Road Overlay.”

Councilmember Griffin said, “Move for approval.”

Councilwoman Jackson said, “Thank you. Second.”

Mayor Tecklenburg said, “Any discussion?”

No one asked to speak.

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

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to add to Sec. 54-299.4.b of the Zoning Ordinance a requirement for the installation of a twelve foot (12') wide multi-use path along the frontage of parcels within the Folly Road, FR, Overlay Zone; to authorize the Zoning Administrator to reduce the minimum required buffer plantings adjacent to a right-of-way and/or reduce the minimum required width of the multi-use path in certain circumstances, with appeal to the Board of Zoning Appeals-Site Design; and to amend Sec. 54-120 of the Zoning Ordinance to add definitions for the terms “bikeway” and “multi-use path.”

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “It’s kind of late isn’t it?”

There was laughter in the Chamber.

Councilmember Moody said, “What I was going to say about this particular ordinance, and we kind of ran into it recently with Betsy Road and the dealership over there, where you couldn’t put, they didn’t want to put a sidewalk in, or they wanted to put a sidewalk in, but they would have had to cut down trees to do it. So, it was impossible for them to make that happen the way the ordinance, and it wasn’t an ordinance thing over there. But, this ordinance here, I would like to have something in it that allows, if somebody can’t do something like that, that they either do a fee-in-lieu or do something, some kind of mitigation to help somewhere else. They shouldn’t be allowed to just kind of walk.”

Councilwoman Jackson said, “I totally agree. I think that would be a great addition to a second reading.”

Councilmember Moody said, “So, I think we need to put something in there that addresses that. If they can’t do it, we don’t want to cut down their trees, then maybe they have to go around behind or something or do something to, whatever that cost would be, to mitigate.”

Mayor Tecklenburg said, “Well, that’s exactly what we did on Betsy Road and Palmetto Ford. They agreed to pay us a fee, so we could build a sidewalk across the street, rather than

right adjacent to their property. So, we'll look at that between now and second reading on this ordinance."

Councilwoman Jackson said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mayor, I'm in favor of it, but I just thought it should be ten feet and not twelve. We're going into an existing area, and it's normally tough to get twelve feet from existing roadways into properties. The lanes coming across the Legare Bridge are ten feet. All four lanes are ten feet wide. The lanes going across the Ashley River Bridge, the old WWI bridge, are eleven feet wide. So, you talk about ten feet, if you're going to get people to do it, I think you need some tweaking in there. That's all I'm saying."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Just to point out, the ordinance does give the DRB authority to make changes that would be necessary to a particular site."

Councilmember Waring said, "We can discuss it between now and the second reading."

Councilwoman Jackson said, "They can make a buffer smaller, but the vision plan is a twelve foot path."

Councilmember Waring said, "I agree with you one hundred percent."

Mayor Tecklenburg said, "Any other points on that? So, at our last meeting, Council requested we give an update on the outcome from the audit of the Mayor's office, City procedures and policies. So, Ms. Herdina and Ms. Wharton have a brief report to give you about our follow-up on those different recommendations."

Ms. Herdina said, "Yes. Hopefully you can hear me. The internal auditor, Ms. Wharton, and I got together, and we've put together the preliminary list of the policies and procedures that we think should be worked on as a result of the audit. This is a preliminary list, and if you all have some additional thoughts, or comments, please send them to me, and we will incorporate them in this plan. I'm going to talk about some of them, and Ms. Wharton will talk about, particularly, the procurement ones. The policies that we've identified have to deal with meals and entertainment. We want to come up with some clear guidelines under what circumstances meal purchases are allowed, as well as a dollar limit per person, and what the approval process would be for that. Robert (Majernik) is going to research that to see what other municipalities are doing, and we'll come back with a proposal based upon our research. The second thing we're going to do is some updates to our travel policy. Right now, there is some confusion between the different forms that we use and so, we're going to revise that, but we are also going to make sure that we restrict the use of credit cards or advances to City personnel and elected officials only. Again, Robert is going to do some research on other municipalities' policies and come back with some recommendations. We're also going to be updating the ordinance on the use of the City seal. I think as we went through that before, we realized that it is somewhat out of date, so we're going to come back with a few recommendations on amending that ordinance."

One issue that was mentioned was, potentially, a Code of Conduct that would apply to public officials. There are a number of municipalities, throughout the Country, that do have Rules

of Conduct. They largely reflect employee's rules of conduct, but we thought that this would be something worth considering. Again, these are just suggestions that we would offer up to Council to see whether there is interest in pursuing this or not. Finally, we talked about new policies for the Legal Department. We are implementing this one already, which is to make sure that we have a written fee agreement for all outside counsel, and the agreements will contain, of course, the scope of work that's anticipated, as well as the rate. We also talked about, and I'm certainly happy to do this, that the Legal Department will provide quarterly reports to City Council, probably reporting to the Public Safety Committee, which has jurisdiction over courts. If the Council is inclined, we could report to them initially, and if there's further reporting that needs to be done, we can do that. That's just our beginning list. Ms. Wharton's going to talk about the procurement policies but, again, let me reiterate that if you all had some other ideas coming from the audit, we certainly would like to hear them, and we'll try to put some things together. We would like to come back to you, certainly before the end of the year. I don't know if it will be much sooner than that, but we will try hard to get it to you sooner than that. Does anybody have any questions at this point?"

