

COUNCIL CHAMBER

Regular Meeting

February 9, 2016

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

A notice of this meeting and an agenda were mailed to the news media February 3, 2016 and appeared in The Post and Courier February 7, 2016 and are made available on the City's website.

PRESENT (12)

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 - absent	District 6	Councilmember Wilson	District 12

Mayor Tecklenburg called the meeting to order at 5:01 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Councilmember Gregorie expressed his regrets that he would not be with us this evening. I would like to call on Councilmember Riegel for the invocation and the pledge."

Councilmember Riegel opened the meeting with an invocation.

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

Mayor Tecklenburg said, "Thank you. Now, I don't want to give Council the impression that we haven't been hard at work and busy doing a number of things, because we have, but we have no presentations and recognitions this evening and no public hearings, and, hence, no acts on public hearings. So, the next item on the agenda is the approval of the minutes."

Councilmember Riegel said, "So moved, Mr. Mayor."

Councilmember Mitchell said, "Second".

On a motion of Councilmember Riegel, seconded by Councilmember Mitchell, City Council voted unanimously to approve the minutes of the January 26, 2015 City Council meeting.

Mayor Tecklenburg said, "So, next on the agenda is our Citizens Participation Period, for which we allow up to 30 minutes. Could I ask for a show of hands of how many folks would like to

be heard during Citizens Participation this evening? We have about 20 people, so I'm going to say 90 seconds per address, so that we try to keep it reasonably to a time limit. Now, if I may, at the pleasure of Council, ask your indulgence to allow our attorney, Frances Cantwell, to make some explanation about one of the items on the agenda tonight. I think a number of folks are here to address the issue of the modification in the vote required regarding the Planning Commission. There have been a lot of comments about it today. I'm not looking to change anybody's mind, but just make it clear what it is that's being proposed prior to the public discussion. Is that okay with Council?"

Councilmember Riegel said, "Excellent idea."

Councilmember Seekings said, "Mayor Tecklenburg, I'm sure she will, but if she will also explain the procedure which this ordinance will take if it leaves the Chamber and goes to the Planning Commission. I think that's important for people to understand, too."

Mayor Tecklenburg said, "Correct, and I think she plans to address that."

Councilmember Seekings said, "Thank you."

The Clerk said, "In addition, Mr. Mayor, while the people come forward, we might remind everyone to turn their cell phones off, please."

Mayor Tecklenburg said, "Cell phones off, please. Thank you. I'm going to check mine. Thank you."

There was laughter in the Chamber.

Frances Cantwell said, "Thank you, Mayor. Members of Council, ladies and gentlemen, what I thought I would do is start out with what the status of the law is today with respect to recommendations that come to this body from the Planning Commission. This has been part of the City's Zoning Ordinance for many, many years. I'm not going to go back to when I first passed through the City because it will date me even more than you all think I'm dated. Anyhow, as you know, any Zoning recommendation by State law and City ordinance goes to the Planning Commission for a recommendation, which is advisory, and then comes up to you all for approval, disapproval, amendment, or whatever you want to do. There's been a provision in the law that says, and this is very important, when the Planning Commission votes in the negative on a recommendation, not in the positive, when they say 'no' to something, if staff brings something forward to the Planning Commission, and in their estimation, they don't like it, or they don't think it is a good idea, and they vote no, the ordinance that we have on the books would require ten votes of this Council to overturn that recommendation. The ordinance provides that the super majority is three-quarters of all the members of Council, so ten votes whether 13 of you are here or ten of you are here.

So, at the last meeting of Council, there was discussion about looking at that ordinance with the idea of changing the super majority, and perhaps, the threshold of what that super majority was to be measured against. So, in your packet tonight is an ordinance that is up for first reading and for discussion, as you see fit, which would change the criteria as to what the super majority would be. When the Planning Commission votes 'no', you would still require a super majority. I will have to take a caveat. It doesn't apply to an initial zoning, but only to a change. When the Planning Commission recommends 'no', rather than being three-quarters of the members of the entire body, the ordinance reads that the super majority would drop to 60%, and it will be measured against the

members of Council who are present. So, you wouldn't have to have 60% of 13, you would have 60% of the quorum that is here. Obviously, that's up for discussion among you. That's going to be vetted by the Planning Commission, which I'll explain in a minute, but that is the ordinance that's before Council. I have read in the paper where it seems to be that there is a perception out there that every vote from the Planning Commission requires a three-quarters vote of Council. That's not true. It's only the negative vote, and I want to make that clear and explain that that's the ordinance before you tonight."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, esteemed Counsel. The question I have is, is there potential for the Planning Commission to wordsmith a recommendation into a 'nay' or 'no' format? That potential exists. Secondly, is there no recourse for a 'yes' or 'aye' recommendation to the Planning Commission that City Council can override? Thank you."

Ms. Cantwell said, "Well, let me answer the second question first. If the Planning Commission votes for something, or they recommend that you do something, you can choose to do it or not to do it, and it only takes a simple majority of whoever is here. So, this ordinance that's on the books now, and the one that is drafted, only applies in the instances where the Planning Commission's recommendation is in the negative. Your second question about wordsmithing a vote or a motion to make it a negative vote, first of all, that's never been my experience with them, ever. Usually, the proposal is 'X', and it's either 'yes' or 'no'. First of all, I don't think they do it, and I think the potential for that happening is very slim."

Councilmember Riegel said, "Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "As a matter of clarification, you made a comment concerning the criteria for the Planning Commission to vote out a decision. Can you elaborate on what that criteria may be?"

Ms. Cantwell said, "Well, the Planning Commission is charged with doing a number of things, but for a rezoning, for example, they look at the property, they look at what's around it, and they look to see whether it's compatible with the Comprehensive Plan. They look at the specific uses, if it's a change in use, to see if they think it would be beneficial not to just that property but to the area, in general. There are a lot of community-minded, in that respect, goals and criteria that the Planning Commission weighs every time they have something before them, and they also have the recommendations and input of their professional staff."

Councilmember Shahid said, "One more follow-up question, if I may. During the Planning Commission's deliberation, do they take into account, at that point, public input?"

Ms. Cantwell said, "Yes".

Councilmember Shahid said, "Thank you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I just want to make sure you now tell us about the method by which this is going to leave this Chamber, go to the Planning Commission, and come back, so everyone here understands and, perhaps, sees some of the irony in what is about to happen."

Ms. Cantwell said, "Well, the short answer is, this is going to be done just like any other Zoning ordinance. Actually, what will happen is, if City Council chooses to act on this ordinance tonight and send it to the Planning Commission, it will come before the Commission at a duly advertised public hearing. The public will be able to weigh in. Staff will give a report on what's its thinking is on the ordinance, and the Planning Commission will then vote out a recommendation. If it's a positive recommendation, it would come back to this Council, and you all could decide to accept it or reject it. If it's a negative recommendation, the irony is, it will take ten votes of City Council to enact it."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Ms. Cantwell, there are nine members of the Planning Commission. Is that correct?"

Ms. Cantwell said, "I think there are nine. Don't hold me to that."

Councilmember Moody said, "There are nine."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Moody said, "I just wanted to make that point. As far as the Planning Commission is concerned, if they deny something, how many members of that nine-member commission have to vote to turn something down? Three-quarters?"

Frances Cantwell said, "The majority of those present."

Councilmember Moody said, "In other words, five can do that. So, with a simple majority, they can turn down something. So, what you're telling us is, if it comes to us, we need ten of ours to do that."

Ms. Cantwell said, "Correct."

Councilmember Moody said, "That's what I thought. Thank you."

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

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Is that constitutional?"

Frances Cantwell said, "The three-quarters vote?"

Councilmember Waring said, "Yes."

Ms. Cantwell said, "Sure."

Councilmember Waring said, "Of an elected body from an appointed body?"

Frances Cantwell said, "This elected body passed it."

Councilmember Seekings said, "It's our ordinance and has been for 40 years."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "I think I just heard her say that if we say we want to go forward with this, then it goes to the Planning Commission, they decide if it's okay, and then it comes back to us."

Mayor Tecklenburg said, "That's correct."

Councilmember Wagner said, "If they say no, we have to have ten votes to override them."

Mayor Tecklenburg said, "That's correct."

Councilmember Wagner said, "Okay, I just wanted to be sure that I'd heard that because sometimes my math doesn't seem to work that way. I'm sorry about that."

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

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "Just a quick question. If this is an ordinance this esteemed body passed, maybe it behooves us to modify or change that ordinance. I'm just throwing that out there, you know."

Councilmember Waring said, "That's what we're trying to do."

Mayor Tecklenburg said, "That's why it's on the floor, or will be. It's not on the floor yet."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "So, the ordinance that we are now thinking about changing, a former City Council passed that ordinance years ago?"

Ms. Cantwell said, "Yes, sir."

Councilmember Lewis said, "But it's in conformance with State law?"

Ms. Cantwell said, "It's not in State law."

Councilmember Lewis said, "State law gives the Council the authority to set the ordinances."

Ms. Cantwell said, "Yes, sir."

Councilmember Lewis said, "Thank you."

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

Councilmember Waring said, "So, the State law gives the Council the authority to set the ordinance?"

Ms. Cantwell said, "Correct."

Councilmember Waring said, "What gives the law to the Planning Commission to vote against that? What body of law? The State law?"

Ms. Cantwell said, "The State statute because, for any zoning measure, the process that's set up by the enabling legislation requires a recommendation from the Planning Commission. So, if you're going to change the rules on something, if you're going to rezone something, then you run it through the Planning Commission, you get their recommendation, and then you all come up, and that recommendation is taken into consideration as you debate your vote."

Councilmember Waring said, "The 75% threshold is based on State law?"

Ms. Cantwell said, "No, sir. It's based on City local ordinance that's been in this ordinance for 40 plus years."

Mayor Tecklenburg said, "One more."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "One more follow-up question. Do you recommend or do you have an opinion as to whether or not we can amend the current proposed ordinance to bypass the Planning Commission's review of this?"

Ms. Cantwell said, "Alright. Let me see if I understand that. Can you amend Section 54 of the Code without having Planning Commission review? My opinion is no."

Councilmember Shahid said, "Thank you."

Mayor Tecklenburg said, "Thank you, Ms. Cantwell. Are there any other questions?"

There were no further questions by Council.

Mayor Tecklenburg stated, "Thank you very much. So, we will proceed with our Citizens Participation Period. Who would like to be heard? Yes, sir. We'll start with you. Please state your name and address."

1. Christopher Cody said, "Thank you very much, and good evening. Mayor Tecklenburg, members of City Council, I am Christopher Cody, and I'm representing Historic Charleston Foundation. I am joined by our President and CEO, Kitty Robinson. Historic Charleston Foundation is opposed to the proposed ordinance to amend 54-943(c). We see no positive benefit that it provides the City, nor the public, and believe that the passage of this ordinance will encourage the appeal of more Planning Commission decisions to an already overburdened City Council. We believe City Council is not the appropriate venue for a large number of Planning Commission appeals. Rather, we believe the long-term planning decisions are best executed by appointed bodies like the Planning Commission that have a narrow and specific purview. We believe that this ordinance attempts to fix something that is not broken and would

result in a detriment to public involvement in the planning process and to the efficacy of both City Council and the Planning Commission. We believe that the current process serves the City and the public well with the 75% majority vote of the entire City Council, as opposed to the proposed 60% members present only vote. We respectfully ask you to vote in opposition to this proposed ordinance, and thank you for your consideration.”

