

COUNCIL CHAMBER

Regular Meeting

October 9, 2018

The sixty-first meeting of the City Council of Charleston was held this date convening at 5:33 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media October 3, 2018 and appeared in The Post and Courier October 7, 2018 and are made available on the City's website.

PRESENT (11)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring (<i>absent</i>)	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 (<i>absent</i>)	District 6	Councilmember Jackson	District 12

Mayor Tecklenburg called the meeting to order at 5:33 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Let the record show that Councilmembers Shealy, Moody, and Jackson are here, but just indisposed for a minute. So, if you all would like to join us, I'd like to ask Councilmember Shahid to introduce a special guest to lead us in an invocation and Pledge of Allegiance."

Councilmember Shahid said, "Thank you, Mr. Mayor and members of Council, Madam Clerk. I've invited the Reverend Doctor Eric Childers to lead us in prayer tonight. He is the Senior Pastor at St. Matthews Lutheran Church. He's been here since August of 2016. He lives in my district with his family. He's been around to other parishes in North Carolina and Virginia. Reverend, would you please lead us in prayer tonight?"

Reverend Doctor Eric Childers said, "Thank you."

Reverend Doctor Eric Childers opened the meeting with an invocation.

Reverend Doctor Eric Childers then led City Council in the Pledge of Allegiance.

Mayor Tecklenburg said, "Thank you very much. Welcome. So, first, I'd like to recognize members of the Mayor's Youth Commission who are with us this evening. High school students from around Charleston County who worked with me, the Mayor, and with City staff to identify

issues that impact our community and then, they worked so hard, they put on an annual summit. The last couple of years it's been at The Citadel, and they invite all of the public and some private high schools from around Charleston County. Hundreds of kids come, and we have really meaningful conversation and seminars, if you will, on various topics that they choose that are important to youth in our community. They also serve as volunteers. They're an amazing group of young men and women. They are, in fact, the future City Councilmen and Mayors, and Councilwomen, leaders of this community, in the years to come. So, I have a few certificates that I'd like to share. As I call your name, if you would each come up and receive and then we'll make a line up here together. Andrew Farrell, Amanda Goldman, Sarah Gordon, Logan Hsu-Rodriguez Hope Matthews, Max Milliken, Jasmine Palmer, Celia Smith, Dylan Smith, Morgan Smith, and Anthony Smith. We've got the whole Smith Family here."

There was laughter in the Chamber.

Mayor Tecklenburg continued, "Did I miss anybody?"

Jennifer Gorham said, "There are a few more."

Mayor Tecklenburg said, "Okay. Savannah Wray and Chase Mitchum. Can I ask everybody to give these young men and women a round of applause and thanks?"

There was applause in the Chamber.

Mayor Tecklenburg said, "So, part of their punishment, no, involvement, was to ask them to come and witness a City Council meeting and so, thank you all for coming to get a firsthand view of what we do here. Did you catch some of our Ways and Means Committee or you all just came up? Stick around for a little bit. Would anybody like to speak for the group and make a few comments? You're welcome to."

Andrew Farrell raised his hand.

Mayor Tecklenburg said, "I knew he would. Come on over. Share, very briefly, what we do."

Mr. Farrell said, "My name is Andrew Farrell. I am a sophomore at James Island Charter High School. I would just like to share a little bit about our group and also, to begin with, I'd like to thank our Director, Ms. Gorham, and I'd also like to thank you and Mr. Mayor for having us. What we are is we're basically a high school group of students around the Lowcountry that want to represent the other wishes of the other high school students. We have a summit at the end of the year, and we also like to get involved in different activities throughout the City and involve ourselves with other Committees throughout the City to try to maximize the voice of the high school students of Charleston. Thank you."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you very much. We do not have any public hearings this evening, so we move on to our approval of City Council minutes."

Councilmember Moody said, "Move for approval of September 18, 2018 and deferral of September 25, 2018."

Councilmember White said, "Second."

Mayor Tecklenburg said, "We have acceptance of the 18th and deferral of the 25th. Are there any additions or deletions or comments?"

No one asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember White, City Council voted unanimously to approve the minutes of the September 18, 2018 City Council meeting and to defer the minutes of the September 25, 2018 City Council meeting.

Mayor Tecklenburg said, "Next, is our Citizens Participation Period. Do we have a sign-up sheet yet?"

The Clerk said, "We do have a sign-up sheet, and we have a few names. We have Ms. Jean Jackson, Mohammed Idris, and Kevin High."

Mayor Tecklenburg said, "We'll ask you to limit to two minutes each, please. Thank you."

1. Kevin High, Owner of Walk Away Stays, said they specialized in short term and long term furnished rentals in Charleston, and he had been in business for more than 12 years. When he started, Airbnb didn't exist. He was also the fourth listing ever on VRBO for the City of Charleston. He had great reservation regarding the recently passed ordinance, as it was rushed through without any thought. The Short Term Rental Task Force had no industry experts and was not unanimous in their recommendations. He had been told that there was great dissension between many of the people on the Task Force, and some of them had stopped going. He said even Council had realized this was a bad ordinance that was passed. It wasn't fair it was unenforceable, and it would ruin the fabric of the City. He was astonished that the Preservation Society was in favor of this ordinance because of the the long term effects. The Cannonborough/Elliottborough ordinance was a great example of the community coming together, working with Council, and passing two sustainable enforceable ordinances. The recommended changes that he had seen almost mimicked what the short term overlay was. He said restricting whole house short term rentals to commercially zoned properties made sense. Regulating the industry, had to make sense and trying to micromanage a property owner was not the way to do it. He encouraged Council to abolish the ordinance and extend the successful Cannonborough/Elliottborough Overlay.
2. Jean Jackson thanked Council and said she had lived at 76-D Harris Street since 2011. Last year she was warned about feeding cats, and they were about to evict her, but they gave her an extension. She tried to save money so she could return to North Carolina. She had come to Charleston to get back on her feet, as there had been a lot of deaths in the family, and she wanted to help. Eventually, they evicted her in August. She was 66 years old with health issues and had slept in the park the previous night. While she was asleep, someone stole her cell phone. She said housing was the cause and pushing her out for feeding the cats that had been in the community when she moved there. She said she was a God fearing woman and reached out to people in the neighborhood by giving to those less fortunate. She thanked God, and she asked Council to pray for her, that she could move on, as she didn't want to stay in housing forever. She had always wanted to be a first time homeowner, but she didn't have enough money as her funds were cut.
3. Mohammed Idris said that alcohol was killing more Americans than drugs. He quoted scripture from the Bible which said wine was a marker, a strong drink is raging, and whoever is deceived was not wise. There was sin in wine and gambling with some benefit

to man, but the sin outweighed the benefit. He said Charleston must work to remove this demon from everyone. He asked why babies were taught their ABC's, and then they place 'ABC' on the door of a whiskey store in big red dots and then tell people not to drink and drive.