Councilmember Gregorie said, "Could we look into allowing spouse travel with the Mayor, in particular?"

Ms. Herdina said, "I'm sorry. Allowing what travel?"

Councilmember Gregorie said, "Having the Mayor to have the ability to take his wife on certain trips, or on trips."

Ms. Herdina said, "An official trip that would include the spouse?"

Councilmember Gregorie said, "Yes."

Councilmember Griffin said, "Could we see something in writing, please?"

Ms. Herdina said, "I can put this together and send it out to you this week, if that would be fine. Ms. Wharton is going to add to this."

Ms. Wharton said, "A little bit. So, the procurement policy, we actually have a draft from the Novak group when they presented to Ad Hoc, just a small piece of it, back in May, I think. So, we do have that draft report from them. We kind of held back considering all of this and what we might need to add to that. So, we do have that report that was basically increasing some of our limits, same with P-cards, uses and limits, restructuring procurement a little bit. There's a lot of good findings in there, as well, but some of what Ms. Herdina just talked about, we can add to the procurement policy, as well, and then bring that to you soon, if that will work."

Ms. Herdina said, "I just realized there's one additional one that Ms. Wharton reminded me of. You had raised the question about a whistle-blower policy. We do have a mechanism for that for our employees, but we'll take a look at that and see if that needs to be enhanced also."

Mayor Tecklenburg recognized Councilmember Waring, followed by Councilmember Moody.

Councilmember Waring said, "Well, let me ask the question, we've spent a lot of time talking about the Willey expenses. In this process for these suggestions, could that happen again? What prevents that through you'all's suggestions?"

Ms. Herdina said, "Well, I think that how we usually proceed is that the attorneys have a retainer agreement that sets out a scope of service. Again, we will implement that policy immediately, and we'll have attorneys reporting to the Legal Department."

Councilmember Waring said, "So, in other words, that situation could be hired again, the expense made, and we find out after the fact. It's the after the fact part that's unsettling."

Ms. Herdina said, "Well, hopefully, with the quarterly reporting that we're going to do, we'll have an opportunity to talk about who's on staff and who's working for us and under what matters."

Councilmember Waring said, "Well, I've got to be frank, finding out expenses like that in the aftermath, we've got to come up with a better way. So, many other expenses in the City we hear up front, but having, potentially, \$100,000 worth of expenses and finding out after the fact, to me that's appropriating the taxpayers' dollars. The way that happened is a result of you all having the surplus in your budget. So, if we're not going to know upfront, then the budget doesn't need to be as large. If we're going to know upfront, then we have the right to say 'yea' or 'nay', whether that expense occurs. So, we need some sort of gateway, or gatekeeper system in there. Right now, I don't see, under the suggestions, I know we don't have it now, but under suggestions we don't."

Ms. Herdina said, "Maybe at the next Ad Hoc Committee meeting, I can explain to you how we have budgeted these things in the past, and maybe we can come up with some suggestions going forward."

Councilmember Waring said, "I'll look forward to that."

Mayor Tecklenburg recognized Councilmember Moody, followed by Councilmember Shahid.

Councilmember Moody said, "Yeah, it seems to me, I wasn't going to go there, but just following up a little bit. It seems like once it hits some threshold that it ought to trigger a report back to us, even if it wasn't quarterly or something. But, an accumulation that might reach our \$40,000, if that's our threshold, that we'd get a report back. Did we do anything or talk about our internal auditor, and did we decide on all of that? Is that put to bed, as to how that was going to be handled?"

Councilmember Seekings said, "I think the answer to that is yes. One of the things that we decided, collectively, was that we would keep the system in place, but if there was an audit that the internal auditor felt was inappropriate, for instance the Executive Department, that he could push the trigger and then request an external auditor to come in and handle that work. Am I correct about that?"

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

Councilmember Moody said, "Has that been codified or whatever we need to do to make that happen, if anything?"

Ms. Wharton said, "Well, yeah, we might need to."

Ms. Herdina said, "It hasn't been codified, but we can take care of that."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "To the point of the question raised by Councilmembers Waring and Moody about the legal fees, I think that there's a distinction being made that if we budgeted and allocated X number of dollars for outside legal work, that money's been allocated, so it's like a work in progress, I think. I understand the point you're trying to raise, that we get a quarterly report of how that money's being spent, but I think it's already, there's a distinction between using legal counsel for whatever project they're hired for, they're going to get paid for that. We've already budgeted, I guess, if I understand that properly Susan, that we've budgeted X number of dollars for legal work. We want to make sure that person who's doing that legal work is doing the work that we asked them to do within the bounds of that contract, and we want a report, on a quarterly basis, as to how that's being handled. Is that the right information?"