Mayor Tecklenburg said, “Thank you, sir. Captain America.”

2. Robert Jenkins said, “My name is Robert Jenkins. I’ll go with Captain America. Thank you for the opportunity to exercise my freedom of speech. I’m here about the homeless and the poor. I don’t think anybody on City Council would like to live in One80 Place. I’m pretty sure it’s a nice place, but you wouldn’t trade your homes for it. Eugene, Oregon, has Dignity Village. There are paradigms that have shifted in the way the homeless are treated. I wish I could make you all care. I wish I could do something dramatic. I wish I could bring some lightning and thunder to encourage City Council to look upon the poor and the homeless with some mercy. This land is your land. This land is my land. Thank you very much.”

Mayor Tecklenburg said, “Thank you, Mr. Jenkins. Yes, sir. Mr. Idris.”

3. Mohammed Idris said, “Evening, Mayor Tecklenburg, City Council, ladies and gentlemen. Mohammed Idris. If we would practice what the Rabbi said at the last City Council meeting, we would be the best City in America. He said, ‘Let our insides be the same as our outside.’ In other words, he was saying ‘don’t be a hypocrite’. Also, if we practice what we preach, we would not have all these people living in tents while we are using taxpayers’ money to help people live better on the Battery. If we would do as the Rabbi said, we would not lie to the people to get them to move because they cannot use eminent domain to get them to move out of their living places where they were living for more than five generations. So, I agree with the Rabbi. We, as a City, should practice what we say. We open our meeting in the name of God, but we have been doing the work of the devil. Thank you.”

Mayor Tecklenburg said, “Thank you, sir. Yes, ma’am.”

4. Susan Bass said, “I am Susan Bass. I live on State Street. I’m the President of the French Quarter Neighborhood Association, and I’m here to speak about the three-quarter vote of the City Council to override a veto by the Planning Commission. I just want to say that such a move would shift the balance of planning decisions from the citizen members of the Planning Commission to elected members of Council. Also, you need to bear in mind that whenever you go from a vote of all of the City Council to just members present, the number of members present can be a manipulated number and an orchestrated number. That really bothers us, too. City Councilmembers should not be given the prerogative to easily overturn Planning Commission decisions. Strong checks and balances must prevail. We think that to support this proposed ordinance would undermine the integrity of the public process. Thank you for your consideration.”

Mayor Tecklenburg said, “Thank you very much. Yes, sir.”

5. Moses Brunson said, “Hello everyone. Thank you, Mr. Mayor. My name is Moses Brunson. I am the founder and CEO of the Tiny House Project of Charleston which is a non-profit organization with 501(c)(3) status. We have a business plan to build tiny houses for the homeless. I’ve been in well over 500 meetings talking about homelessness and affordable housing. It’s been four years that I’ve been standing up in these meetings. The situation is getting worse and worse, and no one is listening to anything about the Tiny House Project. Tiny House Project is a project

that started in Portland, Oregon, way back in the 80s, and it's been successful. It's all over the country now. It's as close as Michigan, I believe it is, we have a Tiny House Village, and it's successful. All you have to do is plug in Tiny Houses on Google, and you'll get a map of almost the whole country, and it's successful. The crime rates are down. Medical care has balanced itself. People have become taxpayers again, productive citizens again, voting, and all those things that benefit their cities and states. We have an epidemic here that needs to be addressed. In 2013, I believe it was, our group presented a proposal to City Council, and it has not been addressed."

The Clerk called time.

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

6. Zimran Bernard Sheppard said, "Hi, my name is Zimran Bernard Sheppard. I don't have a place to stay. I'm going to go to college and go back home to my parents. That's all I have to say. Thank you."

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

7. Brandon Fish said, "I'm Brandon Fish. I'll keep this short because there are people here that are going through this experience that want to speak. I have been a resident of Charleston for a long time, and we have a problem with homelessness. We have a shelter, it's privately run, that has 73 beds in it. It can accommodate 170 people when it's cold, but there are many more homeless people than that here. I applaud the Mayor and the City for announcing that they want to work towards a solution to homelessness, but I would also encourage that we would have that solution before we evict people from the tents that they do have to live in. It's very cold outside. There are people freezing. There are people that don't have blankets. I think that it would show that our priorities are in the right place if we come up with a solution that is City or State funded before we kick people out of these tents. Thank you."

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

8. Jason Slates said, "My name is Jason Slates. I would like to build off of what he is saying. We need to give these people a livable situation before we destroy where they've made a living right now. We just had the Super Bowl in San Francisco. They swiped people off the street, so the Super Bowl and all of their top one percent could make billions of dollars. We're doing it now here. The financial crisis in 2008, people are in the situations they're in because of the way our society has gone. We're the richest nation in the world. We need to help these people and above that, the property values are going up. The place right next to Tent City is over \$2,000 for a room in that apartment building right in East Central. It's ridiculous. It's New York prices in Charleston. What is going on? The development, the gentrification, and the displacement has to stop, or else no one's going to be able to live in the City. Thank you."

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

9. Jillian Mock said, "Good evening. I'm here to address you very briefly and just to say that I have not had time. My name is Jillian Mock. I'm the former President of the Country Club of Charleston. We are on James Island, but part of the City of Charleston. The people I've been able to speak to, because this has all happened quite suddenly, feel very strongly that we want the Planning Commission to be allowed to do what it's doing now. We don't like the proposed changes, and we also feel very strongly that any type of a compromise at all could just open the

door to further and further compromises. We feel City Council is doing the work it's doing, and the Planning Commission is doing its own work. We would like it to be left that way, and I'm sorry I can't speak more clearly on that issue, but there are a lot of reasons why, and you all know them, I'm sure. Thank you for listening to my comments."

Mayor Tecklenburg said, "Thank you, Ms. Mock. Yes, sir. Welcome."

10. Craig Hassler said, "Good evening. My name is Craig Hassler. I apologize if my comments are not going to be speaking directly to the issue that you're discussing at hand, but more dealing with homelessness. I bicycled from Harrisburg, Pennsylvania, where I've been homeless since 2012 and have been working on a City-owned warehouse space that's falling down. I'm trying to demonstrate how used, abandoned buildings can be rehabs, taking things out of the waste stream, cardboard, paper, then raking leaves for free, to create lasagna mulch inside and out to plant things. I take recyclables out of the waste stream, as well, like aluminum cans, cutting and flattening them to make shingles, to do walls, murals, trying to demonstrate that by actually taking these things that we view as waste and spend a lot of money to get rid of, these can actually be manually repurposed. Then they have a value, and people can be paid through piecework, by giving them work to do that is gainful, yet not having to have an overseer, and then taking a lot of waste from the waste stream to take these buildings that are beyond the pale. Unfortunately, so many of the issues that I'm working with do not meet Code. So, I ran for a House Seat in North Carolina in 2010 trying to promote three projects with my campaign, one of which was like this, and then testing these approaches, as well as catching rainwater, using rainwater, and manure and then testing those to see if there are problems, just to provide other alternatives because, increasingly, communities are facing this problem with expenses for infrastructure. Thank you.

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

11. Malik Nicholson said, "Good evening, sir. My name is Malik Nicholson. I'm a music artist. They call me Russian Suge guy. I fell on hard times. When I came down here, I had an unrelated injury to my profession, so I couldn't get back into the workforce as much as I wanted to. I'm back working. I'm still out in Tennessee, but I'm getting back on my feet and getting housing. Just a little help out there for the people out there that are working, trying to get ahead, would be approved. James Richards Sarvis was a guy who died about a month ago. He was found dead in his tent, for three days. For three days, nobody knew he was dead. He was working, going out every day, trying to get housing, and couldn't find housing. I feel like if we had more people who were concerned, or had more programs out there that could help people, that keep checking up on them until they get housing, he could have been found. He could have probably been saved and would still be here today. So, before you just throw everybody out, please come up with a better solution. Thank you."

Mayor Tecklenburg said, "Thank you, sir. I appreciate that. Yes, sir. Welcome."

12. Tony (Coach) Lewis said, "Thank you, Mr. Mayor. Mr. Mayor, Councilmembers, I've come here because my heart is heavy. When I see our flags say 'the United States, united we stand', and our brothers and sisters are out there in the cold weather, inclement weather, suffering. When I'm in my warm bed, believe me, my heart is heavy. I spoke to the School District, maybe a month ago, and I asked them, I said, 'Listen, if the Archdale or old Sanders Clyde is good enough to train our policemen and the Fire Department, why should it not be good enough for our brothers and sisters to come out of the inclement weather?' Their remark to me was 'Well, Mr. Lewis, if you get somebody, a non-profit group, to cover the lights and the water, we'll go with it. The building is

being sold', that's what they said. Until it's been sold, let's house our brothers and sisters out of the inclement weather. That's why I was trying to get Pastor Gordon to be the non-profit group to do that. So, again, to you guys, we've all got to look at each other and say, 'are we our brothers' and sisters' keepers'? Our brothers and sisters should not be going through what they're going through out there. Believe me, they shouldn't be going out there, and it's sad that these are United States citizens going through this. We are the laughingstock of the world because we are supposed to be a powerful country, and we are letting our brothers and sisters go through these changes. That's sad."

The Clerk called time.

Mr. Lewis continued, "Thank you, ma'am. Have a good evening."

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

13. Sid Shuler said, "My name is Sid Shuler. I'm at 20 Greenhill Street, and I'm here about the three-quarter vote. I hope everybody votes 'no'. Thank you."

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

14. Frances Cardwell said, "Mr. Mayor, City Council, my name is Frances Cardwell. I have a comfortable home, but life can turn on a dime. Catastrophic illness, death, or loss of a job can bring about an unexpected reversal of fortune. I have a 90-second poem I've written about this.

Everything in short supply,
It could happen to you, too, by and by.
Or maybe sooner.
You did not know in your safe place,
Life secure could be misplaced.
Think again.
For on faith's whim,
It seems all of life depends.
While he looks now for steady wages,
Pounds the pavement,
Sends out pages listing all his attributes,
He has learned unwelcomed truth.
Life hangs by a thread,
That ever so slowly but surely is unraveling.
While she travels here and there,
To grimly self-promote,
Her life unravels.
She has her doubts that,
It can ever all work out.
And she despairs, who was so strong,
Who feels a fool to have thought that life,
Would always rock along.
She lived life comfy in that cradle,
Deluded by appearance pledge,
That earning those degrees,
Would keep her safe and at ease,

Until the grave,
Her final destination.
And for a while it did,
But she is living in a nation,
Where catastrophic illness..."

The Clerk called time.

Ms. Cardwell continued,

"Can destroy everything.
And drunken drivers are the plight
That you should fear.
Now, listening to the children cry,
He knows he grew up with a lie,
For he is standing on a ledge,
And he and his are on the edge..."

The Clerk called time.

Ms. Cardwell said, "Thank you."

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

15. Shawn Cantrell said, "Evening, my name is Shawn Cantrell. I'm a resident in West Ashley. There are a lot of negative opinions right now about the way that the City is handling the homeless issue. I want to take a moment to thank you all, because, while some of these problems are still ongoing, you all are making an effort. I would hope that everybody can keep that in mind as they're condemning everyone. There's been a problem that's been ongoing for a very long time. The City did make efforts to let a lot of people know that they needed to find permanent shelter, temporary shelter outside of the tents. Some people weren't able to. I think it would benefit all of us if we made sure that we got out, and we let these people know where they needed to go, how they could get there, and make it easier for them to get their documentation. We can't beat up our City because they've done nothing. They actually have. Thank you."

