

COUNCIL CHAMBER

Regular Meeting

January 12, 2016

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

A notice of this meeting and an agenda were mailed to the news media January 6, 2016 and appeared in The Post and Courier January 10, 2016 and are made available on the City's website.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Williams	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Riegel	District 10
Councilmember Wagner	District 5	Councilmember Moody	District 11
Councilmember Gregorie	District 6	Councilmember Wilson	District 12

Mayor Tecklenburg called the meeting to order at 5:19 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "I would like now to call on Councilmember Seekings to lead us in an invocation and the Pledge of Allegiance."

Councilmember Seekings said, "Thank you, Mr. Mayor. In honor of the New Year, our new Mayor and a new term coming forward, I'd like to ask all my fellow Councilmembers, and you, Mayor, to join before our desks, and ask Elder Goff to come and lead us in prayer as we join hands.

The Reverend Dr. Norvel Goff, Sr. opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Thank you, Reverend Goff, and thank you, Councilmember Seekings. That was very thoughtful, and I can't think of a better way to start a new administration and a New Year than with such a symbol of unity from Mother Emanuel Church. You have given us, and this world, such an example of unity, and we thank you very much. It's an honor for you to be with us tonight. Thank you."

Reverend Goff said, "Thank you."

Mayor Tecklenburg said, "Next, I would like to entertain a motion for just a couple of updates for a change to add the following items to the agenda this evening. One is a little

change to the Standing Committee list, an update from our Planning Director, Jacob Lindsey, on the Gathering Place issue, and from Chief Mullen, on criminal domestic violence. Do I hear a motion?"

Councilmember Riegel said, "So moved."

Councilmember Mitchell said, "Second."

On a motion of Councilmember Riegel, seconded by Councilmember Mitchell, City Council voted unanimously to add two (2) Items to the agenda.

Mayor Tecklenburg said, "Next, we have a presentation. I'd like to invite Brenda Thorn, I'm sorry, Councilmember Moody."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I just want to make sure it was unanimous. When you add something to the agenda, it has to be two-thirds."

The Clerk said, "It's at least two-thirds, but it was unanimous. You're fine."

Councilmember Moody said, "So, do we vote to add it to the agenda and present it now?"

The Clerk said, "He's going to present it later in the meeting as we get to different items."

Mayor Tecklenburg said, "Next, I would like to recognize the Daniel Island Live Oak Appreciation Day, and I would like to invite Brenda Thorn, who's President of the Daniel Island Historical Society, and Chris Hamil from the Daniel Island Property Owners Association to please join me.

Trees are a treasured asset in our wonderful City, and Daniel Island is blessed with an abundance of trees. I'll be presenting Brenda and Chris with a proclamation recognizing Daniel Island Live Oak Appreciation Day.

May I also ask Councilmember White to join us on the stage since he's a resident of Daniel Island."

Mayor Tecklenburg read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "Thank you so much."

Applause filled the Chamber.

Ms. Thorn said, "Thank you so much."

Mayor Tecklenburg asked, "Would you like to say a few words?"

Ms. Thorn said, "Yes. I just want to say that it's greatly appreciated. We appreciate this, Mayor Tecklenburg, on your first day, officially. On Daniel Island, you say, 'Why trees and the Historical Society?' Well, on Daniel Island, we don't have any historical homes or buildings. We have a lot of hidden history but, our trees, our beautiful live oak trees, are there to tell the story. So, our byline is, '*If these trees could talk, what stories would they tell?*' Therefore, through the Historical Society, we have begun that venture. We now have 135 trees, by the way, on the registry, and we will add more. Our thanks go out to the Property Owners Association for allowing us to measure and catalog the trees, as well as to private owners whom we have also registered, probably about 30 of those. We also look forward to possibly working with the City to catalog some of the City trees. These are all through the National Live Oak Society. So, there are right now about 7,500 members, and we are in the group along with the Angel Oak and the Middleton Oak, whom all of you probably know, as well. Also, one of our trees has just been named the 2015 Heritage Tree of South Carolina and we're very pleased with that. That came through the organization, a nonprofit, called Trees South Carolina, which has members located all over the State. Our tree was elected unanimously. It's called the Ittiwan Oak, which then became Etiwan, which many of us now know the name. Those are in recognition of the natives who were on Daniel Island, then known as Ittiwan Island. So, we thank you very much for the recognition."

Mayor Tecklenburg said, "Thank you very much."

There was applause in the Chamber.

Mayor Tecklenburg said, "I can personally attest that there are a lot of beautiful trees on Daniel Island. Thank you for protecting them. Next, we have a public hearing this evening. This is on an ordinance to abandon a portion of Norman Street in the City of Charleston. Would anyone like to be heard on this matter?"

No one from the public asked to be heard.

Tom O'Brien said, "Members of Council, Mayor, what we're doing here is to this portion of Norman Street (referring to a map). This is a Crosstown in exchange for a subsurface easement and also a light pole utility. This was a State road, and it's been turned over to the City. We're now going to abandon that portion of that right-of-way in exchange for this easement. Ms. Andrews, do you have anything to add to that?"

Adelaide Andrews said, "No."

Councilmember Riegel said, "Move for approval."

Councilmember Lewis said, "Second."

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

An ordinance authorizing the Mayor to execute on behalf of the City of Charleston the necessary documents to close and abandon a portion of Norman Street in the City and County of Charleston, State of South Carolina, running generally in a northerly direction from the northern corner of TMS #463-16-04-027 to its terminus as defined by points K,G,F,L,M,N,O,P,K as shown on a plat entitled "Plat showing

the Creation of a New Subsurface Utility Easement & a New Utility Easement for an Existing Light Pole for the City of Charleston and also showing a portion of Norman Street currently maintained by the City of Charleston to be conveyed by the City of Charleston to Crosstown Development Partners, LLC”, said plat being more fully shown on Exhibit A, attached hereto and incorporated by reference herein, subject to the City of Charleston and CPW having overlapping, separate, non-exclusive utility easements over the entirety of the portion of Norman Street being closed, abandoned and conveyed to Crosstown Development Partners, LLC in accordance with this ordinance; and authorizing the Mayor to execute on behalf of the City of Charleston the necessary documents to convey that portion of Norman Street closed and abandoned in accordance with this ordinance to Crosstown Development Partners, LLC.

Mayor Tecklenburg said, “Next, we have the approval of the past City Council meeting minutes.”

On a motion of Councilmember Moody, seconded by Councilmember Lewis, City Council voted unanimously to approve the meeting minutes of the December 15, 2015 City Council meeting.

Mayor Tecklenburg said, “Next, I would like to insert one of our Items, a change of the agenda, to ask our Director of Planning, Jacob Lindsey, to come forward and give us an update on the Gathering Place proposed changes. Jacob.”

Jacob Lindsey said, “Thank you, Mayor. Obviously, very few zoning ordinances have touched a nerve like the Gathering Places have. What we pledged to do back in November was to convene the Planning Department with an Advisory Committee to give input on the ordinance, which is exactly what we’re doing. We have met with that Advisory Committee two times so far. The issues that we have heard from this committee are, first of all, to make the Gathering Place deliver on its original intent to be a true Mixed-Use place and not just an apartment complex, lessen the impact of traffic, make the projects truly walkable both internally and the adjacent areas. We’ve heard to give more control to the Design Review Board, as well as to soften the streetscape and allow the buildings to set back from the street instead of being immediately right up on the street itself. Our goal here is a dramatically different ordinance that will deliver true Mixed-Use projects, reduce the number of trips made by car, encourage transit, biking, and walking, and, fundamentally, build attractive places that look as if they reside within the place they were built. This will be a true compromise, nobody will get everything they want, everybody gets something that they want out of these ordinance updates. In regards to the timeline, we will be reviewing the draft ordinance very soon. This draft ordinance, we hope to bring to Council on the (January) 26th, which will be a day before the expiration of the Moratorium. If that ordinance is not ready on our part, or if the Advisory Committee is not comfortable with the ordinance, feel free, Mayor and Council, to extend the Moratorium as you see fit. Should we get that to you, and you give it first reading, it will have public hearings at Planning Commission and in February at this Council, with a potential final reading by March to the updates. Lastly, in regard to the Moratorium, the public hearing for the Moratorium for the 26th has been properly advertised, and the most important point of clarification for everyone to know is that the Moratorium has been in effect since it received its first reading in November due to our City’s use of the pending ordinance doctrine. Should you choose to have a first hearing of the ordinance updates on the 26th, the new ordinance would be in effect under the same doctrine, or the extension of the Moratorium would follow the same. The last thing is

simply to remember that this affects not only James Island and the Gathering Places there, but also those around the West Ashley Circle and at Cainhoy. It is an ordinance-wide update.”

