

COUNCIL CHAMBER

Regular Meeting

October 22, 2019

The eighty-third meeting of the City Council of Charleston was held this date convening at 5:02 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media October 16, 2019 and appeared in The Post and Courier October 20, 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 5:02 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "If you would like to join us, Councilmember Seekings will lead us in an invocation and Pledge of Allegiance."

Councilmember Seekings opened the meeting with an invocation.

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

Mayor Tecklenburg said, "I know most of you all know this, but just in the event we need to evacuate the building, these are our two exits out of this room, and there is a door in the room to my right. Do not use the elevator in the event we had an emergency evacuation, but use the two stairways and then the single stairway out to the front. I just wanted everybody to be aware of that. So, first, I'd like to do a presentation, a recognition of an award, the 2018 Green Fleet Award to Holy Spokes, our City sponsored Bike Share Program. I'd like to ask our Holy Spokes Bike Share partner, Sean Flood and anybody on his team with Gotcha, Anton Gunn with MUSC and any of your team members, as well as Landon Masters and Benjamin Kessler with Palmetto Clean Fuels Coalition, to join me up here on the podium for a little presentation. To let you all know, Holy Spokes is our local Bike Share Program, which is a partnership between Gotcha, MUSC, and the City of Charleston. It was recently announced as the recipient of the 2018 South Carolina Green Fleet Leader Award. The award which is presented by Palmetto Clean Fuels Coalition, is an initiative of the State Energy Office and given to organizations that demonstrate leadership and excellence in clean transportation and alternative fuel activities in South Carolina. Additionally, the award recognizes local groups who acknowledge the environment, economic,

and National Security benefits of reducing consumption of fossil fuels and who have implemented programs and initiatives to lower the use of traditional transportation fuels. This impacts sea level rise over the long run. So, as I'm sure you will agree, Holy Spokes is certainly a deserving recipient. The partners are up here and I'd like them to say a few words, but first I want to share a couple of numbers for 2018. More than 111,000 trips have been taken on Holy Spokes Bikes since the program's launch, more than 28,000 members have joined the program, over 234,000 pounds of carbon have been reduced, and \$154,000 in vehicle expenses have been saved. So, please, congratulate them. I'll call on Sean Flood with Gotcha to come and make a few remarks, and then Anton Gunn. Sean. Congratulations."

Sean Flood said, "Thank you. Hi, everybody. I'm Sean Flood, the founder and CEO of Gotcha, the operator and owner of Holy Spokes, we are very excited to be here. As the Mayor said, this has been a wildly successful program, but it's a success because it's a true partnership. We at Gotcha have launched 50-plus systems around the Country, and I use Charleston, our hometown, as an example all of the time. It took leadership and wisdom from the Council with Mike Seekings years before I moved to Charleston, having interest in it. Mayor Tecklenburg and your team now have supported so deeply the past two years and our partners at Charleston Moves, who have kind of advocated for it, then you look at the step up by MUSC to really come to the table and fund the program because it aligned with their mission. We're an example for the rest of the Country. I travel around all of the other cities, they don't all get it, and this has been a real transportation initiative and a healthy, sustainable one for our City. At a time when we launched in Charleston, I think was voted the worst place to cycle anywhere in the U.S., and we proved it wrong with over 120,000 trips, that's not just tourists, that's residents of the City of Charleston stepping up and riding a bike so we're excited. Thank you very much for the opportunity. I will say, hopefully, this is just the beginning of what we want to do in the City of Charleston, but thank you."

Mayor Tecklenburg said, "Yes, sir. Congratulations. Anton."

Anton Gunn said, "Thank you, Mr. Mayor and Councilmembers. It's a pleasure to be here. A lot of know my role at MUSC as a Chief Diversity Officer, but most people don't know I actually have a second, and that is, the Executive Director of Community Health Innovation, and that is how we move ourselves as a health system, to focus on the things that actually contribute more to your health outcomes than just the medical care. We work very well, and are experts at delivering the clinical services, but that's a small portion of what actually determines health. Your built environment, how you exercise, the emissions, the quality of the air that you breathe, and the community that you're in are important things that impact your health. So for us, this partnership is a critical way that we drive innovation as a health system to think about how broader than just getting services when you come inside of MUSC so this partnership is critical to us. We hope to have more partnerships like this. It's been very meaningful for us to see the amount of ridership, the number of people who have been spending time with Holy Spokes as a part of this partnership, so we hope to grow it and continue to invest in it but a big part of this is making sure that we focus on the next step is that we've got more people riding, but we have to focus on safety and making sure that people are safe as they ride throughout the City. I moved here five years ago from Arlington, Virginia, where there is a bike path everywhere, and everybody understands the rules of the roads with bike riders and people who are driving cars. So, part of this partnership, as we grow the amount of people who are taking alternative modes of transportation to reduce emissions, that we continue to invest and build a safe way for them to be able to do so and enjoy all parts of our City. So, we are grateful for this partnership with the Mayor and all of your leadership for helping us do this innovative partnership and we hope to do more soon. Thank you."

Mayor Tecklenburg said, "Thank you, Anton, and the South Carolina Energy Office."

Landon Masters said, "Evening everyone. My name is Landon Masters, and I'm one of the co-coordinators with Ben from the Palmetto Clean Fuels Coalition, which is the Office of Regulatory Staffs Energy Office Initiative, and it is actually one of over 100 coalitions throughout the entire United States, a Clean Cities Coalition that's focused on alternative modes of transportation, reducing our dependence on foreign oil, and using more domestic sources of fuels. Of course, taking a bike and using a Bike Share Program, you can see that as taking one vehicle off the road, one vehicle that's not going to be parking in your parking garages and your parking lots. They are taking a more sustainable form of transportation. So, we see that as reducing the use of our "traditional" transportation fuels that is changing ever so rapidly, especially in our State. Also with the bikes, I wanted to mention too that they're using them for First Mile Last Mile trips. Now, there are folks that may not have access to a vehicle or they may need some other alternative form of transportation, we see that as a very positive thing for our State. So, we would like to present the award to all of those partners that helped make this happen here in Charleston. The Green Fleet Leader Award for 2018 to Holy Spokes Bike Share Program."

There was applause in the Chamber.

Mayor Tecklenburg said, "I also want to recognize Keith Benjamin. You all know Keith, I think, he is our Director of Traffic and Transportation, who makes this partnership work on the City end, and Anton, and all you do for health. They are a great partner of the City's for our Health and Wellness Program as well as providing now a tele clinic, a t.v. clinic at our Homeless Navigation Center. Our partnership with MUSC is really remarkable. We thank you for all you do for our community. Thanks to you all, congratulations on this award."

Alright. So, without further ado, we have some public hearings tonight. I think we have five items for public hearing and I would ask that citizens who come forward to speak on these matters stay on topic as they're presented. A limit of two minutes for each set of remarks, and if you would give your name and address before making your remarks, that would be great. Mr. Morgan will introduce each item, and then we'll ask the public if they would like to make any comments."

Councilmember Seekings said, "Budget first."

Mayor Tecklenburg said, "Well, it's part of our public hearings as well, so Mr. Morgan won't do this. Number one is just a general input on our City Budget for 2020, for next year's budget. If anybody has any comments they would like to talk about our City Budget, please come forward. Mr. Bryant, you're welcome to go first."

1. Anthony G. Bryant said he came to Council for this reason. On October 7th he received from a denial from the Supreme Court with regard to Anthony G. Bryant, versus the Department of Education and that was the purpose of the work he was doing to get that denial so he could talk about the real issues in the Budget regarding education. In terms of the Budget, the Planning Enabling Act provided for public health, public safety, growth and prosperity within the Budget. DHEC provided permitting uses for the area. In 2001, a map was done on the Enterprise Zone which was supposed to provide for affordable housing and other good things but that didn't happen because the economy went bad. In 2017, with regards to all of the TIF Districts, there was a lack of money back into the community, which they needed money particularly for education of young people that were deemed to be wayward by the Justice Department, with 10,000 students arrested in the State of South Carolina in 2017 alone. They hoped now that they could focus their

attention on some real issues in terms of race. They talked about race at the Water System and Councilmember Waring called for the question on some issues, who is a 21st Century leader, in his opinion in terms of infrastructure improvements, the Ports Authority, and other entities who benefited greatly from the community and intended benefits raised a program with activity that hadn't benefited. That was the question to him. He questioned if that be the conversation with the City of Charleston in 2020.

Mayor Tecklenburg said, "Thank you, sir."

2. Katie Zimmerman, Executive Director of Charleston Moves, reiterated the Bike Ped Advisory Committee put in five suggestions in no particular priority order, but it was important that they had Council's strong consideration of those five items to start being included with annual allocations each year. It was not purposeful, but the set up couldn't have been better to have Mr. Gunn say what he did about the importance of infrastructure and starting to leverage what Council put into the County Government. Their requests having the City have a little bit of dollars to put in to leverage against that helped move these things forward. Connectivity and safety were so important for the community so she urged Council to consider the five items for inclusion starting in 2020.

Councilmember Waring said, "What are those five?"

Ms. Zimmerman said the five items were an annual sidewalk maintenance program preferable on par with what the City of Greenville just did as they were doing a great job. Also, starting to set aside some money for the Ashley River crossings. They were looking at the Ashley River Bridge but, there was also the Northbridge that needed to be examined in partnership with the City of North Charleston. There was also the James Island Connector and the Wappoo Cut. Separately Charleston Moves had a package they suggested to Council to start looking at. There was the Mobility Manager, which Mr. Benjamin had asked for in the past, and that person was very important and also regular funding for the Lowline to get that started was an important item as well.

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

3. Mohammed Idris said racism was dead, and they were getting rid of the smell of racism by removing J.C. Calhoun, the architect of racism, from 80 feet in the air between two churches and buried six feet in the grave. By removing J.C. Calhoun, this would save money that could be put toward the Police Department.

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

4. Tom Bradford said he was a founding member of the Board of the Friends of the Lowcountry Lowline. He appreciated the deliberations that Council and staff were going through to try to figure out how this partnership was going to go forward. He reported to Council tremendous progress in how they were going to approach and take this partnership to the citizens of the City. They were excited about the work they were doing and they urged Council to continue to work expeditiously to help them out.

Mayor Tecklenburg said, "Thank you, sir."

5. Timmy Finch said he supported the five items that Ms. Zimmerman brought to Council's attention with regard to mobility and safety throughout the Charleston area. As somebody who rode a bike, walks, and encouraged other people to do so within Charleston and actually wherever they go, safety was a huge important issue for him. As he made his way around the City and throughout the Lowcountry, there were some cities and municipalities that seemed to be taking a better lead as far as bike lanes and safety. He thought this opportunity to put the money into these initiatives for the City was important and asked Council to consider it.

Mayor Tecklenburg said, "Thank you, sir."

6. Marcus Stevenson, Holy City Well Being, said they sought Council's consideration of the City's Community Assistance Grant. The grant would fund workshops in the Lowcountry around wellness and activity action plans focused on trauma, stress, depression, anxiety, and grief.
7. Lloyd Hill, Assistant Director of South Carolina Share, said South Carolina Share was the largest mental health non-profit organization in the State of South Carolina. He fully supported Holy City Well Being and its mission to bring the Whole Health and the Wellness Recovery Action Plan information to the Lowcountry. It had been beneficial to him as he lived in his life and he had seen it help in his 15 years of work with mental health all over the State of South Carolina.

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

8. Suzanne Hardie said she was a member of the Unitarian Church downtown and also a member of the Charleston Area Justice Ministry. On behalf of CAJM, they applauded and thanked Council for their leadership in conducting the Racial Bias Audit and for leading the region in funding affordable housing. They knew additional funding was needed both to implement the recommendations from the Audit with integrity and also to provide the needed funding for the Regional Housing Trust Fund. CAJM wanted to make sure those programs were funded. On November 4th, the evening before Election Day, over 600 of their people would gather at St. Matthews Baptist Church in support of those efforts. These people came from 30 congregations which represented over 30,000 people in the City. They knew some of Council would be there and all of Council were invited. They called on Council to allocate their tax money through implementing the recommendations of the Police Audit and also putting money in the Regional Housing Trust Fund.

Mayor Tecklenburg said, "Thank you very much."

9. Alissa Lietzow, Director of Charleston Pro Bono Legal Services, thanked Council for the opportunity to address Council. She had come before Council the past several years to encourage Council to support Charleston Pro Bono's grant application under the Community Assistance Grant which was submitted in July. Charleston Pro Bono is a legal aid non-profit that provided free civil legal aid such as landlord, housing, family law, estate planning, and anything in the civil realm. It was provided to low income residents in the City of Charleston at no cost to them. In 2017, this Council provided the seed money that helped them start a Housing Court and a housing attorney. Last year in 2018, that housing attorney had a 97 percent success rate on her eviction defense. Their attorney was killing it and it was thanks in part to City money. In 2018 and 2019, they utilized funds from the

Community Assistance Grant to have outreach programming using the outreach opportunities with their non-profit partners throughout the City of Charleston to reach hundreds of residents on a variety of legal issues. They understood there was a justice gap in the community. If someone didn't have the money to hire an attorney, they were effectively shut out from the Court system which was not fair. What they did was come in and provided educational opportunities. Not only could they respond when a crisis arose but they also proactively addressed the issues. They could have landlord/tenant educational seminars where they explained to a tenant what their lease document meant and this was what they had to do to request help. When the population was educated, they were better prepared to advocate for themselves and had more success in defending unnecessary and unmeritorious claims. She urged Council to continue to support Charleston Pro Bono Legal Services as they service the low income residents of the City of Charleston.

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

10. Sylvie Baele said she had spent the last ten years riding her bike in Charleston and had watched it get progressively less safe. She would like to see the inclusion of the line items that were mentioned previously that would make cycling and pedestrians safer in Charleston. She thought the projects like the Lowline and having a dedicated mobility manager were important and they would help bring Charleston forward and enjoy some of the economic and social benefits of having safer streets.

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

No one else asked to speak.

Mayor Tecklenburg said, "Well, we'll move forward to E-2. Now, Mr. Morgan will make a presentation about this next item. Mr. Morgan."

Christopher Morgan said, "Thank you, Mr. Mayor and members of Council. The first item under the rezoning public hearings is the request for an ordinance amendment at Maybank Highway and Bohicket Road which is at present a PUD and would continue to be a PUD. This is an amendment to this PUD and this location. To orient you to the site, of course, this is Johns Island. Maybank Highway is running east west roughly in there and Bohicket Road is the north south road that curves around to the top of the property. The Angel Oak Park is the green square in the middle of the site and then there are other parcels that are owned by various entities. I'll show you a map that shows who owns all of those. Here is an aerial view of the site the overall PUD area. Then, we have to the far left is the subject property the Sea Island Comprehensive Health Care property and the front portion of that and I'll show another image that shows the exact portion of the property, the 2.8 acres that is subject to the change in the PUD. Then, to the north is the Angel Oak Park, LLC ownership area which is part of the conserved areas now and then to the east is the Lowcountry Open Land Trust property and then surrounding the Angel Oak Park is the City of Charleston portion of the PUD and, of course, that is a conserved area. This is the existing PUD that is already in place and has been in place for a good while. It does allow for a lot of Residential development but as you know it was bought out by these conservation organizations so that it would not have all of this Residential development. The minimum affordable housing on the site is ten percent minimum and the maximum is 15 percent. Of course, the amendment that you're seeing before you tonight allows for all affordable housing on this particular location. There are also areas for conservation around the Angel Oak. Mixed-Use or

Office and Residential, and those are mostly taken up with the conserved lands and there would be a ten-acre minimum of open space which, of course, would be exceeded. The proposed amendment removes the General Office area on the Sea Island site from the Plan Map and replaces it on 2.7 acres with a newly created DR-2F designation which allows for an affordable housing development. There would also be a slight reduction in the buffer along Maybank from 75 feet to 50 feet. The overall Residential units on the site would be unchanged but, of course, they are essentially non-buildable on conserved lands. Affordable housing requirements are unchanged but what would go on the Sea Island Comprehensive Health Care site would go a long way to meeting the requirements of the overall PUD and the open space requirements are unchanged. The document shown here you all have in your packages and it shows the changes to the PUD to that 2.7 acre area to allow the 72 dwelling units on that site. Here you see that outlined in red. The GO that was there in the current PUD that would be replaced with this DR-2F that would allow for the 72 units. The rest of the PUD would be unchanged and here is a closer image of the 2.7 acres and the 50-foot buffer that would be along Maybank Highway. I just wanted to show a couple of things from our Johns Island Community Plan that shows that this is in one of the key centers along Maybank Highway. It's also very closely located to a lot of other services that creates a very walkable environment. It also is in our Century V Plan as a location that could be for denser development and I'm just going to go back to this image that shows all of the things that are nearby. So, with the inner circle there is a five-minute walk, the outer circle is a ten-minute walk, and I'm just going to step up here and show you that within a five-minute walk of this site. There are parks, a grocery store that is about a five- or six-minute walk away, a CVS, a library, a middle school, a future elementary school, and our City park. So, very conveniently located to a lot of other services a very walkable Mixed-Use area is potential here. The Planning Commission reviewed this. They recommended for approval. They did have some conditions on that. You have a memo in front of you that lists those conditions and I will read these off to you again. This involves the PUD committing to meet the Stormwater Management requirements of the City Stormwater Design Standards Manual. Also that in reference to easements when required for drainage or sewer for the area to be subdivided have to be at the width necessary to permit proper construction of drainage facilities based on drainage maintained or replaced where possible or feasible. Then, also, in reference to access the PUD commits to meeting a required sidewalk width established by the Maybank Highway Overlay District which is in the process with the City and the County that would be calling for sidewalks and bike and pedestrian trails along Maybank. So, the PUD would commit to meeting that in the area out front that would potentially be in the buffer that would go in front of the building and with those conditions our Planning Commission recommended approval 6 to 0 for this PUD amendment."