4. Leah Farrell, Preservation Society of Charleston, addressed the proposed amendments to the Short Term Rental Ordinance. She said they were stunned at the premature proposal, only a few months after enforcement began and with every indication from City staff that it was on its way to successful implementation. They anticipated a productive dialogue regarding the possible changes to the Planning Commission override, but they were surprised to see it on the agenda before next week's meeting. The two items pointed to a common theme, and it felt like it was an apparent disregard to the public process. She said any changes to the STR Ordinance must be vetted through the Task Force, with ample opportunity for public engagement, and the Planning Commission's authority should not be eroded with the stroke of a pen. The Preservation Society continued to be concerned by the trend to circumvent the public review process and they would continue to advocate for the residents' rights to weigh in on critical issues.
5. Marc Knapp quoted the saying, 'Those that can't do, teach.' He said his part was 'those that can't teach work for the government.' He said there was ascension by attrition when the good people left. He wondered what was going on in the City. He had run into more problems lately than he could believe. During the evacuation, one City Officer was at Davidson Road and Hwy. 17 as the traffic light was backing up traffic to I-526. He said the County had to come out and direct traffic, as well, as with a fatal accident at Sam Rittenberg and Hwy. 17 which caused Hwy. 17 to be shutdown. This pushed the traffic to Glenn McConnell Pkwy. He said nobody thought about what happened beyond moving traffic. The lights on Hwy. 17 were not synchronized, and the light at Bees Ferry and Glenn McConnell was too long for the Bees Ferry part in the afternoon to get traffic off of Glenn McConnell.

Mayor Tecklenburg said, "Thank you very much."

The Clerk said, "That's it."

Mayor Tecklenburg said, "That's all that signed up. Well, thank you all for sharing your comments with us. I did want to mention to Council, report to you very briefly, about the incredible visit that myself, Councilmembers Seekings and Gregorie, City staff, representatives from MUSC, and the Army Corps of Engineers had this past week to the Netherlands to study with the Dutch and their expert organization called Deltares, how they have learned to live with water, how they manage water and the mindset of always including dealing with water and planning, which really go together. They've come to that realization so poignantly over the last 40 years after their own experiences in the 1950s with devastating floods and with flooding in the Delta Region of the Rhine River over the last 20 years. Their history goes way back, and I found this so interesting, how we sometimes show that old map of Charleston and how it's so different 200 years ago, particularly the Peninsula, because we filled in and had all of that kind of activity going on and gaining land, even the whole Low Battery was all filled in area, right? Well, if you look at the map of the Netherlands from 500 years ago, it was just these little islands all along the coast there that they ended up filling in and connecting and then protecting with the dikes. So, at this point, almost a third of the entire country is below sea level. So, I mean, we are the Lowcountry, but at least for the most part, we're slightly above sea level. A third of their whole country is below sea level.

This was so fascinating, and they really rolled out not just, I mean the hospitality, in terms of meeting with government officials and everybody involved with managing water over there, we visited a water board, they call them water boards, and it's a separate distinct division of government. It has its own taxing authority, so they tax and their sole purpose is managing water. So, rather than dealing and following county or some political lines, the water boards follow the drainage basins which makes sense, right? So, there are 21 in the country, and they have elected officials, so this was fascinating to me. They started doing the water boards by elected representatives in the year 1222. So, for almost 800 years, they've been using a democratic process to manage water in the Netherlands. If you think about it, it's likely the oldest democratic institution continually operating on the planet Earth, is the water boards of the Netherlands that deal with managing water. I just found that fascinating, but we'll maybe put together a presentation because we collected all of our pictures and stories. Mark Wilbert did a terrific job putting this together, and it was just a very beneficial trip.

Now, I did peel away the last couple of days this past weekend and went back to our, it's not official, but I will bring to Council at a future date some official agreement to make Flers, France a twin or a Sister City kind of arrangement with them because we truly now have a longstanding and great relationship. So, they invited me and a little contingent from Charleston once again to honor us at this fair that they had nearby, the Town of Flers in Normandy, but it's a regional fair. Almost 100,000 people attend this thing. Here, for example, is this supplement to the newspaper they had, and it's all about Charleston. We were the honoree at this huge fair in Normandy this past weekend, and there is just page after page of stories.

The first one is about the history of how Charleston helped Flers in 1948 after World War II. For those that don't remember or know, the Central Square in the Town of Flers is named the Plac de Charleston, after our city, for helping them. Here is this picture of Mayor Morrison who went over there in 1948 to deliver the supplies. They wanted to get a taste of Charleston cuisine and Charleston music. So, I selected a few folks to meet me over there, and one was Rodney Scott, who had received the James Beard Award for his barbeque. We stayed up all night, the night before the fair, cooked a hog on a pit that he made, and we were serving pulled pork barbeque with Williamsburg County style vinegar sauce to a bunch of Normans. It was quite a thing to behold, I've got to tell you, it was a lot of fun. Then, we were playing a little jazz music for the, as well, so they really got a sample of Charleston. But, their hospitality and friendship to us is incredible. One last thing I'll share, I'm at the fair, and this loud speaker is going out about pavilion there, our tent and all, and this 80-year old gentleman found me speaking in French, and I had an interpreter. My French isn't bad pas mal, but not great. He sought me out because when he was eight years old, he lived in Flers, and in fact, received supplies from the City of Charleston. He came to thank me, and it was really touching. That's the kind of special relationship we have with this kind of small town in France. It's very nice, so I wanted to share that with you all."

Councilmember Lewis said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Yes, the lady back here from the Market, one of the vendors, they missed the sheet, and they just wanted to address a couple of things to City Council. They got here right after the sheet was taken from the hallway."

Mayor Tecklenburg said, "Okay, we'll give them two minutes. Yes, sir. Please introduce yourself and your address."

6. Jonzetta Taylor, along with Loren Foster and Harold Evans, said they worked at the City Market and were there to speak about the heat situation. They had received an update from the manager that some gas lines would be placed in the Market. They were concerned about the gas lines because they felt that portable heaters would be safer for them than the gas lines because they thought the gas lines would be dangerous for the vendors. They came to ask if there were other options with regarding heating the Market as winter was quickly approaching.

Mayor Tecklenburg said, "Okay. Well, I'd be happy to set up a meeting with you and our folks that have this plan. Jason Kronsberg, I don't know if Jason's here, but if you get with him, we'll set up a meeting with you tomorrow or the next day. The project is already kind of in place, as you know, and for various reasons gas was selected to be the preferable way. Certainly, on a long-term basis, it's less expensive than electric heat, but you can do gas or electric, one or the other. After some evaluation, we chose to stick with the gas. Folks have been using gas in Charleston a long time for heat. I like to have a gas heater for my house, I'll tell you that, but why don't you all get together with Jason and go over that."

Ms. Taylor said, "Yes, sir."

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

Ms. Taylor, Mr. Foster, and Mr. Evans said, "Thank you."

Mayor Tecklenburg said, "You're welcome. Alright. Is there anybody else?"

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

Mayor Tecklenburg said, "You're welcome. So, next, under Petitions and Communications, is the matter of the appointment of Jerome Heyward to the Charleston County Aviation Authority."

Councilmember Moody said, "Move for approval."