Mayor Tecklenburg said, “Thank you very much.”

Mr. Lindsey said, “Thank you.”

Mayor Tecklenburg asked, “Are there any questions for Mr. Lindsey?”

Councilmember White said, “Just one, there are several property owners now on Cainhoy and James Island, so they’ve all been involved in this from the get-go, as well as the community, from a standpoint. Is everybody moving in agreement at this point?”

Mr. Lindsey said, “We’ve not involved all of the property owners in West Ashley Circle and in Cainhoy, but they will, of course, be notified if anything changes, the way that we notify any property owner if there’s a change to their zoning.”

Councilmember White said, “I just might recommend maybe proactively reaching out to them. I’m not sure about the West Ashley Circle property, but I do know the property in Clements Ferry Road and Cainhoy has maybe changed hands a couple times and gone through a few iterations. I think they want to do something on that site. I don’t know that there are any pending requests coming to you all, but it’d probably be good to go ahead and proactively reach out to them and let them know this conversation is happening.”

Mr. Lindsey said, “Understood, and we will do that.”

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, “Mr. Lindsey, are site plans a part of the Gathering Place?”

Mr. Lindsey said, “Site plans are reviewed as a part of the Technical Review Committee process and as a part of the DRB (Design Review Board) process, so they are reviewed by the City as any Gathering Place project would come forward. They are not required in the ordinance, per se.”

Councilmember Waring said, “So, through the zoning process, it is not required?”

Mr. Lindsey said, “A site plan is not required to be submitted as per the ordinance itself. As it would be, for example, in a PUD.”

Councilmember Waring said, “Councilmembers, I think that’s a huge mistake. The reason I say that is, I was on the Planning Commission when this Gathering Place came through on James Island, and if we had a site plan that showed what was going to be built over there, I know I wouldn’t have voted for that. It’s very difficult to vote for something that you can’t see. When major developments come through, site plans need to be a part of it, as in the case of a PUD, and, I believe, in the case of an Overlay District. I would ask that you all strongly consider making that a part of the ordinance or part of the planning process before approval is received.”

Mr. Lindsey said, “Understood, and we will consider that in the ordinance update.”

Councilmember Waring said, "Thank you."

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

Mayor Tecklenburg recognized Councilmember Wilson.

Councilmember Wilson said, "I just want to concur with what Councilmember Waring said. That is one of the major issues that we have faced on James Island, not being able to see and hear until it's out there before us headed to the various review committees. That's been one of the major obstacles that we've faced."

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

No one else asked to be heard.

Mayor Tecklenburg said, "Thank you very much. We appreciate it."

Mr. Lindsey said, "Thank you."

Mayor Tecklenburg said, "Next is our Citizens Participation Period of up to thirty minutes. Would anyone like to be heard? Please come forward. Welcome, sir. Please state your name and address."

1. Robert Ballard said, "Thank you, Mr. Mayor. Robert Ballard, Radcliffeborough Neighborhood Association. Charleston voters have pretty darn good taste in Mayors. I just wanted to congratulate you, sir. Top-notch Mayors are to be succeeded by another top-notch Mayor, and this is the most professional Council of all time. You've got a fine team, Mr. Mayor. I think that 2016 is going to be a banner year for livability. That's where everybody's got their mind set, and it's a fine cause for all parts of our City. Thank you."

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

2. Janet Segal said, "My name is Janet Segal. I live on 301 Tayside Court in West Ashley. I'm also the Chairman of the Board of the Charleston County Public Library Board of Trustees. On behalf of the Board and the staff, I bring you all good wishes at the beginning of your new term. As most of you know, we are going to be building new libraries, five of them. One of them will be in the City, and we look forward, hopefully within maybe the next six months, working very closely with the folks, especially the Councilmembers who live out in the West Ashley area, as we work through the programming and the design for the new library in West Ashley. Thank you very much."

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

3. Susan Milliken said, "Good evening. Welcome, Mayor Tecklenburg. My name is Susan Milliken, I live on James Island. I live at 762 Fort Sumter Drive. I'm here this evening to speak on the Gathering Place zoning. I would like to thank Mr. Lindsey for his report this evening. We asked specifically if we could hear what exactly is going on with the study group that has been formed. We're very happy and encouraged that the Planning staff is looking at the zoning again. We feel it's extremely problematic. It has unlimited density. Just to describe for

Councilmembers, what they want to put at the Maybank Tract right near the drawbridge at the intersection of Folly and Maybank on what is approximately 20 acres with some wetlands, would be two Sergeant Jasper developments side by side. I think we're all familiar with that intersection and how congested it is. I-526 isn't coming any time soon, ten to fifteen years, maybe. I don't even know if it would relieve the congestion there, but it's simply dangerous. It's unsafe. It impacts existing residents, and we ask that the zoning really be eliminated from your Comprehensive Plan. So, we appreciate you listening tonight, and appreciate you looking at this very closely."

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

4. Margaret Fabri said, "Thank you, Mr. Mayor. Congratulations and welcome. My name is Margaret Fabri, I am a resident of the City of Charleston. I live on James Island. I am here today to speak on the Moratorium. Just so you have a little bit of background, the Moratorium was passed unanimously by the full Council and by Mayor Riley on November 10th. Unfortunately, on November 9th, Core Properties, who is building the Gathering Place, supposedly put in an application for DRB design review. We think that was in bad faith. We don't think it was a full application, but that's another question for another day. I am happy to hear that we have an Advisory Committee formed. I was never asked to be on it, I don't know who's on it, but I hope that they're taking it very seriously. My concern is, November 10th has come and gone, we're two months beyond that, and there has been no public hearing. There's been no second reading, obviously. The public hearing that is scheduled now for January 26th is pretty disingenuous if, after hearing from the public, you turn around on January 27th and then cut off the Moratorium. It seems to me that gives neither the Council nor the Planning Department any time to consider what's been presented to them. So, we would ask that you seriously keep that in the back of your mind. That Moratorium probably needs to be extended, especially since the hearing, as I said, has been put off. I have already passed out to the members of City Council, I think except for Mr. Shahid and Your Honor, the petition that was signed by almost 1,200 people. I can't tell you they were all City of Charleston, but they were 1,200 people on James Island. There's also comments attached to it. I would ask to give those to Vanessa (Turner Maybank) and if you could give those to Mr. Shahid and to the Mayor. Thank you."