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

16. Angela Drake said, "Poems and poverty, that's a hard act to follow. Mayor Tecklenburg, respected members of City Council, I'm Angela Drake. I'm a member of Ansonborough, and I'm also President of the Historic Ansonborough Neighborhood Association. This isn't about poems or poverty. It's about process and a process that's under siege. Let us not compromise. Compromise is a good idea for a solution, but we already have a process that works for both change, citizens, and elected officials. With an enduring strong backbone of regulation and practices, Charleston must confront this natural human tendency to do things politically, rather than according to the processes in place. The Planning Commission reviews plans, looks at plans related to ordinances, such as zoning ordinances, rezoning and concept plans. The Planning Commission affords a more thorough, interactive and participatory review than Council. City Councilmembers should not be given the prerogative to easily overturn Planning Commission's decisions. Strong checks and balances must prevail. To support this

proposed ordinance would undermine the integrity of the public process. Let's continue to plan for long-term, thought-out planning and not a short-term compromise. Thank you."

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

17. Tim Muller said, "Good evening, I'm Tim Muller. I'm Chairman of the Peninsula Neighborhood Consortium. We're a group that consists of representatives from all of the Peninsula Neighborhood Associations. You have two proposals on your agenda that are important to us this evening. The first is the non-conforming use statute, which would provide for additional bedrooms. We think that's a positive step and should be implemented. The other one is the Planning Commission change. We encourage you to deny that. That is a system that is not broken. It's worked very well for 40 years. The public is able now to express their opinions at neighborhood associations that get conveyed at Planning Commission meetings. Now, what you're asking is to have yet another step where the public is going to have to come before this Board when things are denied, so that we can stop them from getting approved. I encourage you to just deny this change to the Planning Commission. Thank you."

Mayor Tecklenburg said, "Thank you, sir. I believe you've already addressed the Council. Thank you. Yes, sir. Thank you very much."

18. William Hamilton said, "My name is William Hamilton. I come tonight to speak on behalf of a man who could not be here. If you are ever fortunate enough to climb the great towers of the Ravenel Bridge, and you stand at the top of them where you are surrounded with nothing but the sky and you look down, I am told you will see the handprint of the man that helped build that tower. His name is Jerry Todus. He is generally known, nowadays, as the Mayor of Tent City, and he has labored for a year and a half to keep it orderly, to keep it clean, to keep it happy, and to help everybody that comes in there. Unfortunately, last night, the strain of watching his community face disintegration, and things have gotten worse in the past few days, as any community facing ending would do, he had a stroke and he is currently in the hospital. We offer you the opportunity, not for \$50,000, not for \$20,000, not for \$125 a night, but for little or no money, merely for a piece of land to build homes that will keep people out of the cold and out of the wet. With such things, men like Jerry Todus will live longer, healthier lives. They won't have strokes. There are two plates on a bridge above Tent City now, or a bridge pillar, for the two people that have died there in the last two months. I hope that we can build these tiny houses somewhere before any more people die. We need to remember men like Jerry Todus and the men that built our great bridges and our monuments, not as sorry people that are drug addicts, or criminals or can't be trusted. There was greatness in them. When they were given the opportunity to do something, they stood up. He worked very hard to build that tiny house."

The Clerk called time.

Mr. Hamilton continued, "Thank you."

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

19. Elizabeth Peeler said, "Good evening, I'm Elizabeth Peeler, a long-time resident of the City and State.

'Now listening to the children cry,
He knows he grew up with a lie,

For he is standing on a ledge,
And he and his are on the edge
Of an abyss so wide and deep
The other side seems out of reach.
And all he sees ahead of him is the great unknown.
She worries that her tires are bald
And, like the home that has already slipped away,
Soon she'll have no car at all.
In this land where the rich get richer,
There are no havens for the frail.
They must have done something wrong.'

No. When I called 211, they said that Charleston, South Carolina, had the least amount per capita of any city in the United States to help women. You can be on top of the game, working for a big network career and have one home invasion or have one beating that forces you to get you and your children out of the house, and guess what, you end up living in a car, and you need a tiny city."

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

20. Jay Williams said, "Good evening, Mr. Mayor, Councilmembers. I am Jay Williams, 81 King Street. I am representing the Charlestowne Neighborhood Association. We are strongly opposed to the ordinance regarding the Planning Commission. However unintentional tonight's proposed ordinance to make it easier for the City Council to override the Planning Commission is, it's a terrible solution to a non-existent problem. Worse, it will have horrific unintended consequences to the City's planning efforts by substituting a patchwork of individual, non-related City Council override decisions for what has been one of the country's most cohesive and thoughtful planning processes. These planning processes with a full public participation were made possible by specially appointed, dedicated, and knowledgeable boards responding in part to carefully designed comprehensive plans, but there is a worse problem. This change, by weakening the Planning Commission's authority by any measure, will give rise to the perception that Charleston's standards have been lowered. Will that be the case? Regardless, there is an old saying that 'perception is reality'. By weakening the power of the appointed expert boards in favor of bestowing greater power on the non-expert, elected members of City Council, the City of Charleston will be sending a message, however unintentional, that we are open for business. Given the surge of intense developmental pressure, this is the wrong message to send if our goal is to keep Charleston, Charleston. Conversely, if we want to turn Charleston into Pittsburgh, Cincinnati, or a host of other undistinguished cities ..."

The Clerk called time.

Mr. Williams continued, "...most people don't care to visit, this ordinance might be the best first step. Thank you."

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

21. Marc Knapp said, "Marc Knapp. Well, the DuWap made the honeymoon end. I was going to give the Mayor six months, but unfortunately DuWap turned into Groundhog Day, and, for God's sake, Council, what did I hear, another drainage study for West Ashley, another traffic study for West Ashley? Now, if I remember correctly, that will be traffic study number four

in the last ten years, already spent six to seven million dollars. This will be like the fifth or sixth drainage study. We've got two departments that are basically run, I think, by buffoons. Let's face it. I come in the morning at 7:00 and usually through town, I'm sitting there fighting traffic lights on (Highway) 17 coming into town. What happened to our million and a half dollars computer system? I don't know. As for drainage, we always remember the infamous two-hour tour I followed with a half-million dollar truck from stormwater. All you've got to do, before you do any studies, is you have to start at the low end and clean the ditches and all the storm drains, so you would at least know what you've got. We don't need any more studies, we need work. If you don't have anybody that can do it, I would suggest you contract it out, please. Thank you."

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

22. Robert Gurley said, "Mayor Tecklenburg, members of City Council, I'm Robert Gurley with the Preservation Society of Charleston. I'd like to speak regarding Item number three on bills up for first reading. We believe that this is a well-considered ordinance amendment that will address a core flaw in our existing ordinance. Requiring that any increase in the number of bedrooms for non-conforming two-family and multi-family dwelling uses be reviewed by Board of Zoning Appeals-Zoning will provide neighborhood residents with much needed protection against the threat of overdevelopment and inappropriate density. We urge you, as City Council, to correct this deficiency in our ordinance by giving approval to this long overdue ordinance amendment. Thank you."

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

23. Matt Doszkocs said, "Hi, I'm here to talk about short-term rentals. My name is Matt Doszkocs, 36 Moultrie Street. I'm here to talk about something that hasn't really been on the table, and it's decriminalization. Now, I would like to see decriminalization for homeowner occupied short-term rentals or homeshares. You might remember in the Christmas story, the inn of the Christmas story, it was a private residence. There wasn't a Hyatt or a Bohemian back then. It was a cave, likely, and any Biblical archaeologist will tell you this. Now, for hundreds of years in Charleston, we've been doing this, renting out rooms on a flexible basis, short-term, long-term, boarding houses. Right now, it's a criminal act for homeowners to rent for under 30 days. Now, this serves the hotels and protects them from losing 2.6 percent on the dollar or whatever it is. Meanwhile, our most vulnerable homeowners are stressed. We have bills, and these are real bills. I've lost \$15,000 just since October from being prohibited from doing this. My neighbor can turn me in right now, not on a livability issue like any other rental, and go to Livability Court for a real livability issue, but just because of this 30-day ordinance. What I propose is decriminalization. It's a no-brainer. There is zero risk. Neighbors still have the protection if they want to turn..."

The Clerk called time.

Mr. Doszkocs continued, "If there's a real livability issue, they can still turn you in. Thank you very much. Please think about this. We need this. Thank you."

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

24. Kristopher King said, "Mr. Mayor, Members of Council. My name is Kristopher King. I'm the Executive Director of the Preservation Society of Charleston. In 1931, the Society worked with this Council to create one of the most progressive and effective planning processes

of any historic city. We serve as active participants in the planning process as well as advocates for the planning process. We have done that ever since. I'm here because our membership sees the ordinance to amend Section 54-943(c) as a fundamental weakening of the planning process. Anything short of your denial will set a poor precedent and be perceived by the community as a step in the wrong direction. The Commission affords a thorough study and participatory review. Its members have expertise in matters of planning and are experts in applying and interpreting the City plans. Their only interest is to serve the betterment of our built environment. We are experiencing unprecedented growth right now, and if we hope to maintain our quality of place and quality of life, it is imperative that Council supports the planning process and resists hasty ideas that do not take the long view. Any dilution or weakening at any level will have significant and perceptible consequences. By changing the rules here, you will be weakening the process and telegraphing it to all. Our process has served this community well for decades and has remained the standard to which all other historic cities look to. I urge you to do what's best for Charleston and deny this amendment. Just as a side note..."

The Clerk called time.

Mr. King continued, "Thank you."

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

25. Valerie Perry said, "Good evening, Mayor Tecklenburg, members of City Council. My name is Valerie Perry, 231 Grove Street, and I also am a member of the Planning Commission. I am here tonight to just speak and agree with the Historic Charleston Foundation, Preservation Society, and the neighborhood associations. I will tell you that I diligently look through all those applications once I get my packet. I study it. I spend hours of my personal time reviewing it, and these are all volunteer hours. I really enjoy being a part of the planning process. It is something that I do with a great deal of earnestness and thoughtfulness. I would just urge you to deny this ordinance as proposed this evening. I think that the process is certainly not broken. I think that the other Commissioners, much like me, enjoy serving on the Commission. We enjoy seeing the public process and being part of that effort. Thank you so much."

Mayor Tecklenburg said, "Thank you for your service. Yes, sir."

26. Richard Smith said, "Mayor, Council, my name is Richard Smith. I live on South Battery. As opposed to most of the comments you've heard tonight that have been thoughtful and politically correct, this will not be. Regarding the proposed ordinance changing from 75 percent to 60 percent, as it's earlier been said, if ain't broke, don't fix it. This proposal is preposterous. Councilman Moody was quoted in the paper today saying the present ordinance 'is almost disrespectful.' Well, Councilman, what is truly disrespectful is that condescending view. This proposed watering down of a process that has worked very well for many years is not only disrespectful to the Planning Commission and the entire citizenry, it is obscene, and the obscenity is spelled C-O-R-R-U-P-T. Corruption is the heart and soul of this proposed change that is completely unnecessary. I can only hope and pray that a majority of this Council can see through the veil of this obscenity for what it is and demonstrate respect for the rest of us."

Mayor Tecklenburg said, "Thank you, sir."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Since I believe that I was just called corrupt, I'd like to address that to find out whether this gentleman has any evidence that I have taken any money or any kind of corruptive activity in regard to this thing, and I challenge that assertion."