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

1. Danny Forsberg, Forsberg Engineering spoke on behalf of Sea Island Comprehensive Health Care. He said they were able to get the support of the Coastal Conservation League which was not easy to get for any type of development and there was no opposition who owned the land around the project which had now been put into conservation easements. They were working with them. They hold some of the easements on the property that were established when the PUD was done about 12 years ago. Hopefully they had proven to them that they were not going to be damaging anything as far as drainage. They were adopting some elements of the Dutch Dialogues. He had participated in the approximate week long session at the request of the City or volunteered to come and talk to people there. They were fortunate the land was elevation 17 and 18 above sea level and part of the Dutch Dialogues was develop on upper lands and

let it work its way down. They were also blessed with very permeable soils and the soils could support percolation rates in the range of ten inches per hour. Their goal was to implement as many things out of the low impact development techniques for the development of the property and they asked Council for support.

Mayor Tecklenburg said, "Thank you, sir."

2. Jason Crowley, Director of Communities and Transportation with the Coastal Conservation League, said the Conservation League did support the amendment because it was in keeping with the Johns Island Community Plan and the recommendations from the Dutch Dialogues. They did hope that as it continued to move through the process though that the City and the applicant were working together to ensure that there was indeed good connectivity for bicycle and pedestrian infrastructure not just across Maybank Highway but around to the City park as well as some type of restrictive covenant or contract that there was permanent affordable housing on the property. There was a need for affordable housing on Johns Island as we all know and this would provide it and they wanted to make sure that it didn't disappear but otherwise they supported the project.

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

3. Leon Burton, Administrator of Sea Island Health Care Corporation, said Sea Island had been in existence for more than 40 years and its primary mission had always been to deliver quality health care and human services to the residents of the sea islands and surrounding communities to enhance the quality of lifestyle and living conditions. They asked for Council's consideration and approval of the project. They currently had affordable housing since 1981 for the residents of Sea Island so for the last 40 years they had been providing affordable housing. The 2.8 acres would allow them to construct another Residential housing unit to enhance the services they were currently providing for the residents of sea islands. This was a need not only for the Charleston area but for the State. It was also a need for Johns Island. They asked Council for the assistance and support in the effort. He thanked those who supported them and especially with the Conservation Authority who supported them in the project. He also said the Chief and his partners and workers as they were very supportive in providing support for Johns Island and Johns Island rural housing.

Mayor Tecklenburg said, "Thank you."

4. Katie Zimmerman, Executive Director of Charleston Moves, said she had a long history with the project and she re-enforced this was a great use for this part of the parcel. She was glad to hear that it was officially included as a condition of the PUD to do pedestrian access along the frontage portion of Maybank which also fit in with the Maybank Overlay process that the County and City were working on together. She didn't think it was possible to include it as a condition of the PUD but however they could get it done figure out the pedestrian access across Maybank Highway over to the Village Apartments as well. She knew patients lived over there and a lot of people were on foot, in wheelchairs, and on crutches trying to access and get across Maybank Highway as it was a dangerous section so whatever could be done to figure that out would be wonderful. Charleston Moves was there to help and anybody else who could help would be great.

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

No one else asked to speak.

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

Councilmember Lewis said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Councilmember Wagner, did you have a comment?"

Councilmember Wagner said, "Yes, sir. Johns Island, first, on your 900 units of affordable housing is part of it right here right now. Seventy-two units, it almost doubles the capacity of the Sea Island affordable housing right now. It might show up with a little money with it. There have been some discussions with some folks up in Washington already on this. It may be getting a little bit of help, and it went through Planning Commission without anything negative at all. This is a good deal. It's a very small change to a very big PUD. Let's go for it."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you, Mayor. I totally support the concept of providing the affordable units that are in a great location, both for stormwater design, as well as the connectivity that everyone is hoping will continue to be built along our travel corridors. I would ask if Ms. Shaw Johnson could come and just sort of speak to the other request of the Conservation League, that we work hard to make it more permanently affordable. The typical tax credit deals are less than that, and I know that she has already worked with Sea Island to get at least half way there in terms of a permanent designation for affordability."

Geona Shaw Johnson said, "Good afternoon. So, as Leon alluded to earlier, they have been in the affordable housing business for some time. They are pursuing low income housing tax credits from S.C. State Housing, South Carolina State Housing. The tax credits themselves, the compliance period is typically 15 years, unless you have other affordable housing funds like Home Funding in there. I know this organization is looking at a 40-year timeframe for this particular development. They want to use this space, on our conversation a few weeks ago, to transition some of the members, the tenants that are in their current development, over to this new development so that they can begin to look at a renovation and a rehab of those 88 units that are literally on the opposite side of Maybank Highway that have been there, I think, since the early 80s. The City of Charleston provided funding for that development years ago relative to infrastructure, so we think this is a great opportunity for those residents and for this organization."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, Mr. Mayor and Councilmembers. I know this is a needed project, and in so far as the Sea Island, I know it very, very well. I had a lot of family that lived in that particular housing on Maybank Highway with Sea Island. I know they had some problems years and years ago, but as it's here now, we need to help them fix it because it is very much needed. Like I always mention, my family on Johns Island goes back 350 years, which it does. So, the Island, I know it very well when it was dirt roads. The Island has changed a lot, and a lot of traffic is there, but I remember when there was no Seabrook and Kiawah Islands there because I used to live out there. We lived out there for about two years, my family, my mother and father, but the whole Island out there from Maybank Highway all the way down to Seabrook and Kiawah Islands was my family on Bohicket Road and River Road. So, I know it very well."

But, that's an added attraction. It's a place that's very much needed in that area, so we need to do as much as we possibly can to keep it going. It is a needed project to assist with the health care there, and to have the housing for people to be able to afford. So, I'm glad that we are assisting and trying to push it forward as quickly as possible. Thank you."

Mayor Tecklenburg said, "Would anyone else?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just briefly, Mr. Morgan, that map you put up, it showed the walking five and ten minutes. Can you just put that up? So, how is our sidewalk inventory and bike/ped infrastructure inventory in those two circles?"

Mr. Morgan said, "It definitely needs improvement. It is in place around the shopping center, however, Charleston County is going to be making some improvements soon to the main Bohicket/Maybank intersection. So, hopefully, we will be getting some better sidewalks through that."

Councilmember Seekings said, "If we're going to put density out there, we've got to give people access across and through those areas, right? How long do you think it's going to be before this gets built out?"

Mr. Morgan said, "The housing here?"

Councilmember Seekings said, "Yes."

Mr. Morgan said, "I would think you're probably looking at 18 months to two years, something like that, before they're built."

Councilmember Seekings said, "So, in government time, that's not very long, so we need to get working on the infrastructure."

Councilwoman Jackson said, "Right. Yes, matching funds."

Councilmember Seekings said, "Thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I just want to thank my colleagues. They worked so hard with me to bring me around on this issue, to support this issue, so I'm going to support this issue with the help of my colleagues. Thank you. But, I would want to say this, at the Planning hearing, I think one of the exceptions was an eight foot bike/pedestrian lane. I think Mr. Forsberg said they would be able to put that, if allowed, through the buffer zone. Maybe there may be an opportunity to put up some funds, as Ms. Zimmerman said, to match the County and get it completed for that whole major intersection out there. Thank you."

Mayor Tecklenburg said, "Alright. No further questions, I'll call the question. We do have a motion for the ordinance?"

The Clerk said, "We do. Yes, we have a motion. Councilmember Lewis."

Mayor Tecklenburg said, "Okay, just checking."

On a motion of Councilmember Lewis, seconded by Councilmember Mitchell, 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) by amending Planned Unit Development (PUD) Master Plan and Development Guidelines for property located on Maybank Highway and Bohicket Road (Sea Island Health Care/Angel Oak Village – Johns Island) (approximately 51.67 acres) (TMS# 2790000142, 248, 309 and 665).

Mayor Tecklenburg said, "Thank you, Mr. Burton, for helping us with your commitment to affordable housing in Charleston."

Mr. Burton said, "Thank you."

Mayor Tecklenburg said, "Yes, sir. Okay, number three. Mr. Morgan."

Mr. Morgan said, "Yes. 2591 Morning Dove Lane in West Ashley. It's about a quarter acre. This is a recently annexed property annexed in September 10th. This would be part of the PUD that's in the surrounding neighborhood of Canterbury Woods. Every time we annex properties in this area, we bring them into that Canterbury Woods PUD, which is designed to accommodate those annexations. Planning Commission recommended 6 to 0 to bring this in as part of the Canterbury Woods PUD."

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

Councilmember Shealy said, "Move for approval."

Councilmember Shahid said, "Second."

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

No one asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2591 Morning Dove Lane (West Ashley) (0.28 acre) (TMS #355-05-00-132) (Council District 2), annexed into the City of Charleston September 10, 2019, be zoned Planned Unit Development (PUD) classification. The property is owned by Samuel and Kelley Mosley.

Mayor Tecklenburg said, "E-4."

Mr. Morgan said, "This is a property on Playground Road that relates to drainage projects that we've had in the area that have led the City to acquire these areas. They've been annexed into the City, and they would be zoned SR-2, which matches the surrounding area. The Planning Commission and staff recommend approval of this request."

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

No one asked to speak.

Councilmember Lewis said, "Move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Seeing none, we have a motion and a second. Is there any discussion?"

No one asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that properties on Playground Road (West Ashley) (0.36 acre) (TMS #418-05-00-045 and 337) (Council District 7), annexed into the City of Charleston September 24, 2019, be zoned Single-Family Residential (SR-2) classification. The property is owned by the City of Charleston.

Mr. Morgan said, "Then, we have a property on Rushland Landing Road. It's 3.76 acres. It was zoned R-4 in Charleston County, and it would come into the City at a slightly lower density, RR-1, which is 3.5 units an acre. Both staff and Planning Commission recommend approval."

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

No one asked to speak.

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

Councilmember Lewis said, "Move for approval."

Councilmember Shahid said, "Second."

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

Councilmember Gregorie said, "Just a question, Mayor."

Mayor Tecklenburg said, "Councilmember Wagner, we're on number five on Johns Island. Did you have any comments or discussion?"

Councilmember Gregorie said, "I've just got a question for Mr. Morgan."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "On that map, you had Zoning 4."

Mr. Morgan said, "There is a discrepancy, I'm sorry, about the titling, but this is the Rushland Landing item before you."

Councilmember Gregorie said, "Okay. Thank you."

Mr. Morgan said, "Yes, sir."

Councilmember Wagner said, "I'm good with that."

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property on Rushland Landing Road (Johns Island) (3.76 acres) (TMS #311-00-00-309) (Council District 5), annexed into the City of Charleston September 24, 2019, be zoned Rural Residential (RR-1) classification. The property is owned by Martin S. Roache, Reico Harris, and Herb Fraser.

Mayor Tecklenburg said, "Next is approval of our City Council minutes from September 24th."

Councilmember Gregorie said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second. Any additions or deletions?"

No one asked to speak.

On a motion of Councilmember Gregorie, seconded by Councilmember Mitchell, City Council voted unanimously to approve the minutes of the September 24, 2019 City Council meeting.

Mayor Tecklenburg said, "Next will be our Citizens Participation Period. We had a sign-in sheet out on the desk, and I think we're going out to retrieve it. We have a 30-minute period, so we kind of divide it up evenly. We've got 20 folks who signed up, so let's say 90 seconds a piece. Please state your name and address when you come forward. Madam Clerk will call out a few names at a time, and you all just queue up, and we look forward to hearing your remarks."

The Clerk said, "We'll start with Anthony Bryant, Mohammed Idris, I think he left, Franny Henty, and Alissa Lietzow."

Councilmember Griffin said, "How many people did you say?"

The Clerk said, "Pardon."

Councilmember Griffin said, "Twenty?"

The Clerk said, "Yes, he said 20."

Mayor Tecklenburg said, "Yes, sir."

1. Anthony G. Bryant said he had an issue with a Police Report done years ago that exposed his identity and social security number on a website. Mr. Bryant said the report was never redacted, and he took it to Court. He refused to allow any government entity to humiliate him in a negative way. He would fight for what he believed and would vote to make sure the right leaders were in office.
2. Mohammad Idris brought forward two pictures, Phillip Simmons, known for his ironwork throughout Charleston, and the John C. Calhoun statue that stood in Marion Square. Mr. Idris said that he and the community were asking for the removal of Mr. Calhoun's statue from Marion Square and renaming Calhoun Street to Simmons and Alma Dungee Drive.

3. Franny Henty thanked Council for their service. She stood as a concerned grandmother to address fill and build in regards to the quality of life being left for future generations. Fill and build was flooding out neighborhoods and the areas were at critical mass and an engineering crisis. As a dues paying realtor since 2003, she was concerned about the harm fill and build had done to current inventory, and continuing this practice would affect the quality of life, housing affordability, and cause an increase in flood insurance premiums. She asked Council to support the first reading restricting fill and build.
4. Steve Green addressed the representation needed on the City Planning Commission for Johns Island residents. He said the next Planning Commissioner appointee should not be Jimmy Bailey from Kiawah Island. Kiawah's interests in the City were very different from the citizens of Johns Island, so the next Commissioner should be a Johns Island resident. Mr. Green also asked Council to support no fill and build proposed by Councilman Griffin. He referred to his flooding problems caused by fill and build construction between his home and the Stono River. Mr. Green said he had lived on River Road for 36 years and had not had a flooding problem until the Stonoview Division was built. The Division was a fill and build that prevented natural flow of water to the Stono River. He lived in the Burden Creek Floodplain, and the natural ecology of that drainage basin had been irreparably damaged. He had spent thousands of dollars in the last year for the purchase of topsoil for his yard, and concrete for his driveway. He asked Council to support the restriction of fill and build to prevent the same damage to the rest of Johns and James Islands.
5. Rich Thomas of Johns Island urged Council to pass the first reading of the fill and build ordinance. An upcoming project in the building of Twin Lakes, near Cane Slash Road, was an example of what not to do. The area was formerly a dirt pit in the 40s and 50s. The building of the new subdivision would require 5 or 6 feet of fill to bring it up for the 124 homes to be built. The Dutch Dialogues recommended that developments not take place in areas like this. Mr. Thomas said he and Professor Phil Dustan placed probes in Burden Creek during Hurricane Dorian and noticed a run off in the area. The run off was extremely toxic to the marshlands and Stono River.
6. Jason Crowley, Director of Communities and Transportation with the Coastal Conservation League, thanked the Mayor and Council for their time and commended them for taking up consideration of the fill and build ordinance. He was glad that the Dutch Dialogues brought more attention to fill and build. There needed to be more nuance added to it to reflect the needs of land usage. He said there should be more focus on different parts of the City. Considering things like elevation, special flood hazard areas, and attempts to use fill materials to meet the Freeboard requirements were a few of the details the Conservation League would like fleshed out in the ordinance. Mr. Crowley recommended working with other municipalities in Charleston County on a Transfer of Development Rights Program to avoid construction in low lying areas and ensure property rights were not compromised.
7. Leah Farrell, Preservation Society of Charleston, expressed support for the fill requirement ordinance, and said she eagerly awaited the revised stormwater manual. She mentioned a spirited conversation at the Committee meeting that emerged to strengthen the proposed ordinance. The City needed to implement the policy in a way that it applied Citywide. Ms. Farrell hoped that each City would share their input specific to their areas, and there was room for further study.