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

5. Lindsay Hamrick said, "Hello everyone. My name is Lindsay Hamrick and I live on James Island. A couple of the issues I'm going to talk about, some of them have already been covered, but, for expediency, I'll just start fresh. I'd like to welcome the new Mayor, and thank you guys for giving me a minute to speak to all members of Council. Some of you might remember me from the November 10th meeting when I spoke about the need for a Moratorium on the Gathering Place zoning. A lot of us did, actually, and I'm representing a group of James Island residents who couldn't be here tonight. After hearing from the public on November 10th, the Moratorium was passed unanimously by Council, and Mayor Riley declared that he would have his Legal Department look into it thoroughly. We were grateful and left here feeling relieved. At the time, we didn't realize a public hearing was needed, a public hearing that the City didn't announce until just a few days ago, would now happen on January 26th. Council deferred the second reading of the Moratorium in December, and then deferred it again from today's agenda. Now, it's scheduled to expire on January 27th, the day after the public hearing, and we still don't have the answers we've asked for from the City, including the traffic study that should have accompanied the permit application for the Core Development, if there even is one

at this point. I think it's impossible to think that the City ever really intended for this Moratorium to serve its due time, and to give their staff enough time into the Gathering Place zoning any further. How could the City even fathom they would have enough time to review the Zoning Code, the environmental impact studies, the traffic studies, meet with attorneys, City staff, and also engage the public at the end of the year during the holidays when City Hall was transitioning into its first new administration in 40 years? I realize no action can be taken at this time since the issue isn't on today's agenda, but we want our position to be known and noted for the record in case we weren't able to make the public hearing in two weeks. On January 26th, we would ask that City Council extend this Moratorium until April 1st in order to allow the City to thoroughly review and possibly amend the Gathering Place zoning, as well as extra time to ensure all permitting requirements have been properly submitted by the developers to the City for their review before any additional permits are issued. Thank you."

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

6. Anthony Bryant said, "Anthony G. Bryant, 2123 Courtland Avenue, Charleston South Carolina, 29403. I have identity theft, basically, by the IRS. I have to do my taxes which are overdue for a report in North Charleston and the City of Charleston. I had to file my taxes via U.S. Postal Service, an 8821 form, which is for small businesses, as used for the SBA. So, that impacted my business in a very serious way. I have no time for this and animated opinions as you know. Okay, so, I don't play those kinds of games. I recently received a letter from Motley Rice and Senator Kimpson regarding some information he had. He can take that back, and whatever. The Senate is very important to me, John (Mayor Tecklenburg), and you have to have the ability to assent your points of view in this Country. You're a thoughtful person. I've always respected you and all the staff. We need to have dissent in this Country. Without dissent, when things go bad in this situation, you have an obligation, as a citizen, to complain and address your grievances to your government, as you should. You learned in Civics class. Even Chief Mullen can do it against me. That's American to me. When you cut off dissenting points of view in a Country, you have lost the Country completely, and trying to qualify those peoples' points through YouTube and Twitter which Bryant G. Inc. is Bryant Group Inc., basically. My YouTube is off, everything is off, but that's okay, because that's what it's all about. African American men, since we've been in this Country, have all been wrongfully accused of not even being human beings, and being threatened in this kind of way. So, I have an obligation, a mutual responsibility my whole life to develop the First Amendment in a real and true way. So, AnthonyGBryant 1, my Twitter account, has been used to voice my concerns on social media for the dissenting points of view throughout the Country. Thank you for your service."

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

7. Mohammad Idris said, "Evening, Mayor Tecklenburg, City Council, Mohammed Idris. I had a poster board, Councilman Mallard told the Chief that I couldn't hold that poster board up in City Council, so I have it back there and I think it's very informative. Nevertheless, I'll get that information to you all. The City of Charleston is run by the Jewish community. The new Mayor was selected by them, and they are the ones that got him elected. He was selected, and they got him elected. There is nothing wrong with that, someone has to select you. Windermere Shopping Center was a place where they had planned a celebration for him in November and that confirmed my thought of them selecting him. They picked him because he is a good Christian that they believe they can manage. They will be using imminent access, as they did with the former Mayor. The reason that I brought up Windermere, it says 'Win the

Mayor'. To those of the Jewish faith, it is a coded word by them. We, the people of Charleston, call our City the Holy City and that will make one think it is controlled by a Christian, but it is not controlled by a Christian, it is controlled by the Jewish community. Mayor John Tecklenburg has the name and the disposition that fit what they were looking for. After riding the Mayor, Joseph P. Riley, for 40 years, they now pick a man that has a biblical name, 'John', and the name 'Tecklenburg' which sounds like a Jewish name. That fit their plot perfect. However, the book of John tells us that Jesus said, 'the Jews are of their father the devil, and the lusts of their father, they will do.' He's a liar, a thief and a murderer. Last year, we opened on the 13th of January, and I told you all that number representing good government and what we should be doing. This year, our meeting is on the 12th, which means leadership. We pray that John (Mayor Tecklenburg) does not allow these devils to lead him to disgrace, as they did Mayor Riley. There is a commercial that says, 'dirt can't hide from intensified Tide' and that is what happened on Riley's Day of Thanks. A flood of high tide came and stopped the City in its tracks, to give Riley a good old-fashioned washing, and regardless of all the building that has displaced a great number of poor people, who supported him, he will not be remembered for the hotels. He will be remembered for being the one at the helm when the nine people got killed at Mother Emmanuel Church on Calhoun Street and the flood stopped..."

The Clerk called time.

Mr. Idris continued, "...the City from flowing. Thank you."

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

8. Ross Pollack said, "My name is Ross Pollack. I live on Stefan Drive on James Island in the City of Charleston. I represent 31 homeowners and was asked by them this evening just to present our concerns regarding the density of units being planned for not only the Maybank Gathering Place, but also a new development called Riverland Oaks, which would have 115 residences. We're concerned for the same issues that Ms. Milliken has mentioned in terms of traffic. As a recently retired physician from MUSC, I'm actually not opposed. I'm actually kind of encouraged to hear that an assisted living facility might be a component of the Gathering Place, as we often had to keep patients in the hospital longer than they needed to be because we had no place to send them. They needed intermediate care, and I'm pleased to see that West Ashley will be getting a senior center. As more retirees come to the area, I hope that the City would actually recruit companies that do have these kinds of facilities to come to Charleston because that's really an unmet need. I'm encouraged to hear from Mr. Lindsey that the Gathering Place concept is being worked on and I will defer any comments on that until we hear how that goes. Thank you very much."

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

9. Matt Doszkocs said, "Hi. I'm here to talk about homesharing."

Mayor Tecklenburg said, "State your name and address please."

Matt Doszkocs, "Oh, for the public. My name is Matt Doszkocs, I live on Moultrie Street, North Central. Homesharing is by far the oldest accommodations tradition on record in Charleston and around the world. For millennia, people have been earning vital income in order

to afford the rising cost of homeownership by taking in boarders on a flexible term basis. Today, internet-based companies, such as Airbnb and VRBO help, hosts and guests connect more easily and in a safer manner. Because the hotel industry already has so much influence, I feel it is vital that the voices of Charleston homeowners, many of whom are middle and lower income families who will benefit most from legalizing homesharing, are heard and that tourists have the best choices about where to stay when they visit Charleston. These types of rentals have been around for so long because the income they provide serves the community in many ways. It reduces blight, it restores structures, it supports the arts in Charleston, it creates jobs where there were none before, it offers true and effective affordable housing initiatives, and it encourages sustainable grassroots, economic growth across a variety of neighborhoods. Although a few neighbors may object, we can't let them prevent homeowners from participating in this safe, traditional use of property for reasons that have no actual merit. We have already seen what happens when a small number of residents are allowed to control what others can and cannot do. Just 52 years ago, black Charlestonians weren't allowed to eat at a lunch counter, to try on clothing in shops or to go to movie theatres just because some other residents feared that it posed a threat to their own sense of livability. Although the short-term rental issue is not about race solely, clearly, it is a pressing social economic issue. While the wealthy hotel owners in South of Broad Bed and Breakfasts are allowed to profit by Charleston's reputation as a great City to live in and to visit, the vast majority of our homeowners are not. That threatens our connection to past generations and the well-being and prosperity of our current and future residents. Thank you."

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

10. Reverend Rufus Pinckney said, "Mayor, Council, first of all, I'll just say it's a joy to be here, after your inauguration yesterday."

Mayor Tecklenburg said, "Please state your name and address."

Reverend Pinckney said, "Yes, sir. I'm Reverend Rufus Pinckney, 80 Devereaux Avenue. I have a question. Last Wednesday, which was the 6th, our street, which is Devereaux Avenue, from Peachtree, extending to Marlow Drive, was blacktop asphalted, and we would like to know if there's going to be any further surfacing to that blacktop asphalted?"

