

COUNCIL CHAMBER

Regular Meeting

December 3, 2019

The eighty-sixth 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 November 20, 2019 and appeared in The Post and Courier November 24, 2019 and are made available on the City's website.

PRESENT (12)

The Honorable John J. Tecklenburg, Mayor

Councilmember White - <i>absent</i>	District 1	Councilmember Waring	District 7
Councilmember Shealy	District 2	Councilmember Seekings – <i>excused at 8:14 p.m.</i>	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Griffin	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Jackson	District 12

Mayor Tecklenburg called the meeting to order at 5:07 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Now, if you would like to join us, Councilmember Moody will either lead us or defer invocation, and then we'll have the pledge of allegiance."

Councilmember Moody said, "Thank you, Mr. Mayor. I want to welcome my friend, Bill Christian, if he would start coming up. Just a little bit of an introduction, Bill is the CEO of the Star Gospel Mission. This Mission's been around since 1904, started by a guy by the name of Obadiah Dugan. The mission of the Mission is transforming hearts and minds, hearts and lives, through Jesus Christ. Yesterday, some of you all may have seen in the paper where we gave out over 800 cards, and for the last ten years Councilmember Mitchell and Councilmember Lewis have been down there early on Monday morning, the first Monday after Thanksgiving to do that. So, we thank you for your involvement and at this time, I welcome Reverend Christian to the mic."

Reverend Bill Christian said, "Thank you so much Bill, and by the way, Bill Moody has been a member of the Board of Directors of the Star Gospel Mission for 18 years. We don't have term limits."

There was laughter in the Chamber.

Reverend Christian continued, "So, he's going to stay with us a long time, we hope."

Reverend Christian opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Thank you very much. I do see some new faces here this evening, but I say this every time anyway. Just in case there were an event that we had to evacuate the building, I want everybody to know, these obviously are the two doors out of the main Council Chambers here. There's also a door out of the room to my right. In that event, don't use the elevator, but take the stairs down and then the single set of stairs out the front door. So, that's very unlikely to occur, but just in case we had to evacuate, I like everybody to know where they're headed.

First order of business, or couple orders of business, are both quite wonderful things. The first is our annual presentation of, now, we dub it the 2020 Robert Ballard Award. Before we present this, I'd like to take a moment to announce that just this year, we rededicated this award in honor and in memory of a truly remarkable neighborhood and civic leader, Robert A. Ballard, Jr., who passed away in 2018. Not only did Robert have his own career in public service with Charleston County, but he served several terms as the Radcliffeborough Neighborhood Association President. He was a regular at City Council and City of Charleston when it came to participating in meetings of all kinds, thoughtfully discussing issues and attending events, and suggesting new and innovative ideas. Through it all, he remained soft-spoken, mannerly, kind, so thoughtful, so caring. So, it's with great pride and respect that this award will now honor Mr. Ballard. Sally Ballard, Robert's wife, is here, and I'd like her to come forward and to stand and be recognized. Sally, please join me, along with members of the neighborhood commission. Would you all come forward, as well? Please come up on the podium with me, if you would. Now, these other neighborhood commission members, they have the difficult task every year of identifying one individual among a pool of very impressive nominees who would be honored with this award, who best exemplifies, in Robert's example, dedication to civic participation and action. Tonight, I'm very proud to announce that the recipient of the 2020 Robert Ballard Award is Charlie Fox of West Ashley. Charlie Fox, would you stand to be recognized? Would you come and join us up here? Congratulations."

There was applause in the Chamber.

Mayor Tecklenburg said, "Now, if I may first ask Sally Ballard to share a few words with us. Sally."

Mrs. Ballard said, "First, I would like to thank Mayor Tecklenburg and all members of Council for this great honor that you have bestowed upon Robert. He did love this City, and he loved his neighborhood. He liked all the neighborhoods really. So, Charlie, it is wonderful that you have followed suit. I am pleased that you are this first recipient in his name, and on Giving Tuesday it is most appropriate that we are recognizing you for what you have done for all of the City and, particularly, for the youth in this City. Thank you."

Mayor Tecklenburg said, "I think you all know, Charlie is a native Charlestonian. His mom is with us here today. Would all of Charlie's family, if you'd like, also come forward, as well? He is passionate about helping others, has worked with non-profits in the areas of the arts, health, and crisis management. He can be found helping neighbors near and far, when running a

chainsaw for weeks after Hurricane Hugo, or building a shower trailer, or taking it on the road to help victims of Hurricane Katrina. After losing power after the most recent storm, Charlie was out there helping in his own neighborhood in South Windemere by going house to house with a generator, plugging it in so elderly residents wouldn't lose their goods in their refrigerators and freezers, clearing debris for them. He's a tireless advocate for bicycle safety. You've probably seen Charlie on the road, come rain or shine, any kind of weather, he's out there getting around on his bicycle. It's with sincere congratulations and admiration that we award the Robert Ballard Excellence Volunteer Service Award for 2020 to Charlie Fox. We have a plaque here for you, Charlie. Let's give that to you. If you'd like to say a few remarks, we'd be most pleased, and we'll get a picture here."

Mr. Fox said, "I remember Robert. Our kids went to Buist, where Sally was the principal, and Robert had our kids come up through cycling them, and that was when I first met him. But, I also got to know him because he had a personality that he could be your adversary and you'd think he loved you to death."

There was laughter in the Chamber.

Mr. Fox continued, "Any of you all that remember him being in these Chambers could probably attest to that. I know my father had similar personality traits like that, and those two took on a few battles together and were victorious. They weren't politicians, but they were politically correct, something that certainly wouldn't be said of me, because if it's on my mind, it's on my mouth, and sometimes it comes out a little hard. I think your all's families have endured enough speakers today, and probably need to get onto business. But, thank you for the honor, Sally, and your beloved husband."

There was a standing ovation in the Chamber.

Councilmember Lewis said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I was once a City Councilperson for Radcliffeborough, years ago, and because of Robert's good leadership, working with his neighborhood organization and the City, he was the person that made sure that we worked together to start the street sweeping program. His leadership, that's how we started, the street sweeping program that started down in Radcliffeborough. He was a great leader in the City, and we surely have missed him. But, thank God for this award tonight named after him."

Mayor Tecklenburg said, "Right. Very kind of you to remark that. Councilmember Lewis was remarking about Robert's role in the Radcliffeborough neighborhood and our street sweeping program. Thank you so much.

So, one other happy item here this evening, and that's to have a proclamation recognizing Dr. Martin Perlmutter Day. Excuse me, Doctor, if I say Marty, because that's the name I'm used to using. Please come forward, if you would, along with your family."

There was laughter in the Chamber.

Mayor Tecklenburg said, "It might be half the Chamber, but that's okay. We've got a lot of kids. I bet they can squeeze up here, but I'd love to have you all come forward as I present your Grandfather, Dad. You all come forward. Hey kids, how are you all doing? Hey, how are you? Come forward everyone."

--INSERT PROCLAMATION--

There was a standing ovation.

Mayor Tecklenburg said, "May you say a few words."

Dr. Perlmutter said, "Thank you so much, Mayor Tecklenburg. Thanks for being such a civil and collegial leader. I think that civility is a mark of Charleston and really is something, especially in this political environment, that should be highlighted. I really want to thank two people who have really done the heavy lifting. I was just the face of the program, Enid Idelsohn, who has administrated the program since 2002, Mark Swick in the corner, who is a Community Liason, thank you so much. Yossi, is Rabbi Ref, whom I affectionately call Yossi. He's been a collaborator on lots of projects. Chanukah in the Square is really his doing as much as ours, and those of you who haven't attended Chanukah in the Square, it's December 22nd. You can get lots of plates, potato latkes, more fat than you want to deal with, but it's a wonderful event. It's actually the largest Jewish event in South Carolina. I obviously want to thank my family. They've actually had to put up with me for many, many years, and Jewish studies has occupied a lot of time and energy. So, it's not only been my project, it's been theirs.

I do want to say that it's been a joyful ride. It's a wonderful City that Charleston is. The College has been a wonderful place to work, and it's given me space to work. The community has really been the engine of the program. Henry Yaschik, of blessed memories, thought of the program, a Charlestonian, originally from Argentina. He and his wife started the Henry and Sylvia Yaschik Program. Norman Arnold, Charlestonian by birth, who moved to Columbia, but always a Charlestonian by temperament, by his own history really sort of fostered the program. I want to, since this is a City event, mention Mayor Riley, who really helped foster Chanukah in the Square. Ellen Dressler Moryl not only fostered Chanukah in the Square, but a world of Jewish culture, Piccolo Spoleto. It really has all been a joint effort. Let me just say, that you know that Charleston is a wonderful community because of the people behind me. All of them left Charleston. I'm not originally a Charlestonian either, you can hear that in my accent. But, all of our four children, my wife Jerry, to whom I'm incredibly grateful, and our four children left, and they all came back. They came back because you all have created a community that made them want to come back. So, a really deep, deep thanks to all of you. My sister and my brother-in-law retired to Charleston because it's a wonderful City. I just want to end on one sort of note, that Charleston is a wonderful City because it's also had a wonderful history. It's obviously had a really dark and unhappy history in virtue of race. It's a legacy that we're trying to recover from, even now. But, on the positive side, it's had a tradition of religious accommodation and religious acceptance that really is very unique. Really, in many ways, it's something that the community should celebrate because it's something that really, in the current world environment, is something that should be highlighted. Many, many thanks for the honor, and I appreciate it. You all are doing a great job. Thank you very much."

There was applause in the Chamber.

Mayor Tecklenburg said, "So Inid and Mark, I've been meaning to invite you all up to join us up on the podium. Thank you for being with us and Rabbi Refson for being with us tonight, as well.

Alright, so next we have some Public Hearings, and these are all regarding the Budget. There are four different matters, one being the Municipal Accommodations Fee, one being another Municipal Accommodations Fee, and then the General Liabilities and Revenue of the City of Charleston for next year's 2020. So, with everybody's concurrence, if you have any matter regarding our City budget for next year, be it accommodations or the regular budget, this will be a public hearing for that. We would ask that everyone state your name and address when you come forward, and we'd ask you to also keep your remarks to two minutes and to keep them regarding any budgetary matter of coming to the City of Charleston for 2020. Would anyone like to be heard? Please come forward."

1. Anthony G. Bryant commented on the budget in regards to the South Carolina Planning Enabling Act of 1930. He named sections of the Act that would guide the Planning Commission to study comprehensive surveys, recommend means of implementation, make plans public for citizens, and hold public hearings so the public may learn of new changes within the City. Mr. Bryant asked Council if there had been operations in bad faith since 1930, and if it lead to the dismantling of political power. He said there needed to be political power in the African American communities.
2. Cashion Drolet, spoke on behalf of the Historic Charleston Foundation. She asked that Council continue its discourse on the budget for 2020, and said the Foundation supported the City funding a full time archaeology position. The position had been long been called for in the City's Preservation ordinance, and as the City faced development pressures, it was time to fund the position and implement the ordinance. She also asked for the funding of a BAR enforcement position as the position had been vacant for a while. Staff requested it numerous times, and the Foundation believed it was an important safeguard to the City.
3. Mohammad Idris stood to ask how much money was in the budget for the removal of the John C. Calhoun statue that stood in Marion Square.

Mayor Tecklenburg said, "This is a comment period, not a question and answer regarding our budget, but there's no money in the budget for the statue, none whatsoever. Would anybody else like to make a comment regarding our budget for next year? Hearing no more, it comes to Council. We have four ordinances I would-"

Councilmember Shahid said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Are we making a motion to take all four ordinances together? Any discussion?"

No one asked to speak.

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

An ordinance providing for the distribution of funds for fiscal year 2020 generated by the Municipal Accommodations Fee as required by Ordinance No. 1996-18.

An ordinance providing for the distribution of funds for fiscal year 2020 generated by the Municipal Accommodations Fee as required by Ordinance No. 1996-56.

An ordinance to make appropriations to meet the liabilities of the City of Charleston for the fiscal year ending December 31, 2020.

An ordinance to raise funds for the fiscal year ending December 31, 2020 and to meet the appropriation of \$237,951,128 authorized by Ordinance 2019-_____ ratified the 17th day of December, 2019.

Mayor Tecklenburg said, "Next is approval of our City Council minutes from November 12th. Any additions or corrections?"

The Clerk said, "Actually, we just provided you with those. I don't know that you've had an opportunity to review those. They do have the minutes of the 12th on their desk. They went out last night. Did you have an opportunity? I thought they went out today. You haven't had an opportunity to review? Okay."

Councilmember Shealy said, "Move to defer that then."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Okay, we can defer these minutes until the next meeting, no problem. We have a motion to defer. Did we get a second?"

Councilmember Lewis said, "Second."

On a motion of Councilmember Shealy, seconded by Councilmember Lewis, City Council voted unanimously to defer voting on the November 12, 2019 City Council minutes.

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I hate to go back, but during Ways and Means, you spoke about the Ad Hoc Budget process, and we just whisked through it during the City Council Meeting. I think, if you don't mind, it bears repeating the extra work that staff all put in to get that budget put together. I thought what you said was appropriate at Ways and Means, and I hope we make it a part of City Council."

Mayor Tecklenburg said, "Right. I'd be happy to do that. Quite a few additional citizens have arrived. We had our Ways and Means Committee meeting about an hour ago and boy, it went right through as quickly as our approval of these four ordinances just did. Just as an explanation to everyone, the reason why it went so quickly is because we've been working very diligently for the last three months, really, back to last May, I think. We have an Ad Hoc Budget Committee Meeting that is comprised of the Chairmen of about five different City Council Committees, and they review, along with the Mayor, all of the departmental requests and budgets. I can't tell you how many hours' worth of meetings we had this year, in order for preparation of our annual budget. So when we got here this afternoon and this evening, really all the work had been done, and I know it might just look like we're blindly approving these budgets. We're not. Really, a lot of scrutiny, and discussion, and a lot of tough decisions were made along the way."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Yes, sir. Okay, so next is our Citizens Participation Period. We have a-

The Clerk said, "Twelve."

Mayor Tecklenburg said, "A dozen folks signed up. We normally take about a half hour, so if you all would again, give us your name and address, and we'll have two minutes each. Madam Clerk will call out the names, and you all come forward. We look forward to hearing from you."

1. Anthony G. Bryant said Rule 64 of the South Carolina Courts referred to the seizing of a person or property. He said James DeWolf of Bristol, Rhode Island was reported to be the second wealthiest merchant in America. He was the leading slave trader in the history of the United States. Mr. Bryant said when he heard about Rule 64, the seizure of person and property, it reminded him of Dred Scott and many others who were seized today in the education system, environmental policy, parks and recreations. As Council approached the New Year, Mr. Bryant said there should be no racially run organizations. After the shooting of the Emanuel Nine, Congress had no resolutions for the 2nd Amendment. He asked Council if they were really free.
2. Karen Beard, member of the Small Cell Ordinance Group, was concerned about the health of children with the deployment of 5G transmittals in Charleston. Ms. Beard requested City Council instruct Corporate Counsel to revise the current Small Cell Ordinance to require transmitter placements at specific distances from schools, daycares, hospitals, and residences because distance mattered when it came to wireless radiation. The further the transmitters were from children, the better. Her second request was to pause the site application approvals until the revisions could be passed. There were State bills that were currently pending that could nullify all local ordinances if an ordinance did not comply with the State bills. Ms. Beard asked Council to study the State bill and draft an ordinance for Charleston that would comply with the State requirements, but still provide better protection for the children of Charleston.
3. Leah Whatley, member of the Small Cell Ordinance Group said she met a young man from China who shared with her the harm of technology, what it was capable of doing, and how the Chinese government was using it to control China's population. Ms. Whatley emphasized the health concerns caused by 5G technology via research. It harmed health, National Security, and it could give nations like China and Russia the opportunity to spy on individual citizens. Ms. Whatley also expressed concerns about Constitutional rights. She pleaded with Council to help protect citizens' rights and take in consideration the National Security risk with the technology.

The Clerk called on Sarah Karafa, A.J. Gardner, Sheri Irwin, and Stephen J. White, Sr.

4. Sarah Karafa said in honor of Professor Marty Perlmutter Day, and to make the world a better place, she stood in reference to 5G technology. Ms. Karafa asked Council to find the time to review all the medical research. 5G service and technology had been banned in other places, and she would hate for Charleston to be the last place that did it.