8. Sylvie Baele agreed with the fill and build ordinance as it was a great idea in protection of the surrounding areas. She grew up in the Burden Creek area of Johns Island and witnessed how it had changed. The ecology of marsh in the area and the rising levels of microplastics and tire particles in the harbor and in the waterways were very important to the ecosystem, so the fill and build ordinance would be important in protecting the area.
9. Debbie Mims, Johns Island, stood with three concerns. She asked Council to support the first reading of the fill and build ordinance and add that no new development would be built until the fill ordinance was fleshed out. Secondly, Ms. Mims agreed with Mr. Green that the next Planning Commissioner should be a resident of Johns Island. Lastly, Ms. Mims asked that no more land be annexed. There were currently 33.8 acres being annexed into the City, and the residents were tired of being taken over.
10. Phil Dustan, Johns Island, agreed with the first reading of the fill and build ordinance. Climate change and fill and build were the two things that causes flooding in Charleston. The easier of the two to fix was fill and build. The simplest and cheapest thing to do was to stop the practice. Mr. Dustan said the Mayor, developers, and engineers were profiteering from fill and build projects. The fill and build ordinance needed to be tweaked a bit, but it was a good start for the City. FEMA 2.0 was going to be based on elevations and risk, causing insurance premiums to go sky high. Eventually, this would cause another mortgage crisis and make the mortgage crisis of 2008 look small. He pleaded that Council think about the economy of Charleston and vote for the ordinance.
11. Katie Zimmerman, Director of Charleston Moves, thanked Council for considering citizens' input. Ms. Zimmerman stood in support of the first reading under public safety that required people to report accidents. With one edit, she suggested that the language be changed from accidents to "crash" or "collision" because it was never an accident.
12. Eileen Dougherty spoke of flooding issues on her property which she thought arose from new development built adjacent to her property. It raised the water table for the surrounding area. Ms. Dougherty thanked Councilman Griffin, Councilwoman Jackson, and the Mayor, for their efforts to address flooding concerns. Charleston was on the frontline of the climate crisis, and the way people built affected the economic future. There was a lot of room for improvements in regards to land use and stormwater rules. She supported anything that limited new development, improved the long-term outlook for the City, and encouraged Council to vote 'yes' for first reading of the fill and build ordinance.
13. Josh Dix, Government Director for the Charleston Trident Association of Realtors, commented on the misguidance of the fill and build ordinance. Mr. Dix said he was a part of the Dutch Dialogue team, and the comments made were inaccurate. He asked Council to thoroughly read the report. After speaking with Dale Morris, the word "eliminate" in the Dialogue was being taken out of context. Mr. Dix said the word related to the Johns Island Chapter, Zone 0 to 6 foot elevation, not a citywide element. The context of the report needed to be considered. Mr. Dix encouraged Council to shoot down the first reading and do exactly what the Dutch Dialogues intended. The ordinance was not what the Dialogues referred to, and it was an insult to those who were a part of the team.
14. Darrin Thomas, Lowcountry Black Expo, thanked Council for the opportunity to allow him to share his thoughts. Mr. Thomas said 22 years ago, Mayor Riley approached his organization about the need for an organization as such. Mr. Thomas invited everyone to Lowcountry Black Expo's 2nd Annual in March. He wanted Council to understand that while

there was a fiduciary responsibility to their organization and using tax dollars to continue investing in the community. The Taste of Black Charleston and The Charleston Expo collectively raised \$60,000 for the Teacher Supply Closet and was one of the first organizations to make a donation to the International African American Museum. With the continual success of the organization, Mr. Thomas asked Council to consider the funding request for the programs.

Mayor Tecklenburg said, "Well, thank you, Darrin. In that same spirit, I put on Councilmembers' desks and I'd like to invite you and anybody here who would like to come next Friday, a week from Friday, to The Joe in the Riley Park Room, from I think, 9:00 a.m. until 1:00 p.m. We have a City of Charleston Business Opportunity Expo for Women and Minority Businesses and Small Business, and all of our departments will be represented and will engage with small and minority business owners as to how they can do business with the City of Charleston. We hope you will be able to come."

Mr. Thomas said, "Thank you."

Mayor Tecklenburg said, "Yes, sir."

The Clerk said, "That concludes Citizens Participation."

Mayor Tecklenburg said, "Alright. Did we miss anybody?"

No one else asked to speak.

Mayor Tecklenburg said, "Next, we'll move along to our Petitions and Communications. First up is a reappointment, I guess, of Paul Multani to our Accommodations Tax Advisory Committee."

Councilmember Waring said, "Move for approval."

Councilwoman Jackson said, "Second."

Mayor Tecklenburg said, "Thank you. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilwoman Jackson, City Council voted unanimously to approve the reappointment of Paul Multani to the Accommodations Tax Advisory Committee.

Mayor Tecklenburg said, "Next, is a presentation. Councilmember Shahid, do you want to set this up for the proposed Master Plan for Charleston's 350th Commemoration?"

Councilmember Shahid said, "Thank you, Mr. Mayor and members of Council, Madam Clerk. So, we passed a Resolution on creating a 350th Commission to address the celebration of the first English settlers coming to Charles Towne in 1670. So, coming in 2020 will be the commemoration of this wonderful event. We have partnered with Trio who is present, Jessica Munday is here, and Abbie, there's Abbie behind me, with Trio is here. Also, there are several members of the Steering Committee and without me naming everybody, but Matt is on our Steering Committee, and Amy and John are on our Steering Committee."

Mayor Tecklenburg said, "Jonathan Green."

Councilmember Shahid said, “Jonathan as well, and on our Commission itself is Angela Mack, Jonathan Green, and am I missing somebody else on there? Darrin Calhoun was here a minute ago. Where is Darrin? Darrin’s over here, and Jessica. So, we have several members of the community who are here present, who have spent countless hours either at a Steering Committee meeting or a Commission meeting, who have worked diligently to putting together a plan. Our kick-off event will be in April of 2020 at Charles Towne Landing, and I don’t want to spoil too much of the presentation by Jessica but, Jessica, I’ll let you take over from there to talk about what our plans are.”

Jessica Munday said, “Thank you very much. Thank you, Mayor and Councilmembers. I appreciate the opportunity, and I am honored that the City trusted Trio Solutions with this important project. I definitely want to thank my colleague, Abbie Linnerud. She has been very instrumental in helping with this project and would, also like to thank Councilmember Shahid and Jonathan Green and Mr. John Mitchell. Everybody has been very supportive, but the three of them have been extremely supportive of this entire initiative. We are very excited of the progress that we’ve made. Hopefully, you’ve had a chance to review the Master Plan and I’d like to just talk about some of those highlights today and give you an opportunity to ask any questions if you might have any. So, we really just wanted to update you on our progress regarding the Charleston 350th Commemoration. Presented to you in the Master Plan, was really a compilation of over a year of meetings, interviews, brainstorming sessions, and one-on-one conversations. I see Ms. Ruth Rambo up top. I appreciate you being here. She is one of the individuals that we had an opportunity to sit down and speak with, and I hope that you’re pleased with the plan that you received. It certainly was a true effort to incorporate a lot of different ideas, and we wanted it to be a true reflection of not only looking at our past and reflecting, but recognizing we’ve got a lot to celebrate, but we also have a lot of reflection that we have to do. So, we really look at our 350th birthday as an opportunity to set the stage for the future. As the slide states, this first one, our story is really still unfolding, and we’re looking at 2020 as an opportunity to share our story. We are inviting the community to join in in helping us tell our full and accurate story as it relates to our past, our present, and our future.

The signature event, or a series of events, that we would have in 2020 as the Councilmember shared, will be kicking off with Founder’s Day at Charles Towne Landing, which really is commemorating the birth of the Carolinas. I see up there etched in the marble, founded in 1670, and as we’ve gotten involved with this project, it’s really fascinating how once you really start diving into history, the reminders are just around us everywhere, and we really have an opportunity to take a closer look at that and not only celebrate, but make some changes that need to be made. I know he’s not here today, but I definitely want to thank Rob Powell. His team at Charles Towne Landing has been phenomenal. They’re really bringing the State support to this project and are truly owning the Founder’s Day initiative. It’s really Founder’s Day times a hundred, and they are very much open to not having it be your typical Founder’s Day. They want the experience that day to be a true journey through our 350 years. So, if you have any organizations that you would like to see be part of that event, please let me know. We also have, in May 2020, I have an opportunity to reflect on our Transatlantic Connection. Not only do we have the Transat Race finale that will be in the City Harbor and Marina, but the College of Charleston has put together the CLAW Conference, which is a phenomenal series of academic and scholarly programs that really are taking a closer look at Charleston’s relationship with the Port cities and Transatlantic Slave Trade and the Transatlantic connection that Charleston has. So, there is not an exact date because that really is going to transpire over probably a two- to three-week period in May. Then, we have it in the summer. In July, we have a summer music and arts festival that will take place at Joe Riley Park and Brittlebank Park. This is an opportunity for us to really celebrate our creativity and performing arts and visual arts. We have so much of

that here in Charleston, and this is the day that we want to celebrate that with our community and just highlight our rhythm and creativity as we refer to it.

The final signature event is November 8th, and we're working toward actually blocking off Broad Street, from Old Exchange all the way up to King Street, and having a Community Unity Celebration. This is where we feel we're really going to leave a mark on our legacy of how we approached our 350th Anniversary and pave the path forward for our future bringing the community together in a transformation table type of an event, where neighbors are breaking bread with complete strangers, and having an opportunity to have a deeper conversation and dialogue with one another about how we see the next 50 years. So, these are really our signature events. I would like to share that truly the heart and soul of this Commemoration is going to come from our partnering events. Those are events that will be held throughout the year, and they will be sanctioned as official 350 events. Amy is chairing our Partnering Events Committee. We have a great group that is working toward an online application so, if you're with a community organization or business, and you want to host an event, and it falls in line with supporting the overall mission of Charleston 350th Commemoration, then you would complete that, and the Committee would approve whether or not your event would be considered a Charleston 350 event. It's through our partnering events that we feel will really have hundreds of opportunities throughout 2020 to really allow the entire community, neighbors, visitors, and anyone that is interested in being part of this story to engage. I've shared this with you because we really feel that there are several key elements that are going to make this successful. Some of these are already in place, and we're working toward others. Leadership, you have already demonstrated your leadership to this project through the Resolution, the establishment of working toward this Master Plan, and all of the volunteers and community leaders who are part of the Commission and the Steering Committee. We really feel good about the leadership that we have in place. Partnering Events, as I just mentioned, will allow a year-long opportunity of celebration, reflection, and progress. We also want to have community involvement. The signature events are open to the public and give everyone an opportunity to be engaged.

The Charleston 350 Fund will help us actually fund this initiative, as well as provide community grant opportunities, supporters in terms of sponsors and volunteers and then the last, is really a commitment to our legacy and making sure that we're sharing our full and accurate story. So, if you have any questions, I'm happy to answer those. I'm excited that everybody that is here is going to be part of this story and, again, if you have any ideas or thoughts based on the plan we've put together, we realize this is a work in motion, and we are happy to sit down and have that conversation. So, again, thank you all for your support, and I look forward to being involved with this project through 2020."

Councilmember Shahid said, "Thank you, Jessica."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I did not recognize Ms. Rhoda Green, who is also on our Commission. She is kind of hiding over there next to Jonathan Green, and I'm going to ask that Jonathan, who is a co-Chair with me on this, if he has any other comments or input to give a few brief remarks."

Jonathan Green said, "You said brief?"

Councilmember Shahid said, "Very brief."

There was laughter in the Chamber.

Mr. Green said, "Well, I'll make my mark with our conclusion. We hope to energize the City with lots of exciting history information, and the goal really is to have a great time inclusive of all people in the City of Charleston. Thank you."

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

No one asked to speak.

Mayor Tecklenburg said, "We thank you for your hard work. It's really going to be an exciting year. Just in case anybody was wondering, the word for a 350th Anniversary is a Semiseptcentennial."

Ms. Munday said, "Thank you."

Mayor Tecklenburg said, "Alright. So, next we have a brief report from our Director of Planning, Jacob Lindsey, on our Hotel Task Force meeting that occurred recently."

Jacob Lindsey said, "Thank you, Mr. Mayor and members of Council. On October 15th, the Hotel Task Force met to discuss the matter of rooftop bars and restaurants. We had a very comprehensive discussion that related to the proposed locations for future rooftop bars and restaurants, noise and the regulation of noise, as well as discussion of where rooftop bars and restaurants may be in other parts of the City other than downtown. Staff are going to conduct some additional research, do some detailed mapping of specific areas, and bring forward recommendations about how that ordinance would be amended, as well as how we can change our regulatory practices and our enforcement, to make sure that rooftop and restaurants are handled properly. We're going to reconvene the group. We'll be ready to do that within the next two weeks, and we'll survey the numbers before we reconvene so, an amended ordinance will come after that group endorses it."

Mayor Tecklenburg said, "So, if I may share a little anecdote, a case in point. Last Friday night, City staff including Mr. Lindsey, Meg Thompson, and we invited President Hsu because we wanted him to see some of his students out on the street. We started at 10:00 p.m. Friday night on the upper end of King Street and made our way down to numerous, we had a night out on the town. We were barhopping, okay?"

There was laughter in the Chamber.

Councilmember Griffin said, "I didn't see you out there."

Mayor Tecklenburg said, "Yes. Well, I thought people knew me pretty well. I tell you, President Hsu, now he's a rock star. Those students were all over him. We stopped at Uptown Social, which is one of the places we had talked about having a rooftop bar, right, and we were just talking outside because it was too loud inside to even have a conversation. There was this music out on the street, it was loud as could be, and it wasn't coming from up above. It was coming from the place next door. I went across the street and looked up, and what they had done, their speakers, rather than turned inward to service their customers, the speakers were turned out to King Street, so the blare of the music out onto the street and onto the public, I guess to give the impression that this is a place where you ought to come, that it's a wild happening place. So, it was just a perfect case in point about the need for this refinement of our noise ordinance. In this case they really ought to turn their speakers around."

Councilmember Griffin said, "Mr. Mayor, we don't speak with our mouths, we speak with our dance moves."

There was laughter in the Chamber.

Mayor Tecklenburg said, "I see."

Councilmember Shahid said, "Who would watch that?"

There was laughter in the Chamber.

Mayor Tecklenburg said, "So, we'll continue to work on that and get something back to Council in the relative near future."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I did want to ask a question. I had sent an e-mail out to Council and to you about putting Keith Benjamin from Uptown Social on the Committee. Did you all do that?"

Mayor Tecklenburg said, "We did."

Councilmember Griffin said, "Thank you."

Mayor Tecklenburg said, "He attended, and the young lady that's his partner attended, and there was one other volunteer from The Beach Company. I can't remember his name right now, but he attended as well. It's a very wide open process by consensus."

Councilmember Gregorie said, "Hey, Mayor, did we shut the speaker down? Because I know exactly where you're talking about."

Mayor Tecklenburg said, "I made the personal request that they turn the speaker around inwards."

Councilmember Moody said, "They probably turned the speakers out so they could talk with each other inside and it's too much going on inside than it is outside."

Mayor Tecklenburg said, "Well, per Councilmember Griffin, that doesn't really convey. Their dance moves are more important. Alright. Without objection, Councilmember Waring has indicated that he has another commitment tonight so, Councilmember Shahid, if you don't mind, we'd like to go ahead and take the Committee on Public Works next."

Councilmember Griffin said, "Mr. Mayor, we have another item under Petitions and Communications under the amended agenda?"

Councilmember Shahid said, "Novak."

Mayor Tecklenburg said, "Did I miss something? I have the original agenda."

Councilmember Moody said, "Do you have the amended?"

Mayor Tecklenburg said, "Okay. We have one more item. Is Tracy McKee here?"

Tracy McKee said, "Here."

Mayor Tecklenburg said, "Okay. She was going to make a very brief presentation about our Performance Review Projects. Tracy, you want to come forward?"

Ms. McKee said, "Sure."

Mayor Tecklenburg said, "Then, we'll start our Committee Reports."

Ms. McKee said, "Susan Poteat, you want to come down?"

Susan Poteat said, "No."

Mayor Tecklenburg said, "Susan Poteat is with us. She can chime in from the balcony if need be."