Ms. Herdina said, "Yes. I mean, what our process is, is every year, and this has been the way it's been for many years, is that every year, as we go into the budget cycle, we sit down with Amy, Steve (predecessor), and we basically estimate the work that we expect will need to be done. Most of it is pretty predictable. It will be hiring this firm to continue defending us in this case, or we anticipate this kind of litigation is going to be coming up, or we anticipate we need extra services for easements, condemnations, and things like that. We, I think, do a pretty good job of estimating what that's going to be, and then Amy and her staff will always put a little extra there because, obviously, there are unforeseen circumstances that will come up, lawsuits that we didn't anticipate getting filed. So, again, that's the process that we've used for many years and I think, generally, works pretty well because we need that flexibility to be able to respond when a lawsuit comes in, to be able to go out and hire an attorney to start working on those matters right away, rather than holding off and not being able to bring that person on board, or that firm on board. Again, that's the budget process that we've worked on and I think has worked fairly well. We stay within that budget. I think we've had experience over the years and a pretty good idea of suits that are going to come in that we need to defend or other areas of interest that you've expressed where we need additional legal services. That's how we come up with the budget."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Alright, all I'm hearing here is something very, very simple. It's called internal controls. There are no internal controls over that budget, or that piece of the budget, i.e. if I have a credit card, and it's a City credit card, and I have a ton of charges, somebody is going to make sure that those are legitimate charges. Otherwise, I'll have a new motorcycle, and I don't even like motorcycles. However, we just need to set up where the control point is. Right now, the answer is, there is none, okay?"

Ms. Herdina said, "Well, I'm not sure I would agree with that."

Councilmember Wagner said, "That way, we don't have any more questions ever. I'd say, 'What happened?' I'd ask her, 'Well, you bought that a, b, or c,' or he buys it. It doesn't have to be on a major level. We're talking maybe \$20,000. If it's going to be over \$20,000, somebody needs to be okaying it, just like we do everywhere else in the government, okay? Somebody says, 'I have a need.' Somebody says, 'Okay, we have it in the budget.' Somebody else says, 'Okay, go buy it.' Well, from 'we have a need' to 'go buy it', there's nothing in between. Then, at the end of the day, we say 'Pay the bill,' and we say, 'How did that thing cost that much?' It's just a simple internal control point. Just one person says, 'This is the guy. Who's the fiduciary on what that is?'"

Ms. Herdina said, "Well, Ms. Wharton operates—"

Councilmember Wagner said, "That's why we have a contracting department, too. Just a thought, guys."

Ms. Wharton said, "Councilmember Wagner, there are controls over it. They are specialized services. They go and pick the lawyer, and usually, I think, Susan comes to you when we talk about that, and they review the bill for every single charge, and they send it to us. We are reviewing those. I mean, you're talking about one situation with one attorney. But, in the most part, it works. It's been working fine. So, just saying, to say that blanket about the whole Legal Department, it's not right."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "With all due respect, the process has worked well over the years, I agree. But, it's been exposed to have a serious fault, and it needs to be corrected. In this instance, the Councilmember talked about controls, how did this happen? Did the Mayor come to you all? Did Mr. Willey come to you all, and you all said, 'We approve this.' How did the expense get approved? You know what, we don't need to go into a dialogue about that right now, but we need a system to come back to correct that. That puts you all in undue pressure, just as, don't answer the question I just gave you, what I want is a solution. I think what Councilmembers want is a solution. We had a drainage manual before, but we are updating that drainage manual. It's going to be a whole lot better than the one previously. We had a process that worked before, and we found that there's a big fault. That needs to be corrected, so whatever solutions you all come back, I'll be happy to be involved. Certainly, Councilmember Wagner, dealing with government monies, CPA over here to my left has a little experience in systems being in control. We need a better system. We cannot keep it the same way, and I think the budget process between now and third reading of budget will reflect a better process. Thank you."

Mayor Tecklenburg said, "Okay. Any other business to come before us tonight?"

Councilmember Waring said, "Yes, I do. I have a motion, Mr. Mayor, to come before Council. We requested the letter of support from County Council and the Council of Governments six weeks ago. That's a paragraph letter to go out. I'm putting a motion on the floor that the letters of support for Spring/Fishburne go out before the week is out."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "I may have misspoken. We think the letter has gone out by our grant writer, but we'll let you know."

Ms. Wharton said, "We had letters with the grant, with the amendment to the grant we had asked. We're just verifying that they actually went out."

Councilmember Waring said, "Well, if it hasn't gone out—"

Ms. Wharton said, "Right, we'll get back to you with that information."

Councilmember Waring said, "Thank you. Can we get copies sent to us when they go out?"

Ms. Wharton said, "Absolutely."

Mayor Tecklenburg said, "Absolutely. Any further business to come before us tonight? Hearing none, we stand adjourned."

There being no further business, the meeting was adjourned at 9:14 p.m.

Vanessa Turner Maybank
Clerk of Council