

## COUNCIL CHAMBER

Regular Meeting

October 23, 2018

The sixty-second meeting of the City Council of Charleston was held this date convening at 5:00 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media October 17, 2018 and appeared in The Post and Courier October 21, 2018 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 – <i>excused at 8:35 p.m.</i>	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 5:00 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "If you would like to join us, Councilmember Griffin is going to introduce a Pastor to lead us in an invocation and the Pledge."

Councilmember Griffin said, "Ladies and Gentlemen, tonight I have asked Pastor Will Plonk from Grace City Church to come join us. It's a new congregation in West Ashley. He grew up in Charleston, moved away, and is back to be part of this church. It's been really great so far, brand new. So, he's going to lead us in an invocation."

Pastor Will Plonk opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Thank you, Reverend. So, welcome, everyone, this evening. In the very, very unlikely event that we would need to exit the building, from this room, we have these two exit doors. There is also an exit door from the room to my right. Upstairs, you all have just got that one door up there. If that were to occur, please do not use the elevator, but use the two stairways going down to the first floor and the one stair going out the front, in that most unlikely event that we would have to exit the building.

So, I want to welcome Councilmember Gregorie back. It took him a little longer to get back from our trip to the Netherlands. I think he got lost over there on the continent somewhere. He was sharing with me just prior to the meeting that he was in Paris, and he intended to make his way over to London, but he never made it. Fortunately, we announced while you were gone that we have now a direct flight from Charleston to London that will be starting next year, so you will be able to get there easily from Charleston.

I want to thank a number of Councilmembers who came this past Saturday, as we had a remarkable community gathering over in Carolina Bay, out in outer West Ashley, with the opening of our brand new Fire Station #16. It is a beauty, if I may say so. So, thanks to our Fire Department and our Capital Projects team and everybody that was involved in getting that and City Council for the resolve to get that fire station built. It is really a first-class station.

So, we have one proclamation to make this evening. I want to invite Kelsey Locklear with the American Cancer Society to join me as we recognize that October is Breast Cancer Awareness Month. Welcome, Kelsey. How are you?"

Kelsey Locklear said, "I'm great."

Mayor Tecklenburg said, "Good. You can step on up, and I'll read this for you. If you want to make brief remarks, that's fine."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Ms. Locklear said, "Thank you."

Mayor Tecklenburg said, "Kelsey, for you."

Ms. Locklear said, "Thank you very much."

Mayor Tecklenburg said, "Would you like to make a brief comment?"

Ms. Locklear said, "On behalf of the American Cancer Society, thank you, Mayor Tecklenburg and City Council for bringing early detection and awareness to the City of Charleston. We would like to present you with a 'Real Men Wear Pink' hat and pin for your continued support."

Mayor Tecklenburg said, "Thank you, and I wore my ribbon, so I've got my pin now, there we go. Can we get a picture together?"

There was applause in the Chamber.

Ms. Locklear said, "Thank you very much."

Mayor Tecklenburg said, "Thank you so much. We have a number of public hearings this evening, folks. We'd like to limit any comments at the public hearings, if you would, to two minutes. The first one up is just to get public input regarding our proposed 2019 City Budget. We had a presentation to City Council at our last meeting regarding the City budget. I don't think we have another presentation at this point. We're just going to ask for any input from the public. Would anyone like to be heard on this matter? Yes, sir. Please come forward and state your name and address."

1. Anthony Bryant said according to the Communications Decency Act, the internet provider was exempt from any civil liability based on anything said. The Federal authorities that were supposed to protect the community allowed the speech to take place online for years. He had made public comment and put it in his Federal lawsuit. He would be appealing the lawsuit.

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

2. Susan Lyons, with Groundswell, said they got a little lucky this year as they had dodged two bullets so far. Since Council was thinking about the budget, she wanted to get creative about money for flooding. She thought that all of the issues that Council dealt with were very important, but they would all get washed away if Charleston got flooded away. She asked Council to find more money than in the past for mitigation prevention and temporary prevention until they had good permanent protection in place.

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

3. Alissa Lietzow, Director of Charleston Pro Bono Legal Services, said as a non-profit that provides civil legal aid to low income families in the City, they had submitted a grant request for review and consideration. They had been serving the residents in the City since 2004. Their predecessor, Neighborhood Legal Assistance Program, was incorporated in 1967. They had been fortunate enough to receive funding from the City, and they had proven to be good stewards of the funds. Grant funding by the City in 2017 helped to create a full-time attorney position dedicated to housing related issues. They were seeking funding to host educational outreach clinics at various non-profit and community sites throughout the City. The initiatives would provide educational materials and programs for the City's low income residents about their legal options such as landlord/tenant, family, estate planning, and kinship caregivers. The demand for no cost or low cost legal aid currently exceeded available resources in the City. This was a problem because they were hearing from the judiciary and court personnel about a market increase in pro se litigants, but when adequately prepared, the litigants were able to effectively represent themselves throughout the process. If properly educated on their respective rights and responsibilities, the community would be in a much better position to help level the playing field, advocate, and fight injustice. In 1964, Supreme Court Justice Hugo Black said, 'There could be no equal justice when the kind of trial a man gets depends on the amount of money he has.' There was such a thing as a justice gap, and the outreach educational programs would go a long way in bridging that gap.

Mayor Tecklenburg said, "Thank you, and may I share with Council that Charleston Pro Bono is always there at our day resource center to offer free legal advice and help to our homeless population in the City. Yes, ma'am."

4. Beatrice Bernier said she had been flooded multiple times. She pled with the City for the past two years to repair drains because her street and others were 90 percent clogged. She asked that the budget include flood mitigation would be in downtown, and other areas of the City. There needed to be a clear flood plan for any part of the City with operations, maintenance, and infrastructure. She said the City departments should take a 5 percent cut, if necessary, because she and her neighbors had had enough of the incompetence.

Mayor Tecklenburg said, "Merci. Would anyone else like to be heard on the matter of our 2019 budget? Now is your chance."

Next, we will move forward to E-2, which is a zoning matter of Meeting Street Road and Cunnington Avenue. Mr. Morgan."

Christopher Morgan said, "Thank you, Mr. Mayor and members of Council. This is a piece of property at the corner of Meeting Street Road and Cunnington Avenue. It's about a quarter acre of land. The request is to rezone from Light Industrial and the 2.5 story district to the 4-12 Height District in the City. To orient you to the site, this is Meeting Street Road running roughly north-south. There is a railroad right-of-way further to the west. Cunnington is to the south, and then there are cemeteries further to the south and further to the east. Here is an aerial. Again, you see the cemeteries over here and in this area up in here. The railroad, which is in this area, and then King Street Extension and the properties at the corner, and an aerial view, as well, and the street view. Again, the rezoning request is from Light Industrial to the Upper Peninsula zoning and from the 2.5 story district to the 4-12 story district. Both staff and Planning Commission recommend approval."

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

1. Anthony Bryant said, since the Army Corps of Engineers were coming to do a study 50 years too late, the zonings were being done, and something was being added, but they didn't know what. He said under the old rules, they were supposed to be concerned about the floodplains. They could vote however they wanted to vote, but they were adding to the problem.
2. Sherrie Brown said she was with the applicant. They did not believe the property should be any higher than four stories. Architecturally, they didn't feel that it would be appropriate for that area, and they had also stated this at the Planning Commission.

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

No one else asked to speak.

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

Councilmember Griffin said, "Move for approval."

Councilmember Lewis said, "Second."

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

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Mr. Morgan or Mr. Lindsey, how big is this piece of property? You've got to be able to park it, and you've got to be able to do some other things to it. Unless it's combined with a lot of other property, there is no way you could go that high even if it's allowed 12 stories. How high can you go on this and properly park it?"

Mr. Morgan said, "Well, with the rezoning it goes to the 4-12 Height District, but to fit parking on this site, in addition to a building, that would be a challenge to park a building that tall."

Councilmember Moody said, "How tall do you think it could go? Could you go four?"

Mr. Morgan said, "It's possible depending on what the use is in the structure. It's possible that that could work."

Councilmember Moody said, "Okay, but I mean we're not going to have a 12-story building on this property."

Mr. Morgan said, "I would think it would be doubtful."

Councilmember Moody said, "That was my point. Thank you."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, Mayor and colleagues, I met with the developer, and I went and walked the site, and the site is right there on the corner of Cunnington and Meeting Street Road. Behind it, you have the crematory right there. It's right there in the back of that property, right in that area there."

Mr. Morgan said, "You can show it right here. This is a car repair facility, and then the crematory is there."

Councilmember Mitchell said, "So, when I walked it, I spoke with them a long time, and I said, 'I know they were doing the Upper Peninsula', but I said 'we are getting ready to work on that Upper Peninsula because we are looking for more affordable housing pieces in these areas.' So, I said, 'Now, in that area we're looking to approve it. It's not going to be over four stories, period'. So, he went to the Planning Commission, and that's what it's going to be, four stories. It's not going to be 12 stories, not going to be eight stories. It's only going to be four stories there. So, around that area, you will see nothing else there. When you go up the street, there is a church right there up the street from it, which is Kingdom Hall. So, I don't have a problem with it, and that's why I told them I'd vote to approve it because it stayed at four stories."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you. I totally appreciate, and I consulted Councilmember Mitchell about his wisdom on voting favorably for this rezoning. So, based on the fact that it is a very small parcel, and the applicant has stated publicly that they intend to build at the lowest height level possible for this zoning, but I do feel responsible to at least be on record in this setting. We are actively planning to change the criteria by which we would approve more density and more height for the Upper Peninsula properties that are currently zoned UP. Also, most likely, we will continue to have a lot of rezoning changes to that designation based on the increased interest and demand for development in this part of Charleston. I'm an ardent supporter of making sure that everything we build there has the potential to have as much housing affordability as possible, and even small business affordability. I don't think we've gotten into that kind of regulation discussion yet, but I do feel that, if this were a bigger property, and they would have more potential to get inside the UP zoning ahead of our making changes where we're going to value the affordability piece for our criteria, I might have to vote against this because I do feel like we really do need to change that UP zoning to be what we want it to be for the remaining future. I'm bowing to Councilmember Mitchell's wisdom and guidance, and I will vote in favor of this, but I really want all of the rest of them to wait until we've got the UP zoning the way we want it about housing. Thank you."

Mayor Tecklenburg said, "That matter will be coming to the next Community Development Committee meeting."

Mayor Tecklenburg recognized Councilmember Mitchell followed by Councilmember Waring.

Councilmember Mitchell said, "I just want to address that also. We are going to have all of this coming to the Community Development meeting on Thursday, dealing with the Upper Peninsula and making sure that we get enough affordable housing in those particular items with these high density buildings. So, we will be addressing that on Thursday, but I just wanted to make sure this property was going to be approved because it's not going up to 12 stories. It won't go over four stories. If it was going over four stories, I would not support it at this time. So, I'm adamant about that. It's creating affordable housing for individuals in this City because it is much needed. That's the only reason we are supporting this now."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. Thank you, Councilwoman Jackson, Councilmember Mitchell, and Mayor about the affordable housing work that we need to add to the Upper Peninsula, because that was going to be one of my questions. Mr. Morgan, hypothetically, if they were to acquire additional properties which would enable them to park, could they go above four stories?"

Mr. Morgan said, "You know, if a site can be parked, it can meet whatever density is allowed for the site. So, if this is approved, the site would allow for, with the proper incentives met through the Upper Peninsula zoning, more height than four stories, if it can meet the criteria of the Upper Peninsula District. But as we discussed in Councilmember Moody's question, for this particular site, it would be tough to be able to achieve all of that."

Councilmember Waring said, "I understand the current border configuration, but if they were to acquire the adjoining properties, if I'm hearing you correctly, I'm asking, I don't know, the four stories wouldn't be capped then?"

Mr. Morgan said, "We don't have a way to restrict them to four stories there if they get the zoning that they're asking for."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Well, four is not a minimum, is it?"

Mr. Morgan said, "No, sir."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Thank you. Councilmember Waring, your question leads me to another thought that, yes, if this property were to be combined with contiguous properties, in light of our vested rights ongoing challenges, what would be the ruling if this property were zoned under the current set of regulations and criteria for UP, and then they joined forces with

an adjoining property that still needs to be zoned UP? How would we deal with that as far as a grandfathered in, grandfathered out, set of criteria?"

Mr. Morgan said, "Until they have submitted a site specific development plan, which they can't do until the zoning is in place, whatever set of regulations is in place when they have submitted that site specific development plan, that's what would apply. So, if there are changes made soon to the Upper Peninsula District, then those would apply here, if they haven't submitted a site specific development plan."

Councilwoman Jackson said, "Okay. Thank you."

Mayor Tecklenburg said, "Have they indicated the intent at least of the use?"

Mr. Morgan said, "What they've mentioned to us is office."

Mayor Tecklenburg said, "Office use?"

Mr. Morgan said, "Yes, sir."

Mayor Tecklenburg said, "I see. Are there any further questions?"

No one else asked to speak.

Mayor Tecklenburg said, "We'll vote on the question."

On a motion of Councilmember Griffin, seconded by Councilmember Lewis, 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 located on Meeting Street Road and Cunnington Avenue (Peninsula) (0.231 acre) (TMS #464-14-00-121) (Council District 4), be rezoned from Light Industrial (LI) classification and the 2.5 Old City Height District classification to Upper Peninsula (UP) classification and the 4-12 Old City Height District classification. The property is owned by Rutledge Center Development Partners LLC.*

Mayor Tecklenburg said, "Next, E-3, and let me ask. I believe E-3, E-4, and E-5 are owned by the same group and are related. Could we take E-3, E-4, and E-5 together? Is that agreeable to everyone?"

Mr. Morgan said, "That is correct. Yes, sir."

Councilmember Mitchell said, "That's what I was going to ask, since all of them are basically the same in the district I represent. They're all of the same party."

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "Yes, sir. So, yes, these are all of the same ownership group. The first one, E-3, is formerly the Morris Sokol site. It's at the corner of King and Reid Streets in this location here. You see some of the surrounding zonings of the MU-2/Workforce Housing, which is what's being requested for all of these parcels, going from GB to MU-2/Workforce Housing. In this image, you see the sites on Reid Street over to Woolfe Street. Some of these are Light Industrial and General Business going to MU-2/Workforce Housing. Then, we have the parcels over at King Street and St. Philip Street that would also go from GB to MU-2/Workforce Housing. I think we may have some aerial images showing them altogether. So, you see the

relationship of the parcels there and common ownership group, and they're all in the Comprehensive Plan recommended for our Urban Core, which is the district in the Comprehensive Plan that we use for recommending for MU-2/Workforce Housing. So, staff and Planning Commission recommend approval of these requests."

Mayor Tecklenburg said, "Alright. So, I'm advised that I should clearly state all of the addresses that are involved in these three matters, and they would be 510 King Street, and these addresses are all Reid Street, being 84, 86, 88, 90, and 92 Reid Street, 33, 35, and 37 Woolfe Street. Also on King Street, number 535, and 166 St. Philip Street. Would anyone like to be heard on this matter regarding any of those properties? Yes, sir."

1. Anthony Bryant said Councilmember Seekings had told him to be quiet in the Chamber, but he was going to speak. He mentioned the Housing and Community Development Act of 1974, and said the census tracts were used to draw investments into the area. The Federal law was supposed to provide for the intended beneficiaries who were there during that time. He thought the applicants were great people and had a great project, but they were not being accountable to the passes they had made to create the problems the City had right now. This was an abuse of how Community Development dollars were used in the past, not by the City, but by the State, because he heard Governor Henry McMaster was lobbying cities and counties. He said it was unfair to have the values go up so high. Growth should not be able to impede on affordability."

Mayor Tecklenburg said, "Thank you. Would anyone else like to be heard on any of these matters, E-3, E-4, and E-5?"

No one else asked to speak.

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

Councilmember Seekings said, "So moved."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "We have a motion to approve all three items, E-3, E-4, and E-5. I would point out to our citizens here that this change in zoning to MU-2 actually provides a requirement for affordability for housing that did not exist under the existing zoning. So, it's actually a plus from our vantage point. Are there any other comments or questions?"

No one else asked to speak.

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 510 King Street (Peninsula) (0.554 acre) (TMS #460-12-02-017) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by Vanderking 510 LLC.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 84, 86, 88, 90 and 92 Reid Street and 33, 35 and 37 Woolfe Street (Peninsula) (approximately 0.56 acre) (TMS #460-12-02-002, 003, 004,*

*013, 015 and 140) (Council District 4), be rezoned from General Business (GB) and Light Industrial (LI) classifications to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by Vanderking 510 LLC.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 535 King St and 166 Saint Philip St (Peninsula) (approximately 0.55 acre) (TMS #460-12-02-057 and 460-12-02-080) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by Vanderking 535 LLC.*

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "Okay, and the next item is on Sam Rittenberg Boulevard. It's near the entrance to Citadel Mall. To orient you to the site, this is Sam Rittenberg. This is I-526. The Red Lobster might be a landmark right here at the corner of Skylark and Sam Rittenberg, and it's immediately behind that. It's a vacant piece of property. The request is to add it to the Accommodations Overlay Zone. Both staff and Planning Commission recommend approval."

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

Capers Barr said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir, Mr. Counselor."

1. Capers Barr said he represented a family, whose members were present at the meeting. They had a contract to buy the property. The touchstone of approving an accommodations use was its effect on new buyer Residential Districts, and there were none. The property was encircled by other Commercial uses. It backed up on I-526 and they believed the accommodations use would complement the long-term plans for the Citadel Mall. They urged Council to vote in favor of the zoning application.

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

No one else asked to speak.

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

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I'm going to move for approval."

Councilmember Seekings said, "Second."

Councilmember Waring continued, "But this does tie in with the revitalization, and I'd like to thank the Patels for coming to West Ashley and being a part of what will be an exciting revitalization. Right below it is, I think that's Red Lobster."

Mr. Barr said, "Red Lobster is below it, and the PetSmart is above it."

Councilmember Waring said, "PetSmart and then, obviously, the mall and then Southpark, we're working on, hopefully, Mike Bennett and his people getting the Medical University over there. So, all of this is beginning to take off. Thank you for your efforts. Thank you, Mr. Mayor."

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

No one else asked to speak.

Mayor Tecklenburg continued, "Yes, I concur. We're really creating a node for accommodations at the temporary end of the Mark Clark at Savannah Highway because we expect that it will be extended now. We're so glad to provide some accommodations in West Ashley, so that we don't have to have all of the hotel rooms downtown. So, it is part of our revitalization. Glad to have it."

On a motion of Councilmember Waring, seconded by Councilmember Seekings, 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 Sam Rittenberg Boulevard (West Ashley) (1.32 acres) (TMS #310-04-00-017) (Council District 7), be rezoned so as to be included in the Accommodations Overlay Zone (A) classification. The property is owned by Braxton SC LLC.*

Mayor Tecklenburg said, "Mr. Morgan."

Councilmember Mitchell said, "Mr. Mayor, we can take E-7 and E-8 together."