Councilmember Lewis said, "Mayor Tecklenburg."

Reverend Pinckney provided his phone number.

Reverend Pinckney continued, "I did call Councilmember Lewis maybe around about 3:00 or 3:30 and mentioned it, but since I was here, I thought I would just bring it up. Thank you, sir."

Councilmember Lewis said, "Ms. Cabiness would be glad to answer his question for him. Is Ms. Cabiness or someone from Public Service back there? Is she back there?"

The Clerk said, "Tom."

Councilmember Lewis said, "Is Tom O'Brien back there?"

Mayor Tecklenburg said, "Tom O'Brien is here."

Councilmember Lewis said, "The question is about Devereaux and Peachtree, that we talked to you about this afternoon. He called me about 3:15 about the paving on Devereaux and Peachtree. This gentleman was complaining that the County is doing and that we have engineers tomorrow trying to meet with Sanders Brothers."

Mr. O'Brien said, "That's actually a State project, that's State paving. I spoke with Ted Barker, our Head Roadway Inspector, this afternoon and he will be contacting the State tomorrow and we will look into the concerns."

Mayor Tecklenburg said, "We have your number. We will be back in touch with you with more information. Thank you very much. Would anyone else like to be heard? Yes, ma'am."

11. Ellen Pfeiffer, "Welcome, our new Mayor. My name is Ellen Pfeiffer. I reside in Radcliffeborough on Warren Street and I'm here also to talk about the current prohibition on homesharing or short-terms rentals as it's now known. I believe that we need to have a more open dialogue on this issue primarily because we're operating under restricted business practices at this time. Currently, there are only two ways to legitimize homesharing. One is by applying for and securing a B&B (Bed & Breakfast) License, which has its own restrictive practices, primarily founded on the date of construction of the home. The second is to reside in one historic borough in the City, either Cannonborough or Elliottborough. As a result, if you don't reside in those areas and if your home does not comply with the construction date that resides within the bnb law, you're precluded from undertaking homesharing. I think we can all agree that that's an unfair business practice and one that is not fair across the breadth and depth of the City to the citizens who reside here. So, I'm hopeful that the Council will allow the citizens to have a more open dialogue on this restrictive zoning practice. I will tell you I represent myself, obviously, but also a very broad set of homesharing hosts that reside throughout the City, many of whom feel intimidated and will not come forward because they've been taken into court and fined as have I. So, when we have gone before the Zoning Board, or City planners, and when we have sought legal counsel, there's only been one answer that we've been provided, and that's that we must appeal to and convince City Council that this zoning practice is restrictive and must be overturned. We do not fear regulation, but we bristle at prohibition, and I would ask that we have an opportunity to have an open dialogue on this issue. Thank you."

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

12. Bill Eubanks said, "Good evening. I'm Bill Eubanks, 39 Yeadon Avenue in Byrnes Downs. I'm also the president of the Ashley Bridge District Board representing eight neighborhoods in West Ashley. I just want to say that we're very excited about the emphasis that's going to be placed on redevelopment and revitalization in the West Ashley area. I think that's wonderful. I also have been serving on the Gathering Place Advisory Council, and I'd really like to commend staff for being as open and as inclusive and open-minded as they've been through that process."

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

13. Sarita Kennedy said, "Good evening, Mayor and congratulations, and also to City Council. My name is Sarita and I'm from Downtown. I want to express my support for those

persons cited by the City in Livability Court for the lawful use of their own property. In 2003, Mr. Wilmot Fraser, a close friend of mine, set precedent when he won his case against the City by challenging the legality of their actions in Livability Court to dictate his rights as a homeowner to share his own home for whatever amount of time he chose and to expect compensation for that. Throughout the years, but especially around 2012, the Livability Court continues its harassment tactics and illegal fines, despite the fact that a precedent has been set. Officials went so far as to change the ordinance. Why? Because one homeowner's case was actually thrown out of court because the language in the ordinance was not specific enough to fine her. So, the ordinance was changed, thus intentionally criminalizing her and other individuals overnight, ensuring that they can be persecuted in the future. I feel this is being done because these are small, but not insignificant, we are the backbone of this City, property owners, and that we're not corporate entities, which some officials tend to favor in their official actions. I ask that this administration take on this issue as a civil rights issue and decide not to pass the buck to the loosely formed neighborhood associations, but to send a clear message and set a standard to protect the rights of citizens and homeowners. Thank you."

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

Councilmember Lewis said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "We don't usually say too much during Citizen Participation Period, but the gentleman with the street paving, I tried to explain to him today that the State gives the County the money and they choose the contractors. We try to educate citizens on that and we're not responsible for the street paving, the County is, but we do work when citizens call us. The other thing is, with this short-term rental issue, it is going to be the hottest issue in the next three neighborhood Council meetings that I intend, so I hope the City would look at this issue. It's on the books as illegal. Look at it, and make a decision whether they want to keep it the way it is or change it, but let the citizens and these neighborhoods know because this issue just about cost me the election in November. That's the issue that just about caused me to have a runoff and, right now, Westside, Wagener Terrace and North Central are going to be facing this issue in the next three meetings. So, I hope that you will convene your staff to take a look at this, and whatever committee of City Council or Planning Committee that needs to look at it, and come up with any recommendations to let them know that the City has looked at this issue and where we'll stand. I know where the City stands on it now. If we're going to stand where we're standing, we stand, if they're some changes we want to make, we're going to make them, but I certainly would hope that we face this issue, because I know that I'm going to be facing this issue for a while in these neighborhoods. The only thing that I can do, is stand on what is in the ordinance, and I will continue to stand on what's in the ordinance. So, I hope that as soon as you can, we would look at this issue and make some recommendations between your staff and City Council. Thank you."

Mayor Tecklenburg said, "Thank you Councilmember Lewis. Anyone else? If not, the Citizen..."

Councilmember Seekings said, "Mayor."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Just a brief response to that, because I agree that this is going to be an issue that we are going to be facing sooner rather than later. All of us that represent anywhere Downtown hear about it daily. It seems to me that if we're going to send this back to a committee to get some public input, Councilmembers Mitchell and Lewis' Committee on Community Development seems to be a good place for it to go and see what they can do with it. We heard a number of different viewpoints tonight that I think fits exactly into the mission of Community Development, so, I think that's where we ought to send it."

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

Councilmember Seekings said, "Thank you."

Mayor Tecklenburg said, "I'll say I do plan for us to consider this issue this year, not only with staff, but with a blue ribbon citizens committee. We'll talk about where the best place to start is, but that's an excellent recommendation. Thank you."

Councilmember Lewis said, "Thank you, sir."

Mayor Tecklenburg said, "That is the end of our Citizens Participation Period, and in keeping with our change of agenda, I would like to ask Council if they would kindly consider a couple of changes that I'd like to make to the Standing Committee list that was presented to you yesterday. If I may have a motion to ask Councilmember Seekings to serve as Chairman of Traffic and Transportation, and Councilmember Gregorie to serve as Chairman of the Recreation Committee."

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted unanimously to amend the Standing Committee appointments.

Mayor Tecklenburg said, "Next, I'd like to ask you to kindly consider a motion to approve my appointment of Frances Cantwell as our Corporation Counsel. You all are faster than I am. I appreciate you putting up with me while I get up to speed. It's been moved and seconded."

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, City Council voted unanimously to approve the appointment of Frances Cantwell as Corporation Counsel.

---INSERT APPOINTMENT MEMO---

Mayor Tecklenburg said, "May I just take a minute though and publicly thank our outgoing Corporation Counsel, Charlton deSaussure, who I've known for a long time, but I worked with him when I was at the City as Director of Economic Development. Already, at that point, Charlton was our Bond Counsel and does such a fine job of service to our City and for the last 12 years, is it, has served as our Corporation Counsel and has done a terrific job. Please let's give Charlton a round of applause."

There was a standing ovation.