Ms. McKee said, "Mayor and members of Council, Julia Novak is not with us tonight, but as a supplement to the report that was in your packets, Susan Poteat, who is up there, Amy Wharton, and I wanted to provide a brief update on our progress towards implementing the recommendations made by Julia and her team. So, Novak provided the City with nine reports that are all listed here. We still have a lot of work to do, but we hope that this brief summary will bring some sunshine to some of the great work that's actually going on in the City. So, for most of these reports, Susan and I have met with the departments involved. We've gone through the recommendations, re-prioritized them as needed, and collaboratively worked with departments to develop work plans to complete the work. For the projects that are well underway, we have website links that you can actually track our progress, and those get updated quarterly, so check out the website.

TRC was the first report that was submitted. Our path forward has not necessarily been a straight line, but we've actually made some really good progress. Some of the highlights of the accomplishments, we hired a TRC Administrator, a TRC Coordinator. All of the reviewers now attend all of the relevant TRC meetings, so if they reviewed a project, they actually attend the meeting. We have launched TRC University, which is an outreach to all of the developers, so we've been doing those once a quarter. Eric Schultz, our TRC Administrator, has been putting those together, and so that's been really successful. We've eliminated these unofficial PDF reviews, which were just causing frustration and confusion, and probably the biggest thing is the E-review. We are on the cusp of going all digital with TRC reviews. We hope that that's going to be fully implemented come January 2020. I think everyone knows that TRC has been a little bit behind. As we've started to try to understand why, we've started to look at some data to try to really understand what's going on and kind of how we got there. I found this really interesting. Just looking at City growth, since 2000 to 2018, we've seen an increase in population of 59 percent, but our City workforce has grown by 20 percent. That's a significant difference. Just looking at TRC submittals, from 2010 to 2018, we've gone from 179 in that year up to 459 submitted last year. So, again, a pretty big increase. This actually shows the blue line are submittals made in 2019. The light gray line are submittals that were made in 2018. So, we can see just in these last two years consistently, every month the number of submittals that come into TRC is higher. There is a lot going on. Another element to understand how we got into the situation of being behind with TRC, was to actually track the number of hours it takes to review a TRC submittal.

Since March, all of the Plan Reviewers have been logging their review time. So, you can see this is just an example of site plans, so we've got all of the different departments that are involved. Most of them take about approximately an hour to review one submittal. However, you will notice there are some big spikes in the Engineering and Stormwater, right? So, we're seeing Engineering takes five to ten hours to review one submittal, where Stormwater can take ten to 15 hours to review one submittal. I just kind of want to walk you guys through just a short exercise here, a little math, if you will. But, if we look at how many hours we have to work in a month, so

we've got four weeks in a month, right? Forty-hour work week, we've got a 160 hours to work within a month, right? So, if we take TRC reviews that were the lightest month, like in February, we had 39 TRC submittals in the month of February. On average, 70 percent of those are site plans, so that would be 27 submittals or site plans. Even if we take the most conservative number of hours for Stormwater, that would be 270 hours required for the month of February to do those reviews out of 160 hours a month of work hours. It's quite impossible to meet that number, right? So, that gives us some context for how we kind of got into the situation that we're in. I just kind of want to take it another step further too. Some of these are actually third-party reviews, as we know, and if those third-party reviews are taking ten hours, and we pay on average \$150 an hour, we're spending \$1,500 per submittal. Then the fee for a TRC review is \$600, so we are subsidizing \$900 just in Stormwater review. So, a lot of assumptions made there, but it starts to paint the picture of the situation. Then, we have this is just an example of subdivision reviews. Just a quick view of 2019 by the numbers. Sixty-seven percent have been completed on time this year. Now, that doesn't sound awesome, but when you compare it to 2018, which was at 41 percent, that's a significant improvement, and 33 days to review a submittal, compared to 75 in 2018, so we're making good progress. The second report submitted by Novak was a Workforce Profile and Employee Survey. As you all know, compensation was the primary concern--"

Councilmember Gregorie said, "Can you go back to the other slide? I have a question."

Ms. McKee said, "Sure. This one?"

Councilmember Gregorie said, "You've gone through the report fairly quickly, but I read the report. Isn't one of the issues the screening process for completeness? That if we had a process in place saying that if X application is not completed, so it goes back to where it came from, we would cut that down substantially?"

Ms. McKee said, "Sure. So, I don't have good numbers on that. That is something that we've talked about a lot with the TRC group. Since the increase in fees last year, what they are telling me is that they've seen a significant increase in the quality of submittals. That has helped tremendously on those poor quality submittals that were taking staff time needlessly, but that's something that we're still consciously aware of and monitoring."

Councilmember Gregorie said, "Thank you."

Ms. McKee said, "Thank you. Good question. Great question. I'm so glad to hear someone read it."

There was laughter in the Chamber.

Councilmember Waring said, "Tracy, part of it is, my understanding from some of the Engineering groups is that they have to come to the TRC meeting to find out staff objections to a submittal. It would make a lot of sense if they submitted something and staff has objections, to let those objections be known and corrected before you meet. But, anyway, that's part of the problem."

Ms. McKee said, "No, and that's another great point, and that was something that we are working on. So, with the impossibility of meeting review times, the ideas that we give those comments back in advance of the meeting so that applicants can come prepared, but the workload is so much that they can't keep up, so they're kind of just doing everything that they can to respond as quickly as they can. But, certainly, those reviews that are completed before the meeting, those are getting sent out two days or 48 hours ahead of the meeting."

Councilmember Waring said, "Are you familiar with the comparative study that the Charleston Metro Chamber of Commerce did comparing our approval process with that of Mt. Pleasant and, again, with that of North Charleston?"

Ms. McKee said, "I am not."

Councilmember Waring said, "Well, we're going to make sure you get a copy, as well."

Ms. McKee said, "Okay. Excellent."

Councilmember Gregorie said, "I have one other thing as we move forward on TRC. Again, in reading the report fairly quickly, there was another element that I didn't see that a lot of neighborhoods have complained about, and that is they can go to those meetings, sit for hours, but have absolutely no input. I did not see that issue addressed anywhere in the report, or should it be? I don't know."

Ms. McKee said, "So, if Chip would like to maybe respond to that, because that's kind of a TRC process question. You might want to restate your concern, Councilmember Gregorie."

Councilmember Gregorie said, "One of the issues that we get from our community, is that it's great for them to go and sit and listen, but they have absolutely no input. I did not see anywhere in the report where that was discussed."

Chip McQueeney said, "Right, and what I've kind of told people, at least internally, is we have the ability to do that if we like to. TRC, I don't like that we call it a Technical Review Committee because it makes it sound like it's a Committee. If you don't get Stormwater approval, the fact that zoning and the Fire Marshal and all of that vote in favor of Stormwater approval doesn't matter. The idea is to get everybody in the room that issues permits for the development, individual permits really, together to comment on the project. It's really more of a Technical Review staff as I look at it, and so, I also hear concerns about like FOIA requirements, and that, in my opinion, wouldn't apply outside of an Advisory Committee context. That's not to say you can't allow it to happen, and I know there has been some internal discussions about doing that."

Councilmember Gregorie said, "I'd like to hear some further discussions."

Mr. McQueeney said, "Absolutely. I'm not advocating for or against. I'm just letting you know the options."

Councilmember Gregorie said, "I know it takes a long time."

Ms. McKee said, "We hear you, and that's something that has come up. So, thank you for that, as well. I'll speed through the rest of them because I know that we have a chance of actually getting out at a reasonable time tonight."

There was laughter in the Chamber.

Mayor Tecklenburg said, "Well, what I was going to suggest maybe you take just one or two more, and then we schedule you to come back at the next meeting to do the rest of them."

Ms. McKee said, "Sure, that's fine, and this one I think you all know that the Employee Survey was really important and compensation was a big factor, with 69 percent of employees believing that their salaries did not reflect their work contributions. In 2019, you all approved that increase, which actually helped kind of stabilize our attrition rate, so thank you for that. I'll just

jump to, I had a lot of good stuff in here to highlight, but I will jump right to the last one, and I will come back with some additional input for you all. This was not a one-person effort. Susan Poteat was very involved too, but it was not a two-person effort either, so this was a very thoughtful, supportive, and collaborative effort between a lot of members of staff to accomplish all of these things.”

Councilmember Gregorie said, “I thought so too, Mr. Mayor, because I did go through the report, and there was another issue with regard to diversity. There was a lot of discussion with regard to diversity. But what I thought was missing is, there was no analysis of where people fall by race and ethnicity with regard to salary, positions, etcetera, etcetera. So, I thought it was kind of lacking in that area, and I think that there needs to be a little more spent on that area.”

Ms. McKee said, “Well, we are getting ready to do a follow-up survey, so this was actually done two years ago, the Employee Survey, so we’re actually planning to do another one this December. Is that right? Yes. In December, so we can actually talk about how we can collect information to let Novak do that. Obviously, we want them to hold the data because we want employees to respond and feel that their information is safe, right?”

Councilwoman Jackson said, “Could you also consult with the Chairman of the Women’s Commission, too?”

Ms. McKee said, “Absolutely.

Councilwoman Jackson said, “Yes. Great.”

Ms. McKee said, “Yes, those are great comments. Thank you.”

Councilwoman Jackson said, “Great. Thank you.”

Councilmember Moody said, “Tracy.”

Ms. McKee said, “Yes, sir.”

Councilmember Moody said, “The report has a lot of data and a lot of recommendations. Of all of those recommendations, what has been initiated today? On all of these recommendations, where are we on any kind of change in the implementation of this study?”

Ms. McKee said, “Yes. So, that was kind of really the purpose of this was to kind of walk you through some of those highlights of the things that have been done. We kind of just touched on some of the things with TRC, but we are putting all of those on the website, as well. So, we’ve listed all of the recommendations, the priority of those, and then where we are in getting those things implemented.”

Councilmember Moody said, “Has anything been implemented yet?”

Ms. McKee said, “Absolutely. Yes.”

Councilmember Moody said, “Do we have any results on the implementation?”

Mayor Tecklenburg said, “So, for example, most of her presentation was about TRC, and she started out with these accomplishments that have been accomplished.”

Ms. McKee said, “This isn’t comprehensive. I was trying to hit kind of the high points of the things that I thought have been most impactful.”

Councilmember Moody said, "Maybe it's too soon to tell, but I look at all of that stuff so, okay, we've got an administrator, a coordinator and everything. What I'm hearing is the TRC Committee, the process is still too long. Have we moved it back a day? Have we moved it back a week? Have we moved it back a month?"

Ms. McKee said, "We actually just implemented some kind of emergency review times based on the data that we've collected to try to mitigate the kind of backlog of TRC submittals to help us get caught up. Because we know that if we can't be reliable in our review times, it really just holds up everybody else and we know that, and we certainly don't want to do that. So, we've actually implemented some emergency review times to help dig us out of that hole, if you will."

Mayor Tecklenburg said, "Thank you. So, we'll come back next meeting with some more reports on the other tasks that the group has undertaken. It's really been a remarkable effort, a collaborative effort, and thank you, again, to Susan Poteat who's really on the ground leads a lot of this, but Amy Wharton and Tracy. They involve all of the departments that are interrelated on any different topic, and it has really resulted in a remarkable collaboration of our departments and department leaders, that I'll be honest with you, didn't exist when I was around as a Department Head 20 years ago. It really is a game changer. So, thank you."

Ms. McKee said, "Thank you."

Mayor Tecklenburg said, "Alright. So, next is our Council Committee Reports. Again, with you all's patience and acceptance, we'll move first to our Committee on Public Works and Utilities, Councilmember Waring."

Councilmember Waring said, "Thank you, Mr. Mayor. I want to thank my colleague, Councilmember Shahid, for allowing me to go in front. Thank you very much."

Councilmember Shahid said, "You're welcome."

Councilmember Waring said, "First up is Acceptances and Dedications A.(i) and (ii) passed unanimously, and I move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Shahid, City Council voted unanimously to approve the Acceptances and Dedications from the Committee on Public Works and Utilities Report:

- (i) Approval to notify SCDOT that the City intends to accept maintenance responsibility for 655 LF of sidewalk at US 17 and Dobbins Road (S-1684).
- (ii) Approval to notify SCDOT that the City intends to accept maintenance responsibility for Street trees, lighting and sidewalk on Ferguson Road (S-10-2038) in conjunction with the Bishop Gadsden Health Center Project.

Councilmember Waring said, "If you will allow, I will skip down from and come back to Item 2.b. and go to Miscellaneous 2.c.(ii), which is the ordinance to amend Stormwater Management and Flood Control."

Councilmember Griffin said, "Move for approval."

Councilmember Gregorie said, "Second."

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

No one asked to speak.

Councilmember Waring said, "I thought we would have some discussion. That's why I wanted to move it up."

Mayor Tecklenburg said, "Well, I would like to add a little discussion, if I may. So, this is on the fill requirements for new construction, correct?"

Councilmember Waring said, "Right. Yes."

Mayor Tecklenburg said, "Yes. So, yesterday at our Committee meeting, we had a robust discussion about this and about what the intent of the proposed ordinance was. Councilmember Griffin replied to me that his intent was to prevent the filling of wetlands, which is a great goal. I did want to share with Council, in terms of achieving that goal, that it's a little more complicated than passing this ordinance. The jurisdictional wetlands are under the authority of the U.S. Army Corp of Engineers, and so, we do impact their decision with comments. For example, the City provided comments to the Corp when there was a wetland application for the Harmony Project, and I don't know if we turned their opinion much on it, but we certainly stated our objections at that time. I think they will take into account policies of the City, such as our Stormwater Manual, but I did want to let you all know that we really need to establish those Stormwater Manual policies in order to further impact the Corp of Engineers decision making when it comes to filling wetlands. So, the other goal that I tried to elaborate or describe of when I think of fill and build is that, for example, you have a neighborhood that's about to be developed and has been described to us, mostly out on Johns Island, how a developer would come along and literally scrape off the top foot or two of the more natural earth covering of the property and then bring in a different kind of fill, and add more fill to it. So, with all due respect, this particular ordinance doesn't really prevent that from happening. It just says that if you bring a yard in, you've got to take a yard out. So, it doesn't necessarily mean that a guy couldn't scrape and take away and then bring in the same amount of fill. Now, we do have a requirement in the ordinance about the permeability, the absorption factors of the soil that they bring in admittedly, but it still wouldn't allow. As long as somebody removed as much as they brought in, it would still allow someone to build up the land, particularly for the footprint of a building. So, I just want to make everybody aware of that, that if we're trying to accomplish not allowing what I think of as fill and build to occur, we're going to have to dig a little deeper in order to accomplish that.

Now, there have been a few comments made here tonight about what's in the Dutch Dialogues and what's not. I would share with you that I don't believe the Dutch Dialogues process intended for this to be a blanket requirement across all of the City. I'll give you an example in just a moment, and that's why we chose four different areas for them to focus on. One being the Eastside of Charleston, one being the Medical District, one being the Church Basin, and one being Johns Island because they all have their own characteristics, and one size doesn't fit all. Each drainage basin has its own properties and its own characteristics. That's why, in our proposed Stormwater Manual that we got an update on also yesterday at your Committee meeting, we've come forward with the concept to designate special protection areas within our City. In fact, Johns Island is one of them. The Church Creek Drainage Basin is one of them. So,

we know there are known areas that have flooded, and these areas should be treated with special requirements and special care. That's why, outside of this, a year ago after some study of the Church Creek Drainage Basin, we put in a fill requirement that if you were to bring in a yard of fill that you had to take not just one, but 1.25 yards out, so that you not only compensate for what's coming in, but you provide more storage than what you had to begin with. So, in special areas, these kinds of requirements are absolutely needed, and that's why we put that requirement in place for the Church Creek. That's why we want to do it in other areas as coming forward with the Stormwater Manual, but there are some areas of the City where it's not appropriate, and I'll just give you an example.