Councilmember Griffin said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second. I would like to entertain an amendment to the motion, if I may already, just because, even though there is an agreement in place for Mr. Heyward to be removed from litigation, the Judge has not signed the Order, even though the City of Charleston and North Charleston have agreed to the wording and all like that. So, if it's okay with Council, I would like your permission to give me the approval to send the appointment on in, subject to our receipt of the Order from the Judge. Is that acceptable?"

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "That was my question that I was going to have, Mr. Mayor, as to the status of the Order and if Susan can give us an update as to what may be the delay on that Order."

Susan Herdina said, "Yes, sir. The City filed with the consent--"

Mayor Tecklenburg said, "Use the microphone."

Ms. Herdina said, "I'm sorry. Vanessa is going to yell at me."

Councilmember Shahid said, "Well, she usually yells at us."

There was laughter in the Chamber.

Ms. Herdina continued, "Following our last meeting, the City filed a proposed Order of Dismissal with the court with the consent of both Mr. Heyward and the North Charleston attorneys. In that proposed Order of Dismissal, it was agreed that he would abandon all of his claims against the City, that he would be dismissed with prejudice, and also to the extent that he had any rights, that he was not assigning those to the City of North Charleston. As I said, that was agreed to by both Mr. Heyward and the North Charleston attorneys. The Judge has not yet signed the Order. There is an upcoming status hearing in front of the court on October 24th. That would be something that we would expect would be taken up at that hearing, and we fully anticipate that the Order will be signed at that time. But, I think the Mayor is requesting that the approval be contingent upon the Judge signing that Order of Dismissal with prejudice."

Councilmember Shahid said, "I send in Consent Orders all the time, but in the event the Judge declines to sign the Order, where does that put us with this contingent?"

Mayor Tecklenburg said, "Well, I won't send the recommendation in, and it will have to come back to Council again for further consideration."

Councilmember Shahid said, "I want to make sure that we're all clear on that."

Mayor Tecklenburg said, "Yes."

Ms. Herdina said, "Yes, sir. Thank you."

Mayor Tecklenburg said, "Alright. We have a motion to approve, contingent on the receipt of the Order. Is there any other discussion?"

No one else asked to speak.

On a motion of Councilmember Moody, seconded by Councilmember Griffin, City Council voted unanimously to approve Item I(a) contingent on receipt of the Order from the Judge, which removes Mr. Heyward from litigation:

- a. Appointment of Jerome Heyward to the Charleston County Aviation Authority.

---INSERT APPOINTMENT MEMO---

Mayor Tecklenburg said, "Next, we have a short presentation regarding the Forest Acres Drainage Improvement Project, Ms. Cabiness, and I think we have a little video to show. You want to get ready for that? Steve Kirk is with us. He's our project manager for this award winning project."

Ms. Cabiness said, "And Rick Karkowski. So, we've got a short video to show you for the Forest Acres Project and to tell you about our award we received from the South Carolina Chapter of American Public Works Association."

Ms. Cabiness played the video for City Council.

Mayor Tecklenburg said, "Nice! Do you all want to make any comments? Come on up here, Steve."

Steve Kirk said, "So, one of the high priority flooding issues that we have in the City of Charleston and West Ashley is the Forest Acres Neighborhood. Over the years, there have been repetitive losses to the properties, and the flooding has significantly hindered pedestrian and vehicular traffic. In 2011, the City of Charleston hired Thomas & Hutton to perform a study of the problem which developed into the Forest Acres Drainage Improvement Project. The project elements include removal of existing outdated, outmoded, and undersized stormwater pump station, the installation of dual eight foot by ten foot and five foot by eight foot box culverts, installation of new open channel and maintenance shelves for proper equipment access, improvements to existing ditches, installation of trash racks near the outfall to clear out floatable solids, and improvements to the West Ashley Bikeway from Playground Road to St. Andrews Boulevard. The project was completed in the fall of 2017. We are in the final stages of the property acquisition and utility coordination for Phase 2(a). We hope to begin construction of that in mid-2019, and it should be about a 12-month construction duration. At the August conference, the South Carolina Chapter of the American Public Works Association awarded us the Large Environmental Project of the Year and with this plaque. We present it to you, sir."

Mayor Tecklenburg said, "Great. Thank you."

There was applause in the Chamber.

Ms. Cabiness said, "I just want to add, Steve has been the Project Manager on this project, and it takes a lot of interaction with the public to make one of these projects go smoothly, while trying to keep you all from getting as many calls as we can. Steve is also working on the Spring/Fishburne Project and the Market Street Project. So, he's doing a great job for us, and I just want to give him thanks."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you, Steve."

Ms. Cabiness said, "A good project requires a good Design Engineer, too, and Thomas & Hutton really performed outstandingly on this project. We went from having a pump station to a system now that is completely passive and not relying on power. One of the things that we learned from the Dutch is that all projects need to have dual purpose, right? Also, they have to be resilient infrastructure. What you saw here was a lot of what we saw, open channels, open boxes, so that the water can flow freely, so that we can see what's going on there, and then a bike path across the top and landscaping to make it look nice and make people want to be there. So, some of those elements that we've learned are practiced right here in Charleston already. I just want to thank you all for supporting us and for helping to make that happen and you too, Mayor Tecklenburg."

Mayor Tecklenburg said, "Great. Thank you. Bravo."

There was applause in the Chamber.

Mayor Tecklenburg said, "Yes, I think the Dutch would be proud of us on this one. Alright. So, next we have a report on the Board of Architectural Review Height Districts, our Planning Director, Jacob Lindsey."

Jacob Lindsey said, "Thank you, Mr. Mayor. So, this is just a brief update to all of you about the recent changes that have been made to the Board of Architectural Review. I'm going to talk about what we did, why we did it, and then what's not working and what is working, ahead of any changes that we may bring to you for the ordinance improvement. So, first of all, as some

of you probably remember, a few years back we took a number of steps to begin studying the Board of Architectural Review. The actions that you all took were, first of all, to split the BAR into two Boards. We also overhauled the whole height system downtown and changed from height and feet to height by stories. We created guidelines for the BAR, which they had never had before, and we updated the overall ordinance itself. The reason that we did that was, first and foremost, to make sure that we were getting better buildings in the City of Charleston. We were looking at the boxy, new, big buildings that were coming downtown, which were not in keeping with the character of downtown Charleston. So, we wanted to give the Board new tools to make the buildings more in keeping with our City. The other thing that we knew that we needed to do was to streamline the process for the applicant, to make it more predictable, and that's why we created guidelines for the BAR.

Now, the whole project took on kind of a new urgency when we began the disputes that we had about the Sergeant Jasper ruling, which threatened the very existence of the Board itself. We had to modify the ordinances to protect the Board and make sure that their powers would be solidified for future generations to protect downtown. This has been in effect for a little over a year, but we began the six-month review process, which we committed to do when you all adopted this thing. So, the staff have been meeting regularly and tracking the progress after the six-month period started, and since we adopted this a little over a year ago, the BAR-Large, remember we split into two, has reviewed 162 buildings, and the BAR-Small has reviewed 355. These are the things that we observed that need more work, and this is what we're going to come back to you about. This is only going to be very brief, just got a few more quick things.