Charlton deSaussure said, "Since you all have been so nice to me, can I give some thanks of my own? Five quick points, thank you, Councilmembers, for the privilege of serving as Corporation Counsel. I look forward to continuing to work with you, Mayor, and the members

of Council, on finance matters, which is my previous life as you know. I just want to say now how much I've enjoyed serving as Corporation Counsel for the Mayor, the members of City Council, Department Heads and City staff these past 13 years.

Second, I thank my colleagues, Adelaide Andrews, Janie Borden, Frances Cantwell and Susan Herdina, for the great personal and professional pleasure it's been for me to work with them. Like the City, they are each committed to excellence and, like each of you, they are committed to the citizens of Charleston, and they do a wonderful job.

Third, thank you, Mayor Tecklenburg, for the courtesies you've extended to me since your election. I think your excellent idea to bring the position of Corporation Counsel in-house will serve you, the members of Council, Department Heads, City staff and the citizens very well.

Fourth, I offer congratulations to Frances. Mayor, you could not have made a better choice, and in the opinion of both the Judiciary and all her professional colleagues, Frances is one of the most respected, talented, admired and honorable lawyers in the State.

Finally, on a personal note, I remember Bill Regan welcoming me to his position. On a personal note, I close by saying, it is an honor for me to have followed Bill Regan as Corporation Counsel, and to precede his best friend and a friend to all of us, Frances Cantwell, in that role. Thank you."

Mayor Tecklenburg said, "Thank you so much."

Applause filled the Chamber.

Mayor Tecklenburg said, "Frances, please step forward, if you would, for just a moment. They wouldn't even let me get the motion out of my mouth because of the confidence and unanimous consent that you have from this Council, and that's because of your years of great and hard work. I don't know that I could say any better than Charlton did about your qualifications, but it is a little different model, Council, that we have our Corporation Counsel to be a staff member, so, it's a little new. It's not that we were inefficient before, but I hope that it will add some level of efficiency and maybe save a few dollars down the road. I just want to say that, as Mayor, you have to have a Corporation Counsel in whom you have the highest confidence, who has the highest level of integrity, and is someone you can just trust implicitly, and that's Frances Cantwell, for me. Thank you so much for agreeing to serve."

Applause filled the Chamber.

Frances Cantwell said, "Mayor Tecklenburg, thank you for offering me this honor. City Council, thank you for affirming it and bringing it to fruition. I appreciate so much being offered this opportunity. To serve as Corporation Counsel means a lot to me on a number of levels, professionally and personally. I know who has held this position before. I know the responsibilities of this position. I think I had a good teacher for the last 20-some years, but particularly for the last 12 with my good friend, Charlton. You all would be pleased to know he has agreed to be on speed-dial. He's just down the street. So, I will be calling on him, I'm sure, a lot. I hope that I live up to the responsibility that you've given me and, if not, it certainly wouldn't be for lack of trying. I've enjoyed so much working with all of you and working for this City. I'm looking forward to working with a new Mayor, a new Councilman and the rest of the staff in the years ahead. Thank you very much."

Mayor Tecklenburg said, "Thank you."

Applause filled the Chamber.

Mayor Tecklenburg said, "Thank you very much, and, before we leave Petitions and Communications, I would just, on a personal note, like to congratulate the newly-elected members of Council, Councilmembers White, Lewis, Wagner, Waring, Shahid and Moody. I know I met with all of you, but I want to publicly say how much I'm looking forward to working with you all and, again, thank you for putting up with me while I get up to speed on protocol on running the meeting. I'd like to particularly recognize the senior member of Council who has served more years than anyone, and that's Councilmember James Lewis."

Applause filled the Chamber.

Mayor Tecklenburg said, "Twenty years of service to the City of Charleston on City Council, and 16 years, Councilmember Robert Mitchell, the two most senior Councilmembers. Thank you very much. I look forward to working with you."

Next is Committee Reports, our Committee on Traffic and Transportation."

Councilmember Seekings, Chair of the Traffic and Transportation Committee, said, "Thank you, Mayor Tecklenburg. Consistent with the example set by Councilmember Moody for the last few years, the Traffic and Transportation Committee met today and we started on time at 3:00 p.m. We had some business to take care of. We had one application for a limo license, which we approved unanimously. Then, we took up an amendment to one of our sections, Chapter 19, Sections 418 and 419 of the City Code, which has to do with what we charge for putting on and taking off boots on cars, both on the private side of the property in the City and on the public side. We moved to defer that matter because we learned, as we went through our table of values in the manner of which we collect booting fees on the City side not on the private side, we weren't quite sure where the authority came from to set those rates. So, we have asked our Counsel to go back take a look at where those rates come from and we'll take it up at our next meeting. So, with that, I would move approval of the report and you'll hear back from us on the booting. Thank you."

Councilmember Moody said, "Second."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I'm not sure what other municipalities charge, but I will hope that when we go back that we reconsider the \$50, to make sure that we're consistent at a minimum with other municipalities because \$50 seems a little low."

Councilmember Seekings said, "In response to Councilmember Gregorie, just so you know, our staff, Robbie Somerville and Janie Borden, are well ahead of us on that. We do know what other municipalities charge and we will take that up when we bring this back. Currently, we're at \$35, which puts us off the charts low. Fifty dollars will just barely get us on the chart, so, I think that's something that we'll need to take up at our Committee, not just where this authority to do this comes from, but the actual amount that we charge because it is a very labor intensive act of putting on and taking off boots for people who haven't been paying their traffic tickets."

So, we'll take a look at all of that, and we will have a full report for this Council and we'll consider all of those issues."

Councilmember Gregorie said, "I appreciate that."

Councilmember Seekings said, "Thank you."

Mayor Tecklenburg said, "Was the Committee Report seconded?"

Councilmember Seekings said, "Yes, sir."

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

---INSERT TRAFFIC AND TRANSPORTATION REPORT---

(i) Application for Original Certificate of Public Convenience and Necessity:

-- Duste Newton DBA Silicon Harbor Transportation Group (Limo)

(ii) An ordinance to amend the Code of the City of Charleston, South Carolina, Chapter 19, Sections 418(3) and 419(a), to change the maximum charge for a nonconsensual boot from \$35.00 to \$50.00. (*DEFERRED*)

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

Councilmember Waring said, "Thank you, Mr. Mayor. The Committee of Public Works and Utilities met. There were two streets to be accepted under the dedication and rights-of-way as described in your agenda, Item one, Pemberton Farms and Item two, Magnolia Bluff. It passed unanimously and Committee, and I so move approval here."

Councilmember Mitchell said, "Second."

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

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

(Acceptance and Dedication of Rights-of-Way and Easements

(i) **Pemberton Farms** – acceptance and dedication of Pemberton Farms Lane (43-foot right-of-way).

- a. Title to Real Estate and Affidavit
- b. Partial Release
- c. Plat
- d. Exclusive Stormwater Drainage Easements

(ii) **Magnolia Bluff** – acceptance and dedication of Ardeer Drive (50-foot right-of-way), Copperleaf Way (30-foot right-of-way), Grandiflora Blvd (60-foot right-of-way), Lilytree Drive (30-foot right-of-way), Mulan Lane (30-foot right-of-way), Plumier Place (50-foot right-of-way), Tepals Lane (42-foot right-of-way), Riverine View (30-foot right-of-way), and Saucer Alley (30-foot right-of-way).

- a. Title to Real Estate and Affidavit
- b. Partial Release
- c. Plat
- d. Exclusive Stormwater Drainage Easements (3)

Mayor Tecklenburg said, "Next is the report from the Committee on Ways and Means. If I may before we accept the report. This was the last change in our agenda. There is one item that you approved at the Ways and Means Committee this evening of the Department of Public Safety grant for a Criminal Domestic Violence Investigator and, given the gravity of this issue, particularly in the State of South Carolina. Unfortunately, we are a leader in domestic violence. I would like to have Chief Mullen come forward for just a few minutes and share with us our program in addressing domestic violence. Chief Mullen."