We're now renovating Stoney Field. Well, that property had sunk, and we needed to compact it on down. So, if you go over there right now, there is a whole bunch of fill on Stoney Field, right? You all have seen it. So, when they remove the fill, they're not going to remove it all because the land has been compressed. Honestly, if this ordinance were to pass third reading as is, we would not be able to do what we're now doing at Stoney Field to correct that problem and compensate for it. So, what I would respectfully submit for first reading of this ordinance is to amend it to make it as strict as we did for Church Creek and say that if you bring in one cubic yard, that you've got to take out 1.25 cubic yards. It's worked over there already, and it can work in other places. The second amendment though, that I would respectfully offer, is that we make this applicable to known flooding areas as will be designated in our Stormwater Manual. We're calling them special protection areas, and yes, Johns Island would be one of those protection areas, but one size doesn't fit all. We need to be thoughtful about this so that we don't have unintended consequences when, in fact, in some areas compaction is needed or you're building a road, and you need some fill to make that happen. We don't want to disallow development in places that we want it to occur, which may require a little bit of fill, as long as their other drainage requirements are met. So, again, I would respectfully entertain an amendment to increase the removal to 1.25 as we've done in Church Creek and also to designate this ordinance to areas that we are calling special protection areas."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, a question, Mayor. As I read the draft, Mayor, a lot of what you have said is already there especially in b. and c. in particular, that you have to equal to or offset. Some of the same language that you are speaking appears in the ordinance already to me. Now, it doesn't get into specific areas, but the kind of exemptions I think you're kind of talking about, I think this captures it, at least my reading, c. and b. on fill requirements. I can read it if necessary. 'To the extent', no that's the one that puts the Storm Design Standards above this if necessary. In b. it says, 'The volume difference of the ground surface showing no increases calculated by', that's not it. 'Equal to', I read it somewhere, Mayor."

Councilmember Waring said, "While he deciphers, Mayor."

Mayor Tecklenburg said, "While you're looking at that."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you. Mr. Mayor, we did have a good bit of discussion on this at Stormwater. The Committee was actually divided 2 to 2 to move it and bring it forward to Council, and I broke the tie because I thought we should have that discussion. I said in that meeting, Mr. Mayor, that I am not for across the board either, but I think one thing this does is it accelerates the conversation to identify those areas quicker. I think, between a first and a second reading, this isn't something I think we need to stretch out with a Task Force for six months or

nine months or anything like that because of the Dutch Dialogues. Our drainage manual is rounding the curve, finally, towards completion certainly by year's end. Mr. Fountain, but I think our drainage manual would be updated within 60 days. Those nuances that you are talking about, I think it is imperative that we identify those special areas and not let them continue to be open for potential development and slide through because our process is a slow process, quite frankly. I think Councilmember Griffin has accelerated the process by bringing this forward for a full discussion on Council. That's why I asked to move it forward."

Mayor Tecklenburg said, "Right, and I concur with that."

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmembers Moody and Wagner.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I do appreciate, I sat in on the Public Works Committee yesterday just to hear how you all were going to kind of discuss this. I agree that it's appropriate to have it here at the full Council. Just listening between your question, Mr. Mayor, to Councilmember Griffin about what his intent was in doing this in this ordinance, and he said, 'To protect wetlands'. I think that your knowledge of wetlands is the correct term in terms of the actual use of the word 'wetlands' when they're part of the public conveyance that is then controlled by the Army Corp of Engineers for evaluation. I honestly don't think that Councilmember Griffin meant that kind of detailed definition of wetlands."

Councilmember Griffin said, "He was trying to trick me."

Councilwoman Jackson said, "No, he was not."

Councilmember Griffin said, "Yes, he was. He was trying to make me look stupid. I know what he was trying to do."

Councilwoman Jackson said, "I think you were meaning, by everything that I have heard you say about this opportunity, Councilmember Griffin, to follow the recommendations of the Dutch Dialogues is essentially describing in one word what we're trying to talk about now as special protection areas. So, I think we really just all need to get on the same level playing field. We are now elected officials in this season of the City's existence knowing what we know about water, knowing that we have to start to begin to live with water in that way of talking about it, and knowing that we have the expertise available to us. We've made ourselves available to that expertise over the last year, and we're talking about protecting the areas that are the most vulnerable and at risk of overdevelopment that uses the kind of construction technology we call fill and build. I really think that we just need to do our citizens a great favor and agree that we're all on this page together and we all want the same thing, to protect our City. I have no problem voting to pass this ordinance tonight. I do think it needs a lot of detailed evaluation and revision in making it more appropriate for the places that we know we really have to protect. So, however that happens, I think we should do that. I could also vote 'yes' for your amended ordinance, Mr. Mayor, because I think that also needs to have the tweaking and the drilling down, and the expertise that we know we have available to us. So, I think we should just do something. Also, I think that bringing this forward tonight is a grand and noble gesture, Councilmember Griffin, in terms of why we know we need to take the next action steps after the Dutch Dialogues. We use that Dutch Dialogues as a way to sort of take our own decision making time out, and the time has come. We have responsibilities that we now cannot say we don't know anything about. So, however we vote tonight, I think we should all vote 'yes' to keep moving this ball down the field and make our citizens at least glad that they have people who are responsive to our ability to learn by what is in front of us. So, thank you very much."

Councilmember Gregorie said, "Mr. Mayor."

Mayor Tecklenburg said, "Councilmember Moody, then Councilmember Wagner."

Councilmember Gregorie said, "I did yield."

Mayor Tecklenburg said, "You did yield."

Councilmember Gregorie said, "Yes."

Mayor Tecklenburg said, "You did read it. We'll go back to Councilmember Gregorie with everybody's indulgence."

Councilmember Gregorie said, "I think, and maybe I'm wrong, I think 27-150(a) addresses your issue."

Mayor Tecklenburg said, "No, sir, because--"

Councilmember Gregorie said, "To put a greater amount of existing soil exported from the site."

Mayor Tecklenburg said, "Volume of fill material imported onto a site shall be offset with an equal or greater, but it doesn't require a greater amount. It just requires an equal amount."

Councilmember Gregorie said, "Or."

Mayor Tecklenburg said, "Or greater."

Councilmember Gregorie said, "I'm just saying that's an easy fix."

Mayor Tecklenburg said, "That's right. I would like for it to be greater. I would like for it to be the same as what we did in Church Creek Basin."

Councilmember Gregorie said, "I think that within what we have here, you could tweak this real quick and address your issue."

Mayor Tecklenburg said, "That's right. Absolutely. It would be very easy to change."

Councilmember Gregorie said, "Okay."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. This whole issue to me is really too broad, too much involved, too complex to be settled tonight. What I want to do is, whatever we do is, that we don't do some kind of damage, or we don't do something that causes damage. I wanted our attorney because I want to understand exactly what this first reading will do because those of you that have been around know that I'm not a big moratorium person, and it feels to me like this is some kind of a moratorium just kind of shutting down everything. So, I want to know kind of what this pending doctrine, what impact that would have on a first reading or just exactly what this first reading would do?"

Susan Herdina said, "Pending doctrine ordinance would not apply to this ordinance because it's not a zoning ordinance, and the pending doctrine ordinance only applies to zoning

ordinances. So, if you give first reading to this ordinance, it is not going to go in effect. It doesn't impact any ongoing developments at this point in time."

Councilmember Moody said, "So, would it impact anything that's coming up that hadn't started?"

Ms. Herdina said, "The ordinance does not go into effect until it's ratified."

Councilmember Moody said, "So, it really has no effect on anything other than we've passed first reading. That was what I wanted to make sure that that was my understanding."

Ms. Herdina said, "That's correct."

Councilmember Moody said, "We are very close to getting our Stormwater Manual done. Is that not correct? I mean probably the middle of December. How close are we to having the Stormwater Manual done?"

Matt Fountain said, "So, we've received the majority of the comments. We have one firm left that's finalizing their comments. We should have those responded to, I would hope, within the next month or so. Then, yes, we would be looking at having a final presentation for Council in November to December timeframe."

Councilmember Moody said, "So, when we do the Stormwater Manual, this would probably go out the window anyway. Is that correct?"

Mr. Fountain said, "No. So, there are two different situations. You could conceivably pass--"

Councilmember Moody said, "These items wouldn't be incorporated into the Stormwater Manual?"

Mr. Fountain said, "So, the manual has an attempt to deal with the negative impacts of fill. This is a different methodology for dealing with fill. So, you could conceivably pass both things and have them both apply at the same time. The engineer would have to figure out a way to address both requirements. The intent of the manual has been to, again, account for the negative ecological impacts of fill with special protection areas with the volume-based requirement. There are a series of requirements for fill based on offsets and maximum slopes within the manual. So, from a staff position, we feel the manual accomplishes much of the intent behind protecting the City from flood impacts from development. I don't want to say that it is identical to what is proposed here. They are different things, and they do accomplish different things, but we feel comfortable from a staff level on where we are with the manual. That's the comments and the interaction we've had with that stakeholder Task Force is to try to figure out what methodology works for everyone."

Councilmember Moody said, "But we shouldn't be, I mean these two things ought to be compatible, the Stormwater Manual and whatever this ordinance says."

Mr. Fountain said, "So, again, with the manual, we had attempted to address all of this comprehensively through the manual. I just don't want to say that we addressed it the same way that the ordinance does."

Councilmember Moody said, "Well, I guess my question originates with the Dutch Dialogues. My reading of that, it calls for certain areas to, like I said from 0 to 6 you shouldn't be

doing anything in that. You shouldn't be filling it. Maybe you've built something, but you've got to build it up or whatever, but you probably shouldn't even be building in a 0 to 6, 6 to 10 maybe you can do something. Whether you fill or not, I guess that's where this comes in. If you're going to fill something, you've got to take more than a quarter out or something, I guess. But, we've got these different areas. This seems like something affixed for everything, and I just don't see that that's available or it doesn't make a lot of sense to me."

Mr. Fountain said, "So, the manual is not intended to be a land use planning document. The manual says, theoretically, you could develop anywhere. What it does is set expectations and requirements that are very aggressive for development in areas that have flooding issues, where it makes it either very expensive to try to develop that way, or it makes it where your density in things would be greatly reduced. There are methodologies you could do to develop there, but it is a very different looking development because we're trying to in the manual, again, address what the negative impacts of the fill rather than the fill itself are. The fill causes displacement of water storage. It causes, if you had impervious area, additional runoff. If you block up drainage flow paths, that's a big concern for ecology and for surrounding property owners. Then, obviously, there is the runoff from the fill itself onto the adjacent property owners and then the impacts of how the fill kind of, it's not the look, but it's the impact to the general stormwater for the region. Those things are all addressed in the manual by requirements of what you would have to do. Those requirements are much stricter in areas of known flooding than they are in areas where we know we have capacity, but there is capability in the manual to do fill. For instance, we've talked about it briefly in Public Works and Utilities and I'm going to give an example, but if you have a Master Planned community where the entire community is sort of the entire watershed area, and you're putting in fill in that community, in that watershed, but it's all been designed to all drain out successfully, you're not going to worsen flooding. There may be a different aspect from a land use plan on whether that is something you want to do. That's a different question that the manual doesn't address. But, from a stormwater perspective like that, fill wouldn't have a negative impact. So, it wouldn't be allowed within the manual. However, if you're in a low-lying area, and you're going to displace water at your neighbors or you're going to cause new water to enter the system that doesn't have capacity, or you're going to block up the ability for water to flow through your site, all of those things again are addressed in the manual. So, we try to, again, address the impacts of that fill rather than directly addressing the fill other than a few areas where we have maximum fill slopes and some offset buffers."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Thank you. We've been all around everything but this ordinance for about 10 to 15 minutes now. I don't know how we're going or how we got to all of where we are. Let me read you a. because there is a whole bunch of folks out there wondering, 'what in the name of God are they talking about,' because I'm about to worry about what we're talking about. This a. says, 'On 0 net fill', I don't mind 0 plus 25 percent, as you had mentioned, 'on all new construction developments or redevelopments required by the standard building code to conform to requirements for new buildings. The volume of fill material imported onto a site shall be offset with an equal or greater amount of existing soil exporting from the site in accordance with applicable local, State, and Federal regulations such as there is no net fill.' That's what we're talking about. 'The soil characteristics of any fill material imported onto the site shall be composed of granular soil wells which promote infiltration and reduce runoff with an infiltration rate of .3 inch per hour or greater is verified by infiltration testing results.' It has to perk just a little bit. That's what that says. Nothing greater than that. If you take it out, you replace it with something that

will perk. Sand, people have been doing that for years to get their septic tanks approved. Digging holes and putting a whole bunch of sand and stuff in it and then re-perk it. So, the only real thing that I saw, and I brought this out like you said, one size doesn't fit all, but one size starts the process because c. says, 'If there is any inconsistency between the requirements of this section's formidable Design Standards Manual, as amended from time to time or any other law, regulation, article, ordinance, the more restrictive revisions shall prevail.' Matt just told us there is not going to be any really restrictive stuff in there. So, this is the beginning of anything that we are going to do in the future based on the Stormwater Management or the Dutch Dialogues. It's not one size fits all. It's a start, and as I read this and we have, at a minimum, I would use the word somewhat contentious discussions on Johns Island. I would worry, and I would make an amendment to it, too, and let me tell you why. When you're talking fill, when you're building say a subdivision, the number one item that is filled are the road beds. Now, why would your road bed have to perk? It's covered, so that would have to be the primary exception to this. If I dig it out of my front yard and I'm building the road in my backyard, I don't know why I would have to take it off site and then turn around and bring it back. That makes no sense. So, we would have to put that one little caveat in there. So, I think we ought to just vote first reading and do like we've done in the past, make our adjustments and bring them back at second reading. We've done it time and again in this Chamber, and I don't see where it's going to hurt anything. If we're not going to take but half of the dirt out and put the rest on the road, two-thirds of it on the road, it should not affect anything except the cost of doing business when the development is built. We could possibly tweak the perk rate, how we verify that, because it is such a nominal amount. So, that's just my thought. I'm ready to vote on it. I'd like to do that."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I want to apologize because sometimes I get a little bit frustrated, and I show a little too much emotion, but honestly it's just because I care so deeply about this. This is a situation, I think, where we're making a decision that's going to impact our City for generations tonight just by having this discussion. We can go all the way back from years and years past. I was looking at the 1984 Master Drainage Study last weekend. All of the projects that we're just now starting now were on the books then. It's taken us 35, 40 years to get the ball rolling. Here we have an opportunity tonight to have a document that was put in front of us a couple of weeks ago, and we're already discussing it. It's just something that our City has never done. We've always been reactive. We've never been proactive. So, this is a great opportunity. But, I was a little bit alarmed and startled last night when we basically had to have the Chairman break a tie, or else we probably wouldn't have this discussion tonight either, or we might not have even had a vote. So, the person who voted against it last night didn't want to have the public comment period today, didn't want to have this discussion today. To start trying to make amendments and say he supports it, it's a little bit two-faced for me.

I think that we should all take a step back. We've all looked at this now, and we're going to have a good discussion and really think about it for the next week and come back here next time with some revisions. I think all of us have something we want to bring up. Anybody around this table that knows me and talks to me, they know that all I was trying to do was get something on the books, so that we could have this discussion. I didn't expect this to be the end all be all because Charleston is a pocket of communities, and there is a reason why the Dutch came and studied four different areas. I agree with all of that. I think our Stormwater Manual is going accomplish a lot, but I do think that we should have a specific section of our Code that touches on fill because fill development has killed this City for years. It really has. I can name a few

examples, but the one that sticks out to me the most is the last phase of Carolina Bay on Henry Tecklenburg. Watching truck after truck and truck come in, bring in fill dirt, and now if you drive down Henry Tecklenburg Drive and near the hospital, if you look up, this development over here is way up higher than the road, and that road is an access point to a hospital. That's a problem. We have problems on Johns Island and Church Creek, specifically, that are both mentioned in this report.

I'm going to read just a couple of very short sections, if you all don't mind, just because we heard tonight, 'Hey, maybe I didn't get it right', or 'Maybe I misread this or misread that'. I want everybody in the audience to be the judge. So, I'm going to read one passage, one little short paragraph, from the overall recommendations, and then I'm going to read one small passage from Church Creek and from Johns Island because at the end of the day, those are the last undeveloped acres of Charleston. We have a few, I think, Laurel Island, they're having to put a lot of fill dirt on there to make that work. Pretty much any undeveloped section of Charleston, you could say the majority, probably has some sort of wet characteristic to it. My district specifically, Shadowmoss, the neighborhood that I live in currently, they actually advertised for a marina when it was built in the '70s. So, we've got some issues long ago that we're just now facing. Just like we had several drainage projects back in the early '80s that we should've been addressing then that we're just now addressing. We're in a tough spot. Anybody could admit that. Us around this table, we've got a tough job because for years it almost seems like we just sort of rested on our laurels and everything was good. Hugo hit, we rebounded. It probably could have been a good time then to work on some of those projects, but we didn't, so here we are today.