Mayor Tecklenburg said, "Okay. We have a request to take numbers E-7 and E-8 together. They're a common owner. No, well, it's--"

Councilmember Mitchell said, "It's different."

Mayor Tecklenburg said, "It's a different ownership. Do we have any objection from Council to take these two together?"

Mayor Tecklenburg said, "Alright. Mr. Morgan."

Mr. Morgan said, "Okay. So, E-7 is 810 Meeting Street. It's zoned Upper Peninsula. Its request is to go to the Accommodations Overlay Zone, in addition to the Upper Peninsula zoning. It is a former gas station. Here's an aerial image of the site. It's at the corner of Meeting Street and Morrison across from the ILA Hall. I think we've got a closer view of it here, and here is a street view. It's been abandoned for a good while. Then, 547 Meeting is between Jackson and Harris Street along Meeting. It is zoned General Business. It's immediately north of the Housing Authority's Operations Facility. It has Light Industrial uses to the rear. Across the street is also the Housing Authority's office facility. We've got some aerial images of this one. Here you can see there is an existing structure on the site and, of course, any demolition and new construction here would have to go through BAR approval, as well. So, both staff and Planning Commission recommend approval of both of these items."

Mayor Tecklenburg said, "Alright. Would anyone like to be heard on these two items? Yes, sir. Please come forward. State your name and address, Mr. Green."

1. Duane Green said he lived not too far from the property and he wanted to voice his strong support in favor of the application. He thought it was good for the area and good for the City. He urged Council to support it.

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

No one else asked to speak.

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

Councilmember Griffin said, "Move for approval."

Councilmember Mitchell said, "Second."

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

Councilmember Waring said, "I actually have a question."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mr. Morgan, can you put the map back up again, the pink?"

Mr. Morgan said, "This one?"

Councilmember Waring said, "Right. To the left of that--"

Mr. Morgan said, "Right here?"

Councilmember Waring said, "That's right. Is that City property?"

Mr. Morgan said, "It's not owned by the City. It's within the City."

Mayor Tecklenburg said, "It's currently being developed as a storage facility."

Councilmember Waring said, "Alright. Thank you."

Councilmember Waring said, "Yes. Where is the Recreation--"

Councilmember Seekings said, "Put up the triangle."

Councilmember Waring said, "Can you tell me the Height District that that's in?"

Mr. Morgan said, "It's in the Upper Peninsula, so it's 4-12."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "That was already zoned that way with the Height District. This is just to add it to the Accommodations Overlay. Are there any other questions or comments?"

No one else asked to speak.

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

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 810 Meeting St (Peninsula) (0.46 acre) (TMS #461-09-01-010) (Council District 4), be rezoned so as to be included in the Accommodations Overlay Zone (A) classification. The property is owned by MAR Real Estate LLC.*

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 547 Meeting St (Peninsula) (0.26 acre) (TMS #459-05-01-016) (Council District 4), be rezoned so as to be included in the Accommodations Overlay Zone (A) classification. The property is owned by TMG 547 Meeting Street LLC.*

Mayor Tecklenburg said, "Next, Mr. Morgan."

Mr. Morgan said, "This is 6 Tovey Road. It's a recent annexation into the City. The request is for SR-2, which matches the lot size and the surrounding zoning in the neighborhood. Both staff and Planning Commission recommend approval."

Mayor Tecklenburg said, "Alright. This is regarding #6 Tovey Road. Would anyone like to be heard on this matter?"

The Clerk said, "E-9, Mayor."

Mayor Tecklenburg said, "E-9, but the address is 6 Tovey Road. Correct."

Councilmember Shealy said, "Move for approval."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We have a motion to approve and a second. 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 6 Tovey Road (West Ashley) (0.17 acre) (TMS #418-10-00-020) (Council District 9), annexed into the City of Charleston September 25, 2018 (#2018-127), be zoned Single-Family Residential (SR-2) classification. The property is owned by Julia Harlow.*

Mayor Tecklenburg said, "E-10."

Mr. Morgan said, "This is an ordinance amendment. It's not in the presentation here, but it's in your agenda packages. It was reviewed by the Planning Commission at their October meeting. They have deferred it and would like to have it come back to their November meeting for further discussion. So, it's not coming forward with any recommendation at this point in time from the Planning Commission, other than that they deferred it."

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

1. Joe Grech, CFO for South Carolina Federal Credit Union, spoke in support of the policy change that could help generate more workforce affordable houses. As an employer, he was deeply concerned that too many talented people in the region struggled to afford a home. Policy changes like this one were a step in the right direction. He urged Council to pass the policy, continue to streamline processes, and review zoning to help the market and generate more affordable workforce housing.

Mayor Tecklenburg said, "Yes, sir."

2. Barry Whalen, President of HLA, said he supported the initiative. They had probably 100 employees since their 32-year history in the City, and they continued to have more problems with the younger members that were trying to find housing. He appreciated the initiative and any more that could help affordable housing.

Mayor Tecklenburg said, "Thank you very much. Yes, sir. Would you like to be heard?"

3. Patrick Bell, a real estate broker at Carolina One, spoke in favor of the bill. He liked more affordable housing closer to downtown because that was what his clients wanted and needed. Taking them further out of the City to find housing just added more traffic, which no one needed more of. It wasn't only an affordable housing issue, but also a traffic issue.

Mayor Tecklenburg said, "Yes, sir."

4. Ian Scott, Charleston Metro Chamber of Commerce, asked Council when this ordinance came back to approve it. He knew it was approved unanimously on first reading, and the business community was eager to continue working with the City to generate more workforce affordable housing units. It was going to take a lot of creative solutions over time and working together.

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

5. Anthony Bryant said he made public comment with the Charleston County Public Service Commission on Dominion and SCE&G's merger, as well as with the Chamber. He said the Chamber had the resources of all of their memberships, and they had access to both parties. There was a surplus of \$178 million in Columbia, Charleston had flooding and the people who didn't have the wherewithal was a real concern. When people started talking about affordable housing, people had to rethink the whole process. This was a great ordinance, and Council had done a lot of great ordinances. He wasn't criticizing Council, but he was criticizing the fact that with the partners coming in, the City did a little bit more. He referenced the Dominion merger, SCE&G, the Aquarium, and the CARTA system. He said the City inherited SCE&G to get them out of their situation they had many years ago. He said they were Chamber members, and the Chamber needed to understand that they needed to do their part, too, in raising a lot more money for people with no wherewithal.

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

No one else asked to speak.

Mayor Tecklenburg said, "Hearing and seeing none, it comes to Council. It is deferred to the next Planning Commission meeting."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I just have a procedural question because it has to go to the Planning Commission before it actually gets on the books for third reading. My question for our Legal Counsel is, can we give this second reading, send it to the Planning Commission, and then have it come back to us for a final vote, which seems to me like the practical way to do this and

also sends a message to the Planning Commission how we feel about this ordinance, which I think is, unanimously, in favor.”

Susan Herdina said, “Yes, I don’t think you have to have second and third reading simultaneously, so you could give it second reading, send it back, and then bring it here for third reading.”

Councilmember Seekings said, “I move for second reading and send it to the Planning Commission.”

Councilmember Waring said, “Second.”

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

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, “I voted for this on first reading. I agree with the intent and the hoped for outcomes by making these changes to bring affordability closer into Charleston, but I would think that we should appreciate that the Planning Commission voted to defer this for further study. They are our appointed experts for making planning decisions that work with our Master Plan, so I guess I don’t really understand the message we would be sending. If we’re going to have a joint work session with the Planning Commission that Mr. Lindsey and the Mayor has promised us in the near term, then I think that this would be a very helpful topic for us to be able to discuss more holistically and in the bigger scope of things. I can’t picture myself what would go wrong if we went ahead and initiated or enacted this ordinance, but I do think, since they’re wanting to take the time out to further study it, that it might behoove us to go along with them and further study, or at least have that work session, that’s going to allow us to have sort of the bigger picture discussions that we’ve agreed we need in the context of making zoning changes that are currently being deferred all over our agenda. So, I can go either way, but I’m positive for that question of why wouldn’t we want to take the time out with the Planning Commission and then come back and give the whole thing a second and third reading after the Planning Commission’s recommendation to us.”

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, “Councilwoman Jackson, I do understand your sentiment there, but I think that what we’re trying to send is a message, not just to the Planning Commission, but to the public, that we’ve already voted on this twice. We support it wholeheartedly. Nothing is going, I mean, we’re not going to hurt the Planning Commission by taking a second reading. If they come back to us with a different recommendation, then we have to make that decision at that point. We heard from the public. They overwhelmingly support this, and I think we need to show a sign to our public that we agree with that, and it’s not going to do anything but bring us a little bit closer together on that.”

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “I’m going to support the measure, but I wanted to pick up on something Councilwoman Jackson said about a joint meeting with the Planning Commission. I know that’s wanted on their side. I’m sure it’s wanted on our side primarily to talk about process. They’ve got some good ideas. We’ve got some good ideas. It kind of makes sense we can kind of, not talking about individual applications, but obviously the process that they are now, our policy that they’re running into now. It’s a lot different since I was there.”

Mayor Tecklenburg said, "So, I think there were some objections at the Planning Commission from some citizens on this matter, but I think it's fine to give it second reading because we can amend it before third reading if they come up with some positive suggestion or change. The key thing is that the change of the variance of the lot frontage is contingent upon a legal commitment to the property being developed as affordable housing. So, I don't know how many people are going to step forward and do that with their properties. I hope a lot, but I don't envision any kind of wholesale change to neighborhoods, as has been feared by some."

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, "Well, as I said earlier, I do agree with the way that the ordinance is laid out before us. I guess we don't know the 'devil in the detail' answers to some of the affordability permanency. I didn't see anything in the ordinance that declared that it was going to run with the land permanently. So, maybe, that's inherent to the way that the document is written but, again, I have no problem voting to give it second reading tonight knowing that we can't take third reading until we've had the wisdom of the Planning Commission. I, personally, would feel much happier if we were able to have that joint discussion before they made their recommendation back to us. So, I don't know what their ability is to continue to defer it for studying if it depends on having a session with us that we haven't seen announced yet."

Mayor Tecklenburg said, "Sure. The affordability requirement is 90 years."

Councilwoman Jackson said, "So, that's in there?"

Mayor Tecklenburg said, "Yes, ma'am. It does last for a while."

Councilmember Seekings said, "Call for the question."

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

No one else asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Waring, City Council voted unanimously to give second reading to the following bill:

*An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to incorporate provisions to allow subdivision and development of Single Family Detached Affordable Housing as a conditional use within multiple base zoning districts.*

Mayor Tecklenburg said, "We will wait until it comes back for third reading. Next, is approval of our City Council minutes definitely from September 25<sup>th</sup>. I wanted to ask if Council has had enough time since the minutes from October 9<sup>th</sup>, I think, just went out yesterday."

Councilmember Mitchell said, "Move for approval of both."

Councilmember Moody said, "Second."

Mayor Tecklenburg said, "For both of them?"

Councilmember Mitchell said, "Both."

Mayor Tecklenburg said, "Okay. Are there any changes or deletions?"

No one asked to speak.

On a motion of Councilmember Mitchell, seconded by Councilmember Moody, City Council voted unanimously to approve the minutes of the September 25, 2018 and October 9, 2018 City Council meetings.

Mayor Tecklenburg said, "Next, is our Citizens Participation Period. Madam Clerk. How many folks do we have?"

The Clerk said, "We have 40."

Mayor Tecklenburg said, "We have 40 folks, so we have a big crowd tonight. I will respectfully ask, we normally have just a 30-minute period for Citizens Participation. Forty folks have signed up. A minute each would run us a little over our normal 30 minutes, so I would ask everyone if you could please just keep it to one minute. We'll run a little extra since we have so many folks that want to speak to us."

The Clerk said, "We'll start with Mohammed Idris, Anthony Bryant, Noah Everett, and Angela Drake. If you would line up in that order."

1. Mohammed Idris said alcohol was killing babies and destroying families and it must be stopped. One of the first steps would be to take 'ABC' off of the liquor stores. He questioned why the ABC's were taught in school and then placed on a liquor store. God wanted him to bring peace to the City that he loved and to establish MADA (Minister Against Drinking Alcohol). He was there to ask for help with this noble task to bring peace and tranquility to the City. He ended by quoting a verse from the Bible and the Quran.
2. Anthony Bryant said it was amazing to be called every legal description in the book across the street. To have evidence and proof that someone was an epithet in an authentic stance. He put his complaint in, in an authentic way, to get an authentic result without any appearance of anyone that they knew that every day people were the same. They get the same justice based on access, money and power. In protest, he would appeal these ten and protests for those people that couldn't do it because they were all for the taking. It was amazing that people had any power and he now knew that the people across the street didn't have any.
3. Noah Everett said he was in the Category 1, Old and Historic District and he respectfully asked that Council not weaken the current ordinance that was just put in place. Specifically, he asked that Council not remove the National Register requirement and keep the requirement that the owner be on premise. His wife and he lived next door to a short term rental where the owner was not present and the police had been out many times which caused them to lose a lot of sleep. Their work lives had been affected. They had caught people crawling onto their roof to drink and smoke, as well as one of the female residents urinating in front of one of their doors in the French Quarter. He said this was not what could happen, but this was what did happen with STR's. He asked that Council keep the ordinance as it was and deny the changes.
4. Angela Drake said she resided in Ansonborough and served on the Short Term Rental Task Force. It was put together in response to economic changes in a proliferation of illegal short term rentals across the City. Mayor Tecklenburg and members of Council established a Short Term Rental Task Force with a mandate to create recommendations

for a solid, modern enforceable and fair system for short term rental regulation. It was a diverse group that she was a part of composed of preservationists, B&B operators, homemakers, attorneys, real estate industry experts, small and large property owners, and even an Airbnb operator. For the greater part of a year, the Task Force met to discuss the issues, ask questions, meet with citizens including four public citizen open forum groups, observe presentations from short term rental representatives, and analyzed best practices from other cities around the County. Utilizing the methods stated in the ordinance, qualifications, compliance, and enforcement, they only had worked within the boundaries of the ordinance for 12 months. She asked Council to give them a little more time. They had built up the momentum, enforced it, had two sessions of livability court, and they needed to move on.

5. John Marsland, President of Historic Ansonborough Neighborhood Association, said, on behalf of HANA, they opposed the changes for three primary reasons. They felt the changes fundamentally changed the intent of the ordinance from being one that focused on enabling residents to open their properties to others while safeguarding the residential fabric of neighborhoods, but rather changing it to one that favored and enabled commercial and non-residential investment while removing almost every significant safeguard embedded for livability. They didn't feel that the proposed changes were tethered to any current policy priorities and contradicted many of them. Charleston residents had concerns about deteriorating livability conditions, lack of affordable housing stock, and pressures from growth and accommodations use. There was nothing in the proposal that ameliorated the concerns, but rather exacerbated almost all of them. Unlike existing rules for new hotels and other commercial uses that required development to include increased parking capacity, the proposed rules increased demand on existing infrastructure. They asked that Council reject the changes.
6. William Thompson said he was a homeowner and resident of Ansonborough and he strongly opposed the proposed STR ordinance. He stated that, at present, Charleston had 4,963 hotel rooms and the City had approved an additional 2,250 rooms to come online by 2023 which was an increase of 45 percent in the next five years. He said the last thing the City needed was more tourist accommodations. By eliminating the requirements that old and historic properties be registered as National Historic places, every property in Ansonborough could potentially qualify as an STR. To make matters worse, on-site parking would no longer be required in the Historic District for properties within 600 feet of a public parking garage or lot. With garages at the Gaillard and parking lots around the Historic District, it would allow unlimited parking. He said, respectfully, they opposed the change to the ordinance.
7. Marion Hawkins, President of Cannonborough/Elliottborough Neighborhood Association, said for six years his neighborhood was the only legal area of the City that commercial short term rentals could be operated. They had seen pros and cons over the last six years. The pros were that they had seen a lot of investment, which was one aspect of the revitalization to their neighborhood. The downside was that they had seen illegals make a huge livability impact. He said that even with some legals they had seen marketing to bachelorette parties, wedding parties, and those had affected their livability. In their neighborhood, they were trying to have a balance of Commercial and Residential and they welcomed short terms, especially those who were local investors and owners who lived on the properties and took the impact into consideration. The biggest thing they needed was enforcement and he asked for Council to look at the long term and

allow the ordinance, even though it wasn't perfect, to stay in force, not expand, and then revisit in a year.

8. Shelley McMurray thanked the Councilmembers for serving. She lived in Mt. Pleasant and she and her daughter owned a home in the Avondale area of West Ashley that they had used as an Airbnb. She was a frequent traveler and stayed almost exclusively in Airbnb's. She said the memories made in Airbnb's couldn't be compared to staying at a hotel. She believed, by getting rid of the Airbnb's, affordability wouldn't be allowed to families visiting Charleston. In their West Ashley Airbnb they rented three bedrooms for \$150 per night which gave families the opportunity to have breakfast and so forth at home. She believed the change in Airbnb was technology and they should embrace it, not erase it.
9. Diane De Angelis said she lived in the French Quarter and thought Council was forgetting that the City had too many hotels already and then add the cruise ship people. She walked or biked everywhere, and sometimes drove, but it had become overwhelming with the number of visitors. There was Spoleto and all kinds of events going on and there weren't enough public garages. She thought that the ordinance just passed should be given enough time, at least a year, because they didn't know how it was going to work and it looked like it was working fine. As a resident, that's what she cared about.
10. Josiah Williams said he was native of Charleston and he was favor of the changes to the ordinance. He had seen a lot of comments online of people talking about how the short term rental market was controlled by rich, greedy developers or companies who didn't care about their properties. He thought it was the opposite, as every short term rental he had seen or stayed in, was owned and controlled by people like him, private residents and investors, who found an opportunity to generate additional income from their properties. He stated he was far from rich and had worked and studied hard to create his small businesses. He had used the extra income provided from the short term opportunities to help pay off his wife's student loans, invest in the community, and to help provide a life that he was proud of. The new ordinances didn't hurt big companies or developers. They hurt common people while simultaneously tripling investments.
11. Winslow Hastie, President and CEO of Historic Charleston Foundation, said they also believed, from a timing standpoint, that it was problematic. The enforcement had only been in place for about two months and they needed to work out the kinks in the process by gathering data and see how they were converting illegal short term rentals into legal short term rentals, and analyze that data to be better informed when they want to have a productive conversation around amending the ordinance. They would welcome a conversation, in a year or so, to look in a productive way at ways to use a scalpel to amend the ordinance rather than a sledgehammer. They urged Council to vote against the amendments.
12. Ginny Bush said she lived on Water Street and that the proposed STR amendment eviscerated a brand new ordinance and targeted the Residential neighborhoods that bore the greatest burden from tourism and the greatest erosion of livability. She stated that the Residential areas on the Peninsula also suffered from the greatest assaults on affordable housing and were most victimized by gentrification and Commercial development. Most dismaying was that the movement appeared to be supported by members who did not represent downtown neighborhoods. She hoped Council would not pass the amendments.