Chief Mullen said, "Thank you, Mayor. As many of you know, we are very aggressive in terms of reaching out for grant opportunities, not only at the State level, but at the Federal level, to allow us to implement new initiatives. Back in 2014, we recognized that family violence was a growing and an emerging issue within our community as well as across the Country, and took steps at that point to try to receive grants that would allow us to implement a new program. We were not successful in 2014. However, it was such an important issue we went ahead with our own resources and with our partners, and created what we call a 'Family Violence Unit'. That basically consists of domestic violence investigators, adult victim advocates, child victim advocates and a mental health clinician. We have basically created a team so that when a domestic violence situation or a family violence situation occurs in the City of Charleston, we can respond holistically. In the past, it may have been a detective who was working on other types of events that got assigned that case. A victim advocate would go out and actually work with the victim themselves, but, however, did not reach out or have the ability to reach out to the children or to other family members in the house that were exposed to the violence, which, as we know through research, creates a cycle which is what we're trying to break with a lot of the prevention efforts that we do. So, by allowing us to have a dedicated child advocate, along with the adult victim advocates and the mental health clinician. With this partnership between the City Police Department and the Charleston Dorchester Mental Health Association, we have now created an opportunity so that when a call comes in to our dispatch center and we're dispatched on a domestic violence call, not only do we have the capacity to respond immediately with a patrol officer and investigators, we also have the ability to immediately respond with victim advocates. This service is provided not only for the adults but the children, as well as the mental health clinicians, so that we can start intervention immediately, creating a safety plan, putting those people in a safe place, and start to work with those children immediately. If they don't need immediate attention, the protocol is, that within 24 hours, the mental health clinician, the victim advocates, as well as the detective, are following up with that family to make sure that we're providing them the services as quickly as possible. Again, the research tells us, if we can get back to those children within 24 hours, with a safe person to talk to, to try to create an environment that brings them back to normal as quickly as possible, we can prevent that from becoming normal behavior. As we've learned over and over and clearly here in South Carolina, domestic violence is normalized behavior. If you're around it all the time and you see it as normal in your household, then you're going to grow up to either be abused or to be an abuser. So, by this quick intervention, we're able to break that cycle. This grant that we have received and you approve tonight, is allowing us to continue to have that dedicated investigator who has touched 319 domestic violence victims in the calendar year of 2015. Every domestic violence victim that we associate with, she follows up with. In many of those cases, we find that people don't want to prosecute. So, even when they don't want to prosecute, she gives them

information about bond conditions, encourages them to find safe housing and safe situations that they can move themselves and their children into. Just to show you the impact that this has, the team itself has touched 1,400 victims in calendar year 2015. That's 1,400 people that, without this team and without this concept that we put together, would basically be utilizing resources that are disparate throughout our community. The fact that we're able to have this grant and we're able to identify resources that allow us to hire that specific child victim advocate and to work with our other partners, we have a unique opportunity in the City of Charleston to provide a service to people who really need it and, at the same time, create that opportunity to break the cycle. The two other things that we do that have evolved out of this grant opportunity and this unit are, we've created the investigator, created a risk assessment tool, which now we can determine the lethality of the events that we go to. If it reaches a certain level on the lethality scale, our investigators immediately communicate with a service and actually hand the phone to the victim, so there is no time lapse between that service. The second point that we do is, we have patrol officers that go back to these homes 24 hours after the event, not to investigate, not to create any kind of a police environment, but just to let those children and the victims know that we care about them and we want to make sure that they're in a safe place. So, thank you for approving the grant. We hope that, with the outcomes that we've been able to achieve, we're going to be able to continue not only to carry this grant forward, but also apply for some Federal money that will allow us to expand this even further. Thank you."

Mayor Tecklenburg said, "Thank you very much."

On a motion of Councilmember Seekings, seconded by Councilmember Mitchell, City Council voted unanimously to adopt the report of the Committee on Ways and Means.

---INSERT WAYS AND MEANS REPORT---

(Bids and Purchases

(Police Department: Approval to submit the 2016 Justice Assistance Grant (JAG) SC Department of Public Safety grant application in the amount of \$76,347 to continue funding the Criminal Domestic Violence Investigator, travel training and supplies. A City match is required in the amount of \$7,635.

(Police Department: Approval to submit the 2016 Justice Assistance Grant (JAG) SC Department of Public Safety grant application in the amount of \$15,063 for CPD Forensic Services Division's Thermal Print Imaging System and laboratory furniture. This application requires a ten percent match of \$1,507.

(Parks: Approval to accept the Palmetto Pride – Keep South Carolina Beautiful Grant in the amount of \$8,000 for the Clean City Clara & Talking Trash Program. No City match is required.

(Police Department: Approval of a Memorandum of Understanding between the Charleston Police Department and the Turning Leaf Project for the purpose of providing a pre-release and post-release reentry program, the purpose of which is to reduce crime and allowing individuals to become contributing members of society. The amount approved for this project is \$85,000.

(Fire Department: Approval of a Mutual Aid Agreement between Joint Base Charleston and Charleston Fire Department for fire protection services.

(Housing and Community Development: Mayor and City Council approval is requested to amend two contracts previously awarded in the amount of \$50,000 each totaling \$100,000 in HOME Investment Partnerships Program funds. The awards were approved by City Council, April 12, 2011 and March 15, 2012. The Amendment commits

an additional \$25,000 to the Human Services Commission to finalize the construction of two apartment buildings with three bedrooms and two bathrooms located at 1562 Mulberry Street for persons earning sixty (60%) percent and below the Area Median Income. The funds for this Amendment are derived from HOME Program Income.

(Parks-Capital Projects: Approval of a Construction Contract with Three Oaks Contractors, Inc. in the amount of \$46,200 for the planting of sweetgrass along the Northbridge Park Multi-Use Trail. The construction contract will obligate \$46,200 of the \$1,909,990 project budget. The funding sources for this project are 2008 General Fund Reserves (\$15,000), 2010 CCTC (\$100,000), 2010 GO Bond (\$282,095.32), Hospitality Funds (\$242,894.68) and 2012 General Fund Reserves (\$1,270,000).

(Request approval of the Mayor to execute the attached First Amendment to Parking Agreement between the City of Charleston ("City") and Rivers Enterprises Inc., the Charleston Gateway Center, LLC, Mazyck Holdings, LLC ("Rivers"), and Transamerica Financial Life Insurance Company ("Lender"). (TMS: 459-13-04-001; 24 Calhoun Street – Aquarium Garage) [Ordinance]

(Request approval of the Mayor to execute the attached First Amendment to Parking Agreement between the City of Charleston ("City") and Rivers Enterprises Inc., the Charleston Gateway Center, LLC, Mazyck Holdings, LLC ("Rivers"), and Transamerica Financial Life Insurance Company ("Lender"). (TMS: 458-01-01-001; 33 Alexander Street – Gaillard Center Garage) [Ordinance]

(Consider the following annexation:

-- 2116 Saint James Drive (TMS# 343-02-00-073) 0.24 acre, James Island (District 11)

Give first reading to the following bills coming from Ways and Means:

An ordinance authorizing the Mayor to execute on behalf of the City a First Amendment to Parking Agreement pertaining to a Parking Agreement for spaces at the Aquarium Garage, said Agreement being dated July 21, 1998, originally between the City and Rivers Enterprises, Inc., Charleston Gateway Center, LLC and John M. Rivers, Jr., said Agreement subsequently being assigned in part to Mazyck Holdings, LLC and collaterally assigned to Transamerica Financial Life Insurance Company, as lender. (AS AMENDED)

An ordinance authorizing the Mayor to execute on behalf of the City a First Amendment to Parking Agreement pertaining to a Parking Agreement for spaces at the Gaillard Complex, said Agreement being dated July 20, 1999, originally between the City and Rivers Enterprises, Inc., Charleston Gateway Center, LLC and John M. Rivers, Jr., said Agreement subsequently being assigned in part to Mazyck Holdings, LLC and collaterally assigned to Transamerica Financial Life Insurance Company, as lender. (AS AMENDED)

An ordinance to provide for the annexation of property known as 2116 Saint James Drive (0.24 acre) (TMS# 343-02-00-073), 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.