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

27. James Doyle said, "Good evening, I'm James Doyle, the Vice-President of Radcliffeborough Association. Radcliffeborough Association does not support the changes to the voting regarding the Planning Commission. Radcliffeborough does wholeheartedly support the changes being proposed to the ordinance regarding multi-family, non-conforming units. Thank you."

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

28. Ben Lenhart said, "Mr. Mayor and distinguished Councilmembers. I am Ben Lenhart, and I live at 37 Church Street. I'm here to voice my opposition to the proposal for the change of the Planning Commission. The reason for that is, it is my understanding that you, gentlemen and ladies, appoint the members of the Planning Commission. These are people who are experts who have expertise and knowledge in the area of planning, and, therefore, if they are your people and the people that you appoint, it seems to me that it's only logical that you take their advice and counsel. There can be, of course, situations that you would like to overturn, but in those cases as stated here, they should be at a very high standard, which is at now 75 percent. I think you would be best served to keep what you have, which has served you very well for a number of years. Thank you very much."

Mayor Tecklenburg said, "Thank you, sir. I appreciate that. Would anyone else like to be heard? If not, that will be the end of our Citizens Participation Period for this evening."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I would like to offer the gentleman who besmirched Mr. Moody as being corrupt and, indirectly, all of us for being corrupt, if he has facts, give him the opportunity to come explain those facts."

Mayor Tecklenburg said, "Thank you, sir. Would you like to share any specific information, sir?"

Mr. Smith said, "I have no specific information. I'm talking about the process being corrupt. I did not besmirch anybody. I'm anticipating the corrupted process, clearly, is what I said. It will happen."

Councilmember Waring said, "So, that's a fact?"

Mr. Smith said, "It's not a fact, it's a prediction."

Mayor Tecklenburg said, "Alright. Thank you very much, sir. Thank you. I appreciate it."

Mayor Tecklenburg recognized Councilmember Mitchell and Councilmember Lewis.

Councilmember Lewis said, "Mr. Mayor, regarding the homelessness, you did a good job of working with this committee on last week. I'm trying to pull a group of people together, along with the Coalition for Homelessness. It is very unfortunate that we have all of these homeless people in Charleston, but they're not only a part of Charleston. They're in Charleston County. They're in the State of South Carolina. So, you have pulled a group together. It is my hope that the County, the City of North Charleston, and the State of South Carolina would continue to work, to work with you, to work with this Council, and the homelessness group in this City in trying to eradicate this problem, but it seems like people look down and think that this is just a City problem. To me, it's a State problem, and it's a County problem, because these people are residents of this County. Whether they are taxpayers or not, they are living in this County. So, I hope that people will really get that in their head. I hope that if there is any group that's out there that would like to help these people, like you said last week, we're setting up a website to try to get monies to help get places for them to stay, to buy food, to buy furniture. We want everybody to know we are trying to help these people, not hurt these people, but it's going to take all of us, because every one of us sitting in this room right now can walk out that door, and we could be homeless in 10 minutes. So, this Mayor and this Council need your support. This Mayor and this Council would encourage you to encourage the State and your County officials to work with us so we can solve this problem, and not think that we're just trying to run people from their home that they call Tent City, but we want to help them. Thank you, Mr. Mayor, for your insight, and thank you all for listening."

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

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Mr. Mayor, I'd like to echo what my colleague said because I think that you're doing a wonderful job with that. Most of the Tent City people that you see, and the homeless are mostly in the district that I represent. That's where you will find most of them; on the Eastside, East Central, or under the bridges. That's the district I represent, which is District 4. I'm out there traveling around, and I'm out there with them, sometimes talking with them. It's a long journey, because a lot of those people have to be counseled, and that's why we are working with the Mayor, who spoke about One80 Place, where they can be counseled. You have a lot of people that are mentally challenged there. A lot of people that are homeless, and there are homeless veterans there. You have a lot of people there that just don't want any permanent housing, and they'll tell you they don't want permanent housing because they feel that Charleston is a forgiving City, and that we give everything to everyone. So then, we are bad by giving them everything because that's what they are going to stay. We have to work with them and tell them it's a different way. We have to counsel them. We're going to work with the various housing authorities in North Charleston, County, and the City of Charleston Housing Authority to see if we can find permanent housing for them, but they have to be counseled first.

As I said to the Mayor before, we're going to take very special care because they are human beings. They are not animals. We're not going to push them out on the streets. If we feel that it's going to take longer, then, as the Mayor stated, we will kind of prolong our time in doing what we have to do, but something has to be done. They are out there, but everyone is going to sit down and say 'oh, we are not dealing with the homeless' until something happens. As soon as something happens out there, something falls off the bridge, or a brick falls and hits someone, they come and sue. Then they say, 'oh, the City of Charleston doesn't do anything.' It's not only the City of Charleston. We are trying to do some things, but we, as a people in the

City of Charleston, need to contact our State Legislature, our State Senators, and get them involved also. Let them know that, hey, they are in the State of South Carolina, they are in the City of Charleston, but they are in the County of Charleston also. Mayor Tecklenburg is really stepping up to the plate, and we are trying to do some things to help them because we know they are still our brothers and sisters.

Getting back on what we are discussing now, pertaining to what we are doing tonight, this is going to be a hot topic with the Planning Commission, and we are not saying that we are throwing away the Planning Commission. We need volunteers. We like the volunteers. We always place the volunteers on boards, but this is something that we looked at and in so far as the Councilmembers, I'm not speaking about all of the Councilmembers, but we looked at this over and over again. We are a legislative body. We are elected by you all to be able to do what we're doing here today. We, so far as the Planning Commission, sure, we recommend certain people to the Planning Commission. A lot of things happen sometimes, but we, as elected officials, as a legislative body, you don't want you to tell us how many votes that you need to do thus and so. People might get angry with me, but that will be alright. This is my home, Charleston, too, 67 years right here. I know the struggles of the City of Charleston. I can hear the struggles of the City of Charleston. We say we're coming together and working together. That's not happening here in the City of Charleston. I see it every day. Right here in the City of Charleston, there are struggles. We, as a people, should be coming together to work together, but I hear certain things in that really appall me sometimes. We are elected officials. We are a legislative body, and we are going to do things here, I believe, with my colleagues for the betterment for the City of Charleston and everyone else. I've seen it over and over again, and I'm hearing some things that really disturb me. So, I think we need to work together. We are not throwing away, and we are not pushing the Planning Commission aside. If it's approved here, it's only two votes different from what it is now, the 10 votes. We are going down to eight votes if we approve this, but just because something is happening for 40 years or 50 years, that doesn't mean it is good for us today. Changes are taking place. In the City of Charleston, changes are taking place. In the City of Charleston, we know that most of these streets you are seeing here, were owned by African Americans. Most of them are living here. It's not like that anymore. We have a big, diverse City, but we need to work together. That's what it is on today, and that's what we're trying to do, but sometimes changes have to take place, and we have to accept changes even if we don't like it sometimes, but it's not to hurt anyone. This is to make things better. We are moving forward now. Thank you."

Mayor Tecklenburg said, "Thank you, Councilmember Mitchell. If Council will allow me to address one issue that's prevalent tonight, and that's our homeless initiative, for just a couple of minutes, because it's not on our agenda for any action or discussion. The initiative that the City began just last week to address homelessness is to address a real and serious problem, and Councilmember Lewis is totally correct. It's not just in the City of Charleston, it's in our County, it's in our region, in our State, and even our own Country. I believe that the best solution, it sounds very trite maybe to solve homelessness, is to try to provide a home for those who are homeless. So, the goal and intent of our initiative is to provide housing. Now, we realize that there's a short supply of affordable housing in this community, and we realize that our average incomes are below the national average while our average housing costs are way above the national average. So, we have kind of a disconnect in those two trends, but our initiative is to support those providers like One80 Place and like the Homeless Coalition. There are church groups. There are even private individuals who are out there trying to help homeless folks who are living at Tent City to find a home, and we want to support that effort. I'm very thankful that we have a resource like One80 Place in our community. I met with Mayor Summey on Monday and asked him to please provide another homeless shelter in the City of

North Charleston, because they really don't have that kind of resource like we do in our City, and we need to approach this as a regional problem. Regarding the cold weather we are having, luckily, there are some church groups and, occasionally, the County that will open temporary shelters when the weather turns cold. In fact, Hibben United Methodist Church in Mt. Pleasant is open tonight and tomorrow night if anyone at Tent City wants to relocate to get a warmer place this evening. Over time, as the population of folks grew at our Tent City, it's an untenable, long-term situation. It's not really humane. We don't have facilities. There are no bathrooms, and there are no showers. Think about trying to get a new start in life. Think about trying to get yourself together. If you wanted to go out and apply for a job tomorrow, or if you needed some mental health services, or some help trying to get over an addiction, you're just not in a good spot to be living on Department of Transportation property without permission, where there are no facilities. As the population has grown, it has really become beyond our need to help our brothers and sisters. It's really become a public safety matter, as well.

So, the intent and goal is to try to help find housing. We're working with our partners to identify those individuals that are now living in tents who we can find apartments for, or permanent housing. At the end of our self-prescribed 60-day period, we hope to have another temporary shelter in addition to One80 Place where we can temporarily house folks. If we need a little more time to make it happen, we'll look at that when the time comes, but the point is to try to get more permanent housing for folks. That's why we put some money into a fund, and I asked the public to help support that. We've opened a fund called the Homeless to Hope Fund. It will be administered by the Coastal Community Foundation, and the purpose will be to help folks pay security deposits, pay their first month or two of rent, to try to get them into more permanent housing, not for staff costs or anything like that, but to go directly to help people relocate. I plead to the public to take inventory of any possible housing opportunities that you have or know of, your church group, or if you're a landlord. We had a church come forward today that owns two homes. The homes need a little repair, and we're going to try to work out an arrangement to help them get the two houses habitable. There are seven bedrooms that they are willing to offer for homeless folks from Tent City to live in, and we should have those ready in the next couple of months. So, I ask the public, and you here tonight, if you could take inventory of any possibilities for apartments or places where we can help our brothers and sisters find a place to live. That is really the goal of what we're trying to do. I ask, as Councilmember Lewis did, for us all to come together. This is not meant to be a divisive initiative, but one that really brings our community together and tries to help our homeless brothers and sisters. Thank you very much for allowing me that time.

Next on the agenda is Petitions and Communications, and the only item we have is the appointment of Councilmember Wagner to the Charleston Area Transportation Study (CHATS)."

On the motion of Councilmember Williams, seconded by Councilmember Wagner, City Council voted unanimously to approve the appointment of Councilmember Wagner to the CHATS Committee.

Mayor Tecklenburg said, "Congratulations. We will next have Committee Reports. First, the Committee on Ways and Means."