13. Leah Farrell, Preservation Society of Charleston, said they echoed the concerns of the residents and the Historic Charleston Foundation to oppose the amendments to the Short Term Rental Ordinance. She said the ordinance was what the City had asked for to ensure effective enforcement over the thousands of illegal STR's that were littering the City. City staff were investing incredible amounts of time and energy to protect the livability of the community for the residents while balancing the interests of visitors. The amendments would encourage the use of public parking to satisfy private parking requirements, facilitate single-use districts in the Commercial corridors which further hindered the growth of local business and office spaces, and would remove all means for effective enforcement by opening the floodgates of the STR's. They asked Council to pause and deny the amendments.
14. Shannon Gillespie implored Council to consider the impact, the character, and the history on neighborhoods. The real fabric of these neighborhoods were drastically impacted by short term rentals. They had a very assertive situation in her neighborhood and people's properties were stolen, and it went on and on. The limitations and the one-year period to assess was appropriate.
15. Erica Trent asked for Council to give them more time. They worked with the STR Committee to say their piece on the rules as they were being developed. They had lived across the street from an illegal STR that they had been fighting with for two years. They called the police all of the time. During her son's first birthday, they called the police five times in one weekend. The court fined them and stated they would be getting permanent tenants in. She said it was a big win and they just needed time with the rules.
16. Sis Marshall said she lived in Wagener Terrace and their Neighborhood Association had voted unanimously that no changes be made to the Short Term Rental Ordinance until they had the whole thing worked out. She believed everyone had spent a lot of time on it. It had not been easy for anyone, but particularly Wagener Terrace, because they were a very delicate neighborhood. They hoped that when the vetting process was done that Council would come back and discuss it with the Neighborhood Associations so that they had input, as well, into what the new changes might be, so that it wasn't a surprise. She also mentioned that Carolyn Diebruck who lived at 6 Alexander couldn't be there, but Ms. Diebruck was concerned about the quality of life and the safety of their area.
17. Marc Knapp said he didn't complete his thought the last time, but he had stated that government was ascension by attrition. He said the problem Council had was ascension by attrition to the point where people were well above their level of incompetency. He had pulled a couple of permits and the people at the Permit Center had gotten a lot better, but there were still some bureaucrats that would rather hinder than help and it was a section of the Permit Center. He suggested Council look at that. He also said there was still a problem with traffic not moving as it should on Bees Ferry and Glenn McConnell. He stated it was a simple fix and the City just needed to find somebody who was qualified.

Mayor Tecklenburg said, "Thank you, Mr. Knapp. Let the record show that Mr. Knapp complimented the Permit Center."

There was laughter in the Chamber.

18. Alston Middleton, President of Wagener Terrace Neighborhood Association, said, as Sis Marshall had stated very eloquently, that they had voted unanimously to request that the Short Term Rental Ordinance not be changed. He thought when Council passed the ordinance it had the same effect as the affordability requirement for 90 years. He questioned if that was correct or was it nine years? He asked how long it lasted.

Mayor Tecklenburg said, "Ninety."

Mr. Middleton continued by questioning that the short term rental be left in place for 90 years. He then stated he was just trying to make a joke.

There was laughter in the Chamber.

Mayor Tecklenburg said, "You were successful."

Mr. Middleton continued by saying to at least give it nine months, as this was something that needed to play out. Let the experts analyze it, and then look at fixing it.

19. Janet Hopkins said she had lived on Church Street for 30 years and she'll always live in her home. She had a couple of past neighbors that ran illegal Airbnb's next door to her always saying family and friends were visiting. She said it was unpleasant and it created noise. She was relieved when the ordinance was passed and she hoped that Council would not change it. She said it was a protection and she was protective of her neighborhood, as well as the wear and tear on the buildings and the quality of life in their neighborhood, which would be compromised if the ordinance was changed.

20. Yvonne Fortenberry said she was representing the Harleston Village Neighborhood. She stated that Council had a letter from the Neighborhood President, Luke Daniels, stating their opposition to the proposed amendments. The proposed changes to the ordinance would remove some of the most important provisions of the ordinance. They were concerned with the amendments, but particularly the ones removing the National Registry requirement, removing the requirement that the owner be on site when renting an STR, and easing the parking requirements. She said the amendments would jeopardize the livability of neighborhoods by allowing more STR's with less supervision, create more parking problems, and the provisions would be harder to enforce. She stated the citizens, staff, Task Force, Boards, and Council all worked hard on the ordinance for over a year and asked Council to give it a chance rather than embark on another lengthy and contentious process.

21. Luke Daniels said he lived in Harleston Place and he thanked the Mayor for the ordinance to amend Chapter 21 that prohibited the building construction as he was a block away from the noise and the pounding of the Sergeant Jasper. He asked if it could be further limited to end at 5:00 p.m., instead of 7:00 p.m., and not at all on Sundays, if possible.

Mayor Tecklenburg said, "It is prohibited on Sundays, loud noises."

22. Mara Brockbank said she lived in Harleston Village and belonged to a group called Aging in Place which encouraged people to remain in their homes once they were senior citizens or all day pensioners. She stated that one way to do that was with short term rentals. She said her house was built in 1775 and was on the list of Historic properties, but not individually listed. They had parking for six, but she was denied, so she thought the ordinance needed to be revisited. She agreed with Josiah who had spoken earlier.

23. Josh Dix, Government Affairs Director for Charleston Trident Association of Realtors (CTAR), said they found some of the ordinance language definition to be ambiguous and they wanted more clarity when it came to loud and unusual noises. CTAR had been a partner with the City in the past on affordable housing which had been brought up several times. The limitation of hours, the restriction that it put on builders, only delayed and created more costs at a time when housing was at an all-time deficit. They needed every available parcel to come online as quickly as possible, so they urged Council to vote 'no' on the amendment. As future language was considered, the realtors, developers, homebuilders wanted to be allowed to participate in the crafting of the language.
24. Patrick Arnold, Executive Director for Charleston Homebuilders Association, said, on behalf of the Association, they respectfully asked Council to temporarily defer the proposed ordinance to regulate construction noise. While they understood the need for the protection of the community, industry experts and associations were not consulted prior to the drafting of the ordinance. They believed there would be some serious negative consequences to the community as a whole. Most importantly, to echo the sentiment of the Charleston Realtors, that it would drive up the cost of housing, a key initiative of the City to combat. They humbly asked that the City defer and work with the industry experts to craft the best ordinance possible.
25. Bill Bennett spoke in opposition to the changes of the Short Term Rental Ordinance. He owned several rentals and he owned the properties for 20 years, long before the concept of short term rentals, as they knew it today, existed. All of the properties that he owned were in the areas in which short term rentals were permitted and were eligible for short term rental licenses. The rentals could be a profitable endeavor, but they carried with them various negative aspects for the greater community that could diminish the quality of life for the majority of residents such as parking, noise pollution, and problems created by absentee ownership. For years, people violated the zoning regulations and established illegal short term rentals. The rentals became a problem for the neighborhood and to the community at large. Residents made their voices heard and the City established a Task Force to study the problem with the goal of limiting the negative aspects of such rentals. Now, it seemed that certain people wanted to return to the conditions and expand this commercialization. He questioned if they were there to promote, protect, and enjoy the neighborhoods or were they there to enrich their pockets. He questioned their motives.
26. Chuck Waring said his wife and he owned properties in Wagener Terrace, Elliotborough/Cannonborough in the Short Term Overlay, Harleston Place, and Radcliffeborough. He encouraged the Council and the Mayor to consider leaving the ordinance in place a little longer to allow the enforcement to take effect and for it to flush out some of the gross offenders to the policy. He also said instead of considering changes individually, to collectively grab those, study them, and make a proactive decision, rather than a reactive one.
27. Phyllis Ewing said she was there for Charlestowne Neighborhood Association and she wanted to address the hours of the construction ordinance. They liked the idea of the ordinance but they hoped instead of 7:00 a.m. to 7:00 p.m. on weekdays that it could be 7:00 a.m. to 5:30 p.m. and 9:00 a.m. to 5:30 p.m. on Saturdays. It was nice to have some peace when home and it was aimed at residential areas. With regard to short term rentals, the proposed ordinance gutted all features that the Task Force and

citizenry worked diligently to include and took away the provision in District 1 that buildings must be on the National Register to apply. This was a protection for the most visited and preserved neighborhoods in the City. She questioned where it would end, as three things had already been approved to go into the Hotel Accommodations Zone, and if this ordinance was approved it would not stop with Residential neighborhoods. Charleston would be a hotel city.

28. Susan Bass, President of the French Quarter Neighborhood Association, said she lived at 18 State Street and she urged Council to give the ordinance a chance. The Task Force worked hard to come up with something that was measurable, enforceable, and had common sense. She thanked everyone for developing an order for construction hours. She said the neighborhoods, especially downtown, appreciated the potential to have some quiet time.
29. George Seago, IV said he was a legal STR operator living on site at 68 Cannon Street. The proposed changes that did not require on-site parking and did not require the owner to be present, catered to the types of uses that were destructive to the City. They were large parties, wedding parties, bachelor, and bachelorette. He said 'when the cat is away, the mice will play.' People thought they could own the place, so the changes, as written, gave a green light to an unsupervised party.
30. Karen Keys said she was a long-time resident of Charleston and a Certified Property Manager for short and long term rentals. She appreciated Council reconsidering some changes to the ordinance. She did support changes to it. She said it was initially passed only because the caveat was put in that there needed to be exemptions to it which were needed. Whole homes were not inherently bad, technology and monitoring skills were far improved from what they used to be, so there were ways to operate them responsibly even if someone was not on site. She knew the story of Rashaunda Grant and her home on James Island who she had the pleasure of meeting and saw their property. He did have a legal permit to operate, but there was a four-person limit on his home which was a large home with accessory dwellings, as well, that could provide a great spot for families that hotels could not accommodate. They already knew that there needed to be changes and she appreciated Council considering them.
31. Michael Maher, CEO of WestEdge Foundation, said while the goals of the construction activity ordinance were well-intentioned, understandable, and well-meaning, regrettably or respectfully he suggested that the ordinance was not ready for Council's consideration, not even first reading. He recommended that Council defer for the study that had not yet occurred on the ordinance. The ordinance, as written, had imprecise language, undefined terms, that were at the core of the ordinance and shouldn't be the case. The intended results and the unintended consequences hadn't been identified or addressed because they hadn't been thought through. There had been little analysis of what could be significant economic impact that the ordinance could have. It relied on an exemption process that wasn't defined in the ordinance. He asked if there was an appeal process. He said it turned the Chief Building Official into someone who would be influenced or pressured politically and there had not been an outreach to the stakeholders who could really help. He volunteered to craft an ordinance that could meet the goals, but that could identify all of the implications and address them as precisely as possible within the ordinance now rather than later.
32. George Smythe said he was a downtown resident and a licensed Bed and Breakfast operator. He asked Council to leave the STR ordinance in its current form, as it was an

effort to preserve neighborhoods and a residential way of life on the Peninsula. The ordinance took effect on July 9<sup>th</sup> and was enforced 60 days later. It was 107 days old and there were some on Council that wanted to make changes to the ordinance as it was. He asked Council to give the Short Term Rental Ordinance an opportunity to work.

33. Ginger Blass said she had lived in Charleston all of her life. She thanked Councilmember Waring for proposing some amendments, but the condition should be on a case-by-case basis as in setting the maximum percent of a lot occupied by buildings to 25 percent. That shouldn't matter, as long as there was enough parking. The one-year rule seemed to be set up so that only wealthy property owners could take part. She questioned who could keep a home unoccupied for one year. From the beginning, the Short Term Rental Task Force was skewed and biased because instead of setting up the Task Force to represent both sides there was not a single member that tried to gain legality to report their property short term. She said there were lawyers, a Bed and Breakfast owner, some from the hotel industry, and others that didn't know anything about STR's prior. She stated it was from that body that the Council took direction, not the Planning Commission. Responsible property owners like herself, Rashaunda Grant, and others were not represented and they deserved an opportunity to rent their six percent whole homes. She stated that if the City would allow people to rent their second homes or part of their homes more people would sign up for the proper permits and licensing and once everyone on board, tax revenue increases, the City would have money to hire more City staff. Then, they could more effectively eliminate the bad actors.
34. Vangie Rainsford said there was someone famous who said, 'Time is on our side', so that was what needed to be done. She said to give the ordinance time. She recognized Dan Riccio for the terrific job and putting together a team that had now begun to tackle what they needed to tackle in the City, the attack on the quality of life downtown. She asked Council and their Neighborhood Association voted unanimously to ask Council for nine months, so they could digest everything going on.

Mayor Tecklenburg said, "Thank you very much. Well, that concludes our Citizens Participation Period. Thank you all for sharing your thoughts and comments with us. Next is Petitions. It's just the appointment of Paul Multani, who is a West Ashley hotelier, to the Accommodations Tax Advisory Committee. Did I hear a motion and a second?"

Councilmember Griffin said, "Move for approval."

Councilmember Mitchell said, "Second."

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

No one asked to speak.

On a motion of Councilmember Griffin, seconded by Councilmember Mitchell, City Council voted unanimously to approve the appointment of Paul Multani to the Accommodations Tax Advisory Committee.

Mayor Tecklenburg said, "Next, we'll go to our Committee Reports. First, the Committee on Recreation, Councilmember Gregorie."

Councilmember Gregorie said, "Mayor and Council, the Recreation Committee met on Monday, October 22<sup>nd</sup> at 3:30 p.m. We had three items on our agenda. The first was to change

the name of our Committee from Recreation Commission to, appropriately, the Recreation Committee, as all other Standing Committees are referred to. That was passed unanimously by the Recreation Committee. Under New Business, we had discussions on a Johns Island Recreation Center, something that we've been discussing now for about 20 years. The Committee voted to bring before the body of the whole, a recommendation that the City intends to provide a recreation facility on Johns Island. That was voted for unanimously by the Committee, and that's in the form of a motion."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Could you restate the motion?"

Councilmember Gregorie said, "The motion is that this body votes to agree to providing Johns Island with a recreational facility. The question is timeframe. As most of you know, we are in the process of doing a study on the overall Recreation and Park needs of the City of Charleston and, therefore, we would include that as an essential part of that study."

Councilwoman Jackson said, "As in the Master Plan."

Councilmember Gregorie said, "Yes."

Mayor Tecklenburg said, "In the Master Plan."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "That was my question. What are you proposing? How much will it cost? Where is the money is coming from? But you're really just proposing this study for basically what's needed and then come back with those items?"

Councilmember Gregorie said, "But also agree that given the growth of Johns Island--"

Councilmember Moody said, "That we need a facility."

Councilmember Gregorie said, "We need a facility. Yes."

Councilmember Moody said, "Okay."

Councilmember Gregorie said, "Okay."

The Clerk said, "Councilmember, what about your ordinance? Do you need a motion to give that first reading? Is that a recommendation?"

Councilmember Gregorie said, "Yes."

The Clerk said, "So, we need another one?"

Councilmember Gregorie said, "Yes."

Mayor Tecklenburg said, "We're voting on what's on the floor right now. We've got a motion on the floor."

The Clerk said, "Right. I just wanted to ask that question."

Mayor Tecklenburg said, "We're kind of going out of order here a little bit. You want to go ahead and handle the motion to agree to providing a recreation facility on Johns Island subject to our Parks and Recreation Study that will be done this coming year?"

Councilmember Gregorie said, "Yes."

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

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Yes, I just want to say that the kids or everybody on Johns Island come over to West Ashley to use the facilities West Ashley, so it's not just an answer to a Johns Island problem. It also helps free up that Bees Landing, West Ashley Park, and those areas, as well."

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

No one else asked to speak.

On a motion of Councilmember Gregorie, seconded by Councilmember Shahid, City Council voted unanimously to provide a recreation facility on Johns Island subject to the City's Parks and Recreation Study.

Mayor Tecklenburg said, "Let me just add that Councilmember Wagner and I both serve on the Johns Island Infrastructure Committee. We've had our Recreation Department look at the statistics of how many tennis courts you ought to have, how many basketball courts you ought to have for a certain amount of population. Clearly, we are lacking on almost every count. There might have been one or two things that we had covered with our one park over there, but the need is real. Thank you."

Councilmember Gregorie said, "I'm just going to finish up the New Business. Then, we'll go back to the ordinance, Madam Clerk. The second item for discussion was the economic impact of the Wellness and Aquatics Center Complex. We agreed and recommend that this body allows the group to come before us at our next Council meeting to go over the economic impact of the Wellness and Aquatics Center Complex West Ashley."

Mayor Tecklenburg said, "Right. We'll agree to that. I don't think we need a motion. Yes, sir."

Councilmember Gregorie said, "Let's go back up to the name change. As I said earlier, the Recreation Committee voted unanimously to make the change of the Committee from Recreation Commission to Recreation Committee."

Councilmember Gregorie said, "So moved."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "We've got a motion and a second."

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

*An ordinance to amend Chapter 2, Section 50, to change the name of the Recreation Commission to the Recreation Committee.*

---INSERT COMMITTEE ON RECREATION REPORT---

Mayor Tecklenburg said, "Thank you for that report. Next, is our Committee on Public Safety, Councilmember Shahid."

Councilmember Shahid said, "Thank you, Mr. Mayor. The Committee on Public Safety met yesterday afternoon around 4:30 p.m. The only issue on our agenda was the fire stations that are on Clements Ferry Road. This is in Councilmember White's District. We've had several discussions. Let me just give the Council a quick rundown. There is, on the strip from approximately where I-526 interchanges all the way to the very far corner of the City boundary line, two existing fire stations, Fire Station #20 and Fire Station #21. Sort of smack in the middle of those two fire stations is a proposed Fire Station #22. We just dedicated, back in June, Fire Station #21 that is on leased property. There is a huge improvement of what was out there before, but it looks to be still kind of a temporary facility. It's up and running, and it serves the community on the far reaches of the City boundary. Fire Station #20 has been there for approximately 20 years or so. It was the former warehouse tool shed during the construction of Interstate 526. You may have remembered several months ago that there was the bed bug episode at the fire station. The living conditions out there are deplorable, at best. The gravel driveway that comes down to this area has to be navigated carefully because I think one of the apparatus trucks was damaged coming down this area. There is a piece of property on Enterprise Street that the City has been looking to purchase. The current lease on this property is around \$80,000, \$78,000 and change, which is right under \$6,000 a month, to lease this property. So, the question has become, and I know Councilmember White's position on this pretty clearly, we've discussed this, is to proceed with the construction of Fire Station #22 and acquire land. However, because of the condition of Fire Station #20 and the ability to acquire property in the very near future of a new facility to replace Fire Station #20, the Committee discussed and voted to recommend to this Council that we proceed with the purchase and immediate plans for construction of a replacement fire station for Fire Station #20 and to fund it, as well, but not ignore what needs to be done for Fire Station #22 because we need to fill in that gap that Fire Station #22 would serve. So, before you is a report that we move forward with a plan to acquire the land necessary to replace Fire Station #20 and to fund it with whatever sources we can to do that."