The first, and these are kind of technical, this is what needs work, the first is the issue of the height-to-width ratio of houses, or the 'Rocket House' provision. We created something in the new ordinance updates to prevent houses from being very tall and vertical and out of character. We're seeing these houses that are just stacked up, stacked up, stacked up, and sort of wedged into the neighborhood, and the challenge here is interpreting this component of the ordinance. Do you measure the height from the curb or from the ground or from the first finished floor, and then on the top of the building, where do you stop the measurement? So, the matter of interpreting that needs clarification.

The second thing is what's called the subordination clause. This states that additions to new buildings have to be subordinate to the main building that's on the property. This is something that's been a matter of continued difficulty for us to interpret and implement, so we're going to get more clarity on the subordination clause.

The third thing is the definition of architectural merit. We gave the Board the ability to award height for the first time. Now, they also have the ability to remove height, but we limited that. So, we gave the Board the ability to go down a little bit and up a little bit, in the case of our architectural merit, but the problem is that it's very difficult to decide what is architecturally meritorious. So, we need to bring additional criteria to define what architectural merit means.

The fourth thing is that there are, this is a big ordinance update, big text update, and there are a number of clerical errors throughout the ordinance, spelling errors, numerical errors, and also language that's just awkwardly worded and that, as we have worked with it, we realized it needs clarification. They're clerical errors. So, those are the four primary things that we know need updates and improvements. We're going to bring to you as soon as we get them written.

These are the things that are working really well. The first thing is that the BAR, the workload is huge, and if we had not done this, if we had not split the Board into two, we would not be able to operate today. It would not have been possible. The BAR meetings would have gone

on into the wee hours every single night. The whole system would have ground to a halt. We couldn't be doing this with the workload we have if we had not split the Boards, so that was, in retrospect, the best thing we possibly could have done. I don't think we could have kept up with the workload if we hadn't done that. We also added an additional staff member to help. It would have ground to a halt otherwise. The other thing is that we feel that we have protected the Board from legal challenge, and that has been a major step that's allowed everyone to proceed with confidence, so that has just been incredibly beneficial. The other thing is that the quality of the buildings is improving, and this is somewhat subjective, but it is improving. Now, remember, it takes two to three years to build a big building in the City of Charleston. So, we're tracking these over time, but I think we are seeing marked improvements between buildings that were coming through before this update and the ones that they have now, due to the guidelines and the way that applicants work with the Board. Even though it's always difficult and challenging, the BAR is never easy for anyone. The fourth thing that's been incredibly successful is that we did insert a provision to move affordable housing to the front of the line. We capped the number of agenda items for each meeting. We are at the max at almost every meeting, by the way, but we have a provision that moves affordable housing to the front. Any project with affordable housing does that, and that is working. That is successful, and we're going to continue to look at other ways to streamline affordable housing, as you know, but that amendment has really worked for us.

Now, the last thing, and I'll wrap up with this. These are our next steps. The first thing is that we're going to meet with our partners in the preservation community, as well as our Legal staff, to review these components and make sure that we are still working with our partners to ensure quality. We're going to bring those amendments to you, and our goal is to provide you with all of that information ahead of time before you get to a vote. It's BAR stuff, so it's kind of inherently complex, so we want to get all of you that information well ahead of time and be available to answer any questions that you may have about that. The last thing is that this won't be the last time that we do this. We know that we have to continually update the BAR ordinance and monitor it to improve it, so this won't be the last time we update it. We're going to continually do this until we feel like we have it dialed in and it's really working perfectly. With that said, I think that this has been very successful and that we do have technical things that have to be updated, but it, overall, has been a major improvement. With that said, I think that we are going to be, not the next meeting, but the meeting after that, bringing you these ordinance amendments. That's our goal."

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

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Just a quick question. So, what do you attribute the proliferation of these number of permits, particularly in front of the Small Board?"

Mr. Lindsey said, "So, applications, the BAR doesn't award permits. That's under the Building Inspections Department, but the Board does review new applications. That's just simply a function of the housing market and the construction market, which generally is at an all-time peak. So, the more people are building, the more applications are in front of the Board."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I just have a background curiosity question, I guess. I think it was while my husband and I were transitioning our residency here that you had Andres Duany come to the City. From what I remember reading during that time, because I've been familiar with that esteemed gentleman a long time in my career in Virginia, but I know that it was reported that

he had made that suggestion about splitting the two Boards and giving you the confidence that that was going to be a vast improvement. So, has the City sort of circled back with that team of consultants, or do we have any more ongoing work to be done with the Duany team?"

Mr. Lindsey said, "Well, that's a good question. The whole process was an outgrowth of our work with him. We don't have budgeted money within this calendar year to work with them, but it is something that we would like to do in the future. We do think that their work was tremendous. It guided the whole process, and we would like to circle back around with them, but we don't have budgeted money to this calendar year to do that."

Councilwoman Jackson said, "Right. Could I ask one more follow up? It's not on our agenda, but I did, while you're here, Mr. Lindsey, write on behalf of a few of our other Councilmembers, my Council colleagues, because we've been discussing the idea of having a joint work session between the Planning Commission and the Council. So, I know you were away and not the time to make any detailed plans about that, but I'm hoping that you could give us an update about maybe it's going to happen quickly."

Mr. Lindsey said, "Yes. So, we have spoken with the Mayor. He's okayed the whole process moving forward. I've spoken with my Planning Commission staff, who administered the Planning Commission. They're looking at dates in which we can do that. We certainly think it can be done at some point within the next month or two months, so we're looking for a time maybe around one of our already scheduled workshop sessions when Council does its workshops to bring the Planning Commission in. The other thing that I'm doing is engaging Legal staff, just to make sure there are State law parameters around how you all interact with the Planning Commission, to make sure we don't run afoul of any rules. But, yes, we're working on getting that done as soon as possible, in accordance with PC's schedule, so it's going to happen."

Councilwoman Jackson said, "Okay, thank you."

Mayor Tecklenburg said, "Great. Thank you. Are there any other questions for Mr. Lindsey?"

No one else asked to speak.

Mayor Tecklenburg said, "Alright. Next, we'll move on to our Council Committee Reports. As it turns out, there was no meeting of the Public Works Committee, so we move forward to our Committee on Ways and Means."

Councilmember Moody said, "Move for approval."

Councilmember White said, "Second."

Councilmember Lewis said, "Mr. Mayor, I know the Committee didn't meet, but I'd like to hear about the Huger Street Project and where we're at with it. Does Ms. Cabiness want to talk about that for a second, if you don't mind?"

Mayor Tecklenburg said, "I don't mind, but can we finish? We've got a motion on the floor."

Councilmember Moody said, "Well, I was making a motion to do the Ways and Means, but I'll withdraw it since we've jumped ahead."

Mayor Tecklenburg said, "Okay, it wouldn't have taken us long to vote for it, but that's okay. The motion has been withdrawn. We have a question regarding Huger Street."

Ms. Cabiness said, "So, I think just a couple of weeks ago we reported that JMT is working on the project. They owe us a report within the next couple of weeks, but we have not received that report yet. So, as soon as I get something more definitive from JMT about their recommendations, then we can go ahead and share it with you."