On the motion of Councilmember Lewis, 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)

- (Housing and Community Development: Mayor and City Council approval is requested to pursue the Department of Housing & Urban Development's Choice Neighborhood Grant in the amount of \$2,000,000. The target neighborhoods for this grant include the Eastside and East Central communities. The grant requires a match in the amount of five (5%) percent (or \$100,000) of the grant funds requested. The match would be derived from Community Development Block Grant dollars currently being invested in the communities targeted. Additionally, matching funds and in-kind support will be derived from partner organizations collaborating in the implementation of the grant and the Transformation Plan. Current partners include the Housing Authority of the City of Charleston, Charleston Promise Neighborhood and local businesses currently located in the community. Funding is needed to complete construction of the project. A City match in the amount of \$100,000 is required.
- (Mayor's Office for Children, Youth & Families: Mayor and City Council approval is requested to pursue funding from the U.S. Department of Justice, Office of Violence Against Women for the Enhanced Training and Services to End Abuse in Later Life Program. The maximum award is \$400,000 for three years. No City match is required.
- (Office of Cultural Affairs: Approval to submit a grant application to Charleston County Accommodations Tax Committee in the amount of \$15,000 for the 2017 Piccolo Spoleto Festival. No City match is required.
- (Office of Cultural Affairs: Approval to submit a grant application to Charleston County Accommodations Tax Committee in the amount of \$15,000 for the 2016 MOJA Arts Festival. No City match is required.
- (Office of Cultural Affairs: Approval to submit a grant application to Charleston County Accommodations Tax Committee in the amount of \$10,000 for the 2016 Holiday Magic in Historic Charleston. No City match is required.
- (Parks-Capital Projects: Approval of a PARD (Park and Recreation Development) Grant 2015-2016 application for parking lot improvements at the Bayview Soccer Complex. This grant will provide \$6,038.23 in funding, requiring a \$1,509.56 match (\$7,547.79 total). The proposed use of the projects funding would be to construct concrete curbing, accessible parking spaces, and sidewalk immediately adjacent to the existing restroom/concessions building. Funding would be available after acceptance approximately June 2016. There is no fiscal impact for this action. An approval of the grant application will only allow the Parks Department to submit the document to SCPRT. However, the fiscal impact will occur if the grant application is approved for award. A funding source will be determined at the time of the grant award.
- (Parks-Capital Projects: Approval of a Construction Contract with R.L. Morrison & Sons, Inc. in the amount of \$195,634 for the removal and replacement of the existing wood wave attenuator boards on the fixed concrete pier at the Maritime Center. 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. The Construction Contract will obligate \$195,634 of the \$235,000 project budget. The funding source for this project is: 2015 Hospitality Funds (\$235,000).
- (Clerk of Council: Approval of a Memorandum of Understanding between the City of Charleston and College of Charleston to archive the official papers of former Mayor Joseph P. Riley, Jr. The papers will remain the property of the City. The City is responsible for providing appropriate work space for the College's archival

staff and insuring papers. The College will create a finding aid to help researchers and the public navigate the collection.
(Consider the following annexation:
-- Clements Ferry Road (TMS# 267-00-00-049) 1.01 acres, Cainhoy (District 1)

First reading was given to the following bill:

An ordinance to provide for the annexation of property known as Clements Ferry Road (1.01 acre) (TMS# 267-00-00-049), Cainhoy, Berkeley County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 1.

Mayor Tecklenburg said, "We don't have any action to take, but would the Chairman of Public Works and Utilities like to make a report?"

Councilmember Waring said, "Thank you, Mr. Mayor. I would like to report to Council that we did hear information on the Belle Terre situation with a gated entrance across public access. So, we had an update on that. We're going to ask Legal to come and give us an opinion on that at the next meeting. Also, the number of questions that the people out in Hickory Hills, Shadowmoss, Hickory Farms area, and Grand Oaks, to a small extent, had at the December meeting, those questions are being addressed and will be pushed out to Council as soon as the proper answers are received. Thank you."

Mayor Tecklenburg said, "Thank you very much. Next on the agenda is bills up for third reading, which was a bill that extended the moratorium for new Gathering Place applications until March 11, 2016, and I would ask if this bill should receive third reading, have its name changed from bill to ordinance, and be engrossed for ratification.."

Councilmember Waring moved for approval. Councilmember Mitchell seconded the motion.

Councilmember Mitchell said, "Mr. Mayor, if we can, take the bills up for second reading, then when we come to the third reading with the bills we can take that one at the same time?"

The Clerk said, "We already have the motion on the floor."

Councilmember Mitchell said, "Okay."

Mayor Tecklenburg said, "We have a motion on the floor and a second. Is there any discussion?"

On the motion of Councilmember Waring, seconded by Councilmember Mitchell, City Council voted unanimously to give third reading, and the bill was immediately ratified as:

2016-020 AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING TO ARTICLE 9 THEREOF A NEW PART 6 PROVIDING FOR A TEMPORARY MORATORIUM UNTIL MARCH 11, 2016, ON THE PROCESSING OF DEVELOPMENT APPLICATIONS AND ISSUING OF PERMITS FOR PROPERTIES ZONED GATHERING PLACE (GP) (AS AMENDED).

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

Councilmember Mitchell said, "Mr. Mayor, we can take Items L-1 through L-10."

Councilmember White said, "Second."

Mayor Tecklenburg said, "We have a motion to take bills L-1 through L-10 altogether. Is there any discussion?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I want a clarification on Item L-1, the Rethink Folly Road (Plan). That was amended to include Folly Road Boulevard."

The Clerk said, "Yes, we mentioned that to the Planning staff, and I believe Jacob is going to tell you why it remains like this on the agenda, but it's included in the minutes."

Jacob Lindsey said, "The Folly Road Plan itself is not a City document. It is a document which was commissioned by the Council of Governments, the COG, and funded by the DOT, so, we can't amend that document itself. However, when we amend our Comprehensive Plan, staff will adopt the recommendations for an area which goes beyond that recommended in the Plan, per Councilmembers' comments as of last meeting. So, City policy will reflect the expansion of the Folly Road recommendations, but the document itself is not our document to amend."

Councilmember Moody said, "I guess that's okay."

Councilmember Seekings said, "Just a point of clarification, Mr. Mayor. Thank you, Councilmember Moody, because I agree with him. So, it will be reflected in our Century V Plan, that the entire stretch of Folly Road, including the Boulevard up to Hwy 17, be included, because that, in the end, is our document that we actually go back to, as you know, and look at."

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

Councilmember Seekings said, "Thank you."

Mayor Tecklenburg said, "Is that acceptable because we can always entertain a new motion to add it?"

Councilmember Moody said, "We are accepting the Rethink Folly Road Plan, which was approved, and my point was that I wanted to include the rest of it and Planning Director assured me that it's included."

The Clerk said, "We discussed it extensively."

Mayor Tecklenburg said, "Is there any other discussion to take all bills L-1 through L-10 for approval?"

On a motion of Councilmember Mitchell, ten (10) bills (Items L-1 through L-10) received second reading. They passed second reading on motion of Councilmember White and third reading on motion of Councilmember Lewis. On further motion of Councilmember Mitchell, the rules were suspended, and the bills were immediately ratified as:

- 2016-021** AN ORDINANCE TO AMEND THE CITY OF CHARLESTON CENTURY V 2010 COMPREHENSIVE PLAN UPDATE, ADOPTED BY CHARLESTON CITY COUNCIL ON FEBRUARY 22, 2011, TO INCORPORATE THE RETHINK FOLLY ROAD PLAN INTO SAID CENTURY V PLAN AS HEREINAFTER PROVIDED.
- 2016-022** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1065 JENKINS ROAD (WEST ASHLEY) (1.06 ACRES) (TMS #351-14-00-011 AND 351-14-00-068) (COUNCIL DISTRICT 7), BE REZONED FROM SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION TO BUSINESS PARK (BP) CLASSIFICATION.
- 2016-023** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1847 ELSEY DRIVE (WEST ASHLEY) (0.44 ACRE) (TMS #350-01-00-083) (COUNCIL DISTRICT 7), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 1, 2015 (#2015-182), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.
- 2016-024** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1140 SAN JUAN AVENUE (MARYVILLE-ASHLEYVILLE - WEST ASHLEY) (0.18 ACRE) (TMS #418-06-00-043) (COUNCIL DISTRICT 3), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 15, 2015 (#2015-193), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.
- 2016-025** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2112 SAINT JAMES DRIVE (RIVERLAND TERRACE – JAMES ISLAND) (0.24 ACRE) (TMS #343-02-00-074) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON DECEMBER 15, 2015 (#2015-194), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION.
- 2016-026** AN ORDINANCE TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING SECTION 54-207 TO PERMIT LANDSCAPE BUFFER AND BUILDING SETBACK REQUIREMENTS ALONG STREET RIGHTS-OF-WAY FOR MINI-STORAGE/SELF-STORAGE FACILITIES TO BE REDUCED OR ELIMINATED IF THE REDUCTION OR ELIMINATION IS DEEMED APPROPRIATE BY THE BOARD OF ARCHITECTURAL REVIEW OR DESIGN REVIEW BOARD.

- 2016-027** AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, SECTIONS 418(3), 419(A), AND 292(C) TO CHANGE THE MAXIMUM CHARGE FOR A NONCONSENSUAL BOOT FROM \$35.00 TO \$50.00. (AS AMENDED)
- 2016-028** AN ORDINANCE TO AMEND THE BUSINESS LICENSE ORDINANCE FOR THE CITY OF CHARLESTON TO CHANGE THE DUE DATE FOR THE PAYMENT OF THE CITY'S BUSINESS LICENSE FEE FROM JANUARY 31ST TO FEBRUARY 19TH, AND TO CHANGE THE PENALTY DATES TO COINCIDE WITH THE AMENDED DUE DATE.
- 2016-029** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AN AMENDMENT TO THE LEASE AGREEMENT DATED APRIL 16, 1996 ORIGINALLY BETWEEN THE CITY AND ANN STREET ASSOCIATES, L.L.C., SUBSEQUENTLY ASSIGNED TO MEMBER II, INC., PERTAINING TO APPROXIMATELY 8,640 SQUARE FEET OF SPACE LOCATED IN AN AREA COMMONLY KNOWN AS THE VISITOR'S RECEPTION AND TRANSPORTATION CENTER.
- 2016-030** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 595 & 601 KING STREET & 32 & 34 SPRING STREET (CANNONBOROUGH-ELLIOTTBOROUGH - PENINSULA) (0.60 ACRE) (TMS #460-08-02-018, 019, 020 & 022) (COUNCIL DISTRICT 4), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING (MU-2/WH) CLASSIFICATION AND TO BE REZONED FROM THE 55/30 OLD CITY HEIGHT DISTRICT CLASSIFICATION TO THE 80/30 OLD CITY HEIGHT DISTRICT CLASSIFICATION AND TO INCLUDE 34 SPRING STREET (TMS #460-08-02-022) IN THE ACCOMMODATIONS OVERLAY ZONE (A-1) CLASSIFICATION.

Mayor Tecklenburg said, "So, bills up for first reading. First, we have our ordinance to approve a Planned Unit Development for the Marshes at Cooper River."

On the motion of Councilmember White, seconded by Councilmember Mitchell, City Council voted unanimously to give first reading to the following bill

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending the Marshes at Cooper River Planned Unit Development (PUD) Master Plan and Development Guidelines located off Clements Ferry Road (Cainhoy) (approximately 33.57 acres) (TMS# 267-00-00-004, 005, 010, 050 through 057, 069 and 071) and by changing the Zone Map to include property located on Clements Ferry Road (Cainhoy) (Berkeley County) (TMS# 267-00-00-049) (Council District 1), as PUD classification.

Mayor Tecklenburg said, "Secondly, we have an ordinance that has been discussed here this evening already, to modify the voting required by City Council in the event a matter is disapproved by the Planning Commission."

Councilmember Moody made a motion to approve.

Councilmember Waring seconded the motion.

Mayor Tecklenburg said, "We have a move for approval and a second. Is there any discussion?"

Mayor Tecklenburg recognized Councilmember Williams.