Mayor Tecklenburg said, "Alright. Is a motion required or that's just a report?"

Councilmember Shahid said, "I think we would need a motion, Mr. Mayor."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "So, a motion to accept the report."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I just want to thank the Committee for reviewing the need out on Clements Ferry Road. As many of you all, probably, as part of the Real Estate Committee, know my opinion of replacing Fire Station #20. That, really, it was a priority issue for me. I will say Fire Station #22 is the top priority still. I'm not opposed to acquiring a replacement site for Fire Station #20. I do think that, based on our most recent conversations around our budget in 2019 and moving forward, the reality is that we're going to have to figure out how we do Fire Station #22 in the near term, as well as something on Johns Island. So, I appreciate the Committee looking and reviewing the information, and I'm prepared to support the initiative moving forward. Thank you."

Councilmember Shahid said, "Thank you, sir."

Mayor Tecklenburg said, "Are there any other comments?"

No one else asked to speak.

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

---INSERT COMMITTEE ON PUBLIC SAFETY REPORT---

a. Discussion regarding fire stations in Cainhoy. ***(The Committee voted to acquire land for and fund a replacement station for Fire Station #20.)***

Mayor Tecklenburg said, "Thank you very much. Next, the Committee on Traffic and Transportation, Councilmember Seekings."

Councilmember Seekings said, "Thank you, Mr. Mayor. The Committee on Traffic and Transportation met yesterday at 5:15 p.m. with a mandate to finish by 5:45 p.m., which we did. We took up two matters that need approval of this Council. One was an application for a taxi, Charleston Taxi, LLC. The second was approval of Speed Calming Humps on Barfield Street on Daniel Island. This was actually a street that came before the Committee before and did not meet the speed requirements. Apparently, the word got back to the residents of Barfield Street, so they sped up."

There was laughter in the Chamber.

Councilmember Seekings continued, "So, now, Barfield Street qualifies for speed humps, and as a result of them speeding up, we're going to slow them down, unanimously, by approving speed humps. I would like to let the members of this Council know that by approving these, if we do tonight and with the rest of our maintenance needed for the end of the year, we're now out of money for speed humps. So, please tell your constituents 2019 is their year, not 2018.

We heard a report on the Line Street Update, which is the Line Street conversion two ways from Rutledge Avenue to King Street. That was approved by this Council as a matter seven years ago, Mayor, so we're right on it. The project is ready to go. Mr. Benjamin has it ready to go and funded. It has taken to the community. They approve of it. It will actually be a really cool project on the north end of the Peninsula, Line Street going two ways.

We heard from the County and the SCDOT on the US 17 Corridor Study, which is a fascinating study. It dovetails very nicely with the West Ashley Study on transportation. The absolute center of gravity and need is right there at Wesley Drive and at that whole shopping center right there, so the County is looking at that closely. The US 17 Corridor is going to get attention. Principally, other than getting across the river, it was that Wesley Drive Corridor going up to US 17 and 61 that had all sorts of attention. I think the County, Mr. Turner actually came to our meeting yesterday, is committed to addressing those issues over there. We got an update on the Parking Study which is coming your way at the end of the year. So, it was a lively meeting, a great meeting. There is a lot going on in Transportation, so to the extent that you all would like more information on the Parking Study, the Pedestrian Enhancement Project, and the US 17 Corridor Study, which I would recommend you take a look at, we'll get it to you. I would move for approval of Charleston Taxi and of the soon-to-become Barfield Street."

Councilwoman Jackson said, "Second."

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

Mayor Tecklenburg recognized Councilmember Moody followed by Councilmembers Lewis and Waring.

Councilmember Moody said, "As a point of order, I don't know that Council needs to approve that speed hump. That's a T&T Committee approval, is it not?"

Councilmember Seekings said, "No, it comes under Council after that. It needs full Council approval. We approve all of the speed humps through City Council and have."

Councilmember Moody said, "I think it's information only."

Councilmember Seekings said, "Well, we have always, I mean, I'll certainly look to our rules, but we have always brought speed humps as a matter."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Yes, did I hear you say Line Street from Rutledge to Coming?"

Councilmember Seekings said, "Rutledge to King."

Councilmember Lewis said, "Rutledge to King. Okay."

Councilmember Seekings said, "Yes, sir. So, we'll take it the whole stretch."

Mayor Tecklenburg said, "It's already two-way between King and Meeting."

Councilmember Lewis said, "Yes, I know we approved it. It's my district. I know we approved it. I was just wanting to make sure I was hearing him right."

Councilmember Seekings said, "That's correct."

Councilmember Lewis said, "Okay. Thank you."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I have a question about the motion. I have a question after, hopefully we pass the motion."

Mayor Tecklenburg said, "Okay."

Councilmember Gregorie said, "Same here."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I have a question about the speed humps thing. I know we talked about it a couple of months ago in Shadowmoss. We talked about maybe making some changes to how we do this, the speed humps and the Traffic Calming Program. Has that been

brought up again or is that going to be something that we need to kind of look into at the end of the year for next year?"

Councilmember Seekings said, "So, like many things, speed humps are a matter of policy and funding. So, it's something we certainly need to talk about during the process of our next budget year. We have certain funds allocated to the Speed Hump Program. The manner in which speed humps are placed out in the community is certainly something we can always look at. I see Mr. Benjamin back there. I don't know if he has a comment, but you did come and talk to us. We are really limited in our speed hump budgets. One of the things we've talked about here is, through Mr. Lindsey's department, as we develop more planned communities throughout the City of Charleston, that we build into some of the requirements that as the roads get dedicated back, they come with speed humps either already built or dedicated with monies put aside. So, I think, really that's probably where we need to get to, as a matter of zoning, not necessarily a matter of Traffic and Transportation, which allows me to go back to my belief that we need to have a little bit better coordination between Planning and Traffic and Transportation when we talk about new developments in our community, Cainhoy coming online, the growth out in West Ashley, lots of roads coming, lots of need for traffic calming. So, we've got to be very conscious of that as we go forward."

Councilmember Griffin said, "Based on our need now, though, and how many requests we have that are unfilled."

Councilmember Seekings said, "We don't really have much of a backlog on speed hump requests, I don't think. I don't know if Mr. Somerville is here. Keith, do we have any actual backlog? I don't think we do. If we do, it's not much."

Keith Benjamin, Director of Traffic and Transportation, said, "Good evening, Councilmembers. When the Traffic Calming Program was first introduced in 1999, our department was allocated \$100,000 for that program. Today, it's about \$61,000 and change. We currently have over \$100,000, just in maintenance requests, and close to half-a-million in requests. So, we're trying to navigate what that exactly looks like. One of the things that we did change with our process, before, we would just get the requests in and immediately start studying to see if it was viable. We switched it up to say the community needs to get the buy-in first from their neighborhood. Then, we would go out and do the particular studies for it. So, we do have a number of requests that have come in that haven't gotten in the full neighborhood buy-in, but it's a request that came from one citizen or otherwise, but there is, if I remember my numbers correctly, there is about \$89,000 in new requests that have both the neighborhood buy-in and had the Speed Study."

Councilmember Seekings said, "So, it's a year backlog?"

Mr. Benjamin said, "Yes."

Mayor Tecklenburg said, "Right. But, you make an excellent point, if I may say and, Jacob, like Carolina Bay, we were putting new speed humps in on a brand new road in a relatively new subdivision and could have required that from the beginning, right, if we wanted to. So, we need to do that from here on out."

Councilmember Seekings said, "We really need to look at that."

Mayor Tecklenburg said, "Absolutely, and I must tell you that Planning and Traffic and Transportation are communicating much better than they have in years."

Mr. Benjamin said, "We have our monthly meeting tomorrow."

Councilmember Seekings said, "Excellent, and as we look at zoning ordinances, we need to make sure there is a coordination with the needs for Traffic and Transportation."

Mayor Tecklenburg said, "Right. Absolutely."

Mayor Tecklenburg recognized Councilmember Waring followed by Councilmember Griffin.

Councilmember Waring said, "Yes, it's not for the motion, are we going to vote on the motion?"

Councilmember Seekings said, "Yes."

Councilmember Waring said, "I've got a question after the motion."

Councilmember Gregorie said, "I do, too."

Mayor Tecklenburg said, "Yes, sure. But, I was just finishing up. Are there any other questions regarding the motion?"

Councilmember White said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I'd like to make a quick comment because we've done a number of traffic calming devices on Daniel Island. Speed humps do work, and they're effective. However, what they also do is they then push traffic into other areas, so when you talk about it really being a function of Planning, it really is because the reality is, Daniel Island's a brand new community. The reality of putting in traffic calming devices, it really just sort of pushes traffic in other directions, so you have to be mindful of that. I think it's something that we do need to look at holistically when it comes to Planning and new neighborhoods and the functionality of how those neighborhoods work."

Mr. Benjamin said, "Speed humps are not the only traffic calming device and in the original Neighborhood Traffic Calming Program, and the study that was done, there was a vast swath of menu items to choose from for that. That's, for whatever reason, over time, transitioned."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "I kind of want to expand a little bit on what Councilmember White just said in general. We have worked very, very hard on getting connectivity throughout this City. Right now, half of my traffic is coming off of Bees Ferry Road down Sanders Road and right up to my stoplight. I've got the only stoplight coming out of Carolina Bay. I am the first street in. I wait sometimes three to four lights to get out or more. We also have a school there called C.E. Williams. Try it at 7:00 in the morning when we have the traffic for the school. It also dovetails going through Carolina Bay where it goes from my district to Councilmember Shealy's where they're trying to get to West Ashley High School. So, bottom line, I've got a new section of Carolina Bay, and you got attacked by them, and I did, too. Mine was about the fifth attack. 'Where's my speed hump? Come sit by my door.' What we're seeing actually happen is the connectivity is working. Maybe it wasn't planned exactly right to

begin with by the developer, but now that they're coming through my neighborhood or your neighborhood or Kevin's neighborhood, they don't care what the speed limit is, nor do they care about stop signs. So, now, through our own success with connectivity, we've created a monster called traffic, illegal traffic. I need this guy out here for about two weeks with his own mark, and we'll let him take care of it. I mean, we've got to get this together because if we don't, we're going to have more wrecks and a lot more."

Mayor Tecklenburg said, "Okay. Are we ready to call the question on what needs approval here?"

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Gregorie said, "I think I may be before him because he's spoken already."

Councilmember Griffin said, "Okay. Yes. Absolutely."

Mayor Tecklenburg said, "Councilmember Gregorie, I thought you had a question after the vote?"

Councilmember Gregorie said, "I can roll it into this one."

Mayor Tecklenburg said, "Okay."

There was laughter in the Chamber.

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, some time ago, this body passed a Transportation Plan, if I'm not mistaken. A lot of what we're discussing right now was a part of the Plan. My question, however, to the Committee is, how many dollars have we tied to a Transportation Plan that we adopted, so that we can implement?"

Councilmember Seekings said, "So, as you know, for the first time ever in our history in the City, we actually have a Budget Committee. We have sat with all of the Department Heads, which has included Mr. Benjamin from Traffic and Transportation and all others, who have been asking for dollars specifically for projects. Mr. Benjamin actually adhered very closely to all of the Plans that have been paid for and studied in the City in his requests. So, it will now be incumbent on this body, as we go through the budgeting process, to tie those dollars in. We don't have the ability at T&T. This Council, as a whole, has to do that. We have to, I mean, I believe, as a Department Head, it's incumbent on him to bring before us requests in the budget to make sure we adhere to the Plan."

Councilmember Gregorie said, "Just as a follow up, what was that budget request to implement the Plan?"

Councilmember Seekings said, "Well, it was parts of the Plan."

Councilmember Gregorie said, "Parts of the Plan."

Councilmember Seekings said, "I don't recall what Mr. Benjamin's exact request was, but we can get it."

Councilmember Gregorie said, "That was my question."

Councilmember Seekings said, "He's standing right there. So, I mean, we're talking about him like he's not here. He's right there."

Councilmember Gregorie said, "I'm directing it to--"

Mr. Benjamin said, "Thank you, sir. So, a couple of things, one of the pieces was embedded in the Plan were street design standards and how we handle that process, and a lot of that is paint and signage. We've asked for training dollars for our crew members, so that they can be able to do it, so we're not as dependent on professional services to execute that work, since we've invested \$40,000 in new paint machines. We've also asked for an increase in our professional services just because then, we could be able to do some of the work like the People Pedal Plan on our own with the fact of our right-of-way death and injuries, especially around multi-use, multi-modal use. We feel like there is work that the City can be doing to effectively change them. One example for you where we partnered with SCDOT was for Brigade Street. We believe that one of the opportunities for bikeway connection is between the Bridgeview Neighborhood to the Lowline, directly to the Food Lion. So, we worked with the District Office, and Brigade Street is on the resurfacing list for 2020. Also, we agreed to improve the intersection of Brigade and Meeting Street with concrete bulb-outs, camera activated flashers, and new markings. When they do their resurfacing, they're going to bring that bike infrastructure through. So, it's not just the City taking on the full onus of a particular project. It's giving us some level of leverage to move from just doing plans to implementation. That's part of the request process that we had before us, but we need the training, we need some dollars to implement. We can't just pass a plan."

Councilmember Gregorie said, "Right. Lastly, just a follow up, because you guys bring in millions of dollars to the City through just parking alone. My question really is, do you have direct access to those dollars as a Department Head?"

Mr. Benjamin said, "No, sir."

Councilmember Gregorie said, "Thank you."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Griffin.

Mayor Tecklenburg said, "Then, we're going to call for the question."

Councilmember Griffin said, "While I've got you up here, you said that the budget for traffic calming this year is \$61,000 or so?"

Mr. Benjamin said, "Yes, and it's specifically in the budget for, it says traffic calming, instead of speed humps."

Councilmember Griffin said, "So, basically, we've spent zero dollars on any other traffic calming measure, right?"

Mr. Benjamin said, "No, sir. I mean we've done it through sales tax requests and--"

Councilmember Griffin said, "Right, but not through that. All I'm asking is to implore our Budget Ad Hoc Committee to look at getting up to at least the \$100,000 that is in the Traffic Calming Program, that is put on our website, that citizens click on, and look at this brochure,

that says that we have this program that is underfunded and underperforming. So, that's just the point I wanted to make. Thank you."

Mr. Benjamin said, "Thank you, sir."

Councilmember Seekings said, "Mr. Mayor, just a point of clarification. Councilmember Moody is right. The speed hump is for information only. We got lots of information. So, the only thing that actually needs the vote is the Charleston Taxi, LLC. Thank you."

Mayor Tecklenburg said, "Okay. We're voting on approval of Charleston Taxi, LLC."

Councilmember Seekings said, "And the report."

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

---INSERT COMMITTEE ON TRAFFIC AND TRANSPORTATION REPORT---

- a. Application for Original Certificate of Public Convenience and Necessity:  
-Charleston Taxi, LLC (Taxi)
- b. Traffic Calming Speed Humps for Approval (Information Only)  
- Barfield Street, Daniel Island
- c. Line Street Update (Information Only)
- d. SCDOT Pedestrian Enhancement Project (Information Only)
- e. Parking Study Update (Information Only)
- f. Charleston County US 17 Corridor Study (Information Only)

Mayor Tecklenburg recognized Councilmember Waring.

Mayor Tecklenburg said, "You've been so patient."

Councilmember Waring said, "I know. Mr. Benjamin, I know we put in a request, and I know you're working on it, but if you can explain some of the process in place to get a school zone flashing light put up? When the Addlestone Hebrew School was built, believe it or not, on Raoul Wallenberg Boulevard, there is very little signage at that elementary school. There are some signs on one side coming from Highway 61 towards Ashley Hall Road. If you're on Ashley Hall, going towards the school, there aren't any signs at all. So, I know you've been working on it, but can you tell, we're building a school over at Stono Elementary."

Mayor Tecklenburg said, "At where?"

Councilmember Waring said, "Stono Elementary. There is a new Stono Elementary being built. As part of school construction, wouldn't proper signage be part of that construction, or the simple thing of putting up a school zone flashing light? So, tell me the ramifications that, I guess, the State is putting you through or the Department of Transportation or whatever?"

Mr. Benjamin said, "Yes, and let me address that in two different ways. One of the things that I've asked my staff to do, and I know the Mayor has been working on it with the review of the TRC process, I've been asking my staff to be more adamant about the demands that are asked of during the development process, right? Because what happens is we don't make those asks on the front end, and then we get the requests from the citizens afterwards, and to be able to just say, 'Oh, we don't have the dollars for it', or whatever the excuse might be, doesn't bode well for the citizen. So, if we're having those conversations on the front end and making those demands from there, I think that that's a piece of that, even if that's as small as the crosswalk that's connecting the parking lot at Blackbaud on Daniel Island. To do that work ahead of time, instead of that coming back to us later, and so, we try to make that effort and try to be better about that. In regards to the school zone and the lights and otherwise, SCDOT sees those in the same category as signals and so, though we maintain and operate them, we still have to make a request for school zones because that's a dictation of speed. So, we have to make our formal requests to SCDOT. They do their particular review, and then come back to us with whatever that particular response is. We don't have that jurisdiction to immediately make that installation on our own, as a municipality, if we don't own the public right-of-way."

Councilmember Waring said, "So, what you're saying is there is no way to expedite that? I'm talking about existing. This school's certainly been open more than a year."

Mr. Benjamin said, "If you're designating a school zone on the public right-of-way that SCDOT owns, we have to make a request."

Councilmember Waring said, "Some elementary schools are at the back of a neighborhood. Wallenberg is a major cut-through in West Ashley. It runs between Highway 61 and Ashley Hall Road, so whatever we can do. I know that's not on you, but if there is something we can do to get with our Senators and our Legislators to help expedite the process, we need to do it."

Mr. Benjamin said, "Understood."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Alright. So, next is our Committee on Public Works. Councilmember Waring, back to you."

There was laughter in the Chamber.

Councilmember Waring said, "Thank you, Mr. Mayor. We had the acceptance and dedication of the two, J.4.a.(i) and (ii), were passed unanimously, and I so move that they be, hopefully, passed today. Then, I'll address the second part of the report."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg said, "We have a motion to approve the report."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Those two items, and a second. Is there any discussion?"

No one asked to speak.

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

---INSERT COMMITTEE ON PUBLIC WORKS AND UTILITIES REPORT---

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

- (i) Abandonment of a 20 ' COC Drainage Easement and Acceptance of a new 20' COC Drainage Easement in Oakfield, Phase 5A. (report out to Council)
- (ii) Letter of Notification to SCDOT of City's intent to accept maintenance responsibility for granite curb, sidewalk and street trees for the project located at 577 Meeting Street.