But just one of the overall recommendations and even if you want to not take the word 'eliminate' into consideration what I read, please just listen to these. Page 43: 'Overall Recommendations: 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 performances of these areas.' Now, that is going to be brought up again here in a minute on Johns Island, but it's also going to be mentioned in Church Creek. So, here we are with an idea that is mentioned in two of the four categories and could be mentioned on the Peninsula, as well. Here is Johns Island. This is very important. 'Elevation Zones: The team identified four planning or safety zones: Wet, ecological, transition, or community.' Here is the wet zone. 'We recommend prohibiting future development in the wet zone. The ecological zone exists from six to ten feet above the MSL.' Then, if you turn to the next page, page 80. 'The transition zone is between elevation ten to fifteen feet.' Now, here is some of the bold print on page 80. 'The ecological zone carries substantial flood risk and can expect to get wet in a 100-year storm. In the transition zone, now this is ten to fifteen feet, 'Development is possible including clustered elevated homes. Development here must respect the dynamic nature of the landscape with fluctuating water levels and sufficient maintained overland drainage channels and the need for tailored flood risk reduction strategies. Fill should be used sparingly primarily for road construction or to elevate only certain homes.' So, even there we're saying one size doesn't fit all, but there is a large area of Johns Island that fill should not be allowed. We're talking there that's the transition zone, that's a third of the four zones. It even says in the ecological zone that, 'Only limited and adapted development should occur, such as low density pile elevated Single-Family homes.'

So, that's Johns Island, but then if we flip over to Church Creek, page 116, one of the first three recommendations, 'Protect and sustain intertidal zones. Eliminate', and here we are using the word 'eliminate' in Church Creek. We just heard upstairs from the realtor that it's not used in any section other than Johns Island, but here it is again in Church Creek, 'Eliminate or

substantially reduce the placement of fill or other structures that impair the performance of the intertidal marsh and upland creek systems. Do not further reduce their ability to shrink and enlarge with varying water levels. These systems, if unimpeded, naturally accrete and deposit organic material sediments which yield storm surge mitigation and adaption to sea-level rise.' I'm no engineer, but I can read, and to me, that says reduce fill, and it says it in two of the most devastated areas of Charleston. Johns Island and Church Creek have been hit hard three of the last five years, and it could have easily been five out of five if the stormwater turned. The Peninsula would have been devastated, too. We're working on things on the Peninsula. We just approved over \$10 million for the Low Battery Wall. There are great recommendations in here for the Peninsula, as well, but I had to find something that I could bring to this Council and say, 'Guys, we've got to talk about this', because it is not right. I think back to those first few homes that I knocked on when I ran for office for the first time. I was nervous. I was afraid that somebody was going to come shut the door on my face and say, 'Get off my porch. What do you know you little young kid?' But, when they opened their door, and they gave me five minutes, I told them I'd protect them. I told them I'd protect them, their kids, their neighbors, and in the grand scheme of things, I've got to think about the future generations of the City and these neighborhoods are going to go away. These people are going to pack up and leave. We don't need to be worried about whether or not we can fit 10 billion into this City. We don't need to be focused on increasing the tax base right now. We've got a 140,000 people that, oh by the way, are footing the bill on all of these drainage projects, and they need to be supported and protected right now. So, I would ask that you give first reading to this, and let's all get together and figure out how we can make this the best document that this City's ever seen. Thank you."

Mayor Tecklenburg recognized Councilwoman Jackson followed by Councilmember Shahid.

Councilwoman Jackson said, "Thank you, Mayor. Thank you, Councilmember Griffin. As I thanked you two weeks ago, I do appreciate that you have put a sense of timeliness and action packed decision-making to a cause that, like you when I was elected two years ago, I didn't really appreciate the depth and the breath of how this challenge was going to define our time in office. So, I have poured myself out and tried to learn as much as I possibly can from every avenue of expertise that, thankfully, exists very noticeably in our City. We have amazing resources with the sea grant, NOAA, the Charleston Resilience Network, of the civil engineering firms that are sending their employees to learn the state of the art way of calculating all of these complicated things that Matt does so well to put into actual friendly English language. I think that one of the things that this momentum is going to bring to us, and I will happily vote for whatever first reading document we end up putting on our agenda right this minute. But, Matt said the phrase, and I think what your question was getting at, Councilmember Moody, was the fact that even this ordinance, if we left it as sort of the one size fits all Citywide document, that now we're saying to ourselves probably needs to be adjusted to be more protective of the special protection areas and all of that, but regardless this would be part of our building code, essentially our site permitting code, not a zoning ordinance. What we're really talking about here ultimately, to protect your future generations, Councilmember Griffin, and my grandson, are land use changes that we know we have to be looking at. So, I think this is another great momentum building jumping off the place, but to be fair to the building industry and the property owners, we are going to have to start talking about getting the road map. When a potential buyer comes into our region, the first thing they do is, if they're smart, they talk to people in the Planning world. They look at the future land use map, and they look at the Zoning Code, and they look at the comprehensive planning that we've put on top of that. That's what gives them the either go, no go, red light, green light, yellow light decision-making that any smart developer would go through in order to decide that they're going to put a contract on a piece of land. Then, they do the due diligence for stormwater

opportunities and all of the other constraints that that particular property might put into the mix of whether they're going to buy the property or not. We don't want to be known as a community that gets a developer sucked in here not knowing that when they buy a piece of property we're going to say, 'It's in a wet zone, you can't build there. It's in an ecological zone, you can't build except with a certain building technology.' We have to be upfront as a community because that's how we're going to be known as strong and fair and dynamic and future oriented. So, I think what we do tonight is a great start, and we're going to need to change this document so that it really does work for the building community and work for the people that we're pledged to help protect their particular special flood hazard areas, but we're not done. So, come back in 2020, and let's start talking about the Master Plan and the land use that we know we all have to be shepherding through in the year ahead."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor, members of Council, and Madam Clerk. I want to be very clear about this, and I want this to be well spoken and for everybody understand my position. I am not opposed to a fill and build restriction, and I want everybody to understand that. Now, I'll state it a 100 times if I need to, but I am not opposed to a restriction on fill and build. Now, I've sat on this Committee with Councilmember White and Councilwoman Jackson on the revisions to the Stormwater Manual and for anybody to make an accusation that I didn't want this to be discussed is inaccurate because I know that this Stormwater Manual is coming before us in very short order and Matt just mentioned to us coming in November. This fill and build restriction is included and incorporated in those revisions to that manual, and this is the problem with how these processes work. Councilmember Moody hit the nail right on the head with this. We've got to avoid causing damage to what we want to do with this thing because this is important and as, Councilmember Griffin, you have pointed out, those particular areas that need special attention and special love and special care where this was going to apply like in Church Creek and other areas like on Johns Island and this restriction. I disagree with Mr. Fountain on one thing. The Stormwater Manual is going to be restrictive, and I think it's going to be highly restrictive. So, I want this to be discussed. I want this to come before everybody. We've had these discussions with the folks who are engaged into this process, including the engineers who have wrestled with this thing. We don't want to create two different standards. That's my concern with this because I think that if we pass this ordinance as written and don't make the amendments that have been discussed around this Chamber today, and then we have a Stormwater Manual that is in opposition to that, we're going to create more of a problem that we are trying to avoid. We need to have this restriction on fill and build. I agree with that 100 percent, but let's just be careful and surgical on how we apply it and where we apply it to make sure that we're doing the things that we want to do. We're protecting our land, we're protecting our community, and to do the things that we're intending to do with this restriction, but I am not opposed to build and fill."

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

Councilmember Gregorie said, "Yes, Mayor."

Mayor Tecklenburg said, "You've already been heard. Someone who hasn't been heard yet."

Mayor Tecklenburg recognized Councilmember Mitchell followed by Councilmember Lewis.

Councilmember Lewis said, "I think our attorney is steering us well. Whatever we do tonight--"

The Clerk said, "Councilmember."

Councilmember Lewis said, "Excuse me, I'm getting like Councilmember Gregorie."

There was laughter in the Chamber.

Mayor Tecklenburg said, "I did recognize Councilmember Mitchell first."

Councilmember Lewis said, "You did? Excuse me. I thought you said Lewis. Go ahead."

Mayor Tecklenburg said, "He may defer to you."

Councilmember Mitchell said, "Go ahead."

Mayor Tecklenburg said, "You're our senior member. He may defer to you."

Councilmember Lewis said, "Yes, go ahead."

Mayor Tecklenburg said, "Yes. You're our senior member. He's deferring to you."

Councilmember Lewis said, "I certainly agree with our attorney. Whatever we do here tonight will not take any effect on any property owners or any building permits that have been issued or will be issued in the future, but we have to start somewhere. I think this is a good way to start. It's not an ordinance and will not be an ordinance. We just need to make some revisions to what we have, and see what we could work with. We have done it before, and I think, with the heads around this table, we could do it. We could sit here and talk another ten hours, but we probably won't get anything done tonight. Let's come back with some suggestions."

Mayor Tecklenburg said, "We wanted to have a thorough conversation about it. That's what we're doing."

Councilmember Lewis said, "Thank you."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes. Councilmember Lewis spoke before I did, and said some of the things I was going to say, but I sat here and I was thinking, 'I must have gone to the wrong school or something. The school I went to New York University must have taught me something differently.' I don't know, but we sit around this table, and everybody is talking and saying the same thing over and over and over again. To you, my colleagues, why? If we hear something before, why are we going to go back and say the same thing somebody else is saying, and just repeating, repeating, and repeating? I think we have more education than that. We sat here, and we're talking about giving it first reading. If we give it first reading, we said we have to critique it and then do some other things with it. It's not something that's being approved tonight. So, we can sit here and sit here and talk, talk, talk all night long. This one talks, that one talks. What are we solving? Not a thing. So, let's go on and vote give it first reading. Let's work on it, get it right, and move on. People are watching us on this YouTube or whatever and saying, 'They are a bunch of clowns sitting up there. They're just going around saying the same thing over and over again.' Nobody is making a decision, and I'm sitting here just looking, looking, and looking. I said, my education went down the drain. That's why I don't ever really say anything because I hear the same thing over and over again. I don't want to repeat the same thing over and over again. I just listen, but we have to move on."

Councilmember Griffin said, "Call the question."

Councilmember Mitchell said, "Let's call for the question, and let's move on."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Briefly, for those listening to us debate this, if you actually go look at this ordinance there are seven paragraphs in the introductory portion of it that say 'whereas' which is sort of the set up for the punchline, right? There is one paragraph with technical requirements. I just want to read, and I actually had tagged the same pages that Councilmember Griffin did from the Dutch Dialogues, but just to go back to the 'whereas' to sort of bolster that. There are two paragraphs, I think, that are important for people in here to know sort of what the set up for this was, not just a Councilmember bringing this forward, but some things that went along with this. One, 'Whereas, the City is recently engaged in a series of public meetings', lots of them, 'focus groups, and consulting sessions with civic leaders, stakeholders, flooding experts known as the Dutch Dialogues to research, explore, design and propose integrated ways to mitigate and adopt to flood conditions affecting the City.' That's a big statement and it talks about us doing a whole bunch of stuff. Secondly, 'Whereas the Dutch Dialogue sessions included significant discussion on the negative impacts of fill', which you've heard about tonight in their report, 'which resulted in an overall recommendation in the Dutch Dialogues Charleston's Final Report for the City to adopt measures to reduce the negative impacts of fill.' That's almost correct. What it really did is it resulted in a series of recommendations to adopt a series of measures to reduce the impacts of fill. So, the 'whereas' is great, and I think we talked about this today. This is really more of a proclamation than it is an ordinance. It's a proclamation that we've received this information, and we spent an enormous amount of time on it. There is a series of recommendations in there that we need to take to heart. We need to identify those. Johns Island was a distinct area where they actually identified different zones based on location, geography, and elevation. It's complicated. There is no one size fits all. So, whatever we give a reading to tonight is a proclamation that we have taken the Dutch Dialogues, we've accepted that now we have a challenge to go and adopt into our codes, our building codes, and our planning things that take into consideration including fill and all of that, but we need to integrate it. We haven't heard from Mr. Lindsey tonight, and he is our Planning Director. We need to get him involved. So, I don't really know where this goes forward, but I do believe whatever the vote is tonight, and it seems that it's going to be positive, read the first 'whereas' sections of this ordinance which is essentially a proclamation that says the Dutch Dialogues hit it, got it right. Let's go and implement it in a way that not one size fits all in the City, a number of sizes fits all. Look, everyone here came tonight to speak that we have to do something. They're right. We have to do something. The Dutch have set the road map. This is a start, a proclamation, not an end, and that's where we're heading with this. We just can't forget it and put it on the shelf. Whatever happens tonight, the work starts tonight on all of this."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Right. I view the 'whereas's' as the preamble to the ordinance. That is an ordinance. It's a preamble. This is not a proclamation. Secondly, I think that staff has done an unbelievable job on the ordinance portion of this piece because we have outs. It's flexible enough for us to implement in such a way to address much of what we've said here. I'm ready to vote. Staff did a great job on crafting it. I thank Legal for it, but the 'whereas's' is a preamble. There is an ordinance here."

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

Councilmember Shahid said, "Call the question."

Councilmember Griffin said, "Well, I just wanted to say, I wanted to make the motion as I made it without the amendments."

Councilmember Gregorie said, "I seconded."

Mayor Tecklenburg said, "Right. I don't think the amendments ever got made."

Councilmember Griffin said, "You did. You made them, and I'm saying I don't want them."

Mayor Tecklenburg said, "No, I entertained an amendment and no one--"

Councilmember Griffin said, "I would have to agree with that, and I don't agree."

Mayor Tecklenburg said, "That is correct and you were never asked to agree because no one made the amendment."

Councilmember Shahid said, "Call for the question, Mr. Mayor."

On a motion of Councilmember Griffin, seconded by Councilmember Gregorie, City Council voted unanimously to approve Item 2.b.(ii) of the Public Works and Utilities Committee Report and gave first reading to the following bill:

An ordinance to amend Chapter 27, Stormwater Management and Flood Control, of the Code of the City of Charleston, to add a new Article IV to provide fill requirements for all new construction, developments, and redevelopments within the City.

Mayor Tecklenburg said, "Alright."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg said, "Continue with your report."

Councilmember Gregorie was excused from the meeting at 7:32 p.m.

Councilmember Waring said, "Thank you, Mr. Mayor. I hope you all think that discussion was worth being held and wasn't ended at the Public Works Committee meeting because all of you were deserving of being heard. Mr. Mayor, I'm going to step off and let the Vice-Chair take the meeting from here, the report on Carolina Waste. Obviously, go back up to 2.b. and go through, and I appreciate you all letting me leave the meeting a little bit early. Thank you."

Mayor Tecklenburg said, "Yes, sir. I hope you have a good evening."

Councilmember Waring said, "Thank you."

Councilmember Waring was excused from the meeting at 7:35 p.m.

Councilmember Griffin said, "Mr. Mayor, since we had an elongated version of b. last time around, we get the CliffsNotes version this time. So, at your pleasure, if Mr. Fountain wants to come up and give maybe a two-minute report, two minutes, because we really didn't talk about b. that much. We had pretty much already gotten through everything."

Mr. Fountain said, "Thank you. So, again, very, very briefly, we had the two National Fish and Wildlife Foundation Emergency Coastal Resilience Fund Grant Applications, which were

voted on previously. That's the application in the Church Creek area to do a renaturalization project for flood storage and resiliency, and then the Planning Grant Application in Johns Island to evaluate areas where we could basically do restoration projects or do preservation projects to improve stormwater in that basin, as well. We, then, had the two Low Battery Project awards, Items 2.b.(iii) and (iv). That was for the contract to Gulf Stream for the actual construction of the Low Battery, as well as the Professional Services Amendment for the Construction Phase Professional Services for JMT. We also had the West Ashley Circle Connector Road. That's the connector road, again, between Grand Oaks Boulevard and the West Ashley Circle for design by Kimley Horn and Associates. We've just briefly touched on the Stormwater Fee saying that Ms. Wharton is continuing to work with CWS on developing a plan for a Fee Assistance Program. We did touch upon the Stormwater Design Standards Manual Update, specifically talking about some of the fill requirements and how that interacts with the manual."

Councilmember Griffin said, "Thank you so much."

Mr. Fountain said, "Appreciate it."

Councilmember Griffin said, "Then, we had a quick report on Carolina Waste. We only touched on it briefly because the Superintendent Matt Alltop was out. He'll be back for our next meeting. We talked about some of the service issues that we've been having and will continue that discussion at the next meeting. All the items under b. and c.(i) were for information only, and I would ask for the adoption of the report. I'd move for that."

Councilmember Shahid said, "So moved."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to speak.