Mayor Tecklenburg said, "Next, we have those bills up for second reading."

Councilmember Mitchell said, "K-1 through K-12, motion."

Councilmember Seekings said, "Second. Can we hold out K-6?"

The Clerk said, "There is a question to hold out Item K-6. I need to also tell you that we received information from our legal office today that Item K-7 has been deferred by the applicant. So, Items K-6 and K-7 would be removed from that."

Councilmember Williams said, "Can we take K-8 separately?"

The Clerk said, "Eight."

Councilmember Williams said, "Eight separately."

Councilmember Mitchell said, "Items K-6, 7 and 8."

The Clerk said, "Item K-7 is deferred. So, we would take Items K-1 through K-5."

Mayor Tecklenburg said, "And Items K-9 through K-12."

The Clerk said, "Items K-9 through K-12, and then we'll come back to the others."

On a motion of Councilmember Mitchell, nine (9) bills (Items K-1 through K-5 and Items K-9 through K-12) received second reading. They passed second reading on motion of Councilmember Waring and third reading on motion of Councilmember Seekings. On further motion of Councilmember Mitchell, the rules were suspended and the bills were immediately ratified as:

2016-001 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1673 BOONE HALL DRIVE (WEST ASHLEY PLANTATION - WEST ASHLEY) (0.23 ACRE) (TMS #353-14-00-151) (COUNCIL DISTRICT 2), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 10, 2015 (#2015-163), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

2016-002 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1710 SAVAGE ROAD (WEST ASHLEY) (0.23 ACRE) (TMS #351-07-00-092) (COUNCIL DISTRICT 7), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 24, 2015, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

2016-003 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 755 WEXFORD ROAD (LONG BRANCH - WEST ASHLEY) (0.29 ACRE) (TMS #310-01-00-145) (COUNCIL DISTRICT 2), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 24, 2015, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

2016-004 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART

THEREOF, SO THAT 349 HOWLE AVENUE (PECAN GROVE – JAMES ISLAND) (0.38 ACRE) (TMS #343-07-00-012) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON NOVEMBER 24, 2015, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.

- 2016-005** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT PROPERTY LOCATED ON RIVER ROAD AT MAYBANK HIGHWAY (JOHNS ISLAND) (58.88 ACRES) (TMS #346-00-00-004, 008, 076, 258, 259, 260 & 301) (COUNCIL DISTRICT 5), BE REZONED FROM DIVERSE RESIDENTIAL (DR-9), GENERAL BUSINESS (GB) AND GENERAL OFFICE (GO) CLASSIFICATIONS TO PLANNED UNIT DEVELOPMENT (PUD) CLASSIFICATION.
- 2016-006** AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING SECTION 54-602, SECTION 54-604, AND SECTION 54-606 TO UPDATE THE PROCEDURES AND REQUIREMENTS OF THE TECHNICAL REVIEW COMMITTEE.
- 2016-007** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A LEASE AGREEMENT WITH THE CHARLESTON DIGITAL CORRIDOR FOUNDATION PERTAINING TO PROPERTY OWNED BY THE CITY LOCATED AT 999 MORRISON DRIVE AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO FACILITATE THE CONSTRUCTION OF THE BUILDING AND RELATED IMPROVEMENTS CONTEMPLATED BY THE LEASE AGREEMENT THAT HAVE BEEN APPROVED BY THE OFFICE OF CORPORATION COUNSEL, AND A DEVELOPMENT AGREEMENT AND SUCH OTHER DOCUMENTS AS MAY BE NECESSARY TO FACILITATE THE CONSTRUCTION OF A PUBLIC PARKING DECK AS SET FORTH IN THE LEASE AGREEMENT THAT HAVE BEEN APPROVED BY THE OFFICE OF CORPORATION COUNSEL.
- 2016-008** AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1119 WAPPOO ROAD (4.94 ACRES) (TMS# 351-15-00-005), 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 7.
- 2016-009** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AND THE CITY OF CHARLESTON POLICE DEPARTMENT NARCOTICS UNIT A QUIT-CLAIM DEED TO 31 AMHERST STREET LLC, OR SUCH OTHER DOCUMENTS AS APPROVED BY THE OFFICE OF CORPORATION COUNSEL THAT MAY BE NECESSARY TO RELEASE AND RELINQUISH ALL INTERESTS OF THE CITY AND THE POLICE DEPARTMENT NARCOTICS UNIT, INCLUDING ANY REVERSIONARY INTERESTS, IN

AND TO PROPERTY LOCATED AT 31 AMHERST STREET, TMS NO. 459-09-04-049.

Mayor Tecklenburg said, "So, next we will take up Item K-6."

The Clerk said, "Number six, that's correct."

Councilmember Gregorie said, "This is why I asked to pull it out. We have Council District 3, and I think it's Council District 6, just for the record. So, I'd like to make that change. Move for approval."

Councilmember Moody said, "Second."

Mayor Tecklenburg said, "We're just changing that to show that it's Council District 6 instead of 3."

On a motion of Councilmember Gregorie, one (1) bill (Item K-6) received second reading. It passed second reading on motion of Councilmember Moody and third reading on motion of Councilmember Lewis. On further motion of Councilmember Mitchell, the rules were suspended and the following bill was immediately ratified as:

2016-010 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 210 SPRING STREET (WESTSIDE - PENINSULA) (0.44 ACRE) (TMS #460-11-01-013) (COUNCIL DISTRICT 3), BE REZONED SO AS TO BE INCLUDED IN THE ACCOMMODATIONS OVERLAY (A) CLASSIFICATION.

*The Planning Department confirmed that this property was in District 3.

Mayor Tecklenburg said, "Item K-8 is to change the off-street parking requirements for MU-1/WH and MU-2/WH and change off-street parking requirements for multi-family dwelling units in those Zoning Districts. Is there a motion?"

Councilmember Lewis moved for approval of Item K-8.

Councilmember Gregorie seconded the motion.

Mayor Tecklenburg said, "Is there any discussion?"

Councilmember White said, "Mayor."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I spoke briefly about it last time and I'm just going to make a comment one more time that this is, again, moving our parking requirements from the zoning, and if I remember correctly, this takes it from 1.5 to 1 for these MU-1 and MU-2 zoned districts. Although I'm not opposed to trying to find more efficient and better uses of parking and space on-site design for those who want to develop sites within our city, I do think that we're putting the cart before the horse when we're lowering requirements. Quite frankly, there are quite a few

properties I'm sure, they're currently zoned MU-1 and MU-2, who would not have on-site parking requirements or that would change with this. We still have yet to really tackle the issue of appropriate and efficient public transportation and alternative parking sources in areas where these sites will be located. So, I just think we put the cart before the horse by doing this kind of thing. I'm not opposed to trying to find more efficient use of property, but at the same time, when we don't have alternatives to provide, I think it's going to potentially cause issues in the future. Thank you."

Councilmember Seekings said, "Can we hear from Jacob Lindsey on that?"

Mr. Lindsey said, "Thank you. On this issue, as you know, staff strongly recommends approval of this. We believe that it's generally good practice to reduce the number of cars and, therefore, congestion in the City center. It is aligned with best practices nationally. It reduces construction costs and, therefore, the cost of housing. There's another specific element in this, which is previously in the MU Zoning, there was a freebie, a giveaway to the first 5,000 square feet of bar or restaurant use. They had no parking requirement, and this corrects that so that all restaurant and bars that are in MU now have to meet the parking requirement, and it is further a deterrent to the easy expansion of bars within the Urban Core."

Councilmember Waring said, "Mr. Lindsey, you couldn't correct the freebie for the bars without creating the concern for the 1.5 versus 1?"

Mr. Lindsey said, "We certainly could do that, but we feel very strongly that lowering that ratio is a positive thing for the City, and that it reduces the construction costs and, therefore, the cost of housing, and that it reduces congestion and the number of cars in the City center. Again, this doesn't apply outside of the Urban Core. It only applies in the densest parts of the City."