Councilmember Williams said, "Yes. Originally, no one seemed to be able to tell us the origin of this original amendment of the 75 percent. I don't oppose looking at changing this, but what I do oppose is other information that I think we need to consider. We need to consider this matter of expert versus non-expert. If, just for normal procedure, we want to say that other entities do not have to go that far in overriding the President, overriding the Governor, I concur with that, but this is a little bit more complex. I would hope that we would take a step back because we, as it relates to the Planning Commission, have to take in earnest who's knowledgeable, who brings the expertise. We have to look at that, and I just think that we might just need to take a step back and just look how we can get this done. I think that to lower the threshold is, the more political it really is, and that's the only point that I'm drawing out. I'm very concerned that that threshold is too low. It brings the opportunity for it to become political.

In its original rights, all power comes from this body, and we proved that a week ago by overturning something from the Planning Commission, 11-1. We have that authority, but because of what the Planning Commission and the citizens do, this thing about who's the expert versus the non-expert, we have to take a closer look at that. If this Planning Commission body is the people who have been appointed by members of Council and the Mayor approved, we invested and vetted them to be the people we rely on. I'm not comfortable that if I can't rely on the recommendation of the Planning Commission, and I can't rely on staff to look at the thing clearly, then, I have a problem with that because I think if it's about reining-in power. That's a little different. What is this actually going to do? The bottom line is, I can look at it. The threshold is too low, the threshold is too low. It's just like the 75 percent in the first, too much, it's just too low. It brings and it calls in politics, and we are politicians. People from all over call us, and we know that to be true. I think the intentions of this are all good, but I do think that we are a political body. We receive phone calls, we talk to people, but I just want to go a little slower on this thing about 'expert'. Some of the emails say, 'City Councilmembers, by definition of politicians, have brought a focus and are not expected to possess the same well-developed appreciation for fine buildings and construction. Councilmembers must rely on their colleagues and on Planning Commission for that'. I don't know. I want to take a step back, but I'm willing to change it, and I wanted to change it. I wanted to change it based on the fact that the threshold, it just didn't make sense that we couldn't be a little consistent. Now, when you come to this thing about how the Planning Commission works, I think we'll be protected and responsive to the public by the threshold. We need to look at how we can move the threshold up just a little bit, maybe the 60 percent of full Council, but I'm very concerned with the threshold. It's too low, and I know from experience when thresholds are too low it can open Pandora's box. So, I'd, respectfully, like to have a discussion if we can defer this, and see if we can look at it a little different. Then, here's another question, where does the 60 percent come from?"

Mayor Tecklenburg said, "Next on the floor is Councilmember Wilson."

Councilmember Wilson said, "Councilmember Moody had his hand up."

Mayor Tecklenburg said, "That will be fine, if you defer."

Mayor Tecklenburg recognized Councilmember Moody.

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

Mayor Tecklenburg said, "You might be able to answer the question."

Councilmember Moody said, "I will try to answer Councilmember Williams' question. When you are talking about 60 percent, as a numbers person, 75 percent is 10 votes, 66 and 2/3 percent is 9 votes, 60 percent is 8 votes. That's assuming that everyone is here. There was a comment that was made earlier by one of the speakers that having 60 percent of those present, you could manipulate the vote. I would contend that that's exactly what can happen when you have ten and someone doesn't want to vote. All they have to do is step out of the room, and they can manipulate the vote just the same. We've actually seen that. I know I've seen it not so much in here, but in other chambers where people that were voting walk out of a room so they didn't have to cast a vote. So, having said that, I think the manipulation can work both ways if you want to be honest about it. You're right, Councilmember Williams, that we are politicians. We're elected, and I think that's where they say, 'if it's not broken, don't fix it'. That's where I think it is 'broken'. When we saw some of the things that came down that required us to have a 75 percent vote, what I think was going on was we were seeing something that was broken. We have elected officials that, every four years, we have to go out and ask people to vote for us, and that's a pretty heavy responsibility. It just seems, to me, like we approve \$200,000,000 worth of budgets. We do all kinds of stuff, but, yet, when it comes to a vote on something like this from the Planning Commission that they denied, it takes ten members of this body to overturn that. What if we just said, 'why don't we take 75 percent of Planning Commission to disapprove something.' Why is the burden on us? We're elected. They're not elected. They're appointed by us, or they're appointed at the recommendation of the Mayor by us. I thank every single one of them for their service. All these commissions that are out there, these people give their time. The one lady that spoke is a Commissioner. I know before I come to this meeting, I have all of mine voted. I know how I'm going to vote on everything, unless I hear some information differently. I read through all of these documents. I read that whole audit proposal that's 300 pages because I thought I was expected to do that. So, I think I do my due diligence. Why should somebody that's appointed have greater authority than the body around here elected?"

So, we're moving it from ten down to eight. I think that is appropriate, and what we're saying here, just like in the Federal Government or State Government, the President vetoes the bill, it takes 2/3 of the people to overturn that veto. The reason for that is very simple. They want the body that approves the bill in the beginning to take pause and to think about, we have a difference of opinion. Let's see where we are here. So, that's why you do have that step-up in authority or step-up in required thinking. I don't know of another board, body or anything where it requires 75 percent. Even with the 2/3, both groups are elected, General Assembly, Governor, Congress, the President. By a simple majority, they can deny something, and then we have to have this super majority to overturn that. I just think that process is wrong, and that's where I'm coming from. I don't have any axe to grind here about any group or anything else. I'm just saying that's the way that I see it, and that's why I'm going to support it in changing that number, moving it from ten to eight, because I do think we ought to take pause and be considerate of it. Corrupt, I'm not. A politician, I am."

Mayor Tecklenburg said, "Thank you, Councilmember Moody."

Mayor Tecklenburg recognized Councilmember Wilson.

Councilmember Wilson said, "Thank you, Mr. Mayor. I want to start off with two clichés. First of all, 'nothing stays the same.' Secondly, 'be careful what you wish for.' The point that I'm trying to make is, there's a perception tonight by those who spoke that this is a Downtown issue, which, in actuality, this is a Citywide issue, because Downtown doesn't stop at the borders of the rivers. We have other sections of the City. What we see are these Boards and these Commissions in the City that are changing over. Those who have served the City very well for years are choosing to retire, and things are changing, which means we will be appointing, and those new appointees may not necessarily live Downtown. The Boards and Commissions have been very Peninsula oriented over the years, and I think that's going to change. What Downtown residents and those who spoke feel so strongly about tonight may actually help them in the future when James Island, Johns Island, Daniel Island, West Ashley, Planning Commission members or those who serve on other Boards and Commissions are voting on issues for Downtown, and they feel that they are not understood. They cannot understand what's going on Downtown, and they come to City Council saying, 'please overturn what the Planning Commission did'. So, it's going to work both ways, I think, even more acutely in the future. I rely on the Planning Commission, and, quite honestly, the vast majority of the time we agree. We don't have this instance happen very often, and even when the Planning Commission comes to us with a disapproval, the vast majority of the time we agree with their disapproval and uphold that. So, these are few and far between. The most recent incident that we saw was decided at the Planning Commission level by a 5-4 vote, which could have thrown this City into a potential lawsuit based on a Planning Commission that is made up of a non-elected body. It came to this Council, we overturned that, with, I believe, a unanimous vote."

Councilmember Seekings said, "There was one nay."

Councilmember Wilson said, "Pardon me. I stand corrected. Thank you. There again, we need to look at the reality of the situation. This simply does not happen very often, and the vast majority of the time, we agree. As far as intense development pressures, that doesn't stop Downtown either. You all know what I'm facing on James Island. Please take into account that we're essentially unified on this issue with us and what the Planning Commission rules most of the time. With that, I will go ahead and stop."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. First of all, my apologies to you, Councilmember Moody, that anyone would ever call into question your integrity. I think that's awful, that anyone would say that indirectly or directly to you. You are one of the most honorable men I know, and I think that calling it a question that's processed greatly disturbs me. I'm very disappointed that has tainted our discussion concerning this matter.

Second, I want to echo some of the other comments that were made, in that, as a legislative body, we're ultimately responsible for the passing of any ordinance or bill that comes before us, and that is our ultimate responsibility. When we take ownership of that and being ready to address things good, bad, or indifferent as how any matter comes before us, we are the ultimate 'the buck stops here' body. I am concerned with how this is perceived. I am

concerned with the impact that a vote to modify this bill will take place with these issues that are before us or coming down the pike. First of all, this ordinance has served well for 40 years. We know that, and it's done pretty well. I don't know the history of this ordinance, but I don't like the idea that a Planning Commission, or anybody that we appoint or we pay for, has the ability, by simple majority, to set precedent or set a rule and then requires a super majority of this body to reverse it. That doesn't sit well with me. It seems that's out of place. So, the short of this is that this is going to have a tremendous impact not just for what's going to happen in 2016, but down the road. I echo Councilmember Williams' concern to defer this to review this a little bit more thoroughly to look at the impact on this. I think that the points that are brought up are very valid points. Maybe an eight vote majority is the appropriate vote, but the whole absurdity of this thing was what our esteemed Corporate Counsel and Mr. Seekings brought to our attention. Whatever we do here today goes back to the Planning Commission, and then if we don't like they say, we have to take a super majority to reverse it. That, to me, seems ludicrous, and because of all that, what I'm wanting to do is take a step back, defer this for further review to see what we really need to do with this thing because somewhere along the line this has gotten out of whack. To re-emphasize, I agree with the points about the simple majority part of it, and I agree with the points that we don't need to have a super majority to reverse that, but I do want to make sure, before we take a vote on this, that we look into the purpose of that super majority and what other impact it has because it only affects, as I understand what Corporate Counsel said to us, a 'no' vote. I want us to take a step back to look at this a little bit better to make sure that as we go down this path, we're not making a bigger mistake than where we are right now with this thing. Thank you."

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

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Seeing as we're all starting with trite statements, 'the enemy of good is better', and 'what we have now is working'. This sort of came from nowhere. One of the themes of what we've said around this table tonight is, we are elected officials in a representative capacity, through single member districts, one for 10,000. That's what we do. Well, tonight in this Chamber, I kept pretty close count. Twelve people came to speak representing six associations directly, 20 indirectly, seven districts, and the vote from the people was unanimous. There was not a single person who came to support this ordinance that we're about to vote on, and that should tell us something. Think about who the people are who came to speak. They're the people who own property and pay taxes and are going to be subject to what everyone says is this handcuffing rule. They're asking us to be subject to that rule, and I don't see any basis as we sit here today to go and change what we are doing. Mr. Lindhardt, I think said it perfectly, he's left so I cannot pick on him a little bit, but Mr. Lindhardt said, 'look, we appoint the people to the Planning Commission'. If we don't like what's going on out there, let's appoint people of the Planning Commission we do, so far, so good.