5. A.J. Gardner, said he was a witness to the harm of 5G technology. He asked Council to not allow Charleston County School Districts to install 5G towers near middle school campuses. The safety of the children was crucial. He said he dealt with electro hypersensitivity, which was a painful condition. It was a condition in which electro microwave frequencies affected the human body in ways they were unable to comprehend. It could be detected in early development, but its origins dated back to the early 20th century. The symptoms most commonly exhibited were abdominal pain, altered metabolism, anxiety, behavioral disorders, brain degenerative diseases, an increase in Dementia and Alzheimer's, burning skin, calcium afflux, cancerous affiliations with leukemia, brain tumors, heart disease, cardiac issues, chronic exhaustion, concentration problems, and much more.
6. Sheri Irwin shared with Council a video she came across where there was a 5G tower on one side of a tree. On the side of the tree where the transmitter wasn't, the leaves were flourishing, and the tree was strong. On the side of the tree where the transmitter was, the leaves had died and fallen off. She begged Council to consider voting against the high rise buildings in West Ashley because they did not compliment the character of the area. She lived in the Sycamore area and was fearful of being bought out of her home.
7. Stephen White congratulated the Mayor on his reelection. Mr. White said he lived in Charleston all of his life and had so much love for the City. He agreed that Mayor Tecklenburg's policies and intent for the City was the right direction to head in. Mr. White asked that everyone work together as the leaders of the City for the success of the second term of Mayor Tecklenburg.

The Clerk called on Erin Minnigan, Teresa Tidestrom, Charlie Smith, Cashion Drolet, and Mohammed Idris.

8. Erin Minnigan from the Preservation Society of Charleston spoke of the Old City Height District Ordinance and her support for its first reading. Ms. Minnigan also shared her support for the authority of the Planning Commission. She felt the ordinance would weaken the Planning process without engaging stakeholders, excluding meaningful public participation, and with findings not based on data, but hearsay. Changing the Zoning Code should not be done without having a public hearing. The creation of a taskforce needed to be implemented to ensure the Planning process was fair to everyone because without it, rules were being made without facts.
9. Teresa Tidestrom, Executive Director of West Ashley United stood to hold all members of Council accountable for the changes coming to West Ashley, the appointments to the Planning Commission, and the Budget. Ms. Tidestrom was from Charleston and encouraged Council to work together to make Charleston the area that it needed to be.

The Clerk said, "Charlie."

Mayor Tecklenburg said, "Mr. Smith, welcome as a citizen of Charleston. Charlie's property just annexed into the City at our last meeting."

10. Charlie Smith said he was very pleased to be a new resident of the City of Charleston. He addressed the 75 percent majority vote that was required to overturn a negative vote of the Planning Commission and its relation rooted in the Jim Crow Segregationist Era. He

asked Council to consider that the super majority requirement was just a tool, but it was the most powerful tool that the citizens of Charleston had to make sure that there were not poorly planned, poorly vetted projects getting through Council.

11. Cashion Drolet of Historic Charleston Foundation opposed the Planning Commission Ordinance because they believed it politicized the planning process, and it removed an important safeguard, the super majority vote.

Mayor Tecklenburg thanked Ms. Drolet and recognized Mohammed Idris.

12. Mohammed Idris thanked Councilmembers Moody, Mitchell, and Waring for doing the best job that Council had seen, and he said they would miss them very much. Mr. Idris said no changes to the Planning Commission had been done in 120 years, so there was no need to look forward to new changes. He said the poor, people had been taken advantage of by the rich. Mr. Idris accused the Mayor of being crooked.

Mayor Tecklenburg said, "Alright that's the end of our Citizens Participation Period. Would someone else like to be heard? If it pleases Council, I have two individuals that would still like to be heard in Citizens' Participation."

Councilmember Griffin said, "Mr. Mayor, I wouldn't allow, I don't think any of us would allow, anybody to call one of us that, and I don't think you should be called that either."

Mayor Tecklenburg said, "Well thank you."

Councilmember Griffin said, "I think that we need to make sure that the decorum in 2020 is that we don't have any name calling going forward. Let's keep it straight to the facts."

Mr. Idris said, "I apologize."

Mayor Tecklenburg said, "I appreciate that. I try to be more liberal to use that word when it comes to comments about myself. Thank you."

Mayor Tecklenburg recognized Arthur Lawrence.

12. Arthur Lawrence stood to thank the Councilmembers for the fantastic job they had done in the communities of Charleston. Mr. Lawrence said citizens should not come to meetings to criticize the Mayor and Council. Instead, they should go home and look within themselves and the actions that they may have put forth in the City. The system should not be torn down because it took 90 years for the Chamber doors to open for everyone.
13. George Bullwinkel from Nexsen Pruet, and attorney for the owners of the Epic Center proposal passed out suggested changes to the Epic Center PUD. Concerns that were addressed were the height along Orleans Road. The owners went back to the planners to decide what could be done. Mr. Bullwinkel said the new suggestion was to add a five story height limit on the right-of-way at Orleans Road. At that point, the limit will go up to nine stories, and that would be the district previously discussed. Language was also changed to show where the 18 story footprint would exist. 40 percent of the blue area could go between 15 – 18 stories, and the rest would have a maximum of 15 story height limitations. Mr. Bullwinkel also addressed affordable housing. That was very important to City Council,

the Mayor, and staff and proposed to continue with the 30 years and increase it to 99 years if the City was to cooperate with the plan. At the end of the 90 years, the City would be notified up to 1 years of deed restrictions and negotiate an additional 30 years to keep affordable and attainable housing.

The Clerk said, "Time."

Mayor Tecklenburg said, "We need to hear this because it's on our agenda this evening. Please wrap it up, sir."

Mr. Bullwinkel continued and said of the 1225 units, 15 percent of them would be attainable and affordable housing. Anything above the 1225 number of units, 33 percent would be at 60 percent AMI, 67 percent would be up to 120 AMI. It meant that of the planned residential units, 184 would be attainable. Of that number, 61 would be designated for up to 60 percent of the AMI, and 123 would be up to 120 percent of the AMI."

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

A lady in the audience said, "I'd like to be heard."

Mayor Tecklenburg said, "You already had your turn, so I'm going to ask you to come back next time. Thank you. Alright. So, unless there are other comments, Council will proceed with our Council Communications with the discussion and request for Legal Department to draft an ordinance that states that the City will not contract work to any business that has donated to current City office holders during a current election. This was requested by Councilmember Griffin."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Thank you, Mr. Mayor. I made this request to be put on the agenda a couple of months ago now, and I needed an opportunity to sit down with our Legal Staff and Corporation Counsel to discuss this matter. There is a pertainable State Law, and I'm going to read it real quick. It's not very long, and to kind of tell you we had a great meeting with Legal yesterday afternoon and asked Ms. Herdina and Ms. Borden to draft what could be a municipal law that mirrors the State Law, but gives us an opportunity to put some teeth to it. I'm going to read this to you, and you're going to see that it's kind of vague. Then, I'm just going to briefly touch on just a couple of points, the reasons why I asked for this to come forward.

The State Law is 'the restrictions on contributions by a contractor to a candidate who participated in awarding the contract.' So, the basis of this argument, and the reason why I asked for it to be on our agenda is because we have a public official who is able to give contracts without it going through a bid process. Tonight, we're going to vote on amending our bid process a little bit and increase that threshold to, I think from \$40,000 to \$50,000 on the amount of the contract that can be awarded. This would be a noncompetitive contract, so something that isn't put out for bid and doesn't necessarily go through our procurement process.

State Law reads that, 'no person who has been awarded a contract with the State, a County, a Municipality, or a political subdivision thereof, other than contracts awarded through the competitive bidding practices may make a contribution after the awarding of the contract or invest in a financial venture in which a public official has an interest in that official, was in a position

to act on the contract's award. No public official or public employee may solicit campaign contributions or investments in exchange for the prior award of a contract or the promise of a contract with the State, a county, a municipality, or a political subdivision thereof.' So, basically what this law is stating on the State level is, once you have been awarded a contract through the noncompetitive process, you should not be making campaign contributions. There is no time limit associated with this law right here. It just says you shouldn't do it. That, to me, is a little bit squirrely. We, me personally, and I'm asking Council to consider the fact that our election process is, really, it takes up several months now, and it's very, very expensive. This election cycle was \$1.7 million. The last one was over \$2 million of spent money. I am not sure that every person who donated to those campaigns locally are doing it for the reasons, sheer fact that they just want to see somebody get into office to do a good job.

I would bet, me personally, that a few contractors are donating for the fact that it could maybe be beneficial to them as contracts come up in the City. I think that's wrong on every way you look at it. Now, we have a State law here. It's in Chapter, 13 Ethics, Government, and Accountability. But, it could take months, and months, and months for anything to happen on that. I think it would be great if our City had a law that mirrored this, followed every one of these State procedures, but we could actually apply a penalty, municipally, to do this. We could give a \$500 fine to somebody who does this, and it would keep people of the state of mind that in no way, shape, or form, does any campaign contribution lead to any special treatment when it comes to a contract. I'm not saying this has been done before. I'm not pointing the finger at anybody. I just think as these elections get more and more expensive, and people who have ten different LLCs are able to donate to a campaign, you know, there is a potential there that it could be taken into some sort of advantage, and that's a bad situation. I hope that our City can be on the forefront to say we'll never accept that in this City. We will never ever accept that, and if you ever think that a donation to a campaign is going to lead you to have any sort of advantage in the procurement process, noncompetitive wise, it isn't going to happen. There are no municipalities in South Carolina that have adopted the State law. However, there are other municipalities who have laws in place. Lehigh, I think that's how you say that, sorry, is a County up in Pennsylvania that has a law that is actually pretty interesting. I'm happy to pass this out to all of Council, so that everybody can look at it and see. There is another here in Allentown. I just think this is an interesting concept, really, to be honest with you. I think this is something that deserves a little bit of our attention, and I'd love an opportunity to discuss this with you as a body. To be honest with you, if the State law, if Council feels that the State law is adequate the way it is, I'm actually perfectly happy with it to be honest with you. I just thought this was something that, especially after we went through the audit process, and we looked at procedures and the awarding of contracts and the procurement process, and we have the Novak Group that is looking at our Procurement process, it would be a good idea to look at this, as well. I appreciate your time, and like I said, it may be that Corporation Counsel can touch on what I asked for the next meeting, just pretty much a simple City Ordinance that looks a lot like the State one that maybe we could add a little bit of teeth to and make sure that contractors don't think they have any sort of advantage by giving to campaigns. So, thank you."

Mayor Tecklenburg said, "Thank you, Councilmember Griffin. Would you like to make a response?"

Ms. Susan Herdina said, "I'm happy to answer any questions. I think Councilmember Griffin has possibly been going to law school at night because he's definitely described this situation very well. So, if Council is so minded, we could draft up an ordinance along the lines of

the State law, and it would be a City ordinance. We could add an enforcement provision to it which would be, as Councilmember Griffin said, a penalty, and it would be a Municipal Court violation.”

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, “Thank you. I just have a couple of questions of Councilmember Griffin, I guess, or Ms. Herdina. The first thing that occurred to me was we’re saying we’ll not contract work to any business that has donated to current City office holders during a current election. So, first question is, the next election?”

Councilmember Griffin said, “This is for non-competitive bids.”

Councilwoman Jackson said, “Okay, but if a business had donated in one election and then didn’t donate in the next election, are you dealing with that?”

Councilmember Griffin said, “That’s why our State law doesn’t have a timeline, and that’s why I think it would be a good idea for us to sit down and discuss that. Technically, the way the State law reads, you could argue that if you donate to a campaign, you should never get a contract.”

Councilwoman Jackson said, “Right. That’s why I’m asking you the difference.”

Councilmember Griffin said, “Right.”

Councilwoman Jackson said, “Then, the other thing that just came to my mind in terms of the word ‘business’, would you also apply that prohibition to business owners as individuals or Board of Directors? How would we really drill down?”

Ms. Herdina said, “I think at least initially, and we can draft it up to see, but under State law it’s ‘no person’, which has a very broad definition as to who it would apply to. So, I think that would be one of the questions that we could draft it up, and put in the definition of ‘person’ in there and see whether you want to make it expansive or more restrictive. We could do either one.”

Councilwoman Jackson said, “And then whose responsibility would it be to enforce this prohibition? Who would enforce it?”

Ms. Herdina said, “So, who would be responsible?”

Councilwoman Jackson asked, “Who would enforce it?”

Ms. Herdina said, “Who would enforce it? Well, it would probably, we’d have to set up some sort of internal system to track this, and that was one of the things that we talked about that we need to think about further and how we would track, and we’d have to compare reporting on a State level with what’s happening as far as internal contracting procedures. So, there needs to be that process that’s developed. Then, we would go through our usual process of probably having someone, maybe in the Business License Department or one of the other regulatory departments, to issue the citation and prosecuted in Livability Court.”

Mayor Tecklenburg said, “Would anyone else like to be heard? Councilmember Griffin, did you want to be recognized again?”

Councilmember Griffin said, "I just wanted to say, I'm sure we have a way that people can report municipal violations now, right?"

Ms. Herdina said, "Yes, but I think what you were saying is how to connect."

Councilmember Griffin said, "Right, but there would be a way that they could report it. I mean, we have hotlines and tip lines where people can report things."

Ms. Herdina said, "Right."

Mayor Tecklenburg said, "Alright, any other comments or suggestions? Is it the pleasure of Council for Legal Department to draft such an ordinance to mimic the State requirement?"

Councilmember Waring said, "I'll make a motion that we do that. I don't see why we would not want to be in congruency with the State. Why not? So, I'll make the motion to ask staff to go ahead and do that."

Councilmember Mitchell seconded the motion.

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

Councilmember Mitchell said, "I think we can do it for the purpose of discussing it."

Mayor Tecklenburg said, "I would like to have a motion on the record, whenever going forward a Councilmember brings forward a request for us to draft an ordinance. I'd kind of like to have the concurrence of Council that this is a matter that's worthy of taking forward."

Councilmember Moody said, "Is that requirement the same thing of the Mayor? If you're going to bring it forward, do we need to approve it or is it just?"

Councilmember Waring said, "Turn you microphone on."

Mayor Tecklenburg said, "No, sir."

Councilmember Seekings said, "Point made."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "No, I said, even if you had made the motion made, we can do it for the purpose of having the attorney to draft it, so we can have a discussion on it to bring it back, and we can discuss it further."

Mayor Tecklenburg said, "Absolutely."

Councilmember Mitchell said, "So, that's what I'm saying."

Mayor Tecklenburg recognized Councilmember Griffin then Gregorie.

Councilmember Griffin said, "I don't have a problem, Mr. Mayor, with doing it this way, but I honestly think we need to put something on the books because I don't know if it's fair for you to just stand up there and make the rules go fly on the spot like this. So, if we're going to change the rules, January coming up, I think this is a good time to do it. We need to have something on our books that says, our Council Rules, if you're going to be a Councilmember and bring something to Corporation Counsel for them to draft, you need to bring it to Council and kind of be heard in front of Council. I think Councilmember Moody kind of made a good point. Does that fly for you, too, when you want to bring something like the Short Term Rental Ordinance or the Hotel Ordinance? Shouldn't you bring it to us for us to discuss before it comes to the floor, as well?"

Mayor Tecklenburg said, "I think that's the administration's duty, but as we've witnessed over the last couple of years, there have been cases when Councilmembers have brought things forward. We have a lot of time pressure on our staff, including our legal staff, and I just would like to have a general concurrence from Council that this is a good direction of something we want to spend staff time and legal time on to bring back an ordinance for your consideration. Councilmember Gregorie had his hand up next."

Councilmember Gregorie said, "The State law would be applicable now in its current form?"

Ms. Herdina said, "Yes, it would be."

Councilmember Gregorie said, "Okay, so what are we doing?"

Ms. Herdina said, "Well, I think the concern that Councilmember Griffin had was, and I don't want to put words in his mouth, but that there's really very little enforcement of the State provision, and that by enacting basically a similar type ordinance, we can't be inconsistent, but consistent with what the State law provides, that we would be looking more closely at the issue than the State government is. That is my understanding of the purpose."

Councilmember Gregorie said, "Okay, and secondly, in terms of introducing proposed legislation, because I think that's what we're talking about here, I always thought that there are specific procedures in our current Code for how we do that. Are we changing that?"

Mayor Tecklenburg said, "I don't think there are specific procedures."