Councilmember Waring said, "I understand, but the assumption is that the person that is coming to rent the space isn't going to have a car."

Mr. Lindsey said, "No, the assumption is that it would be parked at a ratio of 1 car per dwelling unit."

Councilmember Waring said, "You're right, that is the assumption, but if they don't have the ratio of 1, they still get to rent the apartment, so then they're going to be fighting on the street or wherever to park that extra car. Without the mass transit that Councilmember White is referring to in some of the other areas, I happen to agree with Councilmember White, I think we are putting the cart before the horse."

Mr. Lindsey said, "It's very important to mention that this is a minimum, so a developer building a building in MU could opt to provide more parking, if they felt that the market demanded that. So, it is a minimum. It is not a maximum."

Councilmember Waring said, "In a City that's virtually already developed, the probability of a developer doing that is probably slim. Wouldn't you say?"

Mr. Lindsey said, "No sir, I would not."

Councilmember Waring said, "They would provide more?"

Mr. Lindsey said, "I would say that the developer is most likely to provide the amount of parking that they feel would allow them to sell the dwelling units, which could very well likely be more than one. This is simply a minimum."

Councilmember Waring said, "My experience has been that they provide the amount of parking that they are required to, not necessarily a surplus. Listen, these neighborhoods come and complain all the time about people parking on their streets. That's why we have these signs up that you can only park an hour or two hours or whatever, to give residents a break. To me, it seems like going from 1.5 to 1, we're going to exacerbate that problem, not create a solution. I mean, help me out here."

Mr. Lindsey said, "I would respectfully disagree with that position. We believe that lowering the amount for projects that are within the Urban Core, in fact, reduces the number of cars that are in the City, and, therefore, reduces traffic, and, therefore, reduces congestion. It is simply a minimum, not a requirement. If a developer feels like they can't sell the dwelling units that they have built, they can certainly build more than the minimum, and I believe that will happen. That's in my professional opinion."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg recognized Councilmember White.

Councilmember Gregorie said, "I think I'm next."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "I definitely support this measure, because I think if you build the garages, there'll be more cars. I do think that, at this point, in our City's development we need to start considering making sure that there aren't a lot of cars on the street. I do think that this measure at least gets us to that point because it will have a significant impact, I think, on traffic, on congestion in our Urban Core. We have to do something, and we have to do it now to make sure that we have and ensure those kinds of reductions, and I think that this helps us with that."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Jacob, I'm about to put you on the spot here in a little bit, but on MU-1 and MU-2 outside of just residential uses, what other uses are allowed in that Zoning District? It's not just Residential, correct?"

Mr. Lindsey said, "That's correct. Mixed-Use allows commercial uses and, in fact, I don't off the top of my head know the actual ratio, I'm wondering if Mr. (Christopher) Morgan knows the ratio for Commercial."

Mr. Morgan said, "It would be the standard parking ratio of the zoning ordinance for the other aspects of Mixed-Use or Commercial aspects of Mixed-Use other than that first. The current Code has that first 5,000 square feet that is commercial space in the three halves."

The Clerk said, "Christopher, can you come to the microphone."

Mr. Lindsey said, "Actually, I'll just say for Christopher that it's standard Code, and my mind does serve me well on occasion that this is going from one car for every 500 square feet of commercial space to one car per 600 square feet of commercial space. There's a very small incremental lowering of the requirement. Again, it's only in Urban Core and very small. In exchange, there is no giveaway for that first 5,000 square feet of bar or restaurant use."

Councilmember White said, "Do you know how many properties currently in the City are zoned MU-1 or MU-2?"

Mr. Lindsey said, "I do not know the number of individual to street property, but I will say that they exist primarily, again, only in the areas that are in the Urban Core or down the center of the Meeting/King spine. It also includes Horizon now WestEdge, but it's in the walkable, dense bikeable places that can potentially be served by transit."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mayor Tecklenburg. This is something that's aimed at the Urban Core, which we've had a lot of conversation about in the last six months, what Urban Core is and isn't and all of these things. Our only hope of success in the Urban Core is to convince people to get out of their cars in the Urban Core, and I think this is part and parcel of the bigger picture as we look at livability. Mayor Tecklenburg, yesterday, you spoke very passionately about livability being at the core of what we're going to be doing here in this Chamber for the next however long it takes to get there. This is just one part of it all and I'm a true believer that if we're going to have successful economic growth in the Urban Core, traffic congestion is an inhibitor to that, not something that's going to help. So, I think allowing for this type of Urban Core development is only going to fit into the long term success of Charleston, and I don't know, Jacob (Mr. Lindsey), it shouldn't be that hard to figure out how many undeveloped pieces of property in the Urban Core are MU-1 and MU-2, but there aren't that many, I mean, there really aren't. There are plenty of MU-1 and MU-2 around, but they're developed and they're not in the Urban Core. So, I think this is just a small part of the bigger picture that we should support."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Maybe the Chief can answer, or I don't know if Mr. Pena's here. Do we have any evidence that the traffic on our streets is going down?"

Mr. Lindsey said, "I can't speak to our current traffic counts."

Councilmember Lewis said, "It is not going down, I can tell you that."

Councilmember Waring said, "That's what I thought, it's going up."

Hernan Pena said, "Good evening, Councilmember Waring. The evidence is that traffic is going up, and has been increasing, primarily West of the Ashley, the 61 Corridor, the Glenn McConnell Corridor, the Bees Ferry Road Corridor, and US 17."

Councilmember Waring said, "What about on the Urban Core?"

Mr. Pena said, "The Urban Core has not seen as much of an increase as we have seen West of the Ashley, but there has been some increase, I couldn't tell you percentage-wise. There has been some, but not as significant."

Councilmember Waring said, "Thank you."

Mr. Pena said, "Yes, sir."

Mayor Tecklenburg said, "Any further discussion?"

On a motion of Councilmember Lewis, one (1) bill (Item K-8) received second reading. It passed second reading on motion of Councilmember Gregorie and third reading on motion of Councilmember Seekings. On further motion of Councilmember Lewis, the rules were suspended and the following bill was immediately ratified:

2016-011 AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING SECTION 54-299.3 TO CHANGE OFF-STREET PARKING REQUIREMENTS FOR THE MU-1/WH AND MU-2/WH ZONE DISTRICTS AND SECTION 54-317 TO CHANGE OFF-STREET PARKING REQUIREMENTS FOR MULTI-FAMILY DWELLING UNITS IN MU-1 AND MU-2 ZONE DISTRICTS.

The vote was not unanimous. Councilmembers White, Mitchell, Waring, Riegel and Wilson voted nay.

Mayor Tecklenburg said, "I believe all of our bills up for first reading have been deferred until the next meeting. The next meeting will be on January 26th at 5:00 p.m. right here."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Mayor Tecklenburg, very briefly, if you don't mind. I know the hour is late, and we want to get out of here. On December 23rd, everyone around this table and, I assume, you, too, got a copy of the City of Charleston Sea Level Rise Strategy document. We all had a chance to digest it and read it over the holidays. I saw that Mayor Riley, in one of his last acts, got ahead of us in this piece in the paper a couple of days ago. I just would like put this before you, to get this to us, so that we can hear about what went into this because I know I've gotten a lot of questions about it. It's been presented and we saw that Mayor Riley suggested, and I think it's a good suggestion, getting it to the Sustainability Advisory Committee sooner rather than later, so we can hear from the people who put this together, see what's it's all about, then get this Council up to speed so we can then move forward. I would ask that we get that to the Committee soon."

Mayor Tecklenburg said, "I'd be glad to do that. We applied for a grant through the Rockefeller Foundation. I'm very hopeful that will be approved so we'll have a full-time Coordinator for the next two years to work on it."

Councilmember Seekings said, "That should be great. Thank you."

There being no further business, the meeting was adjourned at 6:38 p.m.

Vanessa Turner Maybank
Clerk of Council