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

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

a. Acceptances and Dedications:

- (i) Approval to notify SCDOT that the City intends to accept maintenance responsibility for 655 LF of sidewalk at US 17 and Dobbins Road (S-1684).
- (ii) Approval to notify SCDOT that the City intends to accept maintenance responsibility for Street trees, lighting and sidewalk on Ferguson Road (S-10-2038) in conjunction with the Bishop Gadsden Health Center Project.

b. Stormwater Management Department Update

- (i) National Fish and Wildlife Foundation Emergency Coastal Resilience Fund 2019 Implementation Grant Application for Church Creek/Longbranch Conservation/Renaturalization Project to provide Flood Stage Storage to Improve Flood Resiliency
- (ii) National Fish and Wildlife Foundation Emergency Coastal Resilience Fund 2019 Planning Grant Application for Evaluation of Johns Island Areas for Conservation/Renaturalization Projects to Improve Flood Resiliency

- (iii) Low Battery Seawall Repairs Construction Contract Phase I – Award to Gulf Stream Construction Company Inc., for \$10,930,451.00
- (iv) Low Battery Seawall Repairs Professional Services Contract Amendment #5 with Johnson, Mirmiran, and Thompson for \$591,025.80 for construction phase services.
- (v) West Ashley Circle Connector Road Professional Services Contract Award to Kimley Horn and Associates, Inc. for \$79,850.00
- (vi) Stormwater Fee – Assistance Program Discussion
- (viii) Stormwater Design Standards Manual Update Discussion

c. Miscellaneous Business:

- (i) Report on Carolina Waste Contract

Mayor Tecklenburg said, “Now, we’ll step back to Committee on Public Safety, Councilmember Shahid.”

Councilmember Shahid said, “Thank you, Mr. Mayor. I’ll try to go through this as quickly as we possibly can. We received a report from Amy Barch on the Turning Leaf Program. Currently, there are 55 men in her program. Fifty are City of Charleston employees. She has a re-incarceration rate of only seven percent and a re-arrest rate of only 22 percent. We then moved on to a report from Ms. Cofield, who is the Court Director for our Municipal Court. All three of our Municipal Court Judges were present, Judges Morrison, Molony, and Flores. Then, let me get to the meat of this report, which is somewhat stark and alarming what I’m about to report to you. While they gave us an overall review of how the Municipal Court is operating and some of the nuances of that, the main part of this was as of August of 2019, there are 542 pending jury trial cases, which also includes an additional 167 DUI trials pending. So, in other words, if we tried a case a week, it would take us ten years to get rid of all of those jury trial requests. We have requested that they come back in 30 days with a report with specific proposals on how to reduce that number of jury trials that are pending. They are stemming from arrests that occurred back in 2016. That’s three years’ worth of arrests. That number I gave you takes into consideration there are no new arrests and no new jury trial requests. So, we hope to get a report back from them within 30 days of that.

We did not receive a report on the racial bias audit, and we did not take up Item K.1.d. on an ordinance to amend the responsibilities. Those will be deferred until our next meeting. We did vote on Item K.1.e., which is an ordinance that Ms. Zimmerman had discussed earlier about reporting. She has recommended that we change the language of that to the driver of a vehicle involved in a collision or crash as opposed to accident, but we did report that to be approved by Council. So, I would make the recommendation that we approve the amendment on Item K.1.e. under Chapter 19, Section 71.”

Councilmember Lewis said, “Second.”

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

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, “Thank you, Mr. Mayor. Just for fellow Councilmembers to know, that meeting with the Clerk of Court and Judges lasted almost two hours. We were there

on a Friday afternoon, and they gave us a report. It was the first report we had ever received as a Committee or in City Council from the Clerk of our Municipal Court since 1991, and they were happy to be there. They weren't coming there reluctantly. They had things to tell us, and the message was loud and clear that they need help. They've got some issues over there. As you know, Mr. Mayor, and this is not new, it's something I've talked about for ten years, and I'm going to continue to talk about it particularly following this meeting. We need to have some outlet at the City, not to call balls and strikes in the City Court, but to oversee the administration of it and give them the help they need. We need a Committee, and I think that's one of the things that will probably come from our 30-day report going forward. The idea that there is 167 that are DUI cases, not all cases that are backlogged on the jury trial docket could take ten years to clear. That should be alarming to all of us and our citizens too. I think everybody left there with a takeaway that we need to do something, and this Council is going to have to get involved. So, I want to thank the Chairman for having the meeting. I want to thank the Clerk and her staff for coming and giving us a very comprehensive PowerPoint report. If you haven't seen it, take a look at it. It really goes through the numbers. The cases that run through there are massive, and we need to help not hinder, to help keep an eye on what goes on over there so we can give them the resources they need to succeed. Every arrest that the Chief's team makes of someone who has violated the Code of Ordinances in the City of Charleston. If those cases doesn't go anywhere, by virtue of the fact, that time goes by, years and years, and it is essentially time that has been not well spent by our Police Force. They are in the law enforcement business, and it's a cooperative effort that doesn't end with the police. It starts the process, and we've now found out that that process is hitting a dead stop and not going through the system where it should. That was, to me, eye opening, and that's a kind way of putting it so I look forward to that 30-day report. Thank you, Chief, for your input. The Chief gave some very pointed remarks, and I think they were well made and totally appropriate. So, let's keep an eye on it. That's our job. I thank Corporation Counsel, too, she was in there, and she explained some of these challenges that they've got there, too. There are challenges, and our job is to make sure we help them meet those, so, thank you."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you. Councilmember Seekings, I have no knowledge of everything that you were just talking about, so thank you to the Chairman for bringing the representatives of the Court, so that you could hear how we need to be making improvements. I'm wondering when you put forward the ordinance to amend Chapter 19, Councilmember Shahid, are you saying we should change the accident language to crash and collision?"

Councilmember Shahid said, "Yes, I think that probably would be fine with me if we want to do that."

Councilwoman Jackson said, "I would totally agree with that."

Mayor Tecklenburg said, "You want to just add them? Have it still say accident, crash, or collision?"

Councilmember Shahid said, "That would be fine, it would help to clarify it a little bit."

Ms. Herdina said, "I would like the opportunity for Legal Counsel to review that, because the language on accident actually comes from the State law, and I want to make sure that we are not somehow contradicting the State law by changing the language that was suggested. So, if we could just defer--"

Councilmember Shahid said, "Can we just give it a first reading?"

Ms. Herdina said, "We'll give it first reading, and we'll come back on second reading."

Councilmember Shahid said, "Let's just keep it as is for first reading, and we can come back and change it."

Ms. Herdina said, "Yes, sir."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Lewis said, "Are we going to change the word 'accident'?"

Councilmember Moody said, "Yes, I was wondering on this--"

Ms. Herdina said, "Keep it as the word 'accident'."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "In this ordinance, it says or other property. If you run over a garbage can, does that mean you're supposed to report that, or who is supposed to report it?"

Councilmember Shahid said, "The person who ran over it."

Councilmember Moody said, "Huh?"

Councilmember Shahid said, "The person who did it. The driver of the car."

Mayor Tecklenburg said, "If there is injury or death of a person--"

Councilmember Moody said, "I'm trying to figure out what the problem--"

Mayor Tecklenburg said, "Yes. If you hurt a trash can, you don't have to report it."

Councilmember Griffin said, "In this instance, it would--"

Councilwoman Jackson said, "Yes, or other property damage."

Councilmember Moody said, "It says other property damage and if you're dead, are you supposed to report it, too? I'm just trying to figure out what the problem is? What are we trying to solve?"

Councilmember Shahid said, "The problem was the pedicab that was hit. The pedicab did not fit the State statute or our ordinance that it had to be a report. The person was able to essentially have a hit and run without consequence, and that was a problem, and that person could have been seriously injured."

Councilmember Moody said, "So, the problem in this particular case then with the pedicab, it was a hit and run, and that's not--"

Councilmember Shahid said, "Not covered by the way it's written now."

Councilmember Moody said, "A hit and run is not a crime?"

Councilmember Shahid said, "Well, because of the way that the ordinance is currently written, it did not cover a pedicab."

Councilmember Moody said, "So, the person that hit the cab is required to report it?"

Councilmember Shahid said, "The idea is in a collision that something happens, somebody either violated a stoplight or they were speeding or maybe they were under the influence, we don't know. So, if they have a collision and cause harm or damage to anybody, if you want them to stop and make a report about it, so you can investigate what transpired. So, in the event the person was under the influence, that could latch up the offense level to what they may be held responsible for. If they have no obligation to report, they can just get off scot free, and that's the problem."

Councilmember Moody said, "I was just trying to understand what the problem was."

Mayor Tecklenburg recognized Councilmember Griffin followed by Councilmember Lewis.

Councilmember Griffin said, "Technically the way it's written, if I back out of my driveway, and I bump my neighbor's trash can, I have to call the COPS or else I'm breaking the law. We've got to have some sort of common sense to this thing to make sure."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I think we're dealing with two different things here. One rule gives the City the authority to write ordinances. As long as our ordinance doesn't supersede the State law, then we are within our rights. So, is this superseding whatever the State statute says because we can't go over the State statute? If the State statute says you have to or don't have to report it, that's my question. I don't have a problem with it. We need to report things when it happens."

Janie Borden said, "I just wanted to point out one thing quickly to the Council, and that is this is an exact duplication of the State law. This law already exists. By the City adopting this ordinance, what it would allow the City to do is to write a Municipal Code violation. So, it would expedite and allow the City to address these situations without having to go through the State law. We could just do it on a Municipal level, so that would be the need for that."

Councilmember Moody said, "Well, could someone then, in this particular case, could they bring a charge under State law?"

Ms. Borden said, "Yes."

Councilmember Moody said, "That would have been the solution to what we were doing here."

Steve Ruemelin said, "I have to clarify that, the problem we ran into with the State statute was that, a pedicab does not meet the definition of a vehicle and therefore unless there was an injury to the pedicab driver, the State statute did not require that you immediately stop and report it, so, what we've done is we've closed that loophole. As to the point of whether hitting a garbage can on the way out of your driveway, that would not apply to this. You still have to report that within 24 hours, damage to property, but this talk about a vehicle driven or attended by a person or other device driven or attended by a person. So, it's only if you hit a car, a bike, a moped, anything of that sort, so it doesn't apply to hitting a tree or a garbage can or anything else."

Councilmember Griffin said, "Okay. Thank you."

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

Councilmember Shahid said, "I don't know if the Chief wanted to weigh in on anything."

Councilmember Moody said, "Are we going to defer it?"

Mayor Tecklenburg said, "No, I think we're going to pass it as is. They're going to look at any ramifications of editing the words and come back before second reading."

Councilmember Seekings said, "But we're going to leave accident in there, right? We're just going to add."

Mayor Tecklenburg said, "We're going to leave accident in there."

Ms. Herdina said, "We're going to leave it as is for first reading."

Councilmember Seekings said, "Yes."

Mayor Tecklenburg said, "Right."

Mayor Tecklenburg recognized Chief Luther Reynolds.

Chief Reynolds said, "I would just kind of repeat what's already been said. Councilmember Seekings, I think, articulated, we have people in our community who are dying from impaired driving, collisions. There is a lot we can do about it, there is a lot we are doing about it, and there is a lot more we're going to be doing about it. Impaired driving is a significant problem in this Country, this State, and in particular, in our City. We are investing a lot in our police officers, in car video cameras, bubble data computers, training, etcetera, etcetera, etcetera. A lot of time is tied up in this type of enforcement. A lot of time is tied up in administrative hearings and Court hearings and continuances. What we heard in this meeting surprised me in a way that the backup is significant, the way that the laws are written, the legislature here, anybody can do a jury demand, and we're not following up on those cases. When you look at the fact that it was stated it could take a week to prepare for and prosecute a DWI case, if there are 167 pending, and that's of 544 total, but just the DWI cases, there are 52 weeks in a year. That's more than three years just to do the existing cases if you did one every week. So, it's a problem because those same people are on our roadways. Some of them have multiple prior convictions, some of them are on our roadways. We just had a snafu at the General Sessions Court level, which is a separate issue but the young girl, Selma, who was killed, who was visiting here with her family from Denmark, at Rutledge and Calhoun on the sidewalk with her family members. His trial is pending. It may still take a couple of years to hear that case. He was out and had certain restrictions as part of that and was doing cocaine and other things and violated and was out for six months. Now, that person is back in jail. I only use that as an example because we have to pay attention to these issues. It was a very revealing meeting. There is, I think, a 30-day follow up. I'm interested, I know the Mayor, I know the Council is interested in seeing what those recommendations are. We have to do better. It's a significant problem that affects our community and the safety of our communities, and we've got to do a lot better."

Mayor Tecklenburg said, "Thank you, sir. Alright. The motion on the floor is to adopt the ordinance. Is there any other discussion?"

No one else asked to speak.

On a motion of Councilmember Griffin, seconded by Councilmember Shahid, City Council voted unanimously to adopt the Committee on Public Safety Report as presented:

---INSERT PUBLIC SAFETY REPORT---

- a. Presentation on Turning Leaf Project
- b. Municipal Court Presentation
- c. Update on Racial Bias Audit (**DEFERRED**)
- d. An ordinance to amend Chapter 2, Section 56, to expand the responsibilities of the Public Safety Committee to include review of judicial candidates nominated by the Mayor. (**DEFERRED**)
- e. An ordinance to amend Chapter 19, Section 71, of the Code of the City of Charleston, South Carolina, to require that accidents involving injury to or death of any person or damage to a vehicle or other property damage must be immediately reported to the Police Department.

First reading was given to the following bill:

An ordinance to amend Chapter 19, Section 71, of the Code of the City of Charleston, South Carolina, to require that accidents involving injury to or death of any person or damage to a vehicle or other property damage must be immediately reported to the Police Department.

Mayor Tecklenburg said, "Is there any further report, Councilmember Shahid?"

Councilmember Shahid said, "That's it."

Mayor Tecklenburg said, "Thank you. Now we go to our Committee on Traffic and Transportation, Councilmember Seekings."

Councilmember Seekings said, "Thank you, Mr. Mayor. The Committee on Traffic and Transportation met today at 2:30 p.m. We had a number of items. The first was actually deferred, which is the Town of James Island Clearview and Eastwood Neighborhood Traffic Calming Project. We're going to hear that at our next meeting. Ms. Cabiness was not available. We got a report from Mr. Nimz from the County about the CTC Traffic Calming Program on Bur Clare Drive and Rainbow Road. I believe, of the devices that are going up for them, only one was actually in the City although this is a cooperative effort between the City and the County funded by the County. We did unanimously adopt the plan to install traffic calming devices in the City part of that project, and I think that probably will need the approval of this Council, although it's not going to cost us any money unless they miss something."

Councilmember Moody said, "I don't think so. I think the Committee approved those traffic calming things."

Councilmember Seekings said, "That's right. We don't need it. So, anyway, we did approve one of the four from the City. I think we also made it clear that the County needs to make sure that the City residents, who I think live in Councilwoman Jackson's district, be alerted as to when those devices are going in in front of their houses."

Councilwoman Jackson said, "They're actually in Councilmember Gregorie's district."

Councilmember Seekings said, "Okay, Councilmember Gregorie. Well, you can report to him because he left."

Councilwoman Jackson said, "I will."

There was laughter in the Chamber.

Councilmember Seekings said, "We got an update on the Food Vendors Ordinance which really didn't tell us a whole lot of anything other than we may be abandoning the Food Vendors Ordinance. More to come after the first of the year. So, sit tight, I know you will be on the edges of your seat for that one. Then, we had two updates. One was on the Transportation Network Companies like Ubers and the like in the Commercial District, particularly on King Street. Councilmember Griffin asked for it, and thank you for doing that. Lieutenant King, who actually used to be in that district, is now in West Ashley. He is now your Lieutenant. He's excellent. Well, he took time out of his day to come and report to us, and essentially what he told us is the program that we have in place, that we adopted in 2015, is working very well, and he does not recommend any adjustments to it. Essentially, what it does is it maps out an area in the most dense portion of King Street that between 12:30 a.m. and 3:00 a.m., there are pick-up zones for the TNC's that aren't right in the middle of the street. Right in the middle of the street was creating problems actually, public safety problems. So, if there are any specific questions, happy to answer them, but the recommendation from Lieutenant King was to keep that program in place, that it's working. So, sure, happy to answer any questions."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Do taxicabs have to follow that rule?"