Councilmember Gregorie said, "I think there are. Okay, maybe we can check it, but I think there are provisions in there with respect to how legislation is introduced from this body. I'll go back, and I'll do a little more thorough reading myself. Well, if it isn't in there, I think putting a screening process, because that's really what we're talking about, that if I, for example, want to propose legislation, that in order for that to go forward, we would have to get a 'yea' from the administration. I think that's what we're saying."

Mayor Tecklenburg said, "I'm saying a 'yea' from Council."

Councilmember Gregorie said, "I mean a 'yea' from Council."

Mayor Tecklenburg said, "Well, we've had discussion before, and I'm happy to bring it forward to you all in our Council Rules in January, but my point is about dedicating staff time. I think I made this point before, Councilmember Griffin, I know you had pretty good legal authority

here this evening complimented by Counsel, but if you wanted to bring forward an ordinance as part of our agenda from Council Communications, you're certainly welcomed that. I just don't feel it's appropriate for staff to spend an inordinate amount of time, which has happened a few occasions in the last couple of years, without Council having some sort of consensus that this is issue, an ordinance that we would like to pursue. That's all."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "I agree with you, and in fact, I'll go, and I will copy and paste that on our City, and I'll bring that to the next meeting. How does that sound? It's only going to take five minutes, so I don't mind doing it myself, really."

Mayor Tecklenburg said, "I'm happy to devote the staff time if it's the will of Council is what I'm saying."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just briefly, I think this whole idea of prescreening proposed ordinances that aren't even drafted yet is going to put us in a really big quagmire. It's going to slow the process down. Someone might hear something and might not like it, so we vote not to put forward something, and then it gets drafted through the process. I just think we're about to put another layer of bureaucracy into the process of doing our jobs, and I worry about that. So, I mean certainly look at it, but I'm inclined to allow this to go forward. If someone's got a good idea, let's put it out there, let's put it in writing, let's read it, and let's see it. A lot of what we do in this room is we ask people to put it in writing, so we can look at it. We've done it at the last five City Council meetings every time we had something or in the Committee, we've said 'no, let's see it in writing.' Prescreening ordinances based on ideas without seeing them is just going to add a lot of load right here, and I get the idea that staff will have some things, but I mean, again, that's sort of part of the job of all of us, to do something that is for the betterment of the City. Don't take inordinate amounts of time. If there is, anyone of us can comment, including you, Mr. Mayor, that we need to take the load off. But, prescreening it is going to really add some load onto this Council that you'll see some meetings that will go on for a long time. So, just be careful what you ask for, you might get it, and we might not love it. Let's see what it looks like."

Mayor Tecklenburg said, "We did have a motion on the floor, and it was seconded."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "You know, that's why we have an agenda committee. Anytime you want to present something to City Council, it goes before the agenda committee, and the agenda committee goes over it, then brings it to City Council. So, that's where it needs to go, through the agenda committee before it comes here to get on the agenda. If the agenda committee puts it on the agenda, then it will be put on there for discussion. The other thing is, what he wants to do, mirroring something after the State law, as long as it does not supersede State law, because we cannot make an ordinance if it's above what the State law says, so we just have to be careful in how we draft these ordinances and what we put into it."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Going forward, Mr. Mayor, when you talk about drafting this for January, one other thing to look at, it may be helpful to have a Councilmember on the agenda committee. I know we've talked about that before, but I think it would be a good idea for somebody on Council to be informed of what's going on, what's coming, what's deferred, what's not, what the thinking of staff is. We don't really have that, and by the time we get our agenda it's really close."

Councilmember Lewis said, "The Chairman of the Ways and Means Committee is the person that's supposed to help set the agenda. Whether he or she does that, I can't say, but I know it's that agenda committee's responsibility as the Chairman of the Ways and Means Committee. I can tell you I've put stuff on the agenda, and it was intercepted before it even got before the agenda committee and got to the Mayor, so we have to be careful on how we do things."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Just a point of clarification, you are also a member of Council."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Gregorie continued, "When we're doing the agenda, we do have a representative from Council there which is the Mayor. I think sometimes we forget, while you are the Mayor, you're also a member of this body, as well."

Mayor Tecklenburg said, "Yes, sir, absolutely. One of 13, that's right. We had a motion on the floor to ask the Legal Department to draft said ordinance, proposed ordinance."

On a motion of Councilmember Waring, seconded by Councilmember Mitchell, City Council voted unanimously to request that the Legal Department draft an ordinance stating that the City will not contract work to any business that has donated to current City office holders during a current election.

Mayor Tecklenburg said, "Thank you. So, next is our Council Committee reports. First is Committee on Public Works. I'm going to call on Councilmember Griffin, as he officiated."

Councilmember Griffin said, "Thank you, Mr. Mayor. We had a record time meeting. I think we got in and out in under ten minutes. Hopefully, Council will be that way tonight. We did approve one item, no two items. We dedicated a portion of Striped Lane sidewalk. There are 48 lots. The sidewalks have been approved by our staff, and then we approved the contract to fix the new drainage pipe along Lord Calvert Drive. Both those items passed unanimously, and I would move for the adoption of the report."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Any discussion?"

No one asked to speak.

On a motion of Councilmember Griffin, seconded by Councilmember Lewis, City Council voted unanimously to adopt the Public Works and Utilities report as presented:

--INSERT PUBLIC WORKS AND UTILITIES REPORT--

a. Acceptances and Dedications:

(i) Acceptance and Dedication Riverview Estates - Weeping Way (60' R/W 251 LF) a portion of Striped Lane (50' R/W 973 LF) a portion of Rubrum Road (50' R/W 155 LF) a portion of Thin Pine Drive (50' R/W 1280 LF). There are 48 lots. All improvements with the exception of sidewalks have been completed. The sidewalks have been bonded.

b. Stormwater Management Department Update:

(i) Lord Calvert Drainage Improvements Construction Contract with Gulf Stream Construction Co. in the amount of \$197,734.96 for the installation of new storm drainage pipe along Lord Calvert Drive.

Mayor Tecklenburg said, "Next, Committee on Public Safety. Councilmember Shahid."

Councilmember Shahid said, "Thank you, Mr. Mayor. We met this afternoon in record time, as well. We had one item on our agenda, and that was to amend Chapter 2, Section 56 of the Public Safety Committee definition and its rules and responsibilities by adding Paragraph 'd' to read as follows, 'The Committee on Public Safety shall review and make recommendations regarding judicial candidates submitted by the Mayor prior to the Mayor's formal nomination of a judicial candidate to Council for its approval.' Paragraph 'e' was old Paragraph 'd'. It just got shifted down to another paragraph. The Committee recommended approval of this change unanimously."

Mayor Tecklenburg said, "We have a recommendation. Do we have a second?"

Councilwoman Jackson said, "I'll second."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, a question. If you review it, and you don't agree with it, then what?"

Councilmember Shahid said, "So, I think what the idea was for the Mayor to submit what he thought, a number of one, two, five, folks to the Committee to review, and we make a recommendation regarding that person's qualifications, and we come back and say, 'We approve that person, or we disapprove that person.'"

Councilmember Gregorie said, "But, are we--?"

Councilmember Shahid said, "The Council gets to vote on that nomination as a body, so we'll come back with a recommendation one way or another."

Councilmember Gregorie said, "I think that's more of a courtesy, isn't it? I think the Mayor has that authority, if I'm not mistaken."

Councilmember Shahid said, "He can still make the recommendation. He can still present the person's name to Council with the understanding that if the Committee came back with a negative recommendation, he would know the Committee gave a negative recommendation. If we came back with a positive recommendation, he would say he had a positive recommendation. Then, you can question, 'Well, why did we vote that particular way?' and we can explain the Committee's concerns."

Mayor Tecklenburg said, "It adds a level of scrutiny."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I mean even going through that, what you are planning on doing, I hope that we look at this very seriously and do it wisely with everyone, racial-wise, just to make sure that whomever the candidates are that we're going to have a very diverse population. This is something very serious when you get into someone sitting up there as a judge, we have to remember that in the City of Charleston we are still talking about diversity. We are always pushing diversity, even when you are bringing these people to us to be voted on or voted upon, that's something I am very serious about."

Councilmember Shahid said, "It originates from the Mayor's office, so he's going to come up with—"

Councilmember Mitchell said, "So, even to the Mayor I'm saying this is what I'm looking for. I know the Mayor knows the way I am with certain things, so this is what I'm looking for from the candidates that are coming, that we will have a racial balance with those candidates coming and make decisions from that."

Mayor Tecklenburg said, "Yes, sir. I heard you loud and clear."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "Yes, this one is not going to be real rocket science. We have ten candidates. Mayor and staff will whittle them down to, say, five. Then, it comes to the Committee. The Committee can then assist in making the recommendation to the Council, and it prevents any potential appearance of a problem. It's getting double-vetted is what's going to happen. First, by the Mayor and Staff, and then by the Committee. So, you would have, as a Council, reasonable assurance that you probably got the best candidate that's coming to you. Either that, or Public Safety's Committee has lost their mind or whatever, which is possible. Anyway, I just thought I'd try and bring that into the perspective of what the real intent here was."

Mayor Tecklenburg said, "Any further comments or questions?"

No one else asked to speak.

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

- a. An ordinance to amend Chapter 2, Section 56, to expand the responsibilities of the Public Safety Committee to include review of judicial candidates nominated by the

Mayor.

First reading was given to the following bill:

An ordinance to amend Chapter 2, Section 56, to expand the responsibilities of the Public Safety Committee to include review of judicial candidates nominated by the Mayor. (AS AMENDED)

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

Councilmember Lewis said, "Move for adoption."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Is there any discussion on any of those items? We'll keep in place the abstentions of Councilmember's Moody, Gregorie and myself."

The Clerk said, "Also, we have a few deferred items that we will keep on report, as well."

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

(Bids and Purchases

(Recommendations of State Accommodations Tax Advisory Committee that met and approved the attached budget on October 28, 2019

- 2020 Proposed State Accommodations Tax Budget

(Hospitality Fee Budget

- Approval of amended 2019 Hospitality Fee Budget **(Mayor Tecklenburg abstained from voting on line items related to the IAAM and Gaillard Center. Councilmember Moody abstained from voting on the line item related to the Gaillard Center. Councilmember Gregorie abstained from voting on the line item related to Mother Emanuel. They completed Conflict of Interest Forms which are on file in the Office of the Clerk of Council.)**

- Approval of proposed 2020 Hospitality Fee Budget **(Mayor Tecklenburg abstained from voting on line items related to the IAAM and Gaillard Center. Councilmember Moody abstained from voting on the line item related to the Gaillard Center. Councilmember Gregorie abstained from voting on the line item related to Mother Emanuel. They completed Conflict of Interest Forms which are on file in the Office of the Clerk of Council.)**

(2020 Municipal Accommodations Fee Ordinances for Capital Projects and Operating Expenses (2 Ordinances) (Refer to Public Hearings – City Council Agenda Items #E1-E2)

(2020 General Fund and Enterprise Funds Expenditure Budget (Ordinance) (Refer to Public Hearings – City Council Agenda Item #E3)

(2020 General Fund and Enterprise Funds Revenue Budget (Ordinance) (Refer to Public Hearings – City Council Agenda Item #E4)

(Approval of Year 2020 proposed Stormwater Utility Budget

(Fire Department: Approval to accept the DHEC grants in the amount of \$77,754.00 for the Low Country Healthcare Coalition to support the Haz-Mat Team. Funds will be

used to purchase detection and decon equipment. 20% in kind match required and will use salaries of personnel associated with the projects.

(Stormwater Management: Approval of a Construction Contract with Gulf Stream Construction Co. in the amount of \$197,734.96 for the installation of a new storm drain pipe along Lord Calvert Drive. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council Approved budget. Approval of the Construction Contract in the amount of \$197,734.96 will establish a project budget of \$217,508.46. The funding for this project is the Drainage Fund. *(Pending recommendation by the Committee on Public Works and Utilities.)*

(Budget Finance and Revenue Collections: Approval of the Third Amendment to Contribution Agreement whereby the City and Medical University of SC Foundation agree to continue to fund West Edge Foundation, Inc. an amount up to \$200,000 per calendar year through 2021. After 2019, either or both parties may give notice to stop funding. ***(Councilmember Lewis voted nay on this item.)***

(Approval of a Resolution adopting amendments to the City's Procurement Policy
(Consider the following annexations:

- 1623 Woodcrest Avenue (TMS# 351-11-00-027) 0.24 acre, West Ashley (District 9). The property is owned by Kristen and Eric Chappell.
- 1249 Wisteria Road (TMS# 351-12-00-111) 0.19 acre, West Ashley (District 9). The property is owned by Rachel Carson Holling.
- 1701 Woodcrest Avenue (TMS# 351-11-00-021) 0.25 acre, West Ashley (District 9). The property is owned by Gregory R. Thomas.
- 0 Oakville Plantation Road (TMS#317-00-00-007) 10.47 acres, Johns Island (District 5). The property is owned by Keith W. Lackey. *(DEFERRED)*
- 2495 River Road (TMS#317-00-00-012) 4.75 acres, Johns Island (District 5). The property is owned by Gail Grimball. *(DEFERRED)*
- 2493 Summerland Drive (TMS#317-00-00-075) 9.91 acres, Johns Island (District 5). The property is owned by Gary S. Worth. *(DEFERRED)*
- 0 Summerland Drive (TMS# 317-00-00-076) 8.70 acres, Johns Island (District 5). The property is owned by Gary S. Worth. *(DEFERRED)*

(Executive Session to discuss negotiations incident to proposed contractual arrangements and proposed sale or purchase of the Richardson property on Camp Road, pursuant to SC Code Section 30-4-70(a)(2). ***(Authorized staff to negotiate an Agreement.)***

First reading was given to the following resolution and bills:

A Resolution adopting amendments to the City's Procurement Policy.

An ordinance to provide for the annexation of property known as 1623 Woodcrest Avenue (0.24 acre) (TMS# 351-11-00-027), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 9. The property is owned by Kristen and Eric Chappell.

An ordinance to provide for the annexation of property known as 1249 Wisteria Road (0.19 acre) (TMS# 351-12-00-111), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 9. The property is owned by Rachel Carson Holling.

An ordinance to provide for the annexation of property known as 1701 Woodcrest Avenue (0.25 acre) (TMS# 351-11-00-021), West Ashley, Charleston County, to the City of

Charleston, shown within the area annexed upon a map attached hereto and make it part of District 9. The property is owned by Gregory R. Thomas.

The vote was not unanimous. Councilmember Lewis voted nay on Item 12 of the report. Councilmember Gregorie abstained from voting on line items related to Mother Emanuel on Items 5(a) and 5(b) of the report and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council. Councilmember Moody abstained from voting on line items related to the Gaillard Center on Items 5(a) and 5(b) of the report and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council. Mayor Tecklenburg abstained from voting on line items related to the IAAM and the Gaillard Center on Items 5(a) and 5(b) of the report and completed a Conflict of Interest Form which is on file in the Office of the Clerk of Council.

The Clerk said, "Mayor, what about the Executive Session?"

Mayor Tecklenburg said, "We have another Executive Session coming up."

Councilmember Moody said, "That was part of my Real Estate Committee report."

Mayor Tecklenburg said, "Okay. So, next is bills up for third reading which is the matter of the PUD, gives the address, but of course is known as the Epic Center or Citadel Mall. You have the letter from Mr. Bullwinkel and the brief presentation he made during the Citizen's Participation period. There wasn't a lot of time since the last meeting. We met a week ago, and we were off Thursday for Thanksgiving, and most people took Friday off as well, so we just literally got this back from them. We discussed this the next day as we said we would at the last Council meeting, but it took a little bit of discussion back and forth. So, this is now before you with this modification."

Mayor Tecklenburg recognized Councilmember Moody followed by Councilwoman Jackson.

Councilmember Moody said, "I appreciate the turn-around on this, and it feels to me like we have covered everything that we discussed. I guess I still have somewhat of a question and maybe would like to hear a little bit from our staff about exactly how, I mean we didn't give Mr. Bullwinkel much time up here to explain how the affordable might work. I'm not sure that I'm completely clear. I thought all the other stuff was addressed appropriately, and I'm willing to vote or make a motion."

Councilmember Seekings said, "Can we have a motion first before we discuss? So moved."

Mayor Tecklenburg said, "We have a motion and second in order to discuss."

Councilmember Moody said, "I'll make a motion that we approve the third reading."

The Clerk said, "I have the two of you."

Mayor Tecklenburg said, "Right. We got that. If Council allows, we certainly could allow Mr. Bullwinkel some more time to share his thoughts."