Councilmember Lewis said, "Thank you."

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

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, while you're up there, Laura, I know we've got a meeting Monday night over in West of the Ashley. Are we going to get a little briefing on that? Have you got any questions that we're going to be asking them?"

Ms. Cabiness said, "I have not seen those. They may be in my Inbox somewhere."

Councilmember Moody said, "I haven't seen it either."

Ms. Cabiness said, "We also have that other meeting, the Countywide Flood Management meeting, that the local delegation is hosting, so we need to talk about it. I'll talk to you tomorrow. We'll have to figure out what we're going to do."

Mayor Tecklenburg said, "The three of us need to circle up on that. Yes, sir. Okay. Alright, are there any other questions for Laura while we've got her?"

No one else asked to speak.

Mayor Tecklenburg said, "Hearing none, back to our Committee Report on Ways and Means."

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

Councilmember Moody said, "Second."

Mayor Tecklenburg said, "We've got a motion to adopt and a second. Is there any discussion?"

No one asked to speak.

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

---INSERT WAYS AND MEANS REPORT---

(Police and Fire Departments: Approval to accept the 2018 Port Security Grant in the amount of \$199,528 for travel, equipment and supplies. A cash match in the amount of \$66,508 will be budgeted for in 2019.

(Fire Department: Approval to accept the 2018 State Homeland Security grant in the amount of \$80,759 for Charleston FD Collapse Search and Rescue Team. There is no

- financial impact with this grant in the FY18 or 19 Budget. There is no match for this grant.
- (Public Service: Approval of Calhoun West Design Contract Fee Amendment #2 with Davis & Floyd in the amount of \$394,837.40 for expansion of the study area to include the Hospital District and the Limehouse, Colonial Lake, and Rutledge drainage basins. This amendment increases the study area of the project from 325 acres to 812 acres. Approval of Fee Amendment #2 will increase the design contract by \$394,837.40 (from \$1,501,546.15 to \$1,896,383.55). The funding sources for this project are: 2012 Stormwater Revenue Bond (\$6,400,000) and Gateway TIF (\$1,500,000).
- (Public Service: Approval of Church Creek Drainage Basin Analysis Addendum #20 with Woolpert Inc., in the amount of \$100,000 to perform continued storm water management in the Church Creek Special Stormwater Management Area to include ICPR modeling, review of design/model calculations, design services and attendance at client/public meetings. Approval of Fee Addendum #20 will increase the Woolpert, Inc. contract by \$100,000 (from \$1,049,286.25 to \$1,149,286.25). Funding for this project is the Drainage Fund.
- (Parks-Capital Projects: Approval of a Construction Contract with Charles Blanchard Construction Corp. in the amount of \$139,122 to complete renovations of restrooms at the Aquarium Garage, Marion Square Garage and Majestic Square Garage. With approval of the project budget, staff is authorized to award and/or amend contracts less than \$40,000 to the extent contingency funds exist in the Council approved budget. Approval of this action will institute a \$200,000 project budget of which the \$139,122 Construction Contract will be funded. The funding source for this project is the 2018 Parking Facilities, Structural Repairs line item in the Parking Fund.
- (Budget Finance and Revenue Collections: Approval of the Blue Cross/Blue Shield Stop Loss Renewal in the amount of \$1,097,144. In August, the 2019 Healthcare budget was approved. The stop loss was budgeted at \$1.1 million.
- (Budget Finance and Revenue Collections: An ordinance to provide for the issuance and sale of \$15,000,000 General Obligation Bonds of 2018 of the City of Charleston, South Carolina, to prescribe the purposes for which the proceeds of the several series of bonds shall be expended, to provide for the payment thereof, and other matters relating thereto.
- (Executive Department: Approval of an agreement with the Department of the Army (Corps of Engineers) to perform a Charleston Peninsula study that will evaluate possible actions intended to provide long-term risk reduction from flooding on the City's peninsula. The Agreement provides that the Corps will allocate \$3,000,000 toward the study. There is no fiscal impact to the City.
- (Request approval of a Temporary Access and Sand Disposal Agreement and Permanent Jetty Access Agreement with the South Carolina State Ports Authority. (TMS: 450-00-00-013; a portion of Morris Island). The property is owned by the City of Charleston.
- (Request authorization for the Mayor, without further action by City Council, to execute all documents necessary to consent to release The City Marina Company (TMC) from all obligations and liabilities under the City Marina Lease and the related Parking Management Agreement (as previously amended and assigned), arising out of events occurring subsequent to the assignment of these agreements to Safe Harbor Marinas, LLC ("SHM"), provided that SHM expressly agrees to assume all obligations and liabilities of TMC under the agreements without regard to when the events giving rise to same occur.
- (Consider the following annexation:
1621 Donnie Lane (TMS# 427-00-00-029) 0.54 acre, James Island (District 6)

The property is owned by Gregory Payton & Donna W. Payton

First reading was given to the following resolution and bill:

Resolution authorizing the Mayor, without further action by City Council, to execute all documents necessary to consent to release The City Marina Company (TMC) from all obligations and liabilities under the City Marina Lease and the related Parking Management Agreement (as previously amended and assigned), arising out of events occurring subsequent to the assignment of these agreements to Safe Harbor Marinas, LLC ("SHM"), provided that SHM expressly agrees to assume all obligations and liabilities of TMC under the agreements without regard to when the events giving rise to same occur.

An ordinance to provide for the issuance and sale of \$15,000,000 General Obligation Bonds of 2018 of the City of Charleston, South Carolina, to prescribe the purposes for which the proceeds of the several series of bonds shall be expended, to provide for the payment thereof, and other matters relating thereto.

An ordinance to provide for the annexation of property known as 1621 Donnie Lane (0.54 acre) (TMS# 427-00-00-029), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6. The property is owned by Gregory Payton & Donna W. Payton.

Mayor Tecklenburg said, "Next, are our bills up for second reading."

Councilmember Griffin said, "Move to take K-1 through K-6 together."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We can take K-1 through K-6 together. We have a motion to approve K-1 through K-6 together and a second. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Griffin, six (6) bills (Items K-1 through K-6) received second reading. They passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Seekings. On further motion of Councilmember Mitchell, the rules were suspended, and the bills were immediately ratified as:

---INSERT K-1 THROUGH K-6 FROM ORDINANCE LIST---

- 2018-128** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 47½ LINE STREET (PENINSULA) (0.05 ACRE) (TMS #459-05-03-109) (COUNCIL DISTRICT 4), BE REZONED FROM LIGHT INDUSTRIAL (LI) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING (MU-2/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY EAST LINE PARTNERS LLC.
- 2018-129** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A PORTION OF HAYNE STREET RIGHT-OF-WAY (PENINSULA) (APPROXIMATELY 0.13 ACRE) (UNZONED RIGHT-OF-WAY) (COUNCIL DISTRICT 1), BE REZONED FROM UNZONED RIGHT-OF-WAY TO GENERAL

BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY SCM CHARLESTON MARKET INVESTORS LLC.