Councilmember Seekings said, "Yes, everybody has to follow that rule. That is universal for everybody, taxicabs and TNC's. The next report we got was at the request of Councilmember Lewis, which was seconded by me very loudly, and that is on golf carts. So, Councilmember Lewis, here is what we received in terms of report on what the rules of the road are today in the City of Charleston as adopted by the State, which we follow the State rules. My Legal team is going to tell me when I run afoul, but the rules are as follows: You can operate a golf cart in the City of Charleston if you operate it within two miles of your home. You do not operate it on any road where a speed limit is 35 miles or greater. You can operate in daylight only, no nighttime operations. You must be over the age of 16, insured, and registered. Now, it gets interesting from there. Unless you have a licensed low speed vehicle, we really don't know who you are unless you register your golf cart. One of the things that has come up in our Committee, and it comes up on the streets every day, is there are people operating golf carts in the City of Charleston in violation of a number of these provisions of the State law, but not the least of which is the registration provision. If a golf cart is not licensed as a low speed vehicle, and is not registered in accordance with the registration provisions of State law, we have no way to identify the owner/driver of that golf cart. Now, when they are a moving violation, we can get them, but where it really becomes difficult is when they park them in zones like in front of a fire hydrant, in a loading zone, or just at a meter where other people have to pay their \$2 an hour. So, we're going to take that up. We've taken it up before and not come up with many solutions, but golf carts were something and, I think, Lieutenant King who sat in through this, too, recognized that we've got some issues, and it's Citywide. It's not just on the Peninsula. It's all over the place. Golf carts are an accident waiting to happen. So, those are the basic rules, Councilmember Lewis. I'm happy to answer any questions. We are going to take this up again after the first of the year

to see if there are some things we can do at the City level to enhance this ordinance and enhance these rules, particularly when it comes to operations and parking, but those are the rules as they exist currently. So, Mr. Mayor, I see there are some hands up. I'm happy to answer any questions."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Thank you, Mr. Mayor. I just wanted to ask you, Councilmember Seekings, when you say 'registered', you're just talking about registering with the DMV?"

Councilmember Seekings said, "That is correct. You do not have to register with a license, but you have to register the actual vehicle as property, essentially."

Councilmember Shealy said, "When I vacationed this past summer at Edisto, you had to be registered with the State, but they also had a registry. It was very simple. You walk in, you show that you have your registration, you show that you're insured and all of that, and they give you a sticker to put on that golf cart. Importantly, you have to be registered with Edisto Beach, as well as the State, and it may just be a recommendation that we could add here."

Councilmember Seekings said, "Well, first I want to congratulate you on having a vacation. I'd love to have one of those."

Councilmember Shealy said, "I took it at Edisto Beach, so I could get back and forth."

Councilmember Seekings said, "But also, thank you for keeping your eyes open as a good Municipal person would. It's what goes on, and I think that's probably where we're headed because it's a way of us identifying who owns that piece of property, which essentially it is, and they end up in all sorts of places around the City. So, more to come on that, and we can certainly look at our Legal Counsel, to Edisto, and other places. Not that we want to make more, more, and more rules, but we have a huge gap currently in where we have our ability to attend to things that are improper. So, with that report, I don't think we need to adopt anything, for information purposes only."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I just want to thank you all for taking it up. You have addressed some of the stuff that I was concerned about. But I can tell you in my neighborhood, they just don't drive around in the day, they drive around at night, and they have the baby in this arm and sitting on their lap, or a dog and they have a can a beer in their hand, and it's something that we've got to continue to work on."

Councilmember Seekings said, "Thank you, Councilmember Lewis. I think one of the things that was very clear to all of us in the Committee today is we do have a gap in, first off, understanding what the rules of the road are now as we know them, and secondly, with some enforcement. We got a report that there has been guarded enforcement, and we'll probably have to talk some more to our Police Department about that. So, thank you."

---INSERT TRAFFIC AND TRANSPORTATION REPORT---

- a. Town of James Island, Clearview & Eastwood Neighborhood Traffic Calming Project (Information only)

- b. Charleston County CTC Traffic Calming Project (Information only)
 - Bur Clare Drive
 - Rainbow Road
- c. Food Vendors Ordinance Update (information only)
- d. Transportation Network Companies Briefing (information only)
- e. Golf Carts Briefing (information only)
- f. Director Updates (Information only)

Mayor Tecklenburg said, "Well, thank you for that report. Next, Committee on Ways and Means, Councilmember White."

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

Councilmember Seekings said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one else asked to speak.

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

---INSERT WAYS AND MEANS REPORT---

(Bids and Purchases

(Budget Finance and Revenue Collections: Approval of the Blue Cross/Blue Shield Stop Loss Renewal in the amount of \$1,185,955. In September, the 2020 Healthcare budget was approved. The stop loss was budgeted at \$1.35 million.

(Police Department: Approval of the award of \$153,873 for the 2020 SCDPS Highway Safety Grant. This grant will provide funding for (1) officer salary and (1) patrol vehicle for the purpose of speed enforcement. The award acceptance is due by October 31st. The grant does not require a City match.

(Police Department: Approval of the award of \$153,873 for the 2020 SCDPS Highway Safety Grant. This grant will provide funding for (1) officer salary and (1) patrol vehicle for the purpose of DUI enforcement. The award acceptance is due by October 31st. The grant does not require a City match

(Parks: Approval to submit the 2020 Keep South Carolina Beautiful/Palmetto Pride Grant Application in the amount of \$10,000 for litter cleanup and beautification events. The grant application is due November 1st. No City match is required.

(Parks: Approval to submit the Keep America Beautiful' s Lowe's Community Partners Grant in the amount of \$10,000 for Eastside Neighborhood Garden Club. The grant application is due October 22nd. No City match is required.

(Recreation: Approval to accept a grant from the Stand Up and Play Foundation in the amount of \$12,500 for the purchase of the paramobile cart (ADA compliant cart). The City match in the amount of \$13,000 will come from the Municipal Golf Course 2019 budget.

- (Parks-Capital Projects: Approval of the St. Julian Devine increase to P154694 for roofing repairs with Coastal Roofing Company, Inc. in the amount of \$17,620 for the addition to the East and West side of the building of 6 copper leaderheads, downspouts, and outlets and manlift. Approval to increase P154694 will increase the PO amount by \$17,620 (from \$38,420 to \$56,040). Funding for this project is 2015 General Fund Reserves (\$250,000), Cooper River Bridge TIF (\$2,250,000), and a contribution from the Charleston Parks Conservancy (\$210,000).
- (Stormwater Management: Approval of the Low Battery Seawall Repairs – Phase I Construction Contract with Gulf Stream Company, Inc. in the amount of \$10,930,451 for the restoration of the Low Battery Seawall from Tradd St. to Ashley Blvd. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000 to the extent contingency funds exist in the Council Approved Budget. Approval of this will institute a \$25,870,773.53 project budget, of which the \$10,930,451 Construction Contract will be funded. The funding sources for this project are: Hospitality Funds (\$13,087,957.53), Municipal Accommodations Tax Funds (\$12,382,816) and Charleston County Accommodations Tax Fees (\$400,000).
- (Stormwater Management: Approval of the Low Battery Seawall Repairs Fee Amendment #5 with Johnson, Mirmiran, and Thompson in the amount of \$591,025.80 for construction administration services related to Phase I of the Low Battery Seawall Repair project (from Tradd St. to Ashley Ave.). Approval of Fee Amendment #5 will increase the Professional Services Contract by \$591,025.80 (from \$1,003,881 to \$1,594,906.80). The funding sources for this project are: Hospitality Funds (\$13,087,957.53), Municipal Accommodations Tax Funds (\$12,382,816), and Charleston County Accommodations Tax Fees (\$400,000).
- (Stormwater Management: Approval of the West Ashley Circle Professional Services Contract with Kimley-Horn and Associates, Inc. in the amount of \$79,850 to provide roadway and civil design services for the West Ashley Circle Roadway Connector. Approval of the Professional Services Contract will obligate \$79,850 of the \$100,000 project budget. Funding for this project is Charleston County Transportation Committee (CTC) funds.
- (Stormwater Management: Approval to apply for the NFWF planning grant application that requires a 50/50 match. If awarded, the grant would fund planning activities for assessment of natural system solutions to flooding on Johns Island including a potential stream project near Barberrry Woods on John's Island. The application is due on Tuesday, November 12, 2019. The City Match component is available within the current Barberrry Woods/Johns Island Project Allocation in the Drainage Fund. Grant awards are typically 50/50 match with an award of between \$125,000 and \$250,000.
- (Stormwater Management: Approval to apply for the NFWF implementation grant application that requires a 50/50 match. If awarded, the grant would fund a portion of the engineering, design, and construction of green infrastructure in the Church Creek drainage basin. The application is due on Tuesday, November 12, 2019. The City Match component is available within the current Church Creek Project Allocation in the Drainage Fund. Grant awards are typically 50/50 match with an award of between \$1 million and \$3 million.
- (Housing and Community Development: Mayor and City Council are asked to approve the submission of a grant application in the amount of \$125,000 for funding from the Housing for Everyone grant for the support of three different renovation projects with the PASTORS and TAME Nonprofit Organizations. PASTORS would act as Developer for the TAME Organization, which is the nonprofit for Trinity AME Church, St. Luke Reformed Episcopal Church and New Israel Reformed Episcopal Church.

No match is required for the grant. However, each of these organizations have been awarded HOME Investment Partnerships Program funds from the City of Charleston. Funds from the Home to Stay Grant will serve as leverage and reduce the amount of debt the organizations are required to pursue to finalize the redevelopment of these homes. The grant application is due Thursday, October 25, 2019. TAME will renovate one historic property located at 1 ½ Addison Street. The home offers two bedrooms and one bath. The Church also has a vacant lot behind the historic home that can generate three additional units. New Israel will repurpose a building not currently in use and produce four (4) units on Romney Street and St. Luke will preserve an historic home that will result in the production of two (2) units. An Executive Summary with the corresponding information for each property is attached. A copy of the full application with corresponding information will be provided upon completion.

(Budget Finance and Revenue Collections: Approval of Agreement between the City of Charleston and County of Charleston authorizing the City to accept Accommodations Taxes in the amount of \$1,929,000 for the IAAM as previously approved by Charleston City Council

(Request authorization for the Mayor to execute a First Addendum to the Memorandum of Agreement (the "MOA") dated October 9, 2018, between the City of Charleston and the Lowcountry Lowline, also known as the Friends of the Lowcountry Lowline (the "FLL"). The First Addendum allocates \$98,020.00 toward preliminary design, including community engagement and preparation of working drawings, for the first phase of the improvement and construction of the Lowline Park. The City will retain the funds, but the Director of Finance will be authorized to pay invoices submitted by the FLL with sufficient documentation that the funds are being utilized consistent with the First Addendum and the MOA. The funds will come from the 2018 Recreation Bond.

(Request Mayor and City Council approval of a Purchase and Sale Agreement for the acquisition of 5.41 acres of land located on Ashley Hall Drive in the West Ashley community in the amount of \$700,000. The land is being purchased for the eventual construction of affordable/attainable housing. The property is owned by Ashley Hall Development, LLC. (TMS# 351-04-00-007).

(Consider the following annexations:

- 320 Woodland Shores Road (TMS# 343-11-00-117) 1.0 acre, James Island (District 11). The property is owned by Cecil K. and Janice M. Cargile.
- Property on Brickyard Road (TMS# 311-00-00-090) 2.0 acres, Johns Island (District 5). The property is owned by Worldwide Investments, 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 provide for the annexation of property known as 320 Woodland Shores Road (1.0 acre) (TMS# 343-11-00-117), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part

of District 11. The property is owned by Cecil K. and Janice M. Cargile.

An ordinance to provide for the annexation of property on Brickyard Road (51pprox.. 2.0 acre) (TMS# 311-00-00-090), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Worldwide Investments, LLC.

Mayor Tecklenburg said, "Bills up for second reading. We have just M-1, M-2, and M-3."

Councilmember Shahid said, "Move for approval of all three."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We've got a second. Is there any discussion on any of those?"

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "I will vote to approve but on M-1, and I'm sorry I didn't bring this up when we were giving the business license ordinance first reading, I know that you were at a session that I was Mr. Mayor, at the regional gathering of the Municipal Association. Were you there, Councilmember Moody? They talked about how they're going to make a big push across the State to sort of uniform the business license process and the collection process, in particular, so that it becomes more amenable to the municipal side of the collection, as opposed to the State trying to take over. I don't remember all of the details, but it was basically that there is safety in numbers so that the municipalities do it the same way. Then, the State Legislature wouldn't have the same argument that we're not doing it well. So, I know that Charleston has been out in front in terms of having our own way of collections and tracking and all of that. I was wondering if our CFO had ever really thought, or whoever is in charge of it, I'm assuming it's Ms. Wharton's office, if we'd ever really given it any thought about whether we should join in with the rest of the municipalities."

Ms. Herdina said, "Councilwoman Jackson, we have looked at that in the past, and to tell you the truth, some of the rates and categories that the Municipal Association is promoting are inconsistent with what the City does. Frankly, we feel we garner more revenue through our individual, specialized look at things. We'll take a look at it again, but certainly the last time we did look at it, we had some concerns that we, frankly, thought the fiscal impact would be negative on the City if we signed up to what the Municipal Association was promoting, but we'll look at it again."

Councilwoman Jackson said, "That would be great."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, my recollection was they were trying to get consistency, and having practiced in that area for many years, I don't know how, you said you may lose some revenue, but if you're out of balance with some of the other municipalities, I know I can figure out how to report it in another. For example, if I'm practicing accounting, my office is downtown, and I'm doing your return and you live in Summerville, I can report that revenue to Summerville and just avoid the whole thing. So, there are all kinds of ways that you could manipulate it, and what they were trying to do was kind of get it uniform because we've got so many different rules around it, so it's something we ought to look at."

Ms. Herdina said, "We'll look at it again."

Councilwoman Jackson said, "We don't want to get in trouble."

Councilmember Moody said, "Right."

Mayor Tecklenburg said, "But, unfortunately, I think part of their making it uniform was also going to take some of our revenue away, so we're very concerned about it."

Councilmember Moody said, "Well, I don't want to send any money to Columbia thinking I'm going to get some of it back because we always lose."

Councilmember Shahid said, "We learned that lesson a long time ago."

Councilwoman Jackson said, "Exactly."

Mayor Tecklenburg said, "That's right. So, we have a motion for M-1, M-2, and M-3. Is there any further discussion?"

No one else asked to speak.

On a motion of Councilmember Shahid, three (3) bills (Items M-1, M-2, and M-3) 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 Lewis, the rules were suspended, and the bills were immediately ratified as:

- 2019-103** 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.
- 2019-104** 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.
- 2019-105** 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.

The Clerk said, "Mayor, I'd just like to say one thing, just to put it on the record. When we did the Ways and Means Report that did include two ordinances that we have approved."

Mayor Tecklenburg said, "Absolutely, and then we had an item under second reading. It's M-12 to be withdrawn. Can I get a motion to withdraw M-12?"

Councilmember Mitchell said, "Move to withdraw."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "So moved and a second. Is there any discussion?"

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Shahid, City Council voted unanimously to withdraw 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 "Opportunity Units" for households with incomes less than or equal to 60% of the Area Median Income (AMI).

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

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Can I ask you a question? At our last meeting, you made a comment about the sidewalk by the automobile dealer on Betsy Road, that we had gotten some money from that. Did they actually give us some money in lieu of that? I thought we just passed on that whole thing, or maybe I misunderstood what you were saying."

Mayor Tecklenburg said, "Yes, we agreed on a number. He had a quote done, and he agreed to pay, through the TRC process, some funds to be able to start the sidewalk across the street."

Councilmember Moody said, "So, we will earmark that then if we can maybe use that money as seed money for sidewalks?"

Mayor Tecklenburg said, "On the other side of the street."

Councilmember Moody said, "Well, anywhere. I would like it on the other side, but I thought that he had not done anything, but you're saying he didn't pay."

Mayor Tecklenburg said, "I haven't verified the check came in yet or anything like that, but my understanding is he agreed to pay."

Councilmember Moody said, "Thank you."

Mayor Tecklenburg said, "Sure. Is there any further business?"

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Madam Clerk, just one thing. I think the Committee on Public Works met at 5:00 p.m., and it said 4:00 p.m. in our agenda. I don't know if that's a big deal, but wanted to bring it to your attention."

The Clerk said, "Thank you. We'll fix that."

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

No one else asked to speak.

Mayor Tecklenburg said, "Alright, you all, we stand adjourned."

There being no further business, the meeting was adjourned at 8:05 p.m.

Vanessa Turner Maybank
Clerk of Council