**b. Miscellaneous or Other New Business**

**(Action may or may not be taken on any of the below matters.)**

- (i) Update on Huger Street Drainage issues
- (ii) Update on Outfall at South Windermere
- (iii) Update on Church Creek Drainage Basin
- (iv) Report on the drainage for the cul-de-sac at 1311 Gilmore Road

Councilmember Waring said, "I would ask under Miscellaneous that Ms. Cabiness, if she's still here, come up and address the Huger Street Drainage Update. In particular, it looks like we need a pump station there, and also the update on the second outfall for South Windermere."

Mayor Tecklenburg said, "The Huger Street Drainage Report and the South Windermere Outfall."

Laura Cabiness said, "Okay. So, for Huger Street, we got a report back from JMT. They looked at several options. The one that looks most promising would involve construction of a pump station and, I think, he said the estimate was about \$4.9 million. The outfall for South Windermere, we're expecting a survey back in a week or so. We're looking at it in-house to see if we've got the ability to get gravity flow from Windermere out to this new outfall. Are there any other questions regarding that?"

Councilmember Seekings was excused at 7:02 p.m.

Councilmember Lewis said, "Huger Street again. So, when do you anticipate we may, or do we have the money in the drainage funds or any other funds to fund Huger Street?"

Ms. Cabiness said, "So, honestly, we're going to have to look at that. We've got a lot of new proposed projects that are being requested at this time. I think the best way to approach that is going to be to get our Program Manager on board and look at all of these projects and put some criteria to them, and which ones might be able to get grant funding, which ones are going to have the more intense permitting issues, and just get something before Council, so you have an opportunity for input and comment and approval."

Councilmember Lewis said, "I just want to remind you and the Committee, and I'm going to tell you this every meeting, we've talked about Huger Street. Huger Street has been flooding for over 30 years, but right now it's one of the biggest public safety issues in this City. Anyone who comes from MUSC and going north to North Charleston, if Ashley Avenue and the Septima

Clark are flooded, they come down Sumter Street. When they come down Sumter Street, they turn north to go to North Charleston. They get to Huger Street, and they can't go there because it's too flooded. They turn around and come south and try to get across Line and King Streets, and Line and King are flooded, one of the biggest public safety hazard issues in this City. We need to get one of these streets open when it's flooding."

Ms. Cabiness said, "Well, we will."

Councilmember Lewis said, "I understand that you've got a lot of requests, but I just hate to see somebody get killed trying to get off of King Street between Huger and Line one day trying to get home. We've had two or three cars turn over on Line and King Street in the flooded waters. The last storm we had 18 cars flooded out and had to push them in the Post and Courier lot. We need to do something to solve this problem on Huger and King Streets or get the DOT to fix the problem that they created on Line and King. So, the DOT continues to tell us that the engineer that created that problem is no longer with the DOT, and we shouldn't accept that. We should demand that our State Legislators and State Senators find out why they can't fix Line and King Streets. It's disgusting. I look at people sometimes, and I just shake my head when they are trying to get out of that neighborhood. We have to do something."

Ms. Cabiness said, "All I'd say is, I agree with you completely, and we'll do whatever we can, at the staff level, to make sure we get this done."

Councilmember Lewis said, "Thank you."

Councilmember Seekings returned at 7:05 p.m.

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Councilmember Lewis was taking everything I was saying but--"

Mayor Tecklenburg said, "Yes, he said it well."

Councilmember Mitchell said, "Yes, very, very well. On Huger and King, and I know Huger and King well because I've lived right there for the past 35 years. It's been flooding for 35 years since I've been there. I have seen cars flooded out, people going through, and you can't get through that way. When I come from North Charleston, I have to take another route to try to dodge water to get home to my house, and that's been going on for 35 years. When we talk about Huger and King, we spoke about this years ago. When I first got here, in 1997, that was on the top of the list, and all of a sudden, it went to the bottom of the list. Huger and King, Fishburne and Sumter Street, were on the top of the list because it's been flooding ever since I was a student going to school there. I don't know what happened. It seems like this jumped from the top and went to the bottom, and they have forgotten about those streets. They had the rescue squad come to the front of my house with a boat to get people out of the service station near me, and bring them back in front of my door because it was flooded out in the service station, at the corner of Huger and King. It's an ocean there. It's not only a flood, it's an ocean. A lady who ran the after school daycare ended up selling her building because it flooded every time, and the insurance companies got tired of paying off the money. Now she is selling it, so we need to do something right away. It's a long time coming, and I know a lot of other places are having flooding, but this was flooding a long time ago, and I know that as a fact. It's not just coming here, it's being here all my life."

Mayor Tecklenburg said, "That would be the Mitchell Ocean, and I would point out that this is the first time in, I don't know how many years, that the City has actually gone and had an engineering firm come up with a specific solution. Now, we have a number to go after. So, if I may say, I hope we're moving in the right direction."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor, and I think it would be important to point out that on the Capital Projects Budget List that we're going through now, King and Huger is on that list."

Mayor Tecklenburg said, "It is."

Councilmember Waring said, "That's progress, so it's just a matter of putting the elbow pads on and going and getting the money."

Mayor Tecklenburg said, "It was on the list. I don't think, until now, we knew a number to plug in."

Councilmember Waring said, "No, it was on the list at the Ad Hoc Budget meeting."

Councilmember Shahid said, "It was."

Mayor Tecklenburg said, "At \$4.9 million?"

Councilmember Waring said, "No, not at \$4.9."

Mayor Tecklenburg said, "Now we know the number to plug in. That's what I'm saying."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. While I've got Ms. Cabiness up here, I wanted to ask two or three things. Number one, thank you all for coming, both you, Mayor, and Ms. Cabiness, to the Windermere/Byrnes Downs Neighborhood Association to meet with those folks. I think that was very helpful. Number two, I don't know whether this Council realizes just, I mean, with this flooding thing, it seems like every one of these little neighborhoods has kind of a different problem, but they all kind of end up the same. They all end up at the marsh, and all of these outflows go out into the marsh, and over time, they fill up. Byrnes Downs is a prime example of that. They did a \$6 million outfall thing."

Councilmember Waring said, "Councilmember, excuse me, when you say fill up, you really mean silt in."

Councilmember Moody said, "Well, they silt in as the outfall in the marsh, as the tide keeps coming in, it just fills that ditch up, that was put there originally so that you've got a \$6 million drainage solution that was working fine. As that outfall is silted in or filled up, you create a dam, and you're piping the drainage, and they stay half full of water all of the time. They never empty. So, when it starts raining, if it brings more water in, you have a flood tide way. It brings more silt in, and the water just keeps rising in that drainage ditch. Every time you go into the marsh past the critical line, you have to get a permit from DHEC. DHEC just granted us a permit to, and our staff has gone out and cleaned out those ditches all up to the critical line. Now DHEC has said, 'Okay, you can now go into the marsh and clean out that outfall, but you can only use shovels', and that's their solution. If you go down the creek and around the

Peninsula and around all of these areas, that's exactly the same thing that's happening everywhere around the City. I know the County is experiencing the same problem in their areas, and I understand that there was a meeting with City and County maybe today with DHEC."

Ms. Cabiness said, "The County did, and we had a conflict with some Committee meetings and weren't able to go, but I gave some information to Jim Neal for the meeting."

Councilmember Moody said, "The problem is, we need to get State Legislators or somebody to impose on DHEC if we've got a professional engineer. I know if you're a lawyer, you've got certain standards you've got to create, and as long as you do what's right, you can keep going. We need to have the same kind of permit, as long as we have engineers that know what they're doing and they do it correctly, we don't have to wait six or nine months every time we need a permit to go out into that marsh. If we can vacuum it out or waterblast it out or get out there with shovels, whatever it takes, we need to be able to do that without waiting six or nine months. This is a big problem for our City, and it would go a long way. Several of us have said, 'No house should flood because our pipes are too small, our ditches are not cleaned out', and that's just part of the ditch, and it was granted originally. Why can't we restore it back to the way it was? So, I would just encourage, as far as this report here where you've got these updates, I'd like to see if DHEC is going to grant us a license or what are we doing to work on that. We need to get our delegation, Senator Senn, McCoy, all of these people. We need to bring them in and get them working on something like this."

Councilmember Waring said, "That's your request to put that on the Public Works agenda."

Councilmember Moody said, "I'll do that. Yes, sir."

Mayor Tecklenburg said, "You want to respond or are we good?"

Ms. Cabiness said, "I think we're good."

Mayor Tecklenburg said, "Alright. So, thank you very much for that discussion. Next, our Committee on Ways and Means, Councilmember White."

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

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 White, seconded by Councilmember Shahid, City Council voted unanimously to adopt the Ways and Means Report as presented:

---INSERT COMMITTEE ON WAYS AND MEANS REPORT---

(Bids and Purchases

(Police Department: Approval of the FY18 DOJ Edward Byrne Memorial Justice Assistance Grant for a Forensic Light Source and Multi-Spectral Camera used in screening and recovery of forensic evidence. The award funds \$26,618 for forensic equipment. This grant does not require a City match.

- (Police Department: Approval of the award of \$155,746 for the 2019 SCDPS Highway Safety Grant. This grant will provide funding for the salaries of two Officers dedicated to speed enforcement on highways/interstates. The award acceptance is due by October 31<sup>st</sup>. This grant does not require a City match.
- (Police Department: Approval to submit the FY18 Combating Opioid Overdose through Community-Level Intervention application for \$350,000 to the University of Baltimore Center for Drug Policy and Enforcement. The application for this grant is due 10/31/2018. This grant does not require a City match.
- (Parks-Capital Projects: Approval of JPR Ballpark Field Improvements Professional Services Contract Fee Amendment #1 with Millennium Sports Technologies, Inc. in the amount of \$12,600 for additional site visits and consulting due to the project becoming more than a maintenance project. The project now requires OCRM/DHEC approval which has delayed the start date. Approval of Fee Amendment #1 will increase the Professional Services Contract by \$12,600 (from \$39,995 to \$52,595). The funding source for this work is the general maintenance line item in the JPR Ballpark division.
- (Public Service: Approval of a Guerin Creek Mitigation Project Construction Contract with Gibbs Construction Group, LLC in the amount of \$194,000 to harvest all industrially planted timber and remove the stumps. The existing tree planting beds and furrows will be leveled within the restoration area, and the area graded to an elevation below mean high water to allow the natural reestablishment of the tidal salt marsh environment. Tidal flows will be minimized during grading by temporary berms and two stone outfall structures. The Construction Contract will obligate \$194,000 of the \$49,000,000 project budget within the Spring/Fishburne Drainage Improvement Project – Phase 3. The funding sources for this work is the SIB.
- (Parks-Grounds Maintenance: Approval of program support for the Charleston Parks Conservancy in the amount of \$70,000 for beautification, maintenance, and programming at various public parks. This item was budgeted for in the 2018 general operation budget.
- (Budget, Finance and Revenue Collections: Approval for payment for the City's contribution to the West Ashley Greenway/Bikeway Master Plan and Public Art Plan in the amount of \$105,000. Payment will come from 2017 General Fund Reserves. The amount will be included in a future budget amendment.
- (Request authorization for the Mayor to execute:
- The South Carolina Electric and Gas Company Other Work in Progress (OWIP) Agreement to facilitate the relocation of the transmission line adjacent to 999 Morrison Drive; and
  - The Agreement between the City of Charleston, the Digital Corridor and Charleston Technology Center, LLC, relating CTC agreeing to pay for the transmission line relocation as part of the 999 Morrison Drive construction costs.
- (999 Morrison Drive; TMS: 461-13-01-038)  
The property is owned by the City of Charleston.
- (Request approval for the Mayor to execute the Sublease Agreement whereby the City subleases office and storage space located within the Charleston City Arts Center located at 134 Cannon Street to PURE Theatre for a period of three years with two additional one year options. (TMS: 460-11-04-155) **(Deferred)**
- (An ordinance establishing requirements in the City of Charleston for Small Wireless Facility/Permitting and Placement in Rights of Way
- (Consider the following annexation:
- Clements Ferry Road (TMS# 275-00-00-005) 16.40 acres, Cainhoy (District 1). The property is owned by IVO SANDS, LLC.

First reading was given to the following bills:

*An ordinance establishing requirements in the City of Charleston for Small Wireless Facility/Permitting and Placement in Rights of Way*

*An ordinance to provide for the annexation of property known as Clements Ferry Road (16.40 acres) (TMS# 275-00-00-005), Cainhoy, Berkeley County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 1. The property is owned by IVO Sands LLC.*

Mayor Tecklenburg said, "Now, we have bills up for second reading. We have the General Obligation Bond for the Daniel Island Recreation Center and other Parks and Recreation, and then we just have one other item, K-2."

Councilmember Griffin said, "Take K-1 and K-2 together."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "If you want to take them together, it's fine by me. We're going to take together K-1 and K-2 for second reading. Is there any discussion?"

No one asked to speak.

Mayor Tecklenburg said, "You're good on who made the motion and seconded?"

The Clerk said, "Yes."

On a motion of Councilmember Griffin, two (2) bills (Items K-1 and K-2) received second reading. It passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Shealy, the rules were suspended, and the bills were immediately ratified as:

**2018-134** AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF \$15,000,000 GENERAL OBLIGATION BONDS OF 2018 OF THE CITY OF CHARLESTON, SOUTH CAROLINA, TO PRESCRIBE THE PURPOSES FOR WHICH THE PROCEEDS OF THE SEVERAL SERIES OF BONDS SHALL BE EXPENDED, TO PROVIDE FOR THE PAYMENT THEREOF, AND OTHER MATTERS RELATING THERETO.

**2018-135** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1621 DONNIE LANE (0.54 ACRE) (TMS# 427-00-00-029), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 6. THE PROPERTY IS OWNED BY GREGORY PAYTON & DONNA W. PAYTON.

Mayor Tecklenburg said, "Next, is bills up for first reading. We have an ordinance changing the Zone Map. We had this in a public hearing, I think, this evening. Clements Ferry Road to be zoned RR-1. Do I hear a motion?"

Councilmember Shahid said, "Move for approval."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "We've got a motion to approve and a second. Is there any discussion? Councilmember White, are you good?"

Councilmember White said, "Yes."

Mayor Tecklenburg said, "Alright."

On a motion of Councilmember Shahid, seconded by Councilmember Lewis, 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 Clements Ferry Road (Cainhoy) (approximately 16.40 acres) (TMS #275-00-00-005) (Council District 1), be zoned Rural Residential (RR-1) classification. The property is owned by IVO Sands LLC.*

Mayor Tecklenburg said, "Next, is an ordinance to amend Chapter 21 prohibiting building construction operations during certain times."

Councilmember Moody said, "Move for deferral."

Councilmember Shealy said, "Second."

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

No one asked to speak.

Mayor Tecklenburg said, "We can defer this and ask for some input from some of those folks here tonight and the organizations they represent. I would like to point out that the ordinance is prescribed to be for Residential Districts and not for Commercial Districts. I don't know if that distinction got lost on some folks that were objecting to it, but it wasn't intended for Commercial Districts. That's one thing that I would like to point out to Councilmembers. In addition, it allowed for later hour operations for what had been dubbed low impact. If you were working on a home, even in a Residential District, and you were past the noisy part of the construction, and you were doing painting or some lower impact low noise, it even allows you, in a Residential District, to work until 11:00 o'clock at night on low noise, low impact repairs, or parts of the project. I just want to point those couple of things out. This ordinance is not as onerous as some folks who were objecting to it tonight pointed out, but we're certainly happy to meet with them and see if we can clarify some of those issues."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I think that should have been done before this was brought to us. There should have been a meeting between maybe the homebuilders, the Chamber of Commerce, the business interests, because I don't think they understood that. Quite frankly, reading it, I didn't understand it either because it doesn't say, it talks about Residential, what's the word there, Mr. Mayor?"

Councilmember Gregorie said, "District."

Councilmember Moody continued, "Residential District. I don't know what that is. Is that SR-1? What is that district? WestEdge, for example, you just built 300 apartments down there, is that a Residential District? I don't know."

Mayor Tecklenburg said, "We'll define those things."

Councilmember Moody said, "Yes. Well, they're not defined in here, so I don't think we ought to be passing an ordinance that we don't know what the definition is. That's why I moved for deferral. The other thing that I would ask is, I wasn't really sure under (a) it talks about this loud repetitive noise between the hours of 7:00 a.m. and 7:00 p.m. weekdays and 9:00 a.m. and 7:00 p.m. on Saturdays. It doesn't say anything about Sunday, so I assume it's not allowed on Sunday, but then you go down to (b) and it talks about the hours between 7:00 a.m. and 11:00 p.m. on weekdays and between the hours of 9:00 a.m. and 5:00 p.m. on Sundays, so I assume Saturdays are not work, low noise, you're not supposed to work in a Residential District on Saturday. Well, that's the day most of us, if we were inclined to work, would be out there. I don't understand this whole thing. It sounds, I don't know where it came from, but I want it deferred."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I agree. I don't think we had enough time to really digest this before it was put in front of us. Like Councilmember Moody said, there are some typos in here. This impacts a lot of people, and I honestly think we need to reach out to the people that it affects the most, which is the residents, but also the people that are building. It would be a huge change because I know a lot of people that construct on Saturdays and, for construction workers, a Saturday can often be a regular day. So, this is going to impact a lot of businesses, too. I think we need to have some sort of meeting. I don't know how we want to go about it, but I think we need to bring the homebuilders and some of those players, the Chamber, to the table, and find out how we can come up with something that's a little bit more of a compromise."

Mayor Tecklenburg said, "As long as we include the residents as well, understood."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I think it has merit, but I agree with the deferral. I think we need to have a little bit more structure. Where are we deferring it to? I think this needs to come through the Committee process, through the Public Works Committee, and all of that could be vetted. But, Mr. Mayor, this is New Business, and it's not down in Miscellaneous, and when we bring up New Business, it's in Miscellaneous. When you bring up New Business, it's now in Miscellaneous. So, I guess it's a point of order on the Rules of Council. With that said, I recommend if you're going to defer it, and I will support that motion, I hope you defer to something that has process, and defer it to the Public Works Committee."

Councilmember Moody said, "I'll accept that as an amendment to my motion."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Right, and whoever seconded the amendment."

The Clerk said, "Yes, I have Councilmembers Moody and Shealy."

Mayor Tecklenburg said, "Alright. Terrific."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I agree that we need to look at this ordinance differently and define it. I live on Sumter Street, and they are doing construction over on Meeting Street at the base when you used to come down the Cooper River Bridge, but you can hear those cranes and jackhammers from the cranes seven days a week. Sometimes I wonder 'who is knocking on my back door' because it's like it's in your backyard. So, we need to define neighborhoods and the time of operation. I understand that you've got cranes all over the City, and they've got to work, but Sundays should be a day that they don't work, especially during the time people are in church. There are churches all around the City, and there are cranes all around the City. If I'm not mistaken, there was an ordinance on the books that tells you what time they can start doing construction work in neighborhoods, but we need to look at it again."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Seekings followed by Councilmember Wagner.