There has been, not to an exact science, but since I've sat on this for seven years, we've had thousands of votes that have touched and come through the Planning Commission. I believe six of them have been negative recommendations that we have not liked, and each time it's been a unanimous vote. So, there's not a problem in the system. No one has been denied rights. No one has lost anything as a result of this ordinance, and the evidence is clear because not one single person, nobody came tonight to speak in favor of this. If this is representative government, the people that we represented, it wasn't just from Downtown, that came to speak about this. I counted seven districts represented. So, I am going to enthusiastically vote against this. We don't need it. If the enemy of good is better, we need to leave planning to

people whose directive is to do nothing but planning. Our directive, and Councilmember Moody pointed out perfectly, we multi-task like crazy. We deal with budgets and ordinances on public safety, transportation, all those things. There's a lot going on in our lives. To turn us closer each time to planners would be a mistake, and the closer we get to 50 percent, and 60 percent that's pretty darn close, we're going to become planners, and we are uniquely unqualified for that. We are qualified to appoint people to be planners, and that's what we should be doing. Once they do their job, they come to us, and we're a deliberative body. The people that we represent have spoken tonight clearly and unanimously, and I think we need to listen to that before we start sending things off to the Planning Commission that really no one in our community is asking for. This comes from within, not from without. So, I'm going to vote against it. I would encourage my fellow Councilmembers to do the same. Thank you."

Mayor Tecklenburg said, "Thank you very much."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. With all due respect, we just heard from a politician."

There was laughter in the Chamber.

Councilmember Seekings said, "Representing his people."

Councilmember Waring said, "I agree, and I understand that. Seriously, I understand it and respect it. There are 130 plus thousand people in the City of Charleston, and we just heard from, what was your number, 20?"

Councilmember Seekings said, "Well, we heard from 12 representing six associations directly in seven districts, so by my count we heard from about 70,000 people."

Councilmember Waring said, "I didn't hear that. You see that's why we're in a trillion dollars' worth of debt..."

There was laughter in the Chamber.

Councilmember Waring continued, "...because of arithmetic like that. I realize, and I'm still going to listen to my friends from the Preservation Society, Historic Charleston and all the neighborhood associations because we all work together. We do have to work together. For 17½, almost 18 years, I was one of those experts on the Planning Commission. I ran for election, and I joined this august body, and I took a step back. Apparently, I lost integrity. Apparently, corruption is amok. The 75 percent rule was never right, and I'll tell you why. Even these august bodies and these groups that you called out, Councilmember Seekings, if we were to go to their bylaws, if they took a position that they were against, and they wanted to change it, it would not take 75 percent of their membership to reverse it. I agree with Councilmember Moody. Congress sends a bill to the President, the President vetoes it, it takes 2/3 of a voting majority of the elected officials of the people to turn that over. We go to our State Government. It is a governance issue. I don't see where this is represented anywhere in the United States. You go to our Governor, again, our General Assembly and Senate sends a bill over to the Governor, the Governor, for whatever reason, vetoes it, it takes 2/3 of a voting majority of the people of South Carolina to overturn it. At the local level for us, let's say this, a law goes from Congress to the President who signs it into law, someone challenges that law, it goes to the

highest Court in the land, the Supreme Court. It takes a simple majority of nine people to overturn the law written into a body of legislation, written into law by Congress and the President of the United States. To overturn a denial of the Planning Commission has a higher threshold than the Supreme Court of the entire United States. It has a higher threshold than, certainly, the President, Congress, and Governor.

We celebrate our Heritage Act in this great State of South Carolina. Suppose, I could tell you what could have happened. Let's say we had a 75 percent threshold after the Mother Emanuel tragedy to bring down the Confederate Flag. We couldn't get 75 percent out of this General Assembly. The flag would still be flying, and would we have Unity Across the Cooper River Bridge? Would we be celebrated for the way we came through that tragedy and came together as a community, if that 75 percent threshold was the level of approval to bring down a conflicted flag, historic as it may be? We all know that could not have been done through our General Assembly. So, in my opinion, it never was right. It costs the City and taxpayers when we, as planners and Council, make a mistake.

An example I'll give, and I'll give a couple, is the body of the Gathering Place. We've had several Gathering Place zonings approved. One being around the Angel Oak tree, the other on James Island, Fleming Road and Maybank, and we are embroiled with that right now, obviously the one at Albemarle Road and Folly Road, and ended ongoing discussions that we have trying to reach compromise with the Beach Company and certainly The (Sergeant) Jasper site. One of the examples thrown up is, 'what we don't want is the development at the Albemarle site.' We don't want that at the Jasper site, and I agree, I mean the people are right on that. I'm with them on that. So, the body of the Gathering Place has been a mistake, and we all know it. Now, if the Planning Commission sees fit to deny us on that, it takes ten votes to overturn that. When the half cent sales tax was about monies for roads and bridges, mass transit, and green space, one of the mantras of the green space was 'we have to save the Angel Oak tree.' It passed. The millions of dollars came for the Angel Oak tree in excess of \$200,000,000. All of a sudden, they forgot about the Angel Oak tree. The City didn't apply for the green space money to buy the green space. As a result, the developer got the zoning of Gathering Place around it, and this cost the City about \$1,000,000, along with others to go back and rebuy, I think the price was \$3.5 million. It's in excess of \$6 million, not all City dollars, to go back and recapture that property for green space. Why? The Gathering Place. James Island, everyone knows an additional 300 units over there isn't the right thing to do, but the Gathering Place was a divided vote from Planning coming to Council.

How do we go back and fix mistakes if we have a threshold? That would be saying that people 40 years ago didn't make a mistake. That's what the word 'amendments' is for. Our Planning Commission has more authority when it comes to this legislative body, than the Supreme Court. If this was tested, and it went to the Supreme Court, and I could tell you that piece where, if we vote this tonight, and it goes to the Planning, and Planning says we disagree, we need ten votes to overturn that? That should be tested in court, and that should go to the Supreme Court. It only would take a simple majority of our State Supreme Court to overturn the illustrious Planning Commission. I was a part of that Commission. I respect everyone over there. I know how hard they work, but it is disrespectful and disingenuous to say that the colleagues on Council don't do just as much work. When they approve something, that body of information comes to us, and we have to do our homework. We are the ones that put ourselves up for performance review, every four years, for public scrutiny. We are the ones, every year, filing ethics reports. Actually, I have to do them quarterly. The Planning Commission doesn't do that. The Planning Commission doesn't have to do that. Councilwoman Wilson pointed out that if we didn't overturn something not too long ago, which was height, the 3x piece, we would have

gotten sued. Then, it would have been taxpayers' dollars being spent to defend an application that was brought, not by City Council, not by an applicant, the applicant was the Planning Commission approving its own application. Something is broken, and, again, that was 5-4. When you begin to make decisions that are subject to put the City in a lawsuit, indirectly, you're appropriating taxpayers' dollars. That level of scrutiny coming down from ten, and think about it, it's 75 percent of total Council, so we can conduct business. You're right, Councilmember Moody, our budget is almost \$200,000,000, by simple majority we can vote. Almost \$200,000,000 and appropriated across the City by simple majority. With all due respect, and, you know, I support it, but if this Council wants to go in a different direction from your leadership on any issue, it takes a simple majority, but to overrule the Planning Commission, it takes a 75 percent threshold. I just think that's wrong.

So, where did this come from? That was put in front of us on a couple of issues, and I don't mind, I've told some people this in confidence, I think it needs to be put in the public realm. The three year moratorium on bars, this Council did not have a chance to discuss that in the public forum. As a matter of fact, this Council was bypassed, and it went to the Planning Commission, I don't know, but probably because the votes weren't here by simple majority to pass it. Now, had the Planning Commission, and it was a question about that, which never got answered, voted for the three year moratorium, would we have needed ten votes to turn that around? I don't know, but it was a question that Councilmembers couldn't answer at the time, and we were denied by 6-6 vote discussing that issue in the public realm. That's when the 75 percent threshold became an issue, Councilmember Williams. So, yesterday and the day before, I have been asked by very respected people if this has anything to do with The (Sergeant) Jasper. For the record, it has absolutely nothing to do with Sergeant Jasper. Also, by way of counting, Councilmember Seekings, my tally on the number of people that came from West Ashley to speak, I've been getting compliments from my constituents in West Ashley on this, by virtue of them not even being here, quite frankly. So, I'm not alone on that one. I think there are several points out there that our foundation as a country of governance is based on, and I have not seen anywhere where this 75 percent threshold is Federal level, State level, or County level. It's at our City level, but it certainly needs to be changed, and I really appreciate your time."

Mayor Tecklenburg said, "Thank you so much, Councilmember Waring."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "I know it's getting late, and there's a lot that has been said. I just want to make a quick comment. I heard from a lot of the folks that I represent, who live Downtown, and I understand the concern is that there's a constant feeling of encroachment and overdevelopment, and I get that. I understand where they're coming from, and the concern with any opportunity to kind of have the threshold for approval to be lowered, it kind of causes pause. I understand all of that. The one thing that I didn't realize until we came in the Chamber, or, actually, until I walked into City Hall this afternoon, was the issue of it going to Planning (Commission), which obviously adds a layer of process. So, my question is, has anyone had an opportunity to have a conversation with anyone in Planning to discuss this item to know whether or not they're going to be in support or not? If not, then it maybe begs the question 'should we,' prior to sending it to them, because if they just blankly deny it, if it comes past this body, then it comes back, and we end up in the same discussion one more time. So, anyway, I just put that out. I don't know if anyone's talked to them. It may be worth discussion."

Mayor Tecklenburg said, "I believe Ms. Cantwell did speak to the Chairman of the

Planning Commission, but it wasn't a discussion with all the members."

Councilmember Seekings said, "I think Councilmember White is asking about our Planning Department. Were you not?"

Councilmember White said, "No, I was speaking specifically about the Commission because they're not here."

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

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "It just seems that there's a perception, I've heard that word a couple of times, that someone is trying to open doors for developers. I don't know where this came from, but we have a responsibility as a Council. If Council sees fit that the ordinance needs to be changed, then it's up to the members of Council if they want to change it. I don't think there's any intent here to try and weaken what the Planning Commission has done. I've been here 20 years, and I can't even sit here and tell you how many times we've overturned the Planning Commission because very rarely that happens, very rarely. They are a very good, competent group of people that serves this City well. I don't think the intent here tonight is to take any authority from them. Their authority will continue to be there. There may be less votes that we'll have to have if there's an issue that comes up in the future to overrule them, but we don't even know if that's going to happen. So, I don't see where there's a problem of changing the ordinance and dropping down two votes because, certainly, I don't have any intention of letting anyone persuade my vote. If the Planning Commission sends something to us, and I think that they're right, then they're right. It's always been that way and will always be that way."

Mayor Tecklenburg said, "Thank you. Councilmember Williams, did you want to be heard again?"

Councilmember Williams said, "Again, I said earlier the original ordinance needed to be looked at, but this body doesn't have to go back and check with Planning. We can do this, and I have no problem if that is what the majority wants. The problem I have is, I'm just not clear that if you go through this pathway of reining-in power because it's abnormal, which it is, then when you rein-in that power, you also have to rein-in some responsibility, too, and that's my concern with it. So, this body has the power to do it, and that's fine with me."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Councilmember Williams, I don't know what you're talking about reining-in power because there was a motion on the floor to do this. We asked that the attorneys look at the ordinance and come up with a favorable number, and they did that. I can speak for me. It's not a power thing. I don't know anything about planning. I depend on the people on the Planning Commission. I don't want to have power over them. The ordinance gives us the power that we have now, whether it's 60 percent or whether it's 75 percent. It's whatever the ordinance says, and if something comes before us, it's going to come by City ordinance and no other way. So, I don't know what you mean by power, because I'm not looking for power. I'm just looking to serve the citizens of this City."

Mayor Tecklenburg said, "So, if I may add a few comments, and this is certainly a very nuanced matter, and we addressed this really at the pleasure of Council and Councilmembers.