Councilmember Moody said, "Well, I think it would be appropriate from him, but I think first I'd like to hear from our staff as to what they're seeing and what they're thinking, and then maybe let Mr. Bullwinkel respond to that."

Mayor Tecklenburg said, "So, I'm going to look to Mr. Lindsey, and perhaps to Ms. Johnson if she's here, if she would like to weigh in on that, as well."

Councilmember Moody said, "Thank you."

Mr. Lindsey said, "Thank you, Mr. Mayor. As you all know, as I briefed you before, this has the potential for the most affordable housing of any PUD we've ever had, the potential for it. The requirements meet, or in this case exceed, what we get out of any PUD typically. So, as Mr. Bullwinkel stated, 15% of the housing is to be attainable. Exceeding their base amount, when they go over the 1225 units, should they do that, they go up to this higher level of affordability requirements, including 33% at the 60% level of AMI, which is some of the most affordable housing you can get. So, that's exceptional. To my knowledge, we've never had a PUD offer that level. Of course, it is within that specified time-frame. They expire after a certain period. We heard from Council at the last meeting, a week ago, that you all wanted more time. What the applicant has done is they've said, 'We'll give more time, if a partner steps up to the plate to assist us in that, whether it's the City or another third party.' That's a common thing that we often do. Of course, the City and the Housing Authority often partner with developers and partner with land owners. So, from a staff standpoint, we recommended for this at the Planning Commission. We feel like it's a strong affordable housing provision, as strong as we see in any Planned Unit Development. So, that's why we feel like it's adequate, and we endorse it. You could also ask the applicant here tonight to elaborate upon it further."

Mayor Tecklenburg recognized Councilwoman Jackson, followed by Councilmembers Gregorie and Wagner.

Councilwoman Jackson said, "Thank you, Mr. Mayor. I'm sort of inclined to want to move to defer this just because, as you said at the beginning, we talked about this last week. We had the Council discussion about what we hoped would be brought back to us, and it came on our desks this evening. I understand that it's been discussed by the staff, but I don't think that the public has had a chance to even think about this with us. I'm not going to make that motion right this minute, but it has occurred to me, in reading item number three, that we're not even, and then I heard another comment from one of my colleagues that we would like to fact check. Is there an actual firm requirement that there be residential development in this PUD?"

Mr. Lindsey said, "So, there is not a firm requirement that there be any specific use in this PUD, and the same exists with the base zoning, presently, and with any base zoning. Zoning does not compel someone to do something. You can't require someone to build something through zoning. It enables something to be built. In this case, just like the current GB zoning, there is no specific requirement that they build the housing. The same thing is for office, residential, recreation or anything else, just like the current GB zoning that they have today. What it does do is it enables those uses to be built if the market allows, and the developer moves forward to do that."

Councilwoman Jackson said, "What would enable the residential compared to other kinds of commercial? What are we doing to make sure that we get what we would prefer in that?"

Mr. Lindsey said, "In this case, the base zoning that's in place, the GB, allows 26.5 units per acre. In the PUD's proposal, it allows by its base allowance, 1,225 units. So, what it does is it assigns a density."

Councilwoman Jackson said, "What is that compared to an acre?"

Mr. Lindsey said, "I can't do the math of the existing--"

Councilwoman Jackson said, "I mean, double the amount that GB would allow or triple?"

Mr. Lindsey said, "I don't have my calculator on me. Does anybody know what our current acreage by right numbers is? We're doing math. Bear with us for one moment, Councilmembers. So, 53 acres times 26.4, if anybody is faster on their calculator, would be their base entitlement today under—1400 units. So, the PUD is actually a reduction in the base number of units that are enabled on the property. If they exceed that number, if they go above the 1225, then the stronger affordability component kicks in. So, that's more affordable requirement than they have on the property today. In GB, there is no affordability requirement."

Councilwoman Jackson said, "Right. Okay, so they're incentivizing us to give them the PUD approval, as opposed to us incentivizing them to build residential, I mean in terms of an actual formula for what we may or may not see on the PUD. I appreciate that every concept that you've worked on with the developer, and I'm not questioning their own ideas and vision for how this property is going to unfold over the next 20-30 years, but it does seem like we're putting a lot of opportunity on the table with the hope that the concept that has been promoted to us is going to take place. I think that's a real fact that the public really needs to appreciate with us that we can only be but so controlling over a land use like this."

Mayor Tecklenburg recognized Councilmember Gregorie followed by Councilmember Griffin.

Councilmember Gregorie said, "Yes. Just for clarification, I think you put it 30/30/30 affordable housing proposal on the table, first 30 years, then after 30 years, right, we renegotiate. I'm trying to figure out how that would work and then even so, and this is probably a question for staff, let's say we do the 30, in 30 years we may be priced out of the market in terms of trying to maintain that affordability. Has there been any discussion in that regard? Secondly, if we want to maintain affordability in perpetuity, shouldn't we be negotiating that now to, one, make sure that the Councilwoman's concerns are addressed because we will be making it definite if we get into the ball game right now, to make sure that there is, in fact, that affordability. Thirty years? I don't know whether or not we will be able to afford to even negotiate an additional 30 years for the affordability. To me, the time is now."

Councilwoman Jackson said, "Well, and it requires a partner. That's what their offer to us right now is."

Mayor Tecklenburg said, "So, if I may, and ask Mr. Bullwinkel to address this, what your letter says is that you're increasing the term from 30 years to a maximum of 99. So, when the first 30 years is about to expire, a year out, you'll give us notice, and can extend it, but it's not necessarily for another 30 years. It's up to another 69 years just depending on how the negotiation would go. Is that correct? It's not even locked in that it's another 30, 30, and 39."

Mr. Bullwinkel said, "So, Mr. Mayor, I might not have been articulate in my letter. I apologize. What we envision is actually we sit down, right now we're saying the minimum it would ever be is 30 years. But, when we sit down, and we have a plan to come in with affordable housing, we would then say, 'We're at 30 years. Would you like to go between 30 and 99?' If we can do that and have a partner that's willing to, and we can finance it, at the beginning we'll go 50, 60, 90. We'll put the deed restriction on. Whenever that term is to expire, twelve months before that deed restriction would expire, we would come back and say, 'City Council, would you like to extend it another 30 years?' So, if I'm doing the math right, I think what we're offering is up to 129 years of affordable housing. I know this is not my floor, I would like to say that the GB zoning right now, and Mr. Lindsey can correct me, the lot size for residential is 1600 square feet. So, while there is this density that's allowed, I can't remember what you said Jacob, 25.6 or something, you cannot practically build residential on this property now because of the parking requirements and the lot size requirements. So, I just wanted to clarify that, and I'm sure Mr. Lindsey could go further into that."

Mayor Tecklenburg said, "So, you're now saying that you would extend to a maximum of 129 years?"

Mr. Bullwinkel said, "What I'm saying is we would negotiate up front, 30 is the minimum, we would go up to 99 years, and then if the City would like, on those units as the time's being expired, we would sit down and ask if the City would like to go back up another 30 years."

Councilmember Gregorie said, "Just the 30. But, we'd still have to wait 30 years."

Mr. Bullwinkel said, "No, sir. If the zoning went through, and I know this is very hypothetical, next year we wanted to put up residential units, we would come in and say, 'We're going to have 15% of them affordable and attainable with the 60/33 split, and we're proposing 30 years.' If staff and City Council came back, or private sector or grant, we would at that moment, increase that up to 99 years. So, you would know from day one the length. Then, after that expired, we'd go another 30 years. It's a two-step process. The reason for that is, originally, as far as we've known, no one's really known, if the land purchase has ever gone beyond 99 years. So, we did that, and then some people came back and asked can we try to do it again if it's working well. We said, 'Sure. Let's go back and add the ability to extend it another 30 years.' That's how we came up with the concept, I believe."

Mayor Tecklenburg recognized Councilmember Wagner, followed by Councilmembers Mitchell and Griffin.

Councilmember Wagner said, "We already got part of it. We asked the gentleman multiple questions. He tried to do it in two and a half minutes. I think we ought to give him time to answer the questions that we asked him in the last meeting. We only gave him a week to come up with the answers, so we ought to at least let him give them to us. We've got part of the affordable housing point I think I made the point that this isn't going to happen overnight. It probably won't happen in most of our lifetimes that this thing will be totally built out. I think we also figured out that Harry might still be here when it's done and probably James. Those are the only two that I know of probably got guaranteed fifty, sixty years left in them. Anyway, I'd like to hear the rest of the story over here and give these guys exactly what we asked of them. I don't have the notes in front of me, so I'm not remembering them all."

Mayor Tecklenburg said, "I believe the main other points were addressed in number one and number two in his letter, but if you have a specific question for him, I'm sure we'd give him the time to respond."

Councilmember Wagner said, "All these guys have their questions answered because I think over the next 50, 75 years, somebody might come back and say, 'Those guys made a good decision,' or we made a bad decision. Let's make sure we hear it all."

Mayor Tecklenburg said, "Would you like to offer anything else about numbers one and two?"

Mr. Bullwinkel said, "I believe on one and two, we addressed that it was going to be 100 feet from the right of way of Orleans. The maximum height would be five to allow a transition and, members of Council and the Mayor, you have a diagram that shows the blue area is where you could have up to 14. Forty percent of that could be up to 18 stories right here. That equates to about 13 acres. I know I got the acres and the stories mixed up last time around. Now, just for proportional sake, 23 acres, right now, is under roof when you're out there, of the rezoned property. The last thing I'd like to say, just because I feel I'm compelled to, both the applicant here and the owner and some of the institutional money, when we came back and proposed the affordable housing lane, which even the second go-round, the immediate answer was 'yes'. I've represented people all over the state, and that's never been the case. They truly believe in the affordable housing. I believe, as Jacob said, this is the strongest affordable housing I've ever been a part of, and it is a significant component because of MUSC and the food and beverage and the intermodal facility that's planned there. So, I just felt that I should put that on the record."

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

Mayor Tecklenburg recognized Councilmember Mitchell followed by Councilmember Griffin.

Councilmember Mitchell said, "The affordable housing piece is the piece that I'm really, really interested in in the West Ashley area. I know a lot of things are moving to West Ashley, and West Ashley is getting very, very expensive as the Peninsula is. That's my question, I asked at the last Council meeting pertaining to the years. You mentioned the 30 years, and he's coming back to try to work with staff. But, one thing with me, I like to see things up front in writing in the beginning because I know I'm not going to be here pretty soon. I would like to see this in writing more than 30 years up front. I know it's going to be hard to do, but affordable housing is something that I've worked with all my life. That's all I did for 35 years, and it's just that I know you all are trying hard to put it in there, but if it's not written down on paper, to me, right now there's more than 30 years, then to me, it's not going to happen. All these things that are going to come forth, 'we're going to do it this and then', I just hate to be agreeing with all of that because I've seen it happen too many times that we agree with things that are going to come forth and never happen.

That's my dilemma on it now is not seeing more than 30 years up front, not waiting to see how we're going to do this, or how we're going to do that before we put more of this in there and how staff is going to do it. I wish staff could work with them now and try to say, 'Okay, we came up with this'. The owner or developer could say, 'Okay, we're going to put this in for sixty years now, then we'll come back with another thirty years.' But, that thirty years, I think we can do a little better than that. I think, if we work a little harder, I think, working with the City with a partnership we can do a little better than 30 years now. I think we need to work harder and try to get this on paper, up front. That's just my dilemma on it. That's my only problem with it right now."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "With all due respect, I think what they're giving us is more than adequate, and let me tell you why. Every time we've had something that we've gone to them about, they've extended the olive branch to us and helped us out. The first issue was the height. They went down on the height big time. The second issue was 'we don't want to disrupt the character of the neighborhood, and we don't want to scare the neighbors.' So, what do they do? They push the buildings back off the road. All of the height is going to be near I-526, which is a major corridor that almost all of us are fighting for every day to get extended, which we already know there's more than enough traffic there. This is an opportunity to bring Accommodations money to West Ashley. This is an opportunity to bring mixed-used. This is an opportunity to create a PUD out of general business, which we always talk about a PUD being the way to go. I just don't know how many times we can keep going back to them and say, 'do more, do more, and do more.' They've done a lot. They've done more than any PUD probably the history of this City, ever, and I don't know if you've been over to the Citadel Mall lately, it's an eyesore. It really is. They've done as much as they can. They've promoted and got MUSC over there. We've got activity with HBO and, obviously, Belk and Dillard's and Target, they still do well. But, this property is one of the biggest eyesores in all of Charleston. It is. Walk through that Mall and look at all those empty shops. It's not their fault. They've done an excellent job. By the way, of all the bidders that bid on this property, they're the only local.

I trust this group is looking out for the City of Charleston because I know those guys. They've been here forever. They practice Real Estate here. I have total faith in this project, and I have total faith that this project is going to take many, many years to get accomplished. It's going to be very, very slow-moving, just like you said, Councilmember Wagner. There's going to be so much dialogue between the City and this partner. That's really what this is. This is a partnership, and I wouldn't rather work with anybody than that group over there, and I think we've pushed it off long enough. I think deferring it is a bad, bad example of what we're setting. We already broke up second and third reading. That was a deferral in its own right. Those guys literally showed up at City Hall the next morning to work this stuff out. That's how eager they were. There's more than just us, the City, the Epic Center. We have a commitment to MUSC, too, and we need to show them that this PUD is getting done because they have invested a lot of their own capital into that project over there. I can easily see, one day, there being a hospital on that property. I really could see that, and I'd love to see that. I think that would be a great example, especially with some of the problems we have downtown with flooding, to get a hospital or an extension of MUSC down there even more than what they've already committed to. This property has so many possibilities. We really, really need to roll up our sleeves and get it done tonight, if we can. Thank you."

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

Mayor Tecklenburg recognized Councilmember Lewis followed by Councilmember Waring.

Councilmember Lewis said, "I've seen you all ask questions of the Planning Department, but we have a Housing Department. Has Mrs. Johnson been sitting at the table negotiating some of these deals, because if she hasn't been there, she needs to be to the table because she's the one--"

Mayor Tecklenburg said, "She's been involved in discussions, I assure you, but Mr. Lindsey was our main contact with Mr. Bullwinkel, but we met just this morning, including Mrs. Johnson, regarding the matter. If she has anything she would like to add, I called your name

earlier, if you have any perspective you would like to add, I welcome Mrs. Johnson to come forward.”

Mrs. Shaw Johnson said, “So, Mayor, and members of Council, as you think about a PUD, this is one of the better that we’ve seen. Typically, PUD’s don’t want to go to 60%, whereas this group has. Usually, it is at 80%. Usually, we have twenty years, versus the 30 that they’re proposing. Having said that, where we have an opportunity to do better than we’ve done in the past, we want to do that. So, oftentimes, when we, the City, come in, in particular Housing and Community Development, where we can, we offer financial incentives to the developer to help with the long-term affordability. We did not have that specific instruction or discussion relative to this particular project, but that is an option, as well, because typically, for-profit developers don’t want to do the long-term affordability unless we can offset some of the costs that they are incurring as a result of producing that affordable and/or attainable housing. So, that is also an option that could be considered. We also have developed, as you all recall because you’ve supported it, the Charleston Redevelopment Corporation which has a land trust that could also hold units for 99 years. So, those are options, as well, that you can contemplate. We have not put, as you would say, money on the table to help with the long-term affordability process, or the cost that goes along with that. But, in the past, we have also invested direct financial dollars in deals to ensure that long-term affordability exists.”

Mayor Tecklenburg said, “And that option exists in what has been presented to us. As it says, ‘At least 12 months prior to the expiration of an initial 30 year term, the City will be notified and have the option to extend the affordability period.’ So, without knowing what the future will bring, and what deals will be like at that next future juncture, we have the right in order to extend this, I’m hearing, up to 129 years, which is a little different from what your letter says. So, I think that should be clarified, and that would take us a pretty long way.”

Mayor Tecklenburg recognized Councilmember Waring followed by Councilmember Seekings.

Councilmember Waring said, “Well, I’m going to defer to Councilmember Seekings. I want to wait until last.”

There was laughter in the Chamber.