Councilmember Seekings said, "Thank you, Mr. Mayor. I agree this needs a lot more work. We don't need to pass a half-baked bill. I agree with that. I think we need to get with Mr. Dix, Mr. Arnold, and Mr. Scott to talk about it. We need to define what a Residential District is. This was actually driven by, Mayor, as you recall, about six or seven months ago, a lady came and spoke to us, who lived in West Ashley, to ask about this. I don't know about the Help Desk, but I will tell you that people from my district, I'm their Help Desk. When we get calls about Sundays or late at night, and people wonder why there is construction going on and aren't following an ordinance, we have no rules. There are zero rules as to construction in any part of the City, whether it's the Peninsula, during church hours, Daniel Island. There is no prohibition at midnight on Sunday other than our noise ordinance. So, we need to sit down with the stakeholders, the residents, and the people who are involved in this.

I will tell you, on Thanksgiving morning of last year, I woke up at 6:30 a.m. to a full work crew next door to me. There are extremes out there. We need to find a happy medium but just so we're clear, I think you said earlier in your comments that there is currently a prohibition against construction in Residential Districts in the City of Charleston on Sundays. There is not. You can have at it on Sundays. So, I do think we need to get with all of the stakeholders. I'm happy to be part of that. I think a lot of this is driven not by downtown, but by Residential construction, and there is tons of it going on in other parts of the City, just so we all know what the rules are and that there are some, and currently, it's a free-for-all out there."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "I actually have a whole lot of experience with this. When we started Carolina Bay, I think I was about the thirtieth house built. There are now over 1,900 there. I had Dan Riccio with me many days because of the 'beep, beep, beep' at 6:00 in the morning. Yes, he went with me. You want to call the names, Dan? But, anyway, the bottom line here is I believe we came up that they could work 6:00 a.m. to 6:00 p.m. or 6:00 a.m. to dark. My phone would ring 5:30 every morning because they were digging the retention ponds, basically. Prior to the digging of the retention ponds, though, all night long they ran the pumps to drop the water level. So, several enterprising neighbors of mine figured out how to turn the things off. They got really upset about that, but the point I'm going to make to you is Carolina Bay was a PUD, but it's something you've got to live with. If you're going to buy in a new neighborhood, that's one story. If you're going to be in a current neighborhood or historic

neighborhood, I think the rules are different. We can't have a 'one size fits all' is what I'm saying. Then, of course, they all sub out their work, and the subs don't much care either. Pulte was actually fining their subs because I'd raise so much cain. They parked on both sides of the street, and you couldn't get down the road. They started withholding money from their subcontractors. I had Mr. Green come visit and issue a few tickets, too, at that point and time.

So, when you're looking at this, it's not as simple as, 'Hey, they started at 6:00 o'clock, and they couldn't start until 7:00.' You've got the pumping of the marsh down a little bit to build it up, to build houses. You've got traffic. You've got subcontractors, some who do and don't speak English, and some that don't care what day of the week it is. If they worked their 40 hours and work Saturday, they get some overtime. So, this is a whole lot bigger than putting down a timeframe and what can and can't be done. That's all I've got to say, but trust me I've been through 1,900 houses of this."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember Shealy.

Councilmember Shealy said, "Yes, I'm certainly concerned about people being able to rest and sleep and those types of things, having to deal with construction noise, particularly, the banging of pile driving, jackhammers, and things like that. I just feel like that the ordinance here is maybe a little too vague. For example, I'm not a construction expert, but I understand that mixing cement has to be done in the summertime early in the morning before the heat of the day, before the sun comes up a lot of times. Is this ordinance going to restrict that type of thing? So, I just think there is some vagueness there that we need some industry experts in there helping with us. The other thing is, a lot of times our construction workers are on the job before the traffic starts to come toward downtown, as well, and when we back those guys up to put them in the traffic, we're adding to that situation, as well."

Mayor Tecklenburg said, "Right. Well, thank you all."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I agree, obviously, with having the folks who are directly impacted by this and with the Homebuilders Association, Chamber, and others to have the opportunity to weigh in. I think that's appropriate, but I will say actually, there is one place in the City of Charleston that currently does have regulations in place, Daniel Island. It's part of the covenants and restrictions, and I will say having been on Daniel Island for about 14 years and dealt with all of the houses being built, I was the first on my street, it is kind of nice having it sort of a set parameter of time. When it goes quiet, it's nice to have at least one day a week that you don't have the banging of the hammers and all of that. So, I can see obviously the need and certainly in areas that have a lot of development occurring or renovations, but I would say there is certainly much value to it as residents."

Mayor Tecklenburg said, "Would you send us a copy of the community covenants there?"

Councilmember White said, "Yes."

Mayor Tecklenburg said, "That would be great."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "This may be a Legal question. Does the Permitting Officer who issues permits for building and construction have the ability to limit, as it stands right now, at all?"

Mayor Tecklenburg said, "I don't believe so."

Councilmember Shahid said, "Can we put conditions on a building permit along these lines?"

Ms. Herdina said, "We put conditions on, but they're generally with the consent of the builder or the contractor. In some cases, we have been able to work that out, but there is nothing that specifically gives the building official the ability to place those time restrictions like we're asking for in the ordinance in the building permit. But, again, in situations where it's been particularly noisy, and neighborhoods have complained, the building officials have worked with the contractors and the builders and have been able to agree, by consent, to some conditions that are then added to the permit."

Councilmember Shahid said, "To the second part of the question, we do have a noise ordinance in general."

Ms. Herdina said, "Yes, we do."

Councilmember Shahid said, "So, how is some of this already covered by the noise ordinance?"

Ms. Herdina said, "Well, the noise ordinance is general, and it is the task, and I look at Dan (Riccio), who seems to be most popular tonight. It's his task to go out with his officers in each case and make a decision whether the noise ordinance has been violated or not, so it's not the perfect fit for construction noise."

Mayor Tecklenburg said, "Alright. So, we'll study it and bring it back to you. There is a motion to defer."

On a motion of Councilmember Moody, seconded by Councilmember Shealy, City Council voted unanimously to defer Item L-2 on the agenda, as amended, to gather input from the community and trade associations:

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

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Deferral with that amendment."

Mayor Tecklenburg said, "As amended. Defer, as amended, to come back after we gather the input from the community first and the trade associations. We'll get their input before we bring it back to the Committee."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Yes, sir. Next, L-3 is the matter of short term rental changes."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mayor, the first thing I want to do is thank all of my friends from Historic Charleston, Ansonborough, the Historic Neighborhoods, Wagener Terrace and all of them for coming out tonight. The second thing I want to do is thank all of my colleagues and you for granting the courtesy of deferring this while I wasn't here last month. I think, what I heard tonight and from the letters and the e-mails, I did read them, is the toughest one, the National Historic Registry. I raised that because I think that's one of the weakest parts of the ordinance because if it has a legal challenge, I don't think it stands, and why do I get that? If we were to learn from the Jasper development suit against our BAR, which was one of the strongest entities created by the City of Charleston, we appoint to the BAR every member, we approve their criteria, and when they stepped outside their criteria, Judge Nicholson said 'you can't do that.' These are people that we appoint. These are criteria that, as a Council and a City, we approve. We have, in addition to our zoning process that says to qualify for zoning in the City of Charleston, you have to be approved or comply with an organization that you, as a Mayor, or the representative of the people, Council, have no say so on it. We have no impact with that criteria for the National Registry. I understand the Task Force and all of the thinking that went behind that. I agree. You actually said, and believe it or not, I looked at you all on Comcast the other night, and you all looked great, by the way. I've never looked at that before. With that said, we can't have any input as a City to increase or detract or take away or amend anything with the National Historic Registry but we're making that part of our Zoning Ordinance, which is City law. Now, if a Committee, the BAR, that we appoint every member and approve all of the criteria, when we step outside of that, and we get corrected, we need to learn from that.

Now, we amend this City Ordinance to include criteria and an entity that we have no say so in. We have two esteemed lawyers on Council, and I heard Councilmember Moody bring this up. I'm going to use a residence. You've got one residence on the Registry, and you've got one residence that's not on the Registry. Our citizens are entitled to equal treatment under the law. That's unequal treatment under the law. Both residents qualify, but for one being on the Registry, again, we have no control over, and one is. So, the idea behind this was not to increase one unit, Councilmember White, or decrease one unit, Councilmember Griffin. It was, if we are tested in court, the ratchetting down that you spoke to, Mr. Mayor, I am in agreement with that. Now, I had a very good conversation with Yvonne Fortenberry, our former head of Planning. I said we need to find another way to do it. Now, if that's taking some of the criteria from the Registry and making that part of our ordinance, I don't know, maybe that's more than my pay grade but there are ways to do it. This Country put a man on the moon, brought him back, did it again, and proved it over again. We can find a way, to use your terminology, to ratchet it down that would treat our citizens under the law equally, that will have criteria that would apply equally if we get a conflict, for example, and we've had that on our Planning Commission through great consternation, and we corrected that. Why? Because we appoint to the Planning Board. We appoint to all of the City Commissions.

Now, there has been a false narrative pushed out here about what I hope to accomplish. I hope to accomplish to strengthen that aspect that you referred to as ratchetting down. I never wanted to increase any additional units in Historic Charleston, Ansonborough, or any of that. When we voted in March on this ordinance, it was with, as a matter of fact Councilmember Seekings said, 'Listen, we've got this thing almost put to bed. Let's move forward, and we can continue to work on it.' That was in March. Two weeks later, March of 2018, it wasn't going to go live until September, six months. Two weeks later, Councilmember Seekings, myself, your Chief of Staff at the time, Josh Martin, Mr. Lindsey, I don't know if Mr. Morgan was there or not, but Mr. Batchelder was there and a number of others, and we discussed these four or five bullet points. Two of them got put in right away. It got put in before the first reading we gave it and

the second and subsequent third reading we gave it and that was, you have to have maneuverable parking. If you remember when I discussed that, I said, 'We've been moving cars around in my yard for 20 years' and we didn't have a car wreck. Maneuverable parking was taken out, and for lack of a better term, I call it 'stack parking', but 'tandem parking' was allowed. The second item was the piece that Councilmember Mitchell talked about in a limited Overlay area in the Commercial area, allowing it above a Commercial establishment like bars, etcetera, but the other areas were not addressed. These are just, yes, it's an amendment, tweaking of the ordinance, that's all. We had plenty of time for those changes or amendments or ideas to come back to Council, go to Planning Commission, and subsequently come back in that six-month period of time. Four of the items were never addressed. I don't know why. I know two of them were. I would ask our Planning people, 'When is this coming back? When is this coming back?' It never came back. That's why I raised the issue in September. Some of this work could have been done before it went live, and I hear each and everybody talking about the narrative of 'Let's test it. Let's test it.' We can do more than one thing at a time. We actually can chew bubble gum and walk at the same time. Finding a way that we can, in my opinion, have this National Historic Registry aspect to reduce or ratchet down strengthened from a legal challenge, we can actually start working on some of that right now. We could have been working on it from March to September.

So, that portion, and as a matter of fact, I asked him to stay, but there was a Mr. Waring that came to that microphone, first time I've seen him in my life. One of the things he said was, 'We're going to have to work on these changes individually', and that's part of the false narrative that I'm alluding to. This has always been a 'we', this ordinance. There's never been a 'them' in this ordinance. All of us, including me, graciously thank the work that the Task Force did, but as part of that process, I also thank, and we did too, the work that the Planning Commission did, the work that our staff did, Legal, as well as Zoning, and others. Somehow, the Planning Commission got pushed aside, and the collective knowledge there goes decades back of service to the City working on ordinances, quite frankly. The maneuverable parking versus tandem parking came from the Planning Commission. I believe, in part, Councilmember Mitchell's, I'm not exact on that, came from the Planning Commission. There were some very good ideas from the Planning Commission that, frankly, they were offended on. So, I tried to bring them to this Council to get it included. So, it's never been my intent to scrap the ordinance. It was to enhance the ordinance. We've got a lot of numeric people around the table, so I would hope you pull out your calculators and say, 'Does this include a lot of additions to the number of STR's, the suggestions that we're discussing?' That one doesn't increase one or decrease one. It's making that aspect stronger.

The second item that I would like to address is the Overlay District. The Commercial Overlay District, not Residential. A unit that qualifies in a Commercial Overlay District should simply be able to park in a garage. We build garages for motels, hotels, and others, and in that suggestion was a certain amount of feet. What is the right number? The number suggested was 400 feet. That's a little bit more than a football field. When you go to the County Courthouse, they park you in the Cumberland Street Parking Garage, and you actually walk to the courthouse. It's really not that far away. When I spoke to the attorney, Mr. McQueeney, I suggested 600 feet, about the length of two football fields, or the length of an average block in the City of Charleston. This unit or these units, if you will, are already approved in the Overlay District, and we're saying you cannot park in a garage. Most of these people, often times, Uber, quite frankly. We had the same kind of pushback with Uber and Lyft, an outcry, but you know what, now we incorporate that modification in our City ordinances. So, that doesn't increase or reduce the quality of life. It's already approved in the Commercial District.

The third item was an attempt to help a one-off type situation or certainly a minor situation where the young lady, I don't know her name, came and spoke at a number of hearings who's renting out either her grandfather or great-grandfather's house out on James Island, a short term rental. How can we help those isolated incidences? The suggestion was, and it came from me, a Single-Family house on 8/10ths of an acre, why 8/10ths of an acre? There is no house, Single-Family house in Ansonborough, on 8/10ths of an acre. I actually asked our Planning Department to look through the Old Historic Charleston Neighborhood, and there are two houses on 8/10ths of an acre. One of them is the Wentworth Mansion, which is already approved, and the other one is a Multi-Family unit that was aimed at protecting the Ansonborough, French Quarter. There aren't any houses in the French Quarter at 8/10ths of an acre. It was aimed at helping Wagener Terrace. One of the only houses there at 8/10ths of an acre is Lowndes Grove, which is already approved. So, there certainly was some thought process, and this is not a gutting of the ordinance. I fully expected some 'to' and 'fro' between March and now, and that just simply hadn't happened. As a matter of fact, I think, Councilmember Mitchell found out, and I found out when I got back that the actual Commercial limited area that he was talking about was already included in the ordinance. So, this idea that we can't continue to test it, and we can't continue to strengthen it simultaneously, I respectfully disagree. I am not asking for an up or down vote tonight. I would like them to go forward to the Planning Commission, as we continue to test it. The Planning Commission has some very good ideas. We have gotten to the point on this ordinance where it is so highly charged until there are members of our Planning Commission that know certain aspects aren't fair but for fear of being judged under a dark cloud, they say nothing. So, as Council people, should we look the other way? What we want is good ideas to come forth, not 'us against you' and get in a circle, as Councilmember Moody likes to say, and start firing at one another. We had a unanimous vote based on certain items to be continued to be looked at. The narrative, again, that's been pushed out is 'one or the other.' I respectfully say, we can do better than that, to reach the better practices. We've got to get the good ideas from our Planning staff to come forth."

Mayor Tecklenburg said, "Alright. Thank you very much."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Yes, I just want to say a couple of things kind of along the same lines. I agree with everything that Councilmember Waring said to begin with because I don't feel like this is an 'us versus them'. I think it is, at least in my opinion, something we're trying to do to protect the neighborhoods. The last thing I want to do is in any way jeopardize these neighborhoods. We all live there, and we don't need these hotels, if that's what you want to call them, in the neighborhoods, but we've got to have an ordinance that's enforceable. When we were discussing this thing, there were, just like every moratorium we have, situations that don't fall within that, that we would like to have included. I asked at that time, and Councilmember Waring referred to it, is there some way that we can go through a process that these things can come forward, and we can grant some type of a variance so that they could be approved? The answer came back from Legal, 'Well, that's really hard to do, but we think we can accomplish the same thing with changing the ordinance'. I don't know, did everybody get this memorandum to Councilmember Mitchell and to Councilmember Waring? Did everybody get that about explaining the revisions to short term rental, the paragraph by paragraph? Because when I read the ordinance myself, at first my eyes kind of rolled back, but once I read through this, I think it was six pages of explanation and documentation, it explained a lot. Did everybody not get it? Well, that's the first thing that ought to go out to everybody. It came from Daniel 'Chip' McQueeney, Jr, a copy to Mayor Tecklenburg and a copy to Ms. Herdina, a copy

to Jacob Lindsey, and a copy to Stirling (Halverson). So, I don't know, I got it. I'm not even sure where I got it."

Councilwoman Jackson said, "No."

Mayor Tecklenburg said, "That went out before our prior meeting, correct? What's the date on that, Councilmember?"

Councilmember Moody said, "September 28<sup>th</sup>."

Mayor Tecklenburg said, "Yes."

Councilmember Moody said, "I've had it for a week or so, or a couple weeks or so."

Councilwoman Jackson said, "I don't remember getting it."

Councilmember Moody said, "Well, that needs to go to everybody, and I agree with what Councilmember Waring is saying. I just wanted some way to approve this, so as I started looking through all of this stuff, a lot of the pushback was, 'Well, let's not change it, let's leave it the same, let's give it a chance to try'. Well, we gave it nine months, and I'm not saying that's long enough. What I think we ought to do is, we ought to try to make a couple of these tweaks that we can try to fix, and add maybe another three months to this period to give us a little time. Then, we come up and maybe send it back to the Planning Commission, and let them look at it again, too. We can give it some more time to bake because when we pass this thing finally, I hope that's pretty much the end of it. I'm hoping, whatever we come up with, that that's it."

One of the things that was mentioned in this letter was the whole discussion around you have to be present in the property. I don't know how you're going to enforce that, to be honest with you. We have State law that says if it's your principal residence, you qualify for a four percent assessment. If it's not, if it's something else, it's a six percent. Well, to me, that's a very clear delineation of what's personal and what's there and what's not. If you rent it long term, it's six percent, doesn't qualify. If it's six percent for whatever reason, it doesn't qualify. So, it has to be a four percent, which means that it has to be your personal residence. Now, we can determine whether that's somebody's personal residence. I don't know that we can determine whether somebody is present or not. I challenge you. Maybe Mr. Riccio's got another piece of software. I tell you the one he's got is working pretty good, and I give him credit. I was kind of doubtful at first, but it's worked. But, if you've got a piece of software that can tell us whether or not somebody is present. So, it's my personal residence, I go to some place for a couple of weeks, I'm not present if I rent it, but it's still my personal residence, that would qualify. I think this whole ordinance around noise and disrupting the peace, we might need to look at it and strengthen that a little bit. I don't want these parties and stuff going on, but that's a clear delineation. I don't know whether Mr. Riccio, I didn't ask him in advance how he felt about this, but I know we've dealt on other issue with Zoning. One that comes to mind is a duplex, but it's very hard to take somebody into court and prove that they were or were not present in a place. I don't know how you prove that, and that would be the burden on us to do that."