- 2018-130** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 182 CHURCH STREET AND A PORTION OF HAYNE STREET RIGHT-OF-WAY (PENINSULA) (1.20 ACRES) (TMS #458-05-03-005, 458-05-03-017 AND A PORTION OF HAYNE STREET RIGHT-OF-WAY) (COUNCIL DISTRICT 1), BE REZONED TO INCLUDE A PORTION OF UNZONED RIGHT-OF-WAY IN THE ACCOMMODATIONS OVERLAY ZONE (A-5: 150 ROOM MAX.) AND REZONE PROPERTY FROM ACCOMMODATIONS OVERLAY ZONE (A-1: 50 ROOM MAX.) TO ACCOMMODATIONS OVERLAY ZONE (A-5: 150 ROOM MAX.). THE PROPERTY IS OWNED BY SCM CHARLESTON MARKET INVESTORS LLC.
- 2018-131** AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF THE CITY OF CHARLESTON, BY AMENDING FLOOD HAZARD PREVENTION AND CONTROL REQUIREMENTS IN SECTION 27-103, SECTION 27-105, SECTION 27-116, SECTION 27-119, SECTION 27-120, AND SECTION 27-121.
- 2018-132** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 182 CHURCH STREET AND A PORTION OF HAYNE STREET RIGHT-OF-WAY (PENINSULA) (1.20 ACRES) (TMS #458-05-03-005, 458-05-03-017 AND A PORTION OF HAYNE STREET RIGHT-OF-WAY) (COUNCIL DISTRICT 1), BE REZONED TO INCLUDE A PORTION OF UNZONED RIGHT-OF-WAY IN THE 4 OLD CITY HEIGHT DISTRICT, REZONE A PORTION OF PROPERTY FROM THE 3.5 OLD CITY HEIGHT DISTRICT TO THE 4 OLD CITY HEIGHT DISTRICT AND REZONE A PORTION OF PROPERTY FROM THE 3 OLD CITY HEIGHT DISTRICT TO THE 3.5 OLD CITY HEIGHT DISTRICT. THE PROPERTY IS OWNED BY SCM CHARLESTON MARKET INVESTORS LLC.
- 2018-133** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT FORMER PRYOR COURT RIGHT-OF-WAY (WEST ASHLEY) (0.422 ACRE) (PORTIONS OF TMS #349-01-00-005 AND TMS #349-01-00-030) (COUNCIL DISTRICT 7), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY THE CITY OF CHARLESTON TO BE CONVEYED TO ADJACENT PROPERTY OWNERS.

Councilmember Griffin said, "Move to defer K-7."

Councilmember Moody said, "Second."

Mayor Tecklenburg said, "We need a motion to defer. Do we not?"

The Clerk said, "Yes, a motion to defer. Alright, Councilmember. Who was the second?"

Councilmember Moody said, "I did."

The Clerk said, "Councilmember Moody."

Mayor Tecklenburg said, "Is there any discussion on the motion to defer?"

Councilmember Mitchell said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I mentioned to the attorneys that when it comes back from deferring it, I want to separate the King Street part of it from the other portion."

Mayor Tecklenburg said, "This is regarding the supermajority with the Planning Commission."

Councilmember Mitchell said, "Oh, we hadn't gotten there yet."

Councilmember Seekings said, "We'll get to you next."

Councilmember Mitchell said, "Go ahead."

Councilwoman Jackson said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I think I would like to make just a follow-up comment to that, that it is deferred now, but since we just heard that we probably won't have a meaningful discussion with the Planning Commission for a month, maybe two months, I think that we should agree, not that we can set a timeline, but that this is such an important amendment or ordinance change that we would not take it up until we've had that meeting with the Planning Commission. So, I'm just putting that in my comments."

Mayor Tecklenburg said, "You want to make that part of a motion, an amendment to the motion?"

Councilwoman Jackson said, "Is that appropriate?"

Councilmember Griffin said, "I think we should wait until Councilmember Waring, who put it on the agenda, comes back before we--"

Councilwoman Jackson said, "That's fine. I'm happy to do that. I'm just making my own comment about it."

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

No one else asked to speak.

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

An ordinance to amend Section 54- 943(c) of the Code of the City of Charleston (Zoning Ordinance) to modify the vote required of City Council in the event a matter is disapproved by the Planning Commission or when a petition in opposition to a matter signed by owners of twenty percent of the area of lots subject to the matter, or of those immediately adjacent on the sides and rear or directly opposite thereto is presented to Council to a simple majority of a quorum of the City Council. (City Council voted to send this ordinance back to the Planning Commission with a recommendation of a 60% override at the December 19, 2017 City Council meeting.) (DEFERRED)

Mayor Tecklenburg said, "Now, we have one bill up, I believe, for first reading."

Councilmember Griffin said, "Move to defer."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We have a motion to defer that, as well as a second."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "On this ordinance, I would like to separate the King Street part of it, the King Street Corridor from the rest, because that's the only one I was involved in on the King Street part. So, I spoke to the attorneys, and they said we can separate that, so that it will come back with two different ordinances, one for the King Street, extending it along the King Street Corridor, and then you will have the other one that is requested by Councilmember Waring."

Mayor Tecklenburg said, "Alright, and I think that can be done."

Councilmember Mitchell said, "Yes, I need them to separate it."

Mayor Tecklenburg continued, "I presume."

Councilmember Mitchell said, "I want to make another statement. I know a lot of people are jumping on me wondering why, wondering why, wondering why, and I mentioned this, that this came before when we first started with the short term rentals. I was trying to get that in place on the King Street Corridor because I said it wasn't going into a community, it wasn't affecting the community, it wasn't affecting any, insofar as the housing stock. I said it was all of them on the Lower King Street Extension. So, this is why I went back to it, I thought about it, and I went and drove down King Street. I was counting how many apartments are over stores and restaurants. I said, 'Nobody wants to live there with a family', so I decided that's why I came back and did the amendment to that, to modify and include that into the short term rentals along King Street only, not in the communities, only along King Street, if they meet the parking requirements. That's what I stipulated, and this should have been in there when we had first approved the short term rentals, but they said, 'Well, let's hold up on everything', and they didn't include that when we approved the short term rental proposal when it came first. So, then, this is why I came back and I spoke to Mr. Lindsey, and I said, 'Well, if we are modifying it, I want to put that in there', so that's why it's in there. But I don't want people to be jumping and say, 'Oh, Councilmember Mitchell's doing this and that'. No, this should have been in there from the beginning. This is not taking away housing stock because I wouldn't want to live on top of a bar or restaurant with my family. This is not going in the community. This is only in the Commercial area. This is strictly Commercial. Some people were calling me and saying, 'Oh, somebody got to me' or 'I must be talking to someone' like I'm in someone's pocket. That's not me. They can forget about that when they come to me. This is something that I did, and I drove that street. I live on King Street, so I know about King Street. I tell people I grew up here, on King Street, back in the 1950s, when a lot of people here were not even here. So, they can't tell me how the City of Charleston was. It's changed a lot. Yes, but this is only something I noticed, and I think this should be done. This is the only type of property that will be under the six percent, insofar as that's concerned, along that King Street Corridor. That's all I have to say."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Just to the extent that this is going to be segregated and separated, and I don't know if Councilmember Mitchell has in mind actually

including a map along with what your portion is, but I know we generally don't get these ordinances until the Wednesday before Tuesday meeting. I know Mr. McQueeney has been working on this. The sooner you can get this to us, the better, because there is a lot of talk about this for sure. We all read the paper. I want to make sure we get it distributed to our constituents, so we can have a good discussion with our constituents, get it all out there. So, Chip, I know you're busy, but the faster you can get this to us, the better."