Councilmember Seekings said, “You’re pulling my trick, I get it. It’s all good. You’ve learned well. They’re nodding. I just want to follow up, very quickly, Mr. Mayor, and fellow Councilmembers, about Mrs. Shaw Johnson’s comments that she just made and a couple of Mr. Bullwinkel’s comments. You talked about the back end, Mr. Mayor. I think Mr. Bullwinkel was talking about the front end, and I want to talk about the front end. What he said was, they’re going to go 20-30, the bottom line, at 60%, but before they present any housing component in this PUD, they’re willing to sit down with Mrs. Johnson and the City to try to extend it, if they can get some participation from the City, from tax credits, or from equity partners. So, they’re setting the base line at 30, plus whatever they can negotiate on the front end and extending it now, 99 plus 30. I think the important part for us to remember is what’s been presented tonight, which is that front-end 30. Front-end 30 is a starting point, and then Mrs. Johnson just put the component in that we haven’t talked about, that she and her team can then sit down with them, and if the City’s going to participate, great, if there are other opportunities that can come through her office or through third-party. I see some nodding. Am I on the right track here? I think that’s the important part and I, too, agree that they’ve gone a long way. Let’s get this going and then, let’s see because to Councilmember Jackson’s question, they’re not obligated, nor is anybody obligated to build any housing. So, that’s still a component that’s going to come through Mr. Lindsey, through everybody

else, of what they're going to build. But, if we leave it in GB, this could become one big, fat bar place, just nothing but bars. You're not going to build houses. So, I do think they've worked really hard. It's an important project. They've given a lot. They gave in 100% on the height without anything back, yet. I think the questions will come when it comes to housing, but I think let's get them going. I'm ready to vote for this tonight with the understanding of what that 30 years is and really, what Mrs. Shaw Johnson just said in her comments, that there are good opportunities for us to partner going forward. I just want to make sure we don't miss the front-end, not the back-end, opportunity.

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. We talked about in terms of how they have worked hard, and they certainly have worked hard. I thank them for making the adjustments that Mr. Bullwinkel explained tonight. But, we haven't worked hard enough, and the reason I say that, the reason they can't definitively say longer than 30 years is because we have not, we as a City, invested into the project. Again, this is just as important to West Ashley as Charleston Place was to the Peninsula. Over 40 years ago, the City put \$10 million into Charleston Place, in addition to building a parking garage. That \$10 million today would be worth over \$40 million today, and we're asking them to go 99 years on affordable housing to help displace a community, or communities, I should say. These communities have a right to feel threatened. Orleans Woods has a right to feel threatened. The areas around Savage Road have a right to feel threatened because if this economic juggernaut is successful, it will move communities. Speculators are calling home-owners in Orleans Woods right now wanting to know if they want to sell their house. It's not just the Peninsula anymore, gentlemen and lady. That is what's happening now, and to say 30 years from now, we have an option to discuss whether or not you want to buy, I got on the Planning Commission 25 years ago, and I got on it because I thought it would be tremendously interesting to see a City develop. Daniel Island was larger, or slightly larger than the Peninsula of Charleston. Normally, you're born into a City. You don't get to see a City unfold. It's been marvelous to watch Daniel Island go from a farm, frankly a plantation, into what it is today. But, that's been 25 years. Now, can you imagine going to the now developer of Daniel Island, actually it's the original developer that's still there now basically, and saying, 'We'd like to buy whatever affordable units were put there 25 years ago.' Well, that's what we're talking about. We have the example in the City, the type of appreciation that, if successful, that will take place, it would be unaffordable for the City to buy. This affordability period has to be cut now, and the reason these developers, in my opinion, I don't speak for them, how much money, and this should be a pretty easy answer, how much money has the City invested into the Epic Center? Ms. Wharton, you're our CFO."

Ms. Wharton said, "None."

Councilmember Waring said, "None. Now, if we had that same answer for Charleston Place, it might still be a field. So, this is not just the Mayor's responsibility. It's all 12 of our responsibilities. For that affordability period to be extended, we need to put millions of dollars in. I'm going to give an example. I asked Mrs. Shaw Johnson, and she didn't know my motives, because I didn't know my motives. We have already committed to projects. I won't call the projects by name, but affordable housing projects that we're using with the \$20 million bond that we all worked so hard to get. There's one development, and I'm talking private development, non-profit, that kind of thing, applying for tax credit, where we are putting in \$35,000 per door, per apartment. The City of Charleston, out of the bond that all taxpayers are going to be paying back, we're putting in \$35,000 per door. Now, we're asking, the 15% of roughly 1200 units will come to about 180 units. We're asking these people to go longer, and we haven't put one dime per door,

not one dime, and we expect the developer to come up with all of this themselves. Certainly, we have incentivized by giving additional floors, which will be cost-effective when they factor in the market-rate units, but by the same token, they extend that affordability period, the City has to have some dollars per door.”

Mayor Tecklenburg said, “I hear you loud and clear. May I comment or respond?”

Councilmember Waring said, “Sure.”

Mayor Tecklenburg said, “Councilmember Seekings is really making the point, as well, that this is now, rather than later. The way I read it first is a little different than the way Mr. Bullwinkel explained it. They’re guaranteeing 30 years, but there’s nothing preventing us from sitting down right now and having their first affordable housing having a period of up to 99 years, if we put some skin in the game with you. Is that a good way to put it? We can do that now, rather than later.”

Councilmember Waring said, “My point is, we need to burn the midnight oil a little bit longer. I agree with Councilwoman Jackson. We need to defer this until the next meeting, which is the 17th, and we find ways to put skin in the game. How do we expect a development that’s going to generate hundreds of millions of dollars, by the way Councilman Griffin, hospitals don’t pay into TIF’s. We need to work out a number per door on these, potentially, 180 units, and hopefully have a MOU. That could be done between now and the 17th, because everything else in this PUD, I think we agree with. I think the developer has done the duty in trying to think outside of the box in saying, ‘Yeah, we want that affordable housing there, too.’ Mr. Bullwinkel gave great examples of some of the employees that are going to work there that, hopefully, will also live, work, and play on the same site. But, we haven’t done our part as a City. We’ve had conversations. None of these affordable housing projects will contribute, economically, to the tune, potentially, of what the Epic Center has. So, why aren’t we going the extra effort? Why aren’t we coming up with the dollars per door? We can do that between now and then. Listen, one thing we’ve learned to be good at, Mr. Mayor, during those Ad-Hoc Committee Budget meetings, is we scrambled pretty good with the taxpayers’ dollars. We get a pretty good bang for the buck. That’s what we’re talking about doing here to finalize this particular PUD. I know the Planning Department doesn’t want to hear that. I know our staff doesn’t want to hear that. I know the developer doesn’t want to hear that. Councilman Seekings doesn’t even want to hear it. But, if we come up with, I’ve some calculations here that I’m not going to blurt into the microphone, but hopefully tomorrow and in the assuming days, we can come up with some sort of MOU, Mr. Mayor, to give some assurances to the developers when it comes to affordable housing being created, which will make it easier for them today to extend potentially, hopefully, to the 99 year period and not have to wait 30 years from now, after appreciation has taken place to see whether the financial wherewithal of the City can purchase something that, in my opinion, we won’t be able to afford at that time. I’d be happy to be wrong.”

Councilmember Lewis said, “That’s the reason I asked whether Mrs. Johnson was at the table from the beginning, because if she was at the table from the beginning, I don’t think we would be having this discussion, because that’s her field. She would be able to negotiate with the developers, and let them know what they can do and what they can’t do. She’s going to be responsible for overseeing whatever the City is putting money into. So, she needs to be at the table. She’s the smartest woman in the world when it comes to housing, so she needs to be at the table.”

Mayor Tecklenburg said, “She’s been at the table, sir.”

Councilmember Lewis said, "Negotiating those numbers, not just sitting there, but negotiating those numbers."

Mayor Tecklenburg said, "Maybe I'd like Mr. Lindsey just to share a comment about the nature of a Planned Unit Development, because what we're doing is setting up what's possible with this development. I don't think they're ready to break ground on a housing component of the development just yet, to where we would get down to the nitty-gritty of how many dollars the City would put in to enable the extension for so many years. I could be wrong. But, they can build housing now under their General Business, as has already been discussed. This sets up the possibility of what is possible with the Planned Unit Development, and what would happen with affordable product being a part of a future development, but doesn't, as we've noted before, require them to do a specific use. It just enables it."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I've got to find out where folks buy their ice from because their ice always seems to be a bit colder than mine. What I mean by that, what we just articulated, I think that's what I said initially, that what we need to do is start negotiating now, so that we can have some skin in the game. The same thing Councilwoman Jackson said, I just don't know why other people's ice is colder than our ice, but as long as we get what we want, it's okay."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. I appreciate everyone's comments, as we've had a very good discussion about the Epic Center and it being the revitalization of Citadel Mall. Something Councilmember Waring said reminded me about the fight that was going on at Daniel Island over 25 years ago because folks did not want affordable housing. That was a bad word over on Daniel Island, and they fought it to prevent that from happening. There was a wonderful 60 Minutes presentation on Sunday about affordable housing, and it is a curse on our society. It is getting worse by the minute, and we are discussing it. My hat's off to Councilmember Waring, Lewis, Mitchell, and Gregorie and their continued fight in making sure that we fight for affordable housing. It is probably the most serious issue facing communities around the country. It really is, and we've talked about it, and we've talked about it. The only way to guarantee that the government has control over affordable housing is to own the dirt and the bricks and mortars of that. Otherwise, there's other discussion about developers coming in, develop some property and agree to dedicate a percentage of properties for a specific period of time is all we can control. After that time, that period is going to elapse, and it reverts to not being affordable housing. So, the only way we have 100% control over affordable housing is that we own the land, that we own the bricks and mortars that affords and provides affordable housing. We've got spotted affordable housing in West Ashley, seven houses over in the Maryville/Ashleyville area, and we're working on that goal to increase that. The West Ashley area is getting to that point, and this is sort of a mixed bag of success that we are revitalizing, and people are concerned about how we are revitalizing because we need to do it in a way that makes sure we protect our communities. That's vitally important. We've got limits on buildings under control. This plan on setbacks and the height restrictions that are outlined in this letter are what we were looking for, and I think this will appease a lot of folks as to how we're going to control the height on these buildings and how they are being constructed. These folks have done everything we've asked them to do, and we will have skin in the game because it's going to come back at some point when we talk about garages and other things that need to be built on this property. We want to do this right. This may be our one opportunity to get it on the track we want it to be on, so that if it's done properly, then it achieves the goal of revitalizing West Ashley and becoming the economic center of this community. Let's

vote on this tonight. I think we've got the foundations of what we want. We've got this letter with the information that we have. We can sit down and negotiate with them on this extra 99 years, plus on this property. I think we're in the right frame of mind with this. I knew this was going to be an issue when they came up last week. But, they've given us a framework on this, and I'm ready to vote on it tonight."

Councilmember Waring said, "Mr. Mayor, I make a motion to defer. I said I agree with Council Lady Jackson, but I didn't make the motion, so let me make the motion to defer."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Any discussion on the motion to defer?"

No one asked to speak.

On a motion of Councilmember Waring, seconded by Councilmember Gregorie, City Council considered a motion to defer Item L-1 on the agenda.

The motion failed 7 to 5.

The vote was not unanimous. Councilmembers Lewis, Mitchell, Gregorie, Waring, and Councilwoman Jackson voted in favor of the motion.

The Clerk said, "I can't tell by the number of hands."

Mayor Tecklenburg said, "Do you want to call roll?"

The Clerk said, "Councilmember Shealy."

Councilmember Shealy said, "Nay."

The Clerk said, "Councilmember Lewis."

Councilmember Lewis said, "Yes."

The Clerk said, "Councilmember Mitchell."

Councilmember Mitchell said, "Aye."

The Clerk said, "Councilmember Wagner."

Councilmember Wagner said, "Nay."

The Clerk said, "Councilmember Gregorie."

Councilmember Gregorie said, "Yea."

The Clerk said, "Councilmember Waring."

Councilmember Waring said, "Aye."

The Clerk said, "Councilmember Seekings."

Councilmember Seekings said, "Nay."

The Clerk said, "Councilmember Shahid."

Councilmember Shahid said, "Nay."

The Clerk said, "Councilmember Griffin."

Councilmember Griffin said, "Nay."

The Clerk said, "Councilmember Moody."

Councilmember Moody said, "Nay."

The Clerk said, "Councilwoman Jackson."

Councilwoman Jackson said, "Aye."

The Clerk said, "Mayor."

Mayor Tecklenburg said, "Nay."

Mayor Tecklenburg said, "So, the motion to defer does not pass. Back to the original motion for passage of third reading and ratification."

Councilmember Seekings said, "By the way, Mayor, I would incorporate in my original motion that we incorporate into the PUD documents the letter that was given to us tonight by Mr. Bullwinkel. That's my motion."

Councilmember Shahid said, "Second."

Councilmember Seekings said, "By the way, Mr. Mayor, I would incorporate in my original motion that we have incorporated into the PUD documents the letter given to us tonight by Mr. Bullwinkel. That's my motion."

Councilmember Shahid said, "Second."

Mayor Tecklenburg said, "Alright."

Councilmember Waring said, "Mr. Mayor, un-readiness."

Mayor Tecklenburg said, "Any further discussion?"

Councilmember Waring said, "Un-readiness, Mr. Mayor."

Mayor Tecklenburg said, "Sir?"

Councilmember Waring said, "Un-readiness. I have a question."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "If we're going to vote approval, at what period of time is the City going to commit dollars to this project for affordable housing?"

Mayor Tecklenburg said, "At what period of time?"

Councilmember Waring said, "Yes, how much time have we allowed the City to commit dollars to this project?"

Mayor Tecklenburg said, "I'm happy to negotiate with them as soon as they're ready to move forward with any housing development on the property and to set guidelines getting ready for that day."

Councilmember Waring said, "Are we going to enter into a MOU of some sort?"

Mayor Tecklenburg said, "We could. Yes, sir. Absolutely. So, the way I understand it, to take it beyond their 30 years, we would need to create a MOU and have that kind of nitty gritty negotiation of us putting some skin in the game. I'm ready to do that from Day 1."

Councilmember Waring said, "Well, let me ask this of Mr. Bullwinkel. I have a question for Mr. Bullwinkel. If this passes tonight, what is the incentive, besides the good will of the developers, to move forward an MOU for a longer period of time if the dollars aren't satisfactory?"

Mr. Bullwinkel said, "For this project to be successful, we're going to have to come back to you for an MOU with a TIF, as well. The TIF, obviously, a lot of the increment will be created by this property, but a lot of that's going to happen through a public private partnership on the development itself, the infrastructure. If City Council is not willing to do that, then this project will not necessarily move forward as we all want to see it. So, I actually see them hand in hand, or hand in glove that we would come back and talk to you about the TIF as a part of the affordable housing MOU. I believe we have talked to staff about starting that process literally tomorrow, and hopefully add the first quarter of next year with both of these components in front of you."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "I mean, honestly, they've been requesting our participation in a parking deck structure from the word 'go', and I've explained to them we have to give the TIF District a little time to bake before we have some revenue stream from it that we can even make those kinds of commitments. I think it's a very valid point in case that this would go hand in hand with other commitments that the City will make with the revitalization of Citadel Mall if that makes sense. Any further questions?"

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Mr. Mayor, I hope that we do this sooner than later to get with them pertaining to the affordable housing piece, and that's all. The project, so far as I'm concerned, is a good project. I don't have a problem with the project at all. My thing is I just want to make sure, and I want to see this in place, so far as the housing piece. I think we need to start working with that like yesterday, being proactive. I have seen too many projects that we said we're going to do, and they never happen. That's what I'm looking at now because it's a big project that's going on there. I think we need to do this like yesterday and get together with Mrs. Johnson. It's going to come back to my committee, I guess, the Community Development Committee, so I think we need to work with this and start working with this now, and stop waiting."

Mayor Tecklenburg said, "Are you good, Mrs. Johnson? Alright, she's ready."

Councilmember Mitchell said, "I think, like my mother used to say 'break down the wagon'."

Mayor Tecklenburg said, "Yes, sir. Any further questions, discussion?"

On a motion of Councilmember Seekings, seconded by Councilmember Shahid, City Council voted to give third reading to Item L-1 on the agenda, as amended to incorporate the correspondence provided by the developer's Counsel. The bill was ratified as:

2019-131 An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that properties on Sam Rittenberg Boulevard and Orleans Road (West Ashley) (53.029 acres) (TMS #310-04-00-009, 351-05-00-043 & 044 and 351-09-00-015 & 053) (Council District 7), be rezoned from General Business (GB) classification to Planned Unit Development (PUD) (Epic Center) classification. The property is owned by TMP SRE I, LLC and TMP SRE II, LLC and TMP SRE III, LLC. (AS AMENDED) (TO BE SENT UNDER SEPARATE COVER BY THE PLANNING DEPARTMENT)

The vote was not unanimous. Councilmembers Gregorie and Waring voted nay.