Mayor Tecklenburg said, "Well, Councilmember Moody, I would say that's one of those situations in the current ordinance provision that would just come before or to test when there is a complaint. So, say you apply, you're eligible, you get approved for a short term rental operation, but maybe your intent was not to be there all of the time, and rent out your whole house. Then, a bachelor party is there one weekend, Dan Riccio gets a call, and he's going to

send his officer out there, and they're going to knock on the door and ask, 'Well, where's the owner of the home? He's supposed to be here.' Well, they'll find out whether he's there or not, right? So, at that point, that provision gives us some authority to write the ticket against the license holder for that short term rental."

Councilmember Moody said, "What if that guy's gone to the grocery store?"

Mayor Tecklenburg continued, "So, if that's the story, you can get a phone number or you can wait around. There is some way to do it. You would only do it in that special exception case, and that's the beauty of our current ordinance compared to what we had before, because it gives you a menu of things that would, in essence, create a violation. Isn't that correct?"

Dan Riccio said, "Yes."

Mayor Tecklenburg said, "Of course, if you're advertising and you don't have your license, that's a violation. If you get a license and you're not there, we're not going to be monitoring everybody being home or not for every licensee, unless there is a problem, but it gives a broad scope where it becomes, overall, more enforceable. I'm just responding to that one case. Maybe Dan can offer some."

Mr. Riccio said, "Yes, and I've explained this before, but personally, I'm not concerned about the permitted properties because we know who they are. We know how to get in contact with them. I'm more concerned about the ones that are doing it illegally, unpermitted. The argument I raise is, 'Well, we can't be at every house all of the time.' Just like a police officer, you can't be there enforcing every little law at every street corner and every house. However, I call it 'self-policing.' If you have a permit to rent a property on a short term basis, and the tenants are unruly, creating disturbance, creating trash issues, whatever, somebody is going to be called, the police, us, we'll definitely be able to follow up to determine, in fact, if the owner is there, but that is not one of my major concerns. It's the ones that are not permitted."

Councilmember Moody said, "Yes, I would suggest that in that situation. I'm not talking about the illegal ones, we're going to shut those down. But, if you've got a legal one, and it's a four percent assessment, and they've got a problem, they get a report, I would say that part of that process there ought to be a telephone number or a contact piece of information, for that person. Then, the fine becomes automatic against that property owner. Forget about all of this present stuff. If there is a problem, the fine is assessed right then against them. It's a mandatory fine. That makes them either stay there or be sure somebody is close by watching that we don't have to monitor. I think there is a better way to do it. That's all I'm saying."

Mayor Tecklenburg said, "Alright."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Obviously, a lot of the folks who spoke tonight are constituents of mine in the French Quarter and Ansonborough. You've heard the issues, but I will tell you, I was surprised. I had a lot of calls from the people I represent on Daniel Island with concerns that permits are being issued in my neighborhood actually, two in particular. I got a call yesterday from a woman who is very concerned. The person lives there 25 percent of the time and is going to get a permit to do VRBO in the house. Her contention was exactly what you heard and hear from the folks who I represent downtown. They don't want that issue created in their neighborhood either. I don't want that next to my house either. I don't think anybody does. If it wasn't a problem, we wouldn't be here today. If everybody was in great

shape and did exactly what they were supposed to do, and they were respectful of their neighbors, we would not even been having a discussion. The problem is, that's not happening. We're here tonight, and we've done what we've done, making it very strict. Well, one, we've actually made it legal because it was illegal before, but we've made it intentionally strict because if we don't, we're really not going to be able to control the situation. Now, I'm not sitting here to tell you that we don't need to tweak it. I don't know what those answers are yet because I, quite frankly, have to agree. I'm not sure that we have enough anecdotal evidence yet to know what parts are working and what aren't working. It may be that we need to have some kind of variance. We're not going to be able to write a law ever that's going to take care of 100 percent of the issues. We're always going to have one-off issues that come up. That's why we have variances that we give through every other Board in our City. What I can tell you is, we're here because we have a problem. The problem is very prolific downtown, but the people in the suburbs, Daniel Island, West Ashley, and everywhere else, are now concerned.

There was a little orange sign that went in somebody's yard a couple days ago and said that they asked for a permit. I got calls from everyone on that street, and the community's first reaction was, 'Why did you guys pass this law? We're going to have this huge proliferation of it in our neighborhood, and we don't want this to happen'. As I explained to them, we had some very strict guidelines that you have to adhere to, to hopefully eliminate those issues being created, but everybody has the same concern. So, I can appreciate the fact that we've, and I said this before, the law, as written, does create different categories. So, we can actually, in essence, give different treatment for different parts of the City to make sure that the law does apply in the best way possible for every geography because, whether you like it or not, we are one City. Every part of this City is different, so that's the one good news story. I'm not saying that we don't need to tweak what we have, but we certainly don't want to do things in a manner so quickly that we end up having to go back later and find out we maybe reacted a little bit too quickly. We loosened up here, and the unintended consequence was x, y, or z. So, I would just say that at this point in time, and obviously I'm not in support of making any amendments to it, but that doesn't preclude in the future, that once we have some information that's meaningful that we can say, okay, Mr. Riccio, the Planning staff, and others have said to us, 'Hey, Council, here's our recommendation because you do need to tweak it. It does need to be changed in this manner or that manner to be impactful.' My fear is that, if we try to do things too quickly without having all of that information, we may end up having to reverse what we did in the future because we may find out that it didn't really do what we wanted it to do. So, anyway, I'll end with that."

Mayor Tecklenburg said, "May I reply also, Councilmember Waring, thank you for sharing that it wasn't your intent, not to ratchet this down and, as Councilmember White said, we intentionally, even though we legalized it, we kept this thing very restrictive for a reason because there is an issue, and it's not just to livability. We all, I think, if there is any issue that this Council comes together on more than anything else, it's about addressing affordable housing. My fear is if you open the floodgate, and a proliferation of STR's occurs, you will see what was happening before we put this in place, that there truly is an impact on affordability in this City. The lady from Mt. Pleasant was advocating for the changes, but she mentioned that she owned a house near Avondale, West Ashley, and that she's able to get \$160 a night renting what is probably most of the houses over there are 1,000, 1,200 square feet at most. That's \$4,800 a month. Admittedly, that's if you rent every night, but even at 50 percent occupancy, she's at \$2,400 a month, which is a lot more than most working families can afford to pay. So, that house basically comes off the market, in terms of being available for some working family to rent or own if we open the gate, and you can make that kind of income off of it. There really is a big impact, and I just want us to be careful.

I'm going to also say we really tried. We had some conversations during those months after March. I met with the Planning staff a number of times to talk about different options that we might explore, including a floating zone and some kind of variances. The feedback I kept getting was that, legally, it was very difficult, and we were in trouble of raising that floodgate to let a lot of people in. I know some particular cases came before us and kind of tugged at our heart strings, and we'd really like to give this lady an exception. We feel like she deserves it, but we talked hours on taking that particular case and what we could do to get her by, but not let everybody else in. It's really difficult to figure that out. So, in the meantime, we're just getting going on the enforcement. As many people mentioned tonight, it really would make sense to give this thing a little more time and come back and do a closer look drill down one-by-one at the tweaks that we all might feel might be appropriate, as opposed to taking all of this together. So, I would ask that we consider this at a later time."

Councilmember Waring said, "Mr. Mayor, that's part of the buzzword that I said, a false narrative, and I know you didn't mean that as a jab."

Mayor Tecklenburg said, "Right."

Councilmember Waring said, "But the example that you used about the lady in South Windermere and opening up the floodgates, nothing I've said contributes to that. Trying to strengthen equal treatment under the law, trying to have a criteria that's in our ordinance, that's part of municipal law and that's not with an entity that we have no say so in. Please pay attention to what happened to us in the Jasper suit with the Beach Company. One of the fears that Mayor Riley had, and he certainly conveyed it to me, was that if we don't watch out we may lose the bark. Now, out of all that bad came some good. What was the good? We restructured the BAR, we brought in Mr. Duany. I hope I'm pronouncing his name accurately, the developer, the big BAR and the small BAR. We're better as a result of a negative incident. We learned from that negative occurrence. They stepped outside of the criteria that we set. We are now putting a criteria in place that we don't have a say so in, as a City. So, that has nothing to do, with all due respect, with the example in South Windermere. We can find a way to provide equal treatment, under the law, with a criteria that we vote on and we, as a City and representative citizens, have some control over. Right now, we are deferring that. Now, what happens when the citizens come, well, I don't want to repeat that, I just wanted to point out that that's not opening up a floodgate. I would hope that the people in the room and certainly my colleagues would say that that's not the case."

Mayor Tecklenburg said, "I hadn't heard you, maybe I missed it, I hadn't heard that point being made before this evening about the approval of the Historic Register being somebody else's call."

Councilmember Waring said, "But we can continue to work on that."

Mayor Tecklenburg said, "When we brought this ordinance forward, it was vetted by our Legal Department that we felt we would be able to, that it would stand up in court. So, I'm glad to investigate that. I'm not a lawyer, but I hear you, that that might be a concern. But, it wasn't when we brought this thing forward to begin with, and I'm glad to look at that."

Councilmember Moody said, "Was it considered? Did Legal consider that particular item?"

Mayor Tecklenburg said, "I don't know. It would be off-the-cuff here, but I'd be curious to hear."

Ms. Herdina said, "I don't recall that issue being considered specifically. I know the ordinance was vetted over and over again legally, and there wasn't any conclusion that there was a legal weakness, at least based upon what we knew at the time, but certainly we're happy to go back and look at that specific issue if Council would like us to."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just very briefly, I think Councilmember White really sort of nailed it for downtown. We do have Zone 1. I was taken by the lady who you referred to from Mt. Pleasant who raised a number of things. One of the things that she was focused on, she said, 'We need to make sure we keep affordability for visitors.' That's what she said, and that's exactly wrong. We need to keep affordability for residents, and that's one of the things that this ordinance does. One of the things that we're doing here is we're not regulating private property rights. We're regulating commercial activity, and we will easily withstand constitutional scrutiny and any challenge if we base it on anything that you can touch, feel, and it's evenly applied, which it is. You have to be on the Registry in Zone 1. My opinion, as a lawyer, I've got another one next to me and we've got one here, is when you're regulating commercial activity, it's the lowest standard of constitutional scrutiny, and we can do that. We do it all of the time when we tell lawyers where they can put their offices. We tell doctors where they can put their offices. We do all of those things, and you can't do it in your residence, right? You can't open up a doctor's office south of Broad. So, I just think one of the things that I was the most skeptical about, and I think everybody around this table was, was the enforcement end of things. You saw we got a report from Mr. Riccio. The enforcement end is going pretty well, as is the application process to become legal. Every one of the short term rentals that's out there, with very few exceptions, was illegal before we started this process. The whole idea about you can't monitor every person in their house all of the time, that's not what we're requiring, or asking, of Mr. Riccio. It's only people who have come and gone through the permitting process which, since this has opened up, Dan tell me if I'm wrong, but I'm looking that we've only issued since we opened this up 20 new permits. Is that right? Where is Dan back there? That's it, or less, so that's 20 houses that are now on his radar that someone has to be living in at the time they do a short term rental. This whole idea of making Residential Districts Commercial enterprises is dangerous, and it will really come back and hurt us long-term, economically, as a City and who we are. Nowhere is that more apparent than some of the issues that we've had on both sides of the river with short term rentals and many of them which are quite extreme.

So, this ordinance, Councilmember White said this when we first started this debate. I wrote it down, and I've remembered it ever since. He said that many cities have taken up this issue of regulating short term rentals, and no one has gotten it right yet. That was before we embarked on what was really almost a two-year process. I don't know if we've gotten it right or not yet, but it seems like we've gotten closer than anybody else. The only way to find out is to get it through a process of maturing. We're, I think Mr. Smythe said, 100 and some days into this, but we're only 60 days into enforcement, and we've already taken off almost 25 percent of the illegally advertised units. That's a success. That's 625 hotel rooms illegally being operated that are now off the books in the City of Charleston. That's a win, and we just need to sort of see how this goes through. So, I, like Councilmember White, would like to see this thing mature. I agree that there will be some things we're going to need to talk about after we've looked at it holistically, and I recommend we do that. If you accept the amendments that have been proposed in my district and in Councilmember White's Downtown District, it will basically open up every house for short term rentals.

One of the things I will tell you is that, if you're going to put parking to the close proximity to a parking garage, have you looked at the waitlist on some of these parking garages to get spaces? In my old office, which we just left because we didn't have parking, we were on a waitlist for three years in the County parking garage. They're full, and our Parking Study is actually going to show that. One of the things that we need to do is match the Parking Study up with this ordinance. The Parking Study will be out at the end of the year, so there are lots of reasons. We've been working a year and a half at this. It, apparently, is working. We need to go behind and see if it's really working, but apparently it's working. Every single neighborhood that came forward tonight, Ansonborough, the French Quarter, Harleston Village, Charlestowne, Cannonborough/Elliottborough, Mazyck-Wraggborough, Wagener Terrace, Radcliffeborough, all of them asked that we give this thing at least nine months, if not a year. In Zone 1, I don't know how we can deny them that. They've worked hard for this, and I think everywhere else, we need to see in the Zone 3 areas where people are now getting permitted, how that works too. Do you want to have Commercial enterprise on your Residential street? Our constituents across this City in every one of the 12 districts have told us no, with some exceptions in Zone 3. Let's see how that works. I was interested to hear Councilmember White's commentary about as soon as a permit went up, people started calling immediately about it. So, we're getting that feedback as we notice the public hearings for legally operating short term rentals. We've addressed the issue of illegally operating. Now, let's see how we do with the legally operating, and leave it where it is. I'm committed to doing that at least for the next nine, if not 12, months and then coming back and taking a look at all of this."

Councilmember Waring said, "Yes, I would like to address something that Councilmember Seekings said. He said, "Making Residential Districts Commercial entities." Nothing I've said does that. So, again, that's part of the narrative taking me out of context. With all due respect, Counselor, you disagreed with Judge Norton's ruling, and the ruling was so strong that we dare not appeal it. We dare not appeal when that Judge ruled against the City about the BAR overstepping its bounds. That's a teachable moment, and we learned from that. So, again, there is nothing I've said that turns neighborhoods into Commercial entities, nothing that I've said. Taking some of the equal treatment under the law, that doesn't turn into a Commercial entity. Hopefully, we're going find a way to make it stronger, if challenged. An entity that's already a unit that's in a Commercial District, not in a neighborhood, in a Commercial District already in the Overlay District, already approved by this ordinance being able to park in a garage. As far as a waitlist, that's for long-term uses. A short term rental is for short-term uses. So, again, that's taking me out of context."

Councilmember Seekings said, "I'd just like to respond to that. The person who is staying there is short term. The persons operating the enterprise are long term. They're doing it for a long period of time. They get turnover, but the parking garage, if they're 50, 75, 80 percent full, will have burden on it."

Councilmember Waring said, "That assumes that the person always drives, nobody flies in, nobody Ubers. What I'd like to move is that we send some of these suggestions to the Planning Commission, not an up or down vote tonight, have Legal Counsel look at the question about strengthening the Registry portion as part of our ordinance, and not having it deferred to an entity that we have no say in. So, I'd like to have these suggestions move forward to the Planning Commission and the suggestion from our Legal staff to review that aspect of the legality of equal representation under the law."

Mayor Tecklenburg said, "Well, we're certainly fine to look at the legal aspect of that. I would point out that if this matter even got first reading that it would go to the Planning Commission and have to come back to us."

Councilmember Waring said, "I would not want the ordinance, as amended. I think we've been talking about this back and forth. We can continue to send that and keep this dialogue going. As our Legal staff suggested, they can look into it. We can let them continue to look into it and certainly take some information from our Planning Commission, so I'm not asking for an up or down vote. I'm asking for it to go forward to the Planning Commission for their review only on these three or four bullet points within the context of the ordinance. We don't want a new ordinance or anything like that. So, I'm asking that that motion is for it to go forward to the Planning Commission. I certainly agree, that our Legal staff looks at it from the standpoint of equal representation under the law. Thank you."

Mayor Tecklenburg said, "So, we have a motion to take your proposed amendments and send them to the Planning Commission for their review."

Mayor Tecklenburg said, "That's the motion. Did we have a second on that?"

The Clerk said, "Yes. Councilmember Gregorie."

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

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Well, I think we're going to need Legal and Planning and all sorts of people to weigh in on this. We're not sending this to them with a vote up or down of Council or any recommendation. We're just going to take a piece of paper and send it over to them and have them talk about it, give us an advisory opinion, which we've already done after two years through this. One of the things that we ought to do, if there needs to be a discussion between the City Council and the Planning Commission on this or any other matter, we had a long conversation about this tonight, that there has been a call by this Council to have a joint meeting of the City Council and the Planning Commission to talk about a whole lot of things. If this is an issue for us, as a Council, on how things get worked through, that would be a subject to be brought up during that joint meeting, but not to send something over to them to think about. Then, we're just going to send this thing into an orbit that is going to be impossible to retrieve, absolutely impossible. We've got an ordinance on the books. Let's let it go forward. If it needs some tweaking after we've seen how it works, fine, and if there is a conversation, we, as a Council, need to have with the Planning Commission. Let's do it in that joint meeting rather than just send something over there, which I don't believe, if we had a vote on these amendments tonight at this Council, would get through. So, we're asking them to review something that has not been approved by Council. If we put it for an up or down vote, I don't think, Councilmember, it will get passed. So, I don't think sending it to the Planning Commission has any weight on this or does anything."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "So, we had a Task Force that convened for a substantial amount of time to basically come up with this. It would seem to me that if we're going to make adjustments to the ordinance, would it not make more sense to reconvene that group? I understand that there was some question as to whether that group was maybe holistic enough. Maybe there were some other folks who need to be involved in that that weren't involved, but it

would seem to me that it would make more sense. Excuse me, not more sense, but it would make sense for us to reconvene that group, to say 'okay we've had some time, maybe not enough yet.' At some point, we will reconvene that group just so we've had some time to review, and we would like you all to know because that group has subject matter experts for all intents and purposes. They basically helped write this law. They know all of the discussions that occurred throughout that entire process as to why the maneuverability was put in and why the National Registry was put in. So, for us to go back and make tweaks to it, it just seems to me that might be the right solution, if there was some question as to whether that group was made up of all of the right people. Maybe we need to supplement that group with some folks who may not have had a seat at the table. I'm not saying that that wouldn't be the case, but it seems to me that I kind of, I'm a little fearful that if we send this to Planning to ask them to weigh in if they effectively say the same thing that we're saying, we don't have enough information, but hear me out. This is really a selfish point, and Councilmember Seekings probably is going to understand what I'm talking about. I went into a meeting today for one hour. I came out, and I had 13 voicemails. As of last night, I had about 125 e-mails and that was when I stopped reading e-mail, at about 9:00 o'clock last night. I haven't even checked e-mail today. I probably got another 200. For the love of God, please."

There was laughter in the Chamber.