Councilmember Griffin said, "Like tomorrow."

There was laughter in the Chamber.

Councilmember Seekings said, "Thank you."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, when I was reading this ordinance it was very difficult to get through it. I know that, and I've talked to several people that were on the Task Force about this, I think there is a lot of misunderstanding, at least, maybe, I don't understand it. Maybe that's where the misunderstanding is. Most of these items that are here, just like your piece of property that you're referring to, Councilmember Mitchell, it's kind of a one-out. There are several of these things that are kind of one-offs that, when you look at the ordinance and look at all of the ramifications, it's really not changed. My understanding is, it's really not supposed to change the ordinance that much, but every time you pass an ordinance, a moratorium, or anything like that, there are going to be businesses or people or whatever that are caught up in that, that you didn't intend to have that effect, and this is one of them. I know the property you're talking about, and my understanding was there were several of these properties. I asked, when we passed this ordinance, that I wanted a pathway, or some kind of exception, where people that maybe didn't need to be caught up in the thing, that were caught up in some way, to get an exception and go ahead and do what everybody else around them is doing. So, that was my understanding of what this was trying to do and not really change the ordinance, but take some of those things out and let them go ahead and try to be in operation, so that, when this nine-month period ends, we have had a way of testing some of what we're doing. Once that nine months is gone, and we put this in firm ordinance, I think we're going to really be, not stuck with it, but that's what we're going to have to live with.

For example, I know that the Task Force struggled with this 50 years, is 50 right, is 42 not enough, 60 too many. So, then they came up with this whole thing about a National Register. Now, think about it for a minute, the way I was looking at it, that seemed like a very decent way of distinguishing some of this stuff. If you had a National Register, you could be a short term rental with the facts that were there, but how would you apply this? Applying it to short term rental, if you had something like, I don't know, the Wentworth House on one side of the street, and it's on the National Register, and you've got a place right across the street, and because it's not on the National Register, it wouldn't qualify. So, what the City is doing is making somebody do something to join some organization or do something to be there and, maybe, that shouldn't be the case. Why wouldn't it work for lawyers, or I mean, you two guys practice across the street. If you're in a historic building, you can practice law, and you can't. That doesn't make any sense to me if it was a restaurant or something else. So, I'm not sure that the National Register, not that I'm trying to diminish anything, but I'm not sure that the National Register is the correct criteria, is all I'm saying. I think we need to have a debate about some of that kind of stuff, and that was my interest in getting this back before us."

Mayor Tecklenburg said, "We certainly will have that debate when this comes back. I would personally hope that we wait a little while before it comes back because, respectfully, some of these proposed changes do substantially change the existing ordinance, and we can amend an ordinance at any time in the future, and a future Council can amend an ordinance in the future. But, for example, the last two provisions here, by eliminating the requirement that residents in Category 1, 2, 3 short term rentals, which is basically everybody, remain on the property while guests are present, that's a substantial change. In essence, we'd be back to looking at the situation where people would be buying properties just in order to have a short term rental in our City. It becomes a separate class of real estate, an investment real estate property, and it would have a huge impact on affordability and availability of housing in our community. I do want to share an example with you. My sister-in-law happens to own a little trailer park in North Charleston on part of Montague Avenue. She's got about 30 trailers there, and three of them opened up last month. They don't turn over very often, but she had three openings, and she had numerous applicants because the rent of the units is less than \$1,000. They're pretty nice units, even though they're mobile homes. It was stunning to her that all three new tenants were coming to her trailer park because they had been displaced from their former Single-Family residence because their properties, they were in North Charleston, not in Charleston, but this is just the effect this can have. Their former residences, rental properties, were being bought by investors to become short term rental properties. I get it, that whoever is buying those properties will then be able to double or triple his money, but it just further reduces the availability of housing in the market. So, that's one example.

The next one, referring to the one you mentioned, I know it's a stringent requirement to be on the National Register, but the market for accommodations rental below Calhoun Street basically is so strong that if you didn't have some kind of preemptive requirement, eventually so many homes would be turned over to short term rentals, that it would really change the character of the residential nature of downtown Charleston. That's what we're talking about, by trying to maintain the ordinance that we worked so hard to put together. I know it's restrictive, but don't forget that it actually legalized short term rentals in the City of Charleston other than Cannonborough/Elliottborough where, before, they were completely illegal. So, let's consider just taking this a step at a time, a little slowly. We had our first nine cases go to Municipal Court just yesterday. They were all upheld, so to speak. Convictions, I think there was one deferral for some reason, but we're just starting down this path and we need, as we tried to share with you at the last Council meeting, some more time to see what the numbers are going to shake out to be and how well the enforcement goes. So, I'm glad to defer and have plenty of discussion about this, but I would ask Council to consider, very carefully, some of the provisions that have been proposed here that I think would really harm this ordinance."

Mayor Tecklenburg recognized Councilmember Shahid.

The Clerk said, "Mayor, Councilmember White has also had his hand up."

Mayor Tecklenburg said, "And Councilmember White, or Councilmember White was probably first."

The Clerk said, "He was."

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

Councilmember White said, "Very briefly, two things I wanted to point out. Number one is that obviously a lot of work was done on the front end of this, by way of the Task Force. If we're going to make any changes to it, I do think that we need to make sure that we have enough time

and enough data and understanding of the effects, so that we're not sort of a knee-jerk reaction to changes. We just heard, two meetings ago, I guess, from our Planning staff that we didn't really have enough data yet, so they didn't even have enough information yet to give us good guidance. I do think we need to take a deep breath, let's make sure before we have a knee-jerk reaction because, inevitably, if you make quick decisions, you're trying to legislate based on certain circumstances or individual circumstances. We can't do that. We cannot legislate for one property versus another. The second thing I'll point out, and probably the best thing about this ordinance, is that, and I think it's the only ordinance that we even have on the books that we can do that, we can legislate and make rules specific to different parts of the City, which we can't with any other ordinance we have. It's sort of one size fits all, but with this we have separate categories where we can set rules and regulations within those categories that are very specific to those areas.

So, I would also tell you that I'm already getting feedback from not only, obviously, the people I represent downtown who have really, probably, the biggest impact, truthfully, from a negative perspective, but the people I represent on Daniel Island. I'm getting comments from them and feedback that they're not really interested in having short term rentals in their neighborhoods either, so the more restrictive, quite frankly, I don't think they're going to see taking the opportunity to have the owner not present, I don't think that's going to be met on Daniel Island with much success either. So, I just think that we need to take a deep breath. Let's make sure we have good information before we move forward, but then let's make sure that we also don't try to bring it to this Council to debate and spend all of the time and end up going nowhere. Let's bring it back to the Task Force. If we all want to participate in that function, let's do it, but at the end of the day, let's make sure we've all met, we've talked, and we've debated it thoroughly before we try to bring it and put it on the agenda to try to make decisions. So, thank you."