Councilmember Waring said, "I'm going to vote nay, and I'll tell you why. I want it recorded why I'm voting nay. It's because the City dollars aren't committed to this project. That's why I'm voting nay on this. The City dollars aren't committed to this project for affordable housing. That's the only reason I'm voting nay on this project."

Mayor Tecklenburg said, "Thank you. Alright, next we have bills up for second reading. I think we have --."

Councilmember Mitchell said, "I want to take, Mr. Mayor, 1-8."

Mayor Tecklenburg said, "1-8 we'll take together. Thank you all very much."

Councilmember Mitchell said, "1-8."

Mayor Tecklenburg said, "Okay, we have a motion to take items 1-8 together for second reading. Is there discussion on anything? Do we have a second?"

Councilmember Shealy said, "Second."

Mayor Tecklenburg said, "A second. Do we have any discussion on --."

The Clerk said, "Wait a moment, Mayor."

Mayor Tecklenburg said, "We're going to wait a minute."

The Clerk said, "Let's see. Did you say 1-8?"

Mayor Tecklenburg, "I did."

Councilmember Griffin said, "4 is struck through."

Councilmember Moody said, "But you've got another four."

Councilmember Shealy said, "We've got another number four."

The Clerk said, "Right, I know that, but we've got another bill, number nine."

Mayor Tecklenburg said, "I know, but we're going to take nine separately, yes, ma'am. We're taking 1-8 together, and then we'll come back for number nine. Alright. Any discussion on 1-8?"

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

2019-123 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT AT 98 LINE STREET (PENINSULA) (A PORTION OF TMS #460-04-004) (0.016 ACRE OF 0.12 ACRE PARCEL) (COUNCIL DISTRICT 3), BE REZONED FROM DIVERSE RESIDENTIAL (DR-2F) CLASSIFICATION TO COMMERCIAL TRANSITIONAL (CT) CLASSIFICATION. THE PROPERTY IS OWNED BY HAUTE ON LINE, LLC.

2019-124 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1522 BALSAM STREET (WEST ASHLEY) (0.55 ACRE) (TMS #350-07-00-045) (COUNCIL DISTRICT 7), BE REZONED FROM SINGLE- AND TWO-FAMILY RESIDENTIAL (STR) CLASSIFICATION TO DIVERSE RESIDENTIAL (DR-1F) CLASSIFICATION. THE PROPERTY IS OWNED BY ANTHONY COAXUM.

2019-125 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 645 EAST BAY STREET (PENINSULA) (0.11 ACRE) (TMS #459-06-04-021) (COUNCIL DISTRICT 4), BE REZONED FROM LIMITED BUSINESS (LB) CLASSIFICATION TO MIXED-USE/WORK FORCE HOUSING (MU-1/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY JIMMY C WASHINGTON II.

2019-126 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2988 BOLTON ROAD (WEST ASHLEY) (0.5 ACRE) (TMS #307-10-00-037) (COUNCIL DISTRICT 5), ANNEXED INTO THE CITY OF CHARLESTON OCTOBER 8, 2019 (#2019-096), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY SANDRA LYNN MIXSON.

2019-127 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 333 AND 335 WAPPOO ROAD (WEST ASHLEY) (0.46 ACRE) (TMS

#350-10-00-144) (COUNCIL DISTRICT 5), ANNEXED INTO THE CITY OF CHARLESTON OCTOBER 8, 2019 (#2019-097), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY ROBERT J. SULI.

- 2019-128** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN OPTION TO LEASE AND GROUND LEASE BETWEEN THE CITY OF CHARLESTON (“LANDLORD”) AND FLATIRON PARTNERS AND CLASSIC DEVELOPMENT COMPANY, INC. (“DEVELOPER/TENANT”) FOR THE DEVELOPMENT OF AFFORDABLE HOUSING ON CERTAIN PARCELS LOCATED IN THE COOPER RIVER BRIDGE REDEVELOPMENT AREA BEARING TMS NO. 459-05-04-208 (PARCEL FOR CONSTRUCTION OF APARTMENTS); TMS NO. 459-05-04-116, 192, 193, 197, AND 198 (PARCELS FOR STORMWAER MANAGEMENT AND SITE DRAINAGE) AND FOR THE OPERATION OF AFFORDABLE HOUSING AS DESCRIBED IN SAID OPTION TO LEASE AND GROUND LEASE MARKED AS EXHIBIT 1 AND EXHIBIT 2, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.
- 2019-129** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 403 FLEMING ROAD (0.96 ACRE) (TMS# 343-07-00-067), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 11. THE PROPERTY IS OWNED BY 403 FLEMING, LLC.
- 2019-130** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1440 DORSET LANE (0.3 ACRE) (TMS# 352-09-00-081), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 9. THE PROPERTY IS OWNED BY SHELIA D. PACE.

Mayor Tecklenburg said, “Now, we’ll go to number nine.”

Councilmember Mitchell said, “I’ll make a motion, so we can have a discussion on this. Move for approval, number nine.”

Mayor Tecklenburg said, “We have a motion to approve number nine by Councilmember Mitchell and a second from...”

Councilmember Lewis said, “Councilmember Shealy seconded.”

Mayor Tecklenburg said, “Councilmember Shealy. Okay, the floor is open for discussion.”

Mayor Tecklenburg recognized Councilwoman Jackson.

Councilwoman Jackson said, “Thank you, Mayor. I would prefer to move for a deferral of this amendment. I think that, certainly my vote to give it first reading last week was based on the premise that we would have the time and the discussion opportunities to bring all the sides together that are literally seeming to be pretty intractable at this moment in time about the philosophy behind this and the way forward. Frankly, whoever said it earlier tonight, we do have some improvements to make to our planning process. I think that this is worthy of all the stakeholders in the City who care about land use and the way that we develop going forward into

the City, that we want to have preserved and protected and robust. It pains me to hear the intractability, as I said earlier, that we've got good reasons why we feel strongly about this change to the 90 year way of the Planning Commission dealing with their recommendations and when they give us an adverse one. It requires a supermajority. I don't think it's the kind of decision, I know that there was an attempt at discussion, I guess. I personally wasn't part of it, not that it is important, but I think that, and as Councilmember Waring said, you know nobody was coming to him to have the conversations. So, I think that there is misunderstandings and missteps and hard feelings that are growing. What I've heard in my in mailbox, and talking to my colleagues about why this is such an important change for them to be championing, I just feel like we need a bigger time and a bigger space to deal with this. I think a week later is not the timeout that I had understood when I voted to give it first reading last week, so I move to defer."

Mayor Tecklenburg said, "Councilmember Jackson, I --"

Councilwoman Jackson said, "In favor of having a discussion season, however we want to organize it. I don't think it needs to be called a Taskforce, but we definitely need to have the parties that feel the most strongly about the way this ordinance turns out."

Mayor Tecklenburg said, "So, Councilmember Jackson, if I may, and pardon me. Your indulgence, please, Councilmembers, because I did intend to bring Legal Counsel to the microphone before we started the discussion. If you remember at the end of our discussion on this matter, and it had been a long night, and we were all kind of ready to leave, someone raised the question, 'Well, does this need to go to the Planning Commission?' I think it was Councilmember Griffin, and I made the remark that I think, according to our normal procedure, that it would, and then I heard a number of comments. Well, it's taken a little while, but we drilled down, and some people would say even on an initial glance, that this matter should go back to Planning Commission and have a public hearing. On further, deeper review, I just want to turn over the microphone for a minute to Chip to share with us what he's investigated since last week on this matter."

Mr. McQueeney said, "Yes, and this is going to make me look kind of bad, and I understand that. I've told people that I didn't think the Planning Commission needed to hear this under the AG's opinion. I think I told Councilmember Griffin that. I think I told the Mayor that."

Councilmember Griffin said, "You told me that it needed to go to the Planning Commission."

Mr. McQueeney said, "Well, I suggested it go to the Planning Commission. Tonight, when I got here, I was looking through the Code. There's a Section 54 – 944 which is right after 943 that says 'any amendment to the Zoning Ordinance, 943 applies to amendments to zoning regulations or Zoning Maps. I told the Mayor just before the meeting about this. 944 applies to any amendments to the Zoning Ordinance, and then 54-101 of our Code defines the Zoning Ordinance to include all of Chapter 54. Under that 54-944, I think any amendment to Chapter 54 of the Code has to go to the Planning Commission. Let me be very clear that under the Attorney General's Opinion, accepting that as the law, you do not need a supermajority vote to overturn whether the Planning Commission decides once it looks at it under 54-944. It doesn't require a supermajority vote or anything like that. So, I'm not suggesting that we're following the same procedure as 943c. This just requires review by the Planning Commission, and I think its study and recommendation by the Planning Commission. So, my recommendation would be to refer it to the Planning Commission because I think that's what 54-944 requires, and again, I apologize."

I would have let people know about this before tonight. I sent an email to Susan at some point this afternoon, and it really wasn't on my radar as an issue until tonight."

Councilmember Seekings said, "We knew about it."

Mr. McQueeney continued, "I've tried to be above board about this, so I hope you trust me on that."

Mayor Tecklenburg said, "Right. So, Councilmember Seekings followed by Shealy."

Councilmember Seekings said, "I mean, I was aware of 944, too. I mean, I looked at it today. I went back and looked at all the debates we've had about this, and I don't think Chip put into the record what it says. 944 says 'unless initiated by the Planning Commission, all proposed amendments to the Zoning Ordinance to be pursued by the City Council shall', that's the word it used, 'be reviewed by the Planning Commission.' Clearly, this is a Chapter 54 amendment. This is a Chapter 54 mandate. So, whether we like it or not, it's a procedural requirement. If we don't do it, we're just handing a silver platter to a lawsuit from somebody. This Council has been lawsuit adverse when we can avoid it. In this instance, we know where the votes are headed. I don't think the votes are going to change. The debate may change, but we need to follow our own rules, and that's a rule that is right there and intractable. Unless we amend 944, we're going to be violating our rules, and that's plain to me. I talked to Ms. Herdina about that today. This is not new news by the way, Chip, to some of us. We looked at this, too. So, don't worry. We were going to do it for you if you didn't."

Mayor Tecklenburg recognized Councilmembers Shealy followed by Griffin.

Councilmember Shealy said, "Thank you, Mr. Mayor. Is this something where we're going to be asking the Planning Commission to have a special meeting? Or is this going to wait until their next meeting? I guess what's the time and length on this and where do we go from here?"

Mr. McQueeney said, "I think that would be up to the Planning Department. I'm not sure what their schedule is. I think the Planning Commission meets at the call of the Chairman, or is it a majority of the Planning Commission?"

Mayor Tecklenburg said, "Next Planning Commission meeting."

Mr. Lindsey said, "The December 17th meeting of Planning Commission, and that agenda's already set because of the two week notice requirement."

Mayor Tecklenburg said, "December 17th or 18th?"

Mr. Lindsey said, "18th. 17th is Council. 18th is Planning Commission."

Mayor Tecklenburg said, "So, it will be two weeks from tomorrow, and you would be able to put this on their notice?"

Mr. Lindsey said, "The ad has gone into the Post and Courier already, 24 hours ahead of time."

Mayor Tecklenburg said, "Alright, so we could ask for a special meeting. What's that?"

Councilmember Seekings said, "Tell them to meet the next day."

Mayor Tecklenburg said, "Yeah, we could call for a Special Meeting and have it in December."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "With all due respect, we could call a Special Meeting. I agree with Councilmember Waring. That makes no sense for them to meet after we meet again because then, we're pushing this issue off into next year. This has been a very, very vocal Council in regard to this. It's been brought up many different ways. It's been very tight votes every time. In fact, at the beginning of this year, I believe, we actually had something along those lines come up before, and it was 9 to 4, and we sent it to the Planning Commission. They disapproved it, and then we had to get a supermajority at that point. I don't know why if that were the case, this ordinance would have already changed hands at that point because as Mr. McQueeney is stating, all we needed to do was send it to the Planning Commission and get their opinion on it. We've already had a vote in the affirmative on this, so this rule should be null and void at this point, to be honest with you, if we're going off of that narrative right there. My question is, is this or is this not a change to a text amendment? This is not a zoning matter. I have a hard time believing that. This is a text change, and I would love for our Corporation Counsel to speak on that matter."

Mayor Tecklenburg said, "Alright."

Mr. McQueeney said, "The Attorney General's office said it's not a change to the zoning regulation. It's not a zoning text amendment, it is not a zoning map amendment. To the other issue about why this process here before the AG's opinion, and we were operating under the assumption that we went through 943(c), and 943(c) was a zoning regulation. Under that reading, I would interpret 944 as what Planning Commission is supposed to consider when they give a report and recommendation, but given the AG's opinion, he distinguishes between the Zoning Ordinance and a zoning regulation or text amendment."

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg said, "I would like to point out that the prior iteration means that we've considered, if I'm correct, were amendments to the existing text that would change it from three quarters down to something else. This iteration is to eliminate the requirement and remove it from the Zoning Code, right? Isn't that correct?"

Mr. McQueeney said, "Correct."

Mayor Tecklenburg said, "So, it is a little, we've been on this issue many times before, I agree. But, we're kind of coming at it from a different angle this time, for what it's worth."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Really, it's a trick. This is a trick. I can't tell you how disingenuous this is. Counselor, can you come back to the microphone and explain? We have sent this to the Planning Commission three separate times."

Mr. McQueeney said, "Yes, sir."

Councilmember Waring continued, "So, how can you say we've never sent it to the Planning Commission?"

Mr. McQueeney said, "Excuse me?"

Councilmember Waring said, "We sent this to the Planning Commission three different times."

Mr. McQueeney said, "Not this version of the ordinance."

Councilmember Waring said, "What differs?"

Mr. McQueeney said, "This is not a trick."

Councilmember Waring said, "It is a trick."

Mr. McQueeney said, "Why do you believe it's a trick? You don't believe me? You don't believe what I just said?"

Councilmember Waring said, "This is why. When does the Planning Commission meet? Let me explain that. When does the Planning Commission meet?"

Mr. McQueeney said, "You just called me a liar."

Councilmember Waring said, "Listen to me, and I'll explain it to you. Not Counselor, Mr. Lindsey, when does the Planning Commission meet?"

Mr. Lindsey said, "You said when it meets?"

Councilmember Waring said, "When does it meet next?"

Mr. Lindsey said, "On December 18th."

Councilmember Waring said, "When do we meet at the next Council?"

Mr. Lindsey said, "December 17th."

Councilmember Waring said, "So, this Council will not be able to decide this issue on 12/31 with that schedule, isn't that accurate?"

Mr. Lindsey said, "Somebody said you can call a Special Meeting."

Councilmember Waring said, "Isn't that accurate?"

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

Councilmember Waring said, "Isn't that what you're recommending Counsel?"

Mr. McQueeney said, "I said you can call a Special Meeting of City Council by a majority vote of City Council. So, you can determine this."

Councilmember Waring said, "Alright, so you've come up with a solution."

Mr. McQueeney said, "It is not my intent at all. I have been above board, and you have complimented me on how I've handled this."

Councilmember Waring said, "You have, you have."

Mr. McQueeney said, "I have not tried to take sides on this issue."

Councilmember Waring said, "Did I say it was a trick from you?"

Mr. McQueeney said, "Well, it makes me look like I'm part of a trick."

Councilmember Waring said, "No, no, no. It is the schedule of the Planning Commission, and this administration knew that. This administration knew that."

Susan Herdina said, "Councilmember Waring, I think we can get a Special Meeting of the Planning Commission, if this Council is so minded, and have it held before the next City Council."

Councilmember Waring said, "And what is your recommendation? What timeframe would work given advertisements in the newspaper and the like?"

Ms. Herdina said, "Well, if it's a Special Meeting, it would just be 24 hours notice."

Councilmember Griffin said, "Why can't this be added to the agenda they already have? We still have two weeks. Two weeks would be tomorrow. You can't tell me that it's going to be that much of a strain on the Planning Commission to add one item."

Mayor Tecklenburg said, "Councilmember Griffin, thank you. I'll be happy to recognize you next time. Let's resolve that question first, and then I'll call on Councilmember Lewis. Could we not amend the agenda for the Planning Commission meeting by the end of the day?"

Mr. Lindsey said, "We're discussing that right now, Mayor. It's a two week notice for zoning amendments at Planning Commission, and the Post and Courier requires 24 hours ahead of that. Those have already been sent, of course, but maybe we could call and ask nicely."