Councilmember White continued, "I love constituent engagement, but at some point I can't answer all of the calls nor answer all of the e-mails. So, if anyone is in this room, and you left me a voicemail, and you haven't heard from me, I apologize. Yes, Dan was one of them. But my point in saying that is, everyone whose concern we heard from tonight will be sitting on the edge of their seat, for the next, however long, waiting to react to see what happens. So, again, it's really a process and does make sense to re-engage the Task Force that spent so much time, and if we need to tweak the ordinance or the members of that, so be it."

Councilmember Waring said, "Mr. Mayor, could I respond?"

Mayor Tecklenburg said, "Yes, sir."

Councilmember Waring said, "I'm okay with that. This idea that a dialogue cannot continue until nine months or a year down the road, I disagree with. We can continue to work on this little tweaking while we continue to test it. I'm fine, I don't think we, as far as fairness on that Task Force, I'm not asking to change it or anything like that. I think they did a great job, and you are right they have institutional knowledge on this, but them, along with the Planning Commission and our Legal staff, I think we'll get to whatever little amount of tweaks we need to do, so I'm fine with that. But the idea that we cannot continue to work on it while we test it, we won't get the best practices that way. So, then I'll amend that motion to include the Task Force."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "We were told the other night that to reconvene the Task Force, we would have to just get another new Task Force together, so Legal said. We can't call that same particular Task Force back together, but I would suggest one thing, and it's up to you to accept it. Legal is sitting here to hear your concerns. Your Planning Department is sitting here to hear your concerns. Why don't you give them a month or so to look at it to see what they can do to address the concerns that you've got? You may have talked to one person in the Planning Department or one person in the Legal Department. Perhaps they could put their heads together and could come up with some suggestions to what your concerns are."

Councilmember Waring said, "Councilmember Lewis, I'm willing to give them more than one month."

Councilmember Lewis said, "I'm talking about this staff. They're your Legal staff and your Planning staff. Instead of sending it to the Planning Commission, let them look at it again. The concerns that you've just laid out tonight."

Councilmember Waring said, "Well, I hear you on that, and I kind of want to agree with you on that, but what about now. I wasn't here the last time, so I told you all I looked at Comcast. I didn't look at the whole meeting."

There was laughter in the Chamber.

Councilmember Waring continued, "So, the part about it's going to be not legal to reconvene the Task Force, Ms. Herdina, could you help me out on that?"

Ms. Herdina said, "Well, what I think we said is this Task Force had ended its work, and so, you could reconvene them, or you could reconstitute or constitute a new Task Force. I think you could do either."

Councilmember Waring said, "Okay. So, we can reconvene the thing. I'm not interested in a new one. I want the comments."

Ms. Herdina said, "If they're willing to serve."

Councilmember Lewis said, "If they're willing to serve, but they may not. It's not like you're appointing a Commission, people on a Commission."

Councilmember Waring said, "That's right."

Councilmember Lewis said, "This one was just done totally different."

Councilmember Waring said, "Right. Well, again, the extra input I'm for. This is why, because virtually nothing happened for six months. We could have been doing something from March, with the exception of the two items, Mr. Mayor. We could have been doing something between March and September before it went live. So, now, frankly, part of this, it looks like it's a stall. First, it was six months, nine months. I've heard a year. We can continue to work on solutions. That's all I'm saying. So, I'm not trying to restrict input. If that Task Force wants to come back, and it's the pleasure of Council to have them have input along with Planning and Legal, only on these three or four bullet points, I'm fine with that. I guess, maybe, we need to decide whether we're going to ask the Task Force to reconvene."

Councilmember Lewis said, "I think you need to decide right now whether you're going to let Legal and the Planning Department, people who are paid by this administration, to do a job, to look at this and come back to tell you whether we need to reconvene the Task Force, or they could come up with some suggestions for you to make this work, especially the historical part for the National Register part. That's one key part, so let them take a look at it."

Councilmember Waring said, "The only problem with that is we know the Mayor's position. With all due respect, the Mayor doesn't want to do this, and they work for the Mayor. They work at the pleasure of the--"

Councilmember Lewis said, "If City Council votes to have Legal and Planning to look at it and come back to Council with some sort of recommendation, the Mayor doesn't have a say so because there are 12 members of City Council."

There was laughter in the Chamber.

Councilmember Waring said, "He's got a say so."

Councilmember Seekings said, "He has one vote."

Councilmember Lewis said, "He has a vote, but if 12 members of City Council direct Planning staff to do this, I don't think he would tell the Planning staff 'no'. 'Council said look at it, but no, I don't want you all looking at it. Just leave it alone.'"

Councilmember Waring said, "Somehow it's the open process."

Mayor Tecklenburg said, "I'll attest to that."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "It seems like to me, what we're trying to seek out here is a way forward in the process. So, let me make a suggestion, a lot of what we've talked about tonight is all fresh and new to us, and it's certainly fresh and new to Planning and Legal. So, maybe the best path forward for tonight would be that we ask Legal staff and Planning staff to come together, as they've heard what we want to do. We want to basically study some of these issues moving forward, tweak as we're calling them, and have them put together for us what the process is going to be moving forward. That includes, at some point, going back, obviously, through the Planning Commission. If we give it first reading, it's got to do that anyway. It also includes the reconvening of the Task Force and a review of the members of the original Task Force to ensure that we do have a very holistic approach, and everyone's got a seat at the table, so that we don't have this contention that 'we didn't get heard' and if there is a group missing from that Task Force, we add them to it. Then, when we come back, two weeks from now, they can report out to us 'here's our way forward.'"

Councilmember Waring said, "All of those sound good. Now, what kind of timeframe are you putting on that?"

Councilmember Lewis said, "Until the first meeting in December because we're getting ready to work on the budget."

Councilmember Waring said, "So, then, I'll need to amend my motion. I don't know, Vanessa, how you're keeping up with this or if you are."

Councilmember Lewis said, "She keeps up with it."

There was laughter in the Chamber.

Councilmember Waring continued, "What Councilmember White said, I agree with, and I would like to amend my motion to what Councilmember White said. Can you restate that, please, Councilmember White?"

Councilmember White said, "I think the motion would be that we're instructing Legal staff and Planning staff to work together to develop a path forward for reviewing potential tweaks that were identified in this ordinance amendment that include the reconvening of the Task Force,

and a review of the members of the Task Force, so that we understand that it's got a holistic approach to that group. The Planning Commission component comes either way because as soon as we give it first reading, it automatically goes back through. Then, what did we say December?"

Councilmember Lewis said, "The first meeting in December. No, it'll be longer than that because of the budget."

Councilmember Seekings said, "January."

Councilmember Lewis said, "This is going to take them what, two weeks, two months, three weeks to work on the budget, right? Four weeks? They won't have the budget meeting until the end of December and maybe--"

Councilmember Waring said, "We'll go with the first meeting. We'll get it."

Councilmember Lewis said, "The first meeting in January, yes."

Councilmember Waring said, "No, no, not the first meeting in January?"

Councilmember Lewis said, "We've got to get a budget passed in December."

Councilmember Waring said, "Remember I said we can work on two things. We can work on more than one thing at a time."

Councilmember White said, "That having been said, quite frankly, maybe what the answer is, is that we can get a report back at our next Council meeting as to what--"

Councilmember Waring said, "Well, the first meeting in December is fine."

Councilmember White said, "Okay. Alright, and not to rush anybody, but you know."

Councilmember Waring said, "I accept your amendment."

Councilmember White said, "Alright."

Mayor Tecklenburg said, "Okay. So, I think, we have a motion."

Councilmember White said, "If you recorded all of that, I think we got it on camera. I think we can get that down pact."

Mayor Tecklenburg said, "Yes. Now, that we've had this discussion, let's re-state it one more time."

Councilmember Seekings said, "Why can't it just be a directive to our staff to do exactly what we just said. Go review all of this."

Councilmember Lewis said, "That's the simplest way."

Councilmember Seekings said, "Send it to them."

Councilmember Waring said, "No, I think we need to do it by motion."

Mayor Tecklenburg said, "Okay. So, can you re-state it for us?"

Councilmember White said, "So, the motion is that we are directing Legal and Planning staff to put together a path forward or process forward for reviewing the tweaks to the ordinance as to be amended that includes a reconvening of the Task Force and a review of the members of the Task Force to ensure that there is a holistic approach to all of the members of that Task Force, and the Planning Commission component is automatic."

Mayor Tecklenburg said, "Is that a motion?"

Councilmember Waring said, "I accept that amendment."

Mayor Tecklenburg said, "Do we have a second from anyone?"

Councilmember Shahid said, "Second."

Councilmember Waring said, "That was an amendment to my motion. I accepted."

Councilmember Gregorie said, "Question."

Mayor Tecklenburg said, "Now, we have a question. We finally have an amended motion and a question."

Councilmember Gregorie said, "Just a quick question to our Planning Department. If I'm not mistaken, we already know what the Planning Commission's position is on most of these issues because you did give us a side-by-side. If I'm not mistaken, we didn't take any of the recommendations from the Planning Commission. We adopted the recommendations from the Task Force. The point I'm making is, we already know, based upon what the Planning Commission submitted before we adopted the Task Force's recommendations, what they're going to say, particularly with regard to some of these specific issues because they were contrary to them. So, I'm just not sure where we're going to end up with this when we already know where the Planning Commission stands on some of these issues. What are we doing?"

Mayor Tecklenburg said, "Well, I would respectfully say that we do have a little time and experience now under our belt. We've started enforcement, and that will continue for the next month. So, when we review the ordinance with anybody, the original Task Force or with the Planning Commission, they will have some new information about what's been going on for the last few months. They may have a different perspective on things."

Councilmember Gregorie said, "Okay, we'll see."

Councilmember Shahid said, "Call for the question."

Mayor Tecklenburg said, "Alright. We have a motion to have staff present to you a plan forward to review the ordinance, including review by the original Task Force and recommendation made from them, as appropriate, to the Planning Commission, right? Alright. That's a summary of the motion."

On a motion of Councilmember Waring, seconded by Councilmember Gregorie, City Council voted to direct Legal and Planning staff to amend the Short Term Rental Ordinance, to include reconvening the Short Term Rental Task Force and a review of the Task Force membership. **(AS AMENDED)**

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

The Clerk said, "Alright. So, who are the nays? Raise your hand. Councilmembers Seekings, Mitchell, is that it?"

Mayor Tecklenburg said, "And Tecklenburg."

Councilmember Griffin said, "If I can just make a quick comment regarding that ordinance. It's kind of about this."

Mayor Tecklenburg said, "Sure."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "It isn't part of the vote, but I just wanted to say that I'm interested to see after about a year how many people have actually gone to get a license and do this legally because my girlfriend made me go clean a short term rental that she was managing in another municipality, and that was it for me."

There was laughter in the Chamber.

Councilmember Griffin continued, "It takes a lot of cleaning to do that, so I can bet you there is going to be a lot of homeowners in Charleston that say, 'This is just a little too much work for me.'"

Mayor Tecklenburg said, "Remember that now, Councilmember Griffin."

Councilmember Moody said, "My advice to you is to get a new girlfriend."

There was laughter in the Chamber.

The Clerk said, "We're not finished."

Mayor Tecklenburg said, "Okay, we're not quite done yet."

The Clerk said, "So, we just have to get Councilmember Waring to defer his motion."

Councilmember Seekings was excused at 8:32 p.m.

Mayor Tecklenburg said, "We do have the motion on the floor, L-3, so the motion we just made kind of skirted around the original ordinance change that was proposed, so we need to either table, defer, or withdraw the existing motion."

Councilmember Waring said, "Well, I'll move to defer."

Councilmember Gregorie said, "Second."

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

No one asked to speak.

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

*An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to modify the existing regulations applicable to Short Term Rental uses in the City of Charleston by creating a new Short Term Rental Overlay Zone called the King*

*Street Corridor, KSC Overlay Zone; by permitting Commercial Short Term Rentals as a conditional use on large lots in certain Residential Zoning Districts; by permitting nearby public parking lots and public garages to satisfy the additional off-street parking requirements applicable to Residential Short Term Rentals; by removing any maneuverability requirements for these additional off-street parking spaces; by eliminating the requirement that residents in Category 1, 2 and 3 Short Term Rentals remain on the property while guests are present; and by eliminating the requirement that Category 1 Short Term Rentals be located within an existing structure or accessory building that is individually listed on the National Register of Historic Places.*

Councilmember Seekings was no present for the vote.

Mayor Tecklenburg said, "So, now, we do have a request to have a discussion regarding current ordinances related to panhandling. Councilmember Griffin, I believe this was your request."

Councilmember Mitchell was excused from the meeting at 8:35 p.m.

Councilmember Seekings returned at 8:35 p.m.

Councilmember Lewis was excused at 8:35 p.m.

Councilmember Griffin said, "I'm sorry, guys, I keep bringing up this new business, and we're all trying to stay awake by the time we get to it down at the bottom of the agenda. The reason I brought this up is because I like to follow up with what our constituents are saying on social media. West Ashley United is a popular place for people to put comments, and there has been a lot of discussion recently about panhandling. So, what it caused me to do is reach out to our Legal Department to find out what the ordinance is today. I guess we're taking a break right now. We're missing like half of them."

Mayor Tecklenburg sounded the gavel.

Mayor Tecklenburg said, "Order, order, please. Councilmember Griffin has the floor."

Councilmember Griffin said, "I wanted to find out what our ordinance was today. I wanted to see what it was back in 2014, and to see what it was from its inception. The reason why is because I read an article in the Post and Courier, I don't usually read it, but I read it and it really kind of motivated me based on Ventura, California, and what they're doing as a City. They've got a program called Ventura Safe and Clean Public Places Initiative. I want us as a City, because we've made homelessness a priority, the Mayor has made it a priority, and we had a really great concert series, I want us to create some sort of task force. We can look at, not necessarily our ordinance because our ordinance is pretty strong, and our Legal Department can tell you, you could not have a perfect ordinance when it comes to this subject, but there are specific questions that have to be addressed in an ordinance regarding panhandling. The focus is not on the 'who', but rather the 'what' and 'why'. So, the 'what' and the 'why' is we have a homeless problem in Charleston. In Charleston, we don't stack up to the other major cities in terms of our population, but on any given day because of the amount of tourism, we have we have hundreds of thousands more people than what our resident population is. Because of that, we face issues that big cities face.

I reached out to a private shopping center owner or proprietor today, and while our ordinance doesn't include private Commercial spaces because our ordinance is in terms of public space, I think that a task force that is made up of business owners, a couple of

Councilmembers, and residents, we could come up with a plan. There are places like Westwood Plaza that are thriving now that you have a brand new Harris Teeter, and you have all of these new shops, that are going to be a spot where panhandling is going to happen because you have so much foot traffic. It's revitalized there, and because of that, we have to make sure that we protect our residents, and at the same time, we have to realize that we have a problem. We can't blame the person who is asking for the money, but what we can do is direct them to the resources. I know we're opening a new daytime homeless shelter. I think we need to have an initiative that we could put signs up that tell people and tourists don't give your money to the people on the street. Donate it to some sort of I don't know, charity or if it's what we're doing as a City to stop homelessness. These things are all tied together, but we have to keep our citizens safe. We can't have aggressiveness and aggressive behavior we revitalize, and we have to give our police officers a fair chance, too. We have to make sure our public understands that if there is any sort of aggressive behavior, call 911. Don't just go and post about it on social media. I think some sort of task force to look at this issue and come up with what Ventura, California did, hand-up, not hand-out. I love that, and I think that would be great for us. I think Charleston is a contemporary city, and we're faced with big city problems, so this would be a good thing to do."

Councilmember Lewis returned at 8:38 p.m.

Mayor Tecklenburg said, "Well, thank you, Councilmember Griffin."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I think that's great, a hand-up, not a hand-out. What Committee would something like that go through?"

Mayor Tecklenburg said, "Probably Public Safety."

Councilmember Waring said, "Maybe we should send that to Public Safety, so we can kind of vet that a little bit better."

Councilmember Griffin said, "It was brought here first because it was a Legal issue, but now it definitely needs to go back to the Committee to see what we can do, but I think we need to have a task force that has a lot of different entities involved."

Councilmember Waring said, "If you make that a motion, I'll second it, and we can continue to discuss it."

Mayor Tecklenburg said, "Well, may I make a couple of points? First, thank you for bringing this up to the full Council because it continues to be a matter of concern to our City, and to deal with not only those experiencing homelessness with compassion, but the issue of panhandling, it's incumbent upon us to do. That's one of the reasons that led to the formation of our Day Resource Center, so that we could have a compassionate alternative and that hand-up to help people move on in their lives if they are willing to accept that help. So, we do have the Mayor's Commission on Homelessness that was founded shortly after I became Mayor. It's kind of an adjunct body because it includes the other Mayors in the region and not just a city organization, so to speak. So, we don't really need to form another new group. We've got one, and we can take this matter to them and would be happy to have you come to the next meeting and share your passion about this and then also take it to the Public Safety Committee of Council, as well, if that sounds acceptable."

Councilmember Griffin said, "Yes, sir."

Mayor Tecklenburg said, "Alright, and I don't think we need a motion to do that. We'll just do that. Great. So, we do have a very brief Executive Session. We want to give you all an update on some legal matters related to the FEMA Buyout Program."

Councilmember Moody said, "I make a motion to go into Executive Session."

Councilwoman Jackson said, "I'll second that motion."

Mayor Tecklenburg said, "What was the motion?"

The Clerk said, "The motion is to go into Executive Session."

Mayor Tecklenburg said, "We'll go into Executive Session with a five-minute break, and I think we could meet back here because I think everybody else will be leaving, and in five minutes, we'll be in Executive Session back here."

On a motion of Councilmember Moody, seconded by Councilwoman Jackson, City Council voted unanimously to go into Executive Session at 8:40 p.m.

On a motion of Councilmember Gregorie, seconded by Councilmember Lewis, City Council voted unanimously to come out of Executive Session at 9:16 p.m.

No action was taken during Executive Session.

Mayor Tecklenburg said, "Can we amend that to add the provision that we allow them to actively disburse the HOA funds?"

Councilwoman Jackson said, "Yes."

Mayor Tecklenburg said, "With Council's agreement on that disbursement."

Councilmember Griffin said, "Do we need to have a commitment for them to reach out to FEMA?"

Ashley Anderson said, "We've already done that."

Councilmember Griffin said, "Okay."

Councilmember Moody said, "Just out of curiosity, the people that owe and are behind in their dues, do they get a refund too?"

Stirling Halversen said, "That would come out at closing on the settlement statement. If they owe the HOA money, that's going to be part of the settlement, and it will come out of the purchase price at that point. So, everybody should be on equal footing."

Mayor Tecklenburg said, "Are there any other corrections?"

No one asked to speak.

On a motion of Councilmember Shahid, seconded by Councilwoman Jackson, City Council voted unanimously to authorize staff to disburse HOA funds back to homeowners and to close expeditiously as possible on properties available to close.

Mayor Tecklenburg said, "Thank you all. We stand adjourned."

There being no further business, the meeting was adjourned at 9:17 p.m.

Vanessa Turner Maybank  
Clerk of Council