Mayor Tecklenburg recognized Councilmember Shahid followed by Councilwoman Jackson.

Councilmember Shahid said, "This is more of a procedural question, Mr. Mayor, and maybe Susan can help us with this part of it. So, as Councilmember White alluded and Councilmember Moody alluded, this went from a Task Force, came to us, went to Planning Commission, and then it came back to us, and we had, I think, a workshop or two in between all of that. So, if we make amendments or proposed amendments to this ordinance, what process do we need to follow regarding going back to Planning or back to this Task Force to do this?"

Ms. Herdina said, "It would certainly go back to the Planning Commission. No question about that. The Task Force was something that I think, Jacob, we did voluntarily, is that right?"

Mr. Lindsey said, "Correct."

Ms. Herdina said, "So, we imposed that Task Force on ourselves because we wanted that input, and if you send it back to the Planning Commission, it could be with a recommendation to send it to the Task Force again. But, it would definitely, certainly, in the shape that it is right now, there are huge substantive changes to the original ordinance, so this would need to go back to the Planning Commission after first reading, or it could be sent back to the Planning Commission now."

Councilmember Shahid said, "The reason I'm bringing that up is because we heard the public comment from somebody earlier that there was confusion on the Task Force, there initially was not proper representation on the Task Force. I'm just wondering, some of the questions that have come up because I, too, had some concern about parts of West Ashley that are not

residential parts, so you may have a carve out, a special exemption here or there, but for the most concerned, we want to maintain the integrity of our neighborhoods, particularly in West Ashley. So, my question was whether or not those issues about the industry not being represented, or there was some confusion by the Task Force members or some frustration. I'm not trying to re-hash this, I'm not trying to re-invent the wheel on this, but whether that would be prudent, do some of the questions that have come back up need to be re-addressed by this Task Force? This is very complicated and we spent a whole lot of time debating this, almost a full year debating this and as the Mayor mentioned, the one thing that we don't want to lose sight of, this ordinance made legal, something that was illegal completely before. You could not have short term rentals, period. We've created a niche for under certain special conditions, that you can have a short term rental. So, some of the questions seem to be, we want to turn the knob a little bit left or a little bit right to address these concerns about some property that does not fit into this area, but besides that we don't want to go back and re-create the wheel on this thing. So, my question is, does the Task Force need to be reconvened? Is that something the Planning Commission can make a recommendation to?"

Ms. Herdina said, "Well, the Task Force that was serving before has finished their work. They made a recommendation to Planning and to this Council, so if City Council were to direct that a Task Force be formed, to consider amendments, that can be done. Again, that was something that the City voluntarily did. It was not required by ordinance, and the prior Task Force has completed its work and is no longer in existence, but certainly could be revived to examine the proposed ordinance changes, if this Council would like to do that."

Mayor Tecklenburg said, "It's certainly a possibility. They might have had all of the fun they can stand."

There was laughter in the Chamber.

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you. I don't want to belabor anything. I just wanted to react to a couple of the comments that have been made tonight because I do agree that this deserves deferral. It deserves a lot of deliberation. It deserves all of the study and the learning curve that we're currently on. So, I would support what Councilmember White said about making it deliberative. Anything that we would do to amend this should be deliberative and from a position of having learned from what we've just done. I would agree that, if we do have a Task Force reconvened, we should also make sure that we check in with our now new set of enforcement experts that we're standing up to enforce this. We should not even be making decisions until we've consulted with our team of enforcement officers, as well. But, Mayor, to be fair, I just wanted to react to something that you said earlier about interpreting what I would consider very broad brush changes. I don't agree with them, that they're at all appropriate at this point in time and maybe never, but I do think, to be fair to Councilmember Waring, since he's not here to respond to that, just by saying that it will still be a four percent owner, it has to be documented and agreed to that, that is the person that's making the application and receiving a license. So, by saying that a person doesn't have to be at home in order to rent out the restricted number of bedrooms to the four occupants that the ordinance is going to continue to allow, I don't think it's fair to make that public statement to say that that's necessarily going to now be a six-percent owner. I don't think that was Councilmember Waring's intent, in my discussion of this with him after we all saw this last week, so I want to be on the record about that."

Mayor Tecklenburg said, "Well, thank you. I appreciate that distinction. Yes, ma'am."

The Clerk said, "Councilmember Wagner."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "I'm going to be very, very brief. I promise I'm ready to go eat supper before dark. We've not done that in a while."

Mayor Tecklenburg said, "And it's October."

Councilmember Wagner continued, "I just got totally confused when Counsel was speaking that we passed this ordinance. We talked about it for 14 pages last meeting. Every Councilmember chimed in, and I heard the words, 'We have to send it back to Planning Commission to adjust our own ordinance', and that's got me confused. Why? We passed the ordinance. Why can't we change it? Why do we have to send it to somebody else to tell us to change it?"

Mayor Tecklenburg said, "Because, I think, it's part of our Zoning Ordinance, overall Zoning Ordinance."

Ms. Herdina said, "State law and our ordinance requires that if there is more than just a scrivener or text change, it's required to go back to the Planning Commission."

Councilmember Wagner said, "Okay. I'm glad you answered it. See, I didn't know."

There was laughter in the Chamber.

Councilmember Seekings said, "Let's defer it."

Mayor Tecklenburg said, "Okay. Is there any other discussion?"

No one else asked to speak.

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

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

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to modify the existing regulations applicable to Short Term Rental uses in the City of Charleston by creating a new Short Term Rental Overlay Zone called the King Street Corridor, KSC Overlay Zone; by permitting Commercial Short Term Rentals as a conditional use on large lots in certain Residential Zoning Districts; by permitting nearby public parking lots and public garages to satisfy the additional off-street parking requirements applicable to Residential Short Term Rentals; by removing any maneuverability requirements for these additional off-street parking spaces; by eliminating the requirement that residents in Category 1, 2 and 3 Short Term Rentals remain on the property while guests are present; and by eliminating the requirement that Category 1 Short Term Rentals be located within an existing structure or accessory building that is individually listed on the National Register of Historic Places. (DEFERRED)

The Clerk said, "Mayor."

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

The Clerk said, "I need to say one thing. Our Corporation Counsel wants, we've approved the Ways and Means agenda, which included all of our bonds and so forth and so on, so I'm formally putting it on the record that that did include the bonds and any other items."

Ms. Herdina said, "First reading on the bond for Recreation matters."

Mayor Tecklenburg said, "Right."

The Clerk said, "Okay."

Ms. Herdina said, "Thank you."

Mayor Tecklenburg said, "They have concurrence. The next meeting will be Tuesday, October 23rd right here at City Hall. This meeting is adjourned. Thank you all."

There being no further business, the meeting was adjourned at 6:48 p.m.

Vanessa Turner Maybank
Clerk of Council