Mr. McQueeney said, "And I read through that portion of the ordinance. This is not a zoning text or zoning map amendment. The ordinance speaks to those as far as public notice and advertisement of a public hearing. This portion of the ordinance, nothing requires that for a Zoning Ordinance amendment that's not a zoning regulation or zoning map. So, you could hear it at the December 18th Planning Commission Meeting."

Mayor Tecklenburg said, "Good. Nice to have that opinion."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I've heard someone say we're rushing this. Former Councilmember Gallant and I went to speak with the Attorney General, not the one we've got now, but the one who's the Governor. He was the Attorney General then, 12 years ago. Same thing that Counsel put in this letter, the power lies with City Council. We have the power to make any ordinance change that we need to make, but for some reason they're beating this thing around. We're beating this thing. Under the Riley administration this didn't come up under you. It came up here under the Riley administration. Now, we need to start looking at ordinances on the books. We've just got some terrible rules and ordinances on the books, seems like we can't change it. But, I'm going to tell you what, I read two things in the Post and Courier in the last couple of weeks. Number one, and I got an email from the PAC group asking me to defer this until the new Council comes because we've gotten rid of some of the old ones who were making trouble.

Now, they didn't realize they were sending me an email saying they got rid of me also. This thing is political, and it is a group downtown who think they run the City, who need to run for City Council if they want to run the City. The other article in the paper is that the new Council is coming in, and they're going to run this Council the way they want because they didn't think we did a good job. I've been sitting here 24 years, and I'm sorry if they just decided to think I wasn't doing a good job, but this is just political. You all talk about 'we want to change the Planning Department, so the developers could have their way; we want to keep the Planning Department the way it is because the people Downtown below Broad Street want to run the City, the way they want to run it.' I've been sitting here for 24 years, and I couldn't count on both of my hands how many times we have overturned the Planning Commission, or a recommendation that came here.

We appoint the Commissioners, we respect the Commissioners. They have done a good job, but the things that they are saying about this Council, how we want to do this and do that, it's not true. We have never really fought to overturn a 'no' decision the Planning Commission has made. If we continue to keep running this City the way this PAC, this Political Action Committee, wants to run it, then the City is going to be catching hell in the next few days, I can tell you that. It's time for people who are elected to sit in these seats. They better read, they better wake up, and they better see what's going on, and they better do it quick. That's all I've got to say, thank you."

Mayor Tecklenburg recognized Councilmember Wagner followed by Councilmembers Gregorie and Shahid.

Councilmember Wagner said, "I'm looking at two Councilmember Elects to my right, Mr. Sakran and Mr. Brady. I could go for about an hour and explain to them right here, right now, what we're talking about. It would take us about an hour because we've talked about this on and off no less than three or four times. So, to me, I have a tendency to respect exactly what that Attorney General decision says, and it says this isn't a zoning matter, which means we should be voting on it tonight, to me. Now, the second thing it says, because these are some of the arguments we've heard before, 'oh well everybody up at the northern tier estates does it.' We heard it one time, one whole state just about did it. It said one more thing. It said they couldn't find anybody that was doing this except for us, and then they came back, and they said, well, there was one, one time. But, I don't know how any logical individual can read that Attorney General decision and come up with the decision. We basically, you recommended, we verified, said these guys will be the Planning Commission. We put them there. 'We,' but we have no say. Just now, we watched, 'come on Jacob, come on Planning Department when can we have a meeting?, Well, that sounds like to me, Planning Department controls the Planning Board, not us. So, I'm a little bit upset about

this because we have beat this horse multiple times. We have been here 9:00/10:00 p.m., and I've missed more than one supper. Fat boys don't like to miss suppers, but that's okay. Having said that, I think we ought to vote the darn thing and be done with it. We've got it through two readings and to try, and it does look like a little sleight of hand 'Oh, well, dad-gum, missed it by a day.' We couldn't get it in time to have the public hearing, or we couldn't get it there. That is not really sad at all to me. You want to move next Council to the 19th? We can do that, but then that wouldn't be right either. So, I think we ought to just vote right now, be done with it, either that or you all are going to be here for a very long time your first meeting guys, a real long time. Bring a sandwich, bring a pillow, that's my advice to you. I would be happy to provide you, if you want to do a little homework prior to being sworn in, I'll give you a copy of that AG direction and probably can find you some of those old notes from the three or four times before. It will be about two hours reading each for three different meetings. You can get your first ten hours in pretty easy before your first meeting. Thank you, sir."

Mayor Tecklenburg said, "Madam Clerk, did you want to add a comment?"

The Clerk said, "There is no eating and drinking in the Chamber."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Mine is a question for Legal. I'm not sure why we're even discussing sending anything back to the Planning Commission. I'll tell you why. If we've been operating incorrectly for the past 90 years, and if this body has already voted 9 to 4 on the change, of which they legally could have done based upon the opinion, then why are we even having this discussion? Because Council voted rightfully so, based upon the opinion to make the change. We already did what we were supposed to do, and we were doing it consistent with the law. So, my question is, why are we even going through this? Why can't what Council did many, many times before just be held up?"

Councilmember Waring said, "Why was that against the law?"

Ms. Herdina said, "Let me try to give a little background to this, and Chip may want to tune in and join me on this, but just for way of background, there has always and now with the Attorney General's opinion, there is a conflict on whether this is a zoning issue or a procedural issue. I call it substantive or procedural. As we've heard before, last week, the Attorney General's opinion is not law. Its advice, and prior to that time, we had advice of 90 years of practice. So, where we find ourselves is we've really got a mix in reality, we kind of have a mixed zoning procedural issue that's a novel one for us. That's why I'm asking you to bear with us as we go through this process, that we don't have all of the answers, but Councilmember Gregorie and Councilmember Waring, what we were suggesting is, after taking a closer look after talking to Councilmember Seekings this afternoon, if you piece together the Zoning Ordinances, there is a good argument that this issue, a new ordinance, one that we haven't had before, needs to go back to the Planning Commission. Now, you all may disagree with that reading of the ordinance, and if that is the case, certainly this body can move forward and vote to move forward on what we have before you tonight. However, there is some exposure there because we are not following what, arguably, could be the rules that we're supposed to follow, that Councilmember Seekings pointed out and Chip talked about. So, what my common sense advice would be, which you're free to take or not, is that we go ahead set up, we just looked at the ordinance. I think you can amend the agenda of the Planning Commission, have them consider the ordinance, and then on the 17th or prior to our City Council, then it comes back to you for final vote at your meeting. What that does, bear with

me, is it covers our potential exposure if we were to get sued for not following the Zoning Law. That's where we are."

Councilmember Waring said, "But they meet on the 18th."

Mayor Tecklenburg gaveled and said, "Order."

Councilmember Gregorie said, "Right."

Ms. Herdina continued, "I guess Councilmember Gregorie, to answer your question, we have never had this form of this ordinance before us before. So, I don't think we can bootstrap what we've done before to say that this Council now approves this particular ordinance. We need a vote on this ordinance, whether it's after it goes to the Planning Commission or tonight. We've got to vote. You need to vote on this particular ordinance."

Councilmember Gregorie said, "And I guess what I'm asking is we have voted before. I do understand that it is a little different because we sent two or three different iterations over there."

Ms. Herdina said, "Right."

Councilmember Gregorie continued, "My question is, why can't those be considered, particularly if they're consistent with the Attorney General's opinion that we do have the authority to do it, is my question?"

Ms. Herdina said, "Well, because at the time we were considering those ordinances, we were operating under a different scenario. But again, this particular ordinance needs to be voted on. We can't go back and look at prior ordinances that were not approved by this Council. There needs to be an affirmative vote on this as it's written."

Councilmember Gregorie said, "I'm still grappling with why because I still say that if we were operating consistently with the Attorney General's opinion and what we did in the past and the majority, and it was a majority, more than a majority, voted 'yea' to make the change. I still don't understand why we're here discussing this."

Mayor Tecklenburg said, "Can I weigh in on that?"

Ms. Herdina said, "Yes."

Mayor Tecklenburg said, "I would just make the observation that we did not have the Attorney General's Opinion at that time. We were operating under the Opinion of our Corporation Counsel, Frances Cantwell, who in all due respect to the Attorney General, I think has a great knowledge and understanding of Zoning Law in the State of South Carolina. We were operating under her advice. So, when those votes were taken, we ruled that Council did not override the Planning Commission. That was in the record that we did not overrule them. So, I'm going to move along. I've got a number of Councilmembers who have asked to be recognized."

Councilmember Gregorie said, "But we're still--"

Mayor Tecklenburg continued, "I believe in this order, Councilmember Shahid."

Councilmember Gregorie said, "Mr. Mayor, a Point of Order."

Mayor Tecklenburg said, "Yes."

Councilmember Gregorie said, "I think I have 15 minutes, and I've not completed 15 minutes."

Mayor Tecklenburg said, "Well, that's correct. I'll continue to recognize you. How many minutes are you into?"

Councilmember Gregorie said, "I think I'm maybe two, maybe ten."

There was laughter in the Chamber.

Councilmember Gregorie said, "Just kidding."

Mayor Tecklenburg said, "Starting the clock."

Councilmember Gregorie said, "What you just said with regard to us not being aware of, and we have been operating based upon past practice, even though that practice was incorrect, based upon the Opinion. The fact that we weren't aware of the Attorney General's Opinion doesn't have anything to do with whether or not we were operating appropriately and correctly. So, I don't necessarily, in all due respect, agree with your analysis."

Mayor Tecklenburg said, "Alright. Thank you."

Councilmember Gregorie said, "Because I don't know that it's not right to steal and I steal, I'm going to be prosecuted accordingly, and maybe that's an oversimplification, Mr. Mayor, but I'm still saying that when this Council voted three different times, we were doing it maybe not aware, but we were doing it consistent with the Opinion of the Attorney General."

Mayor Tecklenburg said, "Right, which we did not have, and he is an attorney. As our Counsel just pointed out, he is not the law, and we would have to go to the Court to get a real judgment on that. We had fine Legal Counsel at the time, and we're not saying that this Council won't vote for a majority override of the Planning Commission. You're given the advice here tonight that in order to survive a Court challenge of this proceeding, that we follow our normal procedure."

Councilmember Gregorie said, "I understand, and apparently what's normal wasn't appropriate, but we'll just agree to disagree, Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir. Alright. So, next will be Councilmember Shahid, then Councilmember Griffin, then Councilmember Moody, and then Councilmember Shealy."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor, and I just want to emphasize this point that has been made, and I think that Council needs to pay attention to this one particular point, but nothing has changed. We've got a document dated October 8, 2019. This is a lawyer's Opinion about what we can and cannot do. This is not Legal authority. It's an Opinion, and like

everything else that a lawyer provides to his client, in this case being the City of Charleston, he's given us a roadmap as to what may or may not be. If you read this document, and I went back after our meeting last week on page 5. In our research, we did not find South Carolina case law specifically addressing whether a super majority vote is required to amend an act of a legislative body imposing a super majority vote requirement."

Councilmember Waring said, "There is no State law."

Councilmember Shahid continued, "There is no State law, and this is not State law. This Opinion is not State law."

Councilmember Waring said, "Then, we can change something."

Councilmember Shahid said, "So, wait a minute I have the floor, Councilmember Waring. So, we've got an Opinion that we've been relying on by our own Counsel that has interpreted that Code that said this is the procedure you must follow, and then this is the re-vote that is required to have that vote taken, and that's how we've been operating for God knows how many years. So, something comes along at our request, and we get a different Opinion on that. It's not authority. It's an Opinion. So, something is going to happen if we go back, we run the risk that if we don't send this back to the Planning Commission and have a public hearing on this, and depending on how the Planning Commission votes on this, if we come back and accept or don't accept their recommendation, and let's just assume they come back the way they had come back several other times and recommend we keep the law the way it is, and we come back and we vote against it, and we don't have a super majority vote against it, we're still running the risk of a lawsuit. Because if that becomes a new law, all we're doing with this is creating a conflict. All this has done is mucked up the waters. That's all this has done, very simple, and we're going down a path that we just had to be aware of. So, our advice from our Corporation Counsel is 'follow the procedure to see how the vote turns out,' and if we have to have a Special Meeting at the end of the summer, we'll do it. But, I think, that we're putting so much stock into this document, it's not Legal authority. It's an Opinion. That's all that it really is."

Councilmember Waring said, "I have a question of the Counselor. Yes, I have a question for the lawyer over here."

Mayor Tecklenburg sounded his gavel.

Mayor Tecklenburg said, "Councilmember Griffin has the floor next."

Councilmember Waring said, "Yes, but no I have a question of what he just said."

Councilmember Shahid said, "I'll be able to answer your question."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "He said the Attorney General Opinion isn't law. What is Frances Cantwell's opinion?"

Councilmember Shahid said, "That's what I said. We have an opinion from our Corporation Counsel that we operated under for a number of years, and now we've got a different opinion. It's just like any other client. Clients decide to follow or not follow their lawyer's advice."

Councilmember Waring said, "Isn't Frances Cantwell's opinion in the same vernacular as the opinion of the Attorney General's?"

Councilmember Shahid said, "Exactly, and you've got a split. You've got a conflict now between one person's opinion versus another person's opinion."

Councilmember Waring said, "The final arbiter of Zoning is City Council."

Councilmember Shahid said, "The final arbiter of this is going to probably be a Court case."

Mayor Tecklenburg said, "Alright."

Councilmember Shahid said, "I think that's where the concern I have with all of this."

Mayor Tecklenburg recognized Councilmember Griffin.

Councilmember Griffin said, "Before we start pushing a Court case, we all want to avoid Court cases whenever we can."

Councilmember Waring said, "I'm not scared of the City going to Court."

Councilmember Griffin said, "I'm not scared of it either."

Mayor Tecklenburg sounded his gavel.

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

Councilmember Griffin said, "I'm not scared of it at all. I believe this body right here makes these decisions, including the Mayor and Council. I totally agree. This is just an opinion. Frances Cantwell's was just an opinion, so let's wash both of them away. Let's just throw them both away, and let's actually look at this law right here. To me, I've got two other opinions that I'd like to ask of Mr. McQueeney. Can we take second reading tonight, and then go to the third?"

Councilmember Wagner said, "This is third."

Councilmember Griffin said, "This is third?"

Councilmember Wagner said, "We've had two already."

Councilmember Griffin said, "I don't know. This is second reading."

Mayor Tecklenburg said, "It's now up for second reading."

Councilmember Griffin said, "Can we take second reading to show the Planning Commission of the affirmative of the City Council once again? So, they see we've taken first and second, and then we can send it to them in between second and third."

Chip McQueeney said, "There is an Attorney General's Opinion from awhile back that says--"

Councilmember Griffin said, "Well, we shouldn't even worry about that then."

Mr. McQueeney said, "Well, as long as the Planning Commission has given their opinion before you've taken final action."

Councilmember Griffin said, "I would make a substitute motion that we take second reading tonight. I want to see this Council say yes again."

Councilmember Waring said, "I'll second that, and I have a question."

Mayor Tecklenburg sounded his gavel.

Councilmember Waring said, "I'll second it for a question."

Councilmember Griffin said, "But I have one more thing I want to say. You made a comment that all we're doing is sending this to the Planning Commission for some sort of, we're not sending it for approval."

Mr. McQueeney said, "Report and recommendation."

Councilmember Griffin said, "Report and recommendation, but not an approval or disapproval. We can then just have a simple majority vote in the affirmative, and that would put this into law."

Mr. McQueeney said, "According to the Attorney General's Opinion, yes."

Councilmember Griffin said, "Okay. Alright."

Mayor Tecklenburg said, "But we had the motion on the floor already to give it second reading, so you didn't need to make another motion for that."

Councilmember Griffin said, "Yes, that's right."

Councilmember Waring said, "You're right."

Mayor Tecklenburg said, "We've been discussing it all of this time since making the motion."

Councilmember Griffin said, "I forgot in talking about this problem."

Mayor Tecklenburg said, "I do not believe, did we have a motion to defer?"

Councilwoman Jackson said, "Yes, but I didn't get a second."

Mayor Tecklenburg said, "We didn't get a second on it yet. Alright. So, Councilmember Moody, I'm going to recognize you next and then Councilmember Shealy and then, I think, everybody's been heard."