It was interesting to me when Ms. Cantwell first looked into the matter, that the quorum requirement that you have a percentage of all the Councilmembers whether they're here or not comes into play. Hence, you have to have ten votes no matter what, and I guess I hear from folks that you can walk out of the room and play around with it, but, technically, we can have a Council with a quorum with seven members, and there would be no way we could override a negative ruling from the Planning Commission. So, that runs contrary to kind of my common sense, I must admit. That being said, there are a lot of nuances here that everyone has discussed, and it almost gets constitutional in nature. I do believe we do have some checks and balances by the fact that we have the ability, at the end of the day, to appoint the members of the Planning Commission. I do respect that check and balance, even though the 75 percent seems extreme compared to other constitutional normal rulings and procedures.

So, it has worked pretty well for a long time, and we don't know where it all originated. No one seems to know, and I don't think, as Councilmember Wilson said, this happens very often. It did happen that last Council meeting where we overrode the Planning Commission's denial of that height requirement on that building. I think Council all agreed that, with the future of a potential square across the street from that building that some height was appropriate, but I was thinking back in my own mind of another recent vote. I agree with Councilmember Waring that this doesn't have anything to do with the Sergeant Jasper, but just as an example, and you all had, I was not sworn in as Mayor yet, the vote that the Planning Commission brought to this Council to affirmatively change the 3x zoning. The perception, that night, and I guess I was just misinformed or wrong, was that we needed the ten votes in order to override what they were proposing, but, in fact, since that was an affirmative proposal to the Council, you would have only needed a simple majority that night to have overridden them. In a similar situation, whenever the Planning Commission would affirmatively suggest a rezoning to you, say they had a property that they wanted to change from Limited Business to General Business, and they voted in favor of that, if you disagree with them you would not need the ten votes, you would only need a simple majority. So, this doesn't really come before Council very often, and there is a precedent that has worked a long time, and we do have the checks and balances of being able to appoint Planning Commission members. I certainly respect the wish presented by Councilmember Williams and Councilmember Shahid, if you all want to seriously pursue this issue that we ought to give it a little more thought. I would support that, if you want to continue the conversation in the way of a deferral, but that not being the case, I would respectfully vote against a motion tonight. There's a motion on the floor already for approval, and it's been seconded. Is there any further discussion?"

Councilmember Seekings said, "Let's vote on approval or denial of this ordinance."

Councilmember Lewis said, "What's the motion on the floor?"

The Clerk said, "It would be to give this ordinance first reading."

Mayor Tecklenburg said, "To give it first reading."

The Clerk said, "Mr. Mayor, may I just put in the record that on your desks you have seven letters from various people, many of whom have spoken, just for the record?"

Mayor Tecklenburg said, "Absolutely. Is there any further discussion on the matter on the floor?"

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "One thing I want to point out, the checks and balances. The members of the Planning Commission do not have terms. Recently, the members of the BAR (Board of Architectural Review) have terms, but once you are appointed to the Planning Commission, you're there until either you decide to leave for some form or fashion, but there's no term of renewal. As I said, we have terms and you have terms. They don't. So, the checks and balances, quite frankly, are very limited, almost nonexistent."

Mayor Tecklenburg said, "That can swing both ways because that means we could decide to replace a Planning Commission member tomorrow if we wanted to. We wouldn't have to wait until the end of their term."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Mr. Mayor, is the Corporate Counsel still present?"

Mayor Tecklenburg said, "Ms. Cantwell."

Councilmember Shahid said, "Ms. Cantwell, in response to something that Councilmember Waring just brought up, this particular ordinance that is up for consideration, does that affect anything else dealing with the Planning Commission and the composition of the Planning Commission or the make-up of the Planning Commission?"

Ms. Cantwell said, "No, sir."

Councilmember Shahid said, "I think the point that he's brought up is valid. We need to think about it, and that's why we requested a deferment. Can we do a more comprehensive review of the Planning Commission including, along the lines of term limits?"

Ms. Cantwell said, "I may be wrong, but I don't think I am. I think there are term limits, but a number of people have been held over for a number of years, and they're permitted by law to do that until their successors are appointed. To answer your question, yes, you could. Obviously, if you wanted to put that in the form of an ordinance that was sent back have to word it in a way to kind of get what you wanted, but if you wanted to push the pause button and look at the whole Planning Commission, period, and how it operates, you certainly can do that."

Councilmember Shahid said, "Thank you."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Ms. Cantwell, as far as when we get a decision from the Planning Commission that they have denied something, typically, we get maybe a count. We don't get the numbers or the names of the folks that actually voted in any particular way. Is there any reason that we can't know that, and I'm not looking at a particular one. There's no reason that that shouldn't be public record."

Ms. Cantwell said, "That is public record."

Councilmember Moody said, "Typically, we don't get it."

Ms. Cantwell said, "Certainly, you could request or even pass an ordinance saying that

part of their report to you is the vote count and who.”

Councilmember Moody said, “I’m not interested in any one particular vote. I’m looking for a trend, or maybe if someone was voting against everything. I’m not interested in one particular vote. I’m just interested in how people are generally voting.”

Mayor Tecklenburg said, “As part of the public record.”

Ms. Cantwell said, “Sure. That can be done.”

Mayor Tecklenburg said, “Is there any further discussion?”

No one else wished to be heard.

On the motion of Councilmember Moody, seconded by Councilmember Waring, City Council voted to give first reading to the following bill:

An ordinance to amend Section 54-943(c) of the Code of the City of Charleston (Zoning Ordinance) to modify the vote required of City Council in the event a matter is disapproved by the Planning Commission or when a petition in opposition to a matter signed by owners of twenty percent of the area of lots subject to the matter, or of those immediately adjacent on the sides and rear or directly opposite thereto is presented to Council to sixty (60%) percent of the members of Council present and voting.

The vote was not unanimous. Councilmembers White, Williams, Seekings and Shahid and Mayor Tecklenburg voted nay.

The Clerk said, “I have the opposed. I’m going to call the names, White, Williams, Seekings, Shahid and Mayor Tecklenburg. We have twelve members present, so that’s a 7-5 vote.”

Mayor Tecklenburg said, “So, first reading passes. It will go to the Planning Commission for their review with a public hearing, and then it will come back to City Council.”

The Clerk said, “Yes.”

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “In the meantime, the question is, so we won’t have this conversation again, the questions about how the Planning Commission works or whatever that Councilmember Seekings, Councilmember Shahid, Councilmember Williams, and Councilmember White raised. Did we do something or give instruction to staff or to Corporate Counsel about what they ought to do?”

Councilmember White said, “One of the things, again, if we know this is now moving forward and it’s going to go to them for discussion, number one, I would just ask that staff have a conversation with the Planning Commission directly and maybe even by way of an early communication before they get this, just simply to review it and not send it back, blankly as a ‘nay,’ but to really give it some serious consideration, so that we don’t come back and end up in this same round and around vicious circle of conversation because then nobody is going to ever

benefit, either side. So, my really biggest request for the Planning Commission is to just simply give it a serious consideration, not just blankly say 'no, forget it,' and move along because no one is going to win in that case."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I just want to echo the concern with this and why I requested it be deferred, because I want the opportunity for the Planning Commission to review issues about term limits, public votes, and the issue that you brought up so importantly, that it takes just a simple majority. I want all of those things studied and reviewed, so that when we do review this ordinance for the second reading with all those things considered, then, we could take that into consideration."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I think in lieu of that, since we also did the first reading, you can ask to have that included into the first reading, and ask the staff to bring that information back, the same thing they were asking, before we do a second reading. You can include that into it before we do a second reading, and if something changes, the second reading can be done."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "I was going to try and address one of Councilmember Shahid's concerns there, and it's been kind of a concern of mine, not just the Planning Commission, but all the Commissions. In the past, we got a list of names, maybe the day of or a couple of days before, which said here's my recommendation to that commission or to that body, and we normally kind of just rubber stamp those. Maybe we should change our rules or something that would require maybe that those names be submitted to us 30 days before we vote on them, so we have a chance to vet them or to maybe look for an alternative. That goes to, what happens is their names get resubmitted because no one else is really looking or interested in or even knows that the position is available. So, I think that's part of the issue that transpires. I don't think there's a conspiracy here. I'm just saying that's the way it gets done."

Councilmember Shahid said, "I agree, and I think that's one of the concerns I have as the whole process. I think the discussion we've had tonight has been a very fruitful discussion."

Mayor Tecklenburg said, "I might offer to you that, since becoming Mayor, I've been a little maybe overwhelmed with the number of Boards and Commissions and the information that we even had as to when the terms ended, when they started and all of that. So, we are conducting a thorough review of all the Boards and Commissions, not picking on the Planning Commission, but on all. There are other cities in the Country that do this, and I plan for us to do this, have available online all of this information. So, you would be able to see on our website who's on what committee, when they started their service, when their term ends, and so forth. Also, have a process where anyone who's interested in serving would be able to apply for an upcoming vacancy, or if a term is coming up to end, and if some citizen would be interested in serving on that committee or commission, that we'd have a more open and transparent process about being able to get involved and participate. So, it will take probably two to three months. There are a lot of names and information to go through, but we are working on that."

Councilmember Moody said, "I was just going to add that I knew that was in the process,

and I thought that that was really the answer to Councilmember Shahid's question. We need a much more transparent, open process of doing that, and I congratulate you for that. Not that the prior administration was doing anything wrong or anything like that, I'm just saying it feels better to me if we're open."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I agree with that, and that comes back to this whole issue of our responsibility here. I think you've gotten the core of that responsibility, which is to make sure we know who's on those commissions, what their terms are, and as we observe them both through what comes to us and as we get out to those commissions. I see Councilmembers at all sorts of meetings all the time. We'll know who's doing their job."

Councilmember Moody said, "That's what I want to know."

Councilmember Seekings said, "I know you do."

There was laughter in the Chamber.

Councilmember Seekings continued, "You'll know who's doing their job, and you'll know who isn't. That's something that we need to be looking at. I was recently at a meeting where only four out of seven people who are appointed to that board showed up. That might be something we want to think about and have reports to this Council who's doing it and who isn't. So, I think that really gets to the core of this long conversation that we've had tonight, and I think that's where we need to go."

Mayor Tecklenburg said, "I want to thank everyone for your participation tonight and your comments. I think that the discussion was very healthy. As a general rule, we need to look at our processes even though they may felt to have been appropriate and healthy over the years. Just because we've been doing something for over 40 years, it is appropriate from time to time to question 'why,' and make sure our processes match the way we would like to see things run. I thank you for your participation and comments, and I personally feel this is maybe a drawn out conversation a bit, but it is kind of interesting and very healthy for us at the end of the day."

So, all that being said, we have one more item on our agenda, and this is to change the Zoning regulations to require any increase in the number of bedrooms to be reviewed by our Board of Zoning Appeals for non-conforming two-family and multi-family dwelling uses."

Councilmember Seekings made a motion to approve the bill. Councilmember Mitchell seconded the motion.

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to be heard.

Mayor Tecklenburg said, "I was expecting some discussion."

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

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-110 to change zoning regulations for non-conforming two-family and multi-family dwelling uses to require any increase in the number of bedrooms to be reviewed by the Board of Zoning Appeals – Zoning and amending Section 54-120 to change the definition “Multiple Dwelling” to “Multi-Family Dwelling”

Mayor Tecklenburg said, “Is there any further business to come before us tonight? There being none, this meeting is adjourned. Thank you so much.”

There being no further business, the meeting was adjourned at 7:08 p.m.

Vanessa Turner Maybank
Clerk of Council