Councilmember Moody said, "I guess I'm getting kind of lost in all of these opinions. I never saw a case that came before anybody that didn't have two or more lawyers with separate and different opinions. That's what makes good lawsuits, so I'm not afraid of a lawsuit. I think this rule, and that's what this is. This is a rule that was adopted by a City Council many years ago and, I think, this body has the right to change that rule without getting the opinion of some appointed body. I think it's just that simple. I'm disappointed that we didn't ask the right question if we got a bad opinion from the Attorney General, or we didn't ask enough questions, but I'm ready to move on this thing. We have been to the Planning Commission. We've asked them to change it to two-thirds, to 60 percent. I know we went and asked them at least twice, to change it. I don't need to be kicked again by the Planning Commission and they say, 'No, we don't want you to change it', because we're going to be right back in the same place we are. Now, if there is a procedural thing that we need to go through, I'm willing to give it second reading tonight and have a Planning Commission meeting on the 18th if that's the right term, have a City Council meeting, defer it from the 17th to the 19th, and then give it third reading then. That's where I am. If all we've got to do is a procedural thing, then let's do that, but if we can do that tonight evidently, and that's where I am. I'm going to vote to change this thing to a simple majority or somebody else will get to do it, and we'll see."

Mayor Tecklenburg said, "The motion is still on the floor. I hadn't recognized Councilmember Shealy yet."

Councilmember Shealy said, "But, okay, a lot of what I was going to say was kind of covered over here, so I think we need to vote on it tonight, though. Thank you."

Mayor Tecklenburg said, "Okay, everybody's been heard at least one time. Now, we'll go around for a second round."

Mayor Tecklenburg recognized Councilmember Lewis followed by Councilmember Waring.

Councilmember Lewis said, "The same thing I explained to the Attorney General's Opinion. We were told the same thing 12 years ago or maybe a little over 12, and it says, 'All of the powers lie with Council.' We have the authority to change this. The other thing is every time this discussion came up every attorney that we've got now, Mr. McQueeney is a little new, so he might not have been here the first time, but always said if the ordinance is not good enough, why don't you all re-write the ordinance and give it to us? Re-write it. Nobody ever made any hint to try to re-write the ordinance, our attorneys. Now, you're going to tell us we're going to be sued if we go along with the Attorney General's Opinion who is responsible for overseeing the laws of the State of South Carolina. Something has got to be wrong here. So, we need to vote on this, and if the vote comes down the way the Planning Commission doesn't like it, and the folks downtown don't like it, then let the City sue City Council. That's all I'm going to say."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I'm going to vote for the second reading of the passage of this. I agree with sending it, but I just want to make sure in the motion we've got the dates locked down, so when we go to the Planning Commission, we meet after the Planning Commission has voted on this. So, Mr. Mayor and Madam Clerk of Council, we're going to postpone the next City Council meeting to the 19th?"

Councilmember Wagner said, "Yes, sir. We can."

Mayor Tecklenburg said, "Either that or you can call for a Special Meeting."

Councilmember Waring said, "You mean Special Meeting of the Planning Commission?"

Mayor Tecklenburg said, "Of Council."

Mr. McQueeney said, "The Clerk doesn't want a Special Council meeting but, I think, we've already advertised a lot of things that require a certain number of days' notice for the 17th."

The Clerk said, "Wait a minute, Chip."

Mr. McQueeney said, "Sorry."

The Clerk said, "I didn't say anything about the meeting. The question was posed as to whether or not we could change it, and so we're trying to find out, and they're talking to me on the other side of the room."

Councilmember Waring said, "Maybe we can get Counsel's opinion. Should we ask for a Special Meeting of the Planning Commission, or what is your advice?"

Ms. Herdina said, "With 24 hours' notice. So, we could set a date for next week and then stay on track with our Regular City Council meeting scheduled."

Councilmember Waring said, "Yes, I'd rather do that, but can we make that part of the motion?"

Councilmember Moody said, "Yes, that's what I would do."

Councilmember Waring said, "You accept that as an amendment to your motion?"

Mayor Tecklenburg said, "Who made the motion?"

Ms. Herdina said, "So, there is one--"

The Clerk said, "Okay, I'm playing catch up since I just left the room, but we had an initial motion from Councilmember Mitchell and Councilmember Shealy to approve. Is that where we are?"

Mayor Tecklenburg said, "Yes, Councilmember Mitchell made the motion. Would you accept an amendment?"

Councilmember Mitchell said, "Yes. I think Jacob wants to say something. Jacob, do you want to say something?"

Mr. Lindsey said, "No. My apologies. We're just coordinating about when we can get our meetings done, so my apologies for speaking into the microphone."

Ms. Herdina said, "I'm sorry. So, if we can get some flexibility on the scheduling of the Special Meeting for the Planning Commission because Jacob has to make sure he can get a quorum there."

Councilmember Waring said, "That's what I was about to ask because if they don't get a quorum, then maybe we have--"

Councilmember Waring said, "They're going to meet on the 18th, you said?"

Mr. Lindsey said, "Our commitment is that we will poll numbers, and we will get them there prior to your meeting so that you can then reassemble and take a vote on their action, so that's what we will do, and we will make sure that we will do it next week if possible."

Councilmember Waring said, "I'd almost rather postpone the City Council meeting until the 19th because it's holiday season, people are traveling, etcetera."

Mr. Lindsey said, "That's right. That would be better."

Councilmember Waring said, "They're already down three or four members. What does it take to postpone the City Council meeting to the 19th?"

The Clerk said, "We have to give notice."

Councilmember Waring said, "Okay. How much time we need to give notice?"

The Clerk said, "So, theoretically, we could give 24 hours' notice, but we would do more than that."

Councilmember Waring said, "Since the Planning Commission is already down, I think, three members, why don't we let that meeting stay the same, and we can move our meeting to the 19th?"

Ms. Herdina said, "That's the easiest thing."

Councilmember Waring said, "Do we need to take a vote on it?"

Mr. McQueeney said, "If it makes it easier, you all serve until the second Monday in January under our ordinances, so you could do a meeting before the 14th. The 13th, I think, is the last day of current Council's term."

Councilmember Waring said, "We might have to send Chief Reynolds to catch up with some of these guys."

There was laughter in the Chamber.

Mayor Tecklenburg said, "You've got some time to have a Special Meeting. Let's vote on the question of the matter, and we will have the authority--"

Councilmember Shealy said, "I guess I just wanted to ask a question. So, we've got the motion on the floor that Councilmember Mitchell gave, right? That's what we would be--"

The Clerk said, "You seconded."

Mayor Tecklenburg said, "For second reading of Item Number ten, correct."

The Clerk said, "Yes."

Councilmember Shealy said, "Okay. There would be no way to do both. Is that correct? To vote second and third reading on this, send it to the Planning Commission, and do it both ways. We can only do one or the other. Is that correct?"

Mayor Tecklenburg said, "Correct. You can give it third reading tonight if you want to just disavow the advice we've received."

Councilmember Shealy said, "But it would be? Okay."

Mayor Tecklenburg said, "Yes. It suits me fine at this point."

The Clerk said, "Mayor, it's number nine."

Mayor Tecklenburg said, "I'm looking at the old agenda. It's number nine of the amended agenda. Yes, sorry."

Councilmember Griffin said, "Councilmember Mitchell, did he amend his motion?"

Mayor Tecklenburg said, "Right."

Councilmember Waring said, "Call the question to give it second reading."

The Clerk said, "Alright. This is for second reading."

Mayor Tecklenburg said, "For second reading, number nine, for second reading."

On a motion of Councilmember Mitchell, seconded by Councilmember Shealy, City Council voted 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 eliminate the requirement in Section 54-943(c) thereof for a three-fourths vote of all members of the City Council to adopt a proposed amendment, supplement, or change to the Zoning Ordinance or Zoning Map when the Planning Commission disapproves such amendment, supplement, or change or when a protest is presented.

The vote was not unanimous. Councilmembers Seekings and Shahid, Councilwoman Jackson, and Mayor Tecklenburg voted nay. Councilmember White was not present for the vote. Councilmember Lewis said, "Call the roll, please."

Mayor Tecklenburg said, "We've got Councilmembers Seekings, Shahid, Mayor Tecklenburg, and Councilwoman Jackson voting no."

The Clerk said, "So, I have four nays."

Councilmember Waring said, "We need to make a motion to set the City Council meeting on the 19th. Given the gravity that we only have five or six members on the Planning Commission meeting, I think it's unreasonable to ask for a Special Meeting and expect them to have a quorum. So, they're going to meet anyway on the 18th, as I understand it."

Mr. Lindsey said, "That is correct."

Councilmember Waring said, "I'll make a motion that the City Council meeting be scheduled for the 19th."

Mayor Tecklenburg said, "Could I respectfully ask that we agree to have a meeting while this Council is still in force, prior to January whatever? I have a commitment on the evening of the 19th that I've made unless you all want to do it during the daytime."

Councilmember Seekings said, "Councilmember Shahid is available."

Mayor Tecklenburg said, "I'm sorry."

Councilmember Seekings said, "Your Mayor Pro Tem is available. He'd love that duty."

There was laughter in the Chamber.

Mayor Tecklenburg said, "There you go. Well, maybe so. Could we just have a motion to agree to a Special Meeting while this particular Council is still empowered?"

Councilmember Waring said, "Well, I think we need to do it in December. I don't think we need to go to January."

The Clerk said, "When we change the date, just keep in mind that we're going to have to change some of the public hearings."

Mayor Tecklenburg said, "I'm just making a suggestion. You're free to make any motion you like."

Councilmember Waring said, "Well, no, I want you to be there."

Mayor Tecklenburg said, "Yes."

Councilmember Shahid said, "I don't mind another meeting."

Councilwoman Jackson said, "Well, why not during the day?"

Councilmember Griffin said, "Because our citizens won't be able to come."

Councilwoman Jackson said, "But it won't be a public hearing anyway."

Councilmember Griffin said, "Yes, it would, it will be the whole agenda."

Councilmember Waring said, "Mr. Mayor, what timeframe do we need to stay away from? Do we need to move the meeting early to accommodate your schedule? The next meeting is not going to be that long."

Councilmember Shahid said, "Can I make a suggestion? Why don't we keep the 17th as it is? That way it doesn't conflict, and we can then have a Special Meeting on the 19th?"

Mayor Tecklenburg said, "I'm good at 5:00 p.m. as long as we're out by 6:30, 7:00 p.m."

Councilmember Waring said, "Okay. 5:00 p.m. on the 19th, and maybe we can bump this up on the agenda."

Councilwoman Jackson said, "No, a Special Meeting."

Councilmember Shahid said, "My suggestion is we keep the 17th as it is and a Special Meeting on the 19th. It's on one issue."

Councilmember Waring said, "But the Mayor said that he--"

Councilmember Moody said, "He couldn't be there at 8:00 p.m., but he could be there at 5:00 p.m."

Councilmember Waring said, "Right."

Councilmember Moody said, "Just for one item."

Mayor Tecklenburg said, "Yes. If we're just doing a Special Meeting with one item, that would work on the 19th at 5:00 p.m."

Councilmember Shahid said, "That way the Clerk's Office has got everything on schedule for the 17th, nothing changes, we keep it as is, and we just discuss one issue on the 19th."

The Clerk said, "A Special Meeting on the 19th."

Councilmember Waring said, "Okay. So, we keep the 17th and then on the 19th we meet."

Councilmember Moody said, "If we need to maybe do it at 4:00 p.m. if that will help."

Councilmember Waring said, "Yes."

Mayor Tecklenburg said, "We have a motion then. Would you repeat the motion, please?"

Councilmember Shahid said, "My motion would be that we maintain the Council Meeting on the 17th and have a Special Council Meeting on the afternoon of the 19th."

Councilmember Moody said, "What time?"

Councilmember Shealy said, "A Point of Order. Is there a motion the other way? Do we need to take that off?"

Mayor Tecklenburg said, "No, it was never--"

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

The Clerk said, "He suggested it."

Mayor Tecklenburg said, "Yes, we started a discussion maybe prematurely."

Councilmember Gregorie said, "A question."

Mayor Tecklenburg said, "Okay. Did we get a second to the motion?"

Councilmember Waring said, "Yes, I seconded."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Are we sure that there will be a quorum there on the 18th?"

Councilmember Mitchell said, "It's their regular meeting."

Councilmember Gregorie said, "I mean it's the regular meeting, but are we sure there will be a quorum?"

Mr. Lindsey said, "Yes."

Councilmember Gregorie said, "Thank you."

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

No one else asked to speak.

On a motion of Councilmember Shahid, seconded by Councilmember Waring, City Council voted to schedule a Special Council Meeting on the afternoon of December 19, 2019.

The vote was not unanimous. Councilmember Griffin voted nay. Councilmember White was not present for the vote.

The Clerk said, "Just one nay."

Councilmember Waring said, "Mr. Mayor, I had one point."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "We just got through discussing, in an elongated manner, the Planning Commission's decision on the Epic Center. Now, when the Planning Commission votes on something for approval, which they approved the Epic Center, we didn't approve that. We didn't approve 25 stories, etcetera. We were able to change that, and you know what, all we needed was a simple majority. We didn't need a super majority, and I think everybody would say,

and in fairness to the Planning Commission, I think they wanted a second crack at the Epic Center. What they came forward with to City Council would have been denied at City Council, and it would not have required, if the vote was for 25 stories, it wouldn't have passed, and we wouldn't have needed a super majority. Why? Because they approved it. Am I right about that, Council? I'm right about that. They approved the Epic Center with a 25-story height limit, the Planning Commission did. When they came to City Council, if we disagreed with that, we didn't need a super majority. As a matter of fact, we did disagree with it, and they changed it, they modified it. It got to the point to where even if we required a super majority, Counselor, did the passage of the Epic Center third reading get ten votes? It did not. It didn't get ten votes. My point is, if they pass something, and we disagree, we can change it with a simple majority, but if they disapprove something and we disagree, then we have to have a super majority. I mean, please, what is the logic in that? Anyway, I thought that needed to be said."

Mayor Tecklenburg said, "I mean I hear you. They approved a PUD, and we approved a PUD. We changed some of the conditions, I think."

Councilmember Waring said, "We changed it mightily."

Mayor Tecklenburg continued, "But you get into whether this is a guideline or a hard and fast rule. We'll have to check with the Pirates of the Caribbean."

Councilmember Moody said, "Did we come up with a time on the 19th?"

Mayor Tecklenburg said, "5:00 p.m., I believe, would be okay with me if that's okay with you all."

The Clerk said, "Right. We didn't have a specific time. It just needed to be before 6:30 p.m."

Mayor Tecklenburg said, "Okay. Now, we had one item that shows on the agenda to be withdrawn. Can I get a motion to withdraw number 20?"

Councilmember Mitchell said, "Move to withdraw number 20."

Councilmember Gregorie said, "Second."

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

No one else asked to speak.

The Assistant Clerk said, "Who is the second?"

Mayor Tecklenburg said, "Who is the second?"

The Clerk said, "Councilmember Gregorie."

On a motion of Councilmember Mitchell, seconded by Councilmember Gregorie, City Council voted unanimously to withdraw 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 1415 South Edgewater Drive (West Ashley) (00.72 acre) (TMS #349-13-00-095) (Council District 11), be zoned Single-Family Residential (SR-1) classification. The property is owned by Robert F. Kauffmann. (WITHDRAWN)

Mayor Tecklenburg said, "Next, we just have one bill up for first reading regarding the Old City Height Districts."

Councilmember Shahid said, "Move for approval."

Councilmember Mitchell 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 Shahid, seconded by Councilmember Mitchell, City Council voted to give first reading to the following bill:

An ordinance to amend Article 3, Part 2, Sec. 54-306 through 54-306.V, Old City Height Districts, of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance), for corrections and clarifications.

Mayor Tecklenburg said, "Now, can I entertain a motion that we go into Executive Session to discuss a Legal matter?"

Councilmember Shealy said, "So moved."

Councilmember Gregorie said, "Second. Give me three minutes."

Mayor Tecklenburg said, "We'll take a three-minute break to get to my office."

Councilmember Seekings was excused from the meeting at 8:14 p.m.

On a motion of Councilmember Shealy, seconded by Councilmember Gregorie, City Council voted unanimously to go into Executive Session at 8:14 p.m. to receive legal advice concerning potential claims related to sea level rise.

On a motion of Councilmember Shahid, seconded by Councilmember Shealy, City Council voted unanimously to come out of Executive Session at 9:03 p.m.

Mayor Tecklenburg said, "Let the record reflect that no action was taken during the Executive Session."

There being no further business, the meeting adjourned at 9:03 p.m.

Vanessa Turner Maybank
Clerk of Council