

COUNCIL PROCEEDINGS

Regular Meeting

August 16, 2016

The sixteenth 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 August 10, 2016 and appeared in The Post and Courier August 14, 2016 and are made available on the City's website.

PRESENT (13)

The Honorable John J. Tecklenburg, Mayor

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

Mayor Tecklenburg called the meeting to order at 5:00 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "We are blessed to have with us tonight Father Aristotle Damaskos from the Greek Orthodox Church, and I would like to call on him to please say our invocation. Please come forward, Father."

Father Damaskos opened the meeting with the invocation.

Mayor Tecklenburg said, "Councilmember Shahid, would you lead us in the Pledge of Allegiance?"

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

Mayor Tecklenburg said, "Thank you, Father Damaskos, and thank you for your hospitality with our Illumination Project. You all have been so gracious to allow us to use the facilities at your church, and we really appreciate it."

Father Damaskos said, "Well, it's been a blessing to have you all with us."

Mayor Tecklenburg said, "Yes, sir. Thank you very much. My first presentation will be to honor those who acted so bravely just recently when a tragic act of violence took place near Martin Park. One of the key elements of their response was their being prepared. So, using that a bit as a back drop, I also want to share with everyone beginning tonight, I know this may

not seem like rocket science, but just to have everyone thinking about safety even for a meeting such as this, I want to point out to you that the exit doors are these two doors for this floor and there is one exit door for the side room over there. There is the one central exit, of course, for the balcony upstairs. If there were to be an emergency where we needed to vacate the building, please proceed calmly and safely. Do not use the elevator, but use the stairway and when we gather outside, please go to Washington Park. That would be our place of assembly in the event of an emergency during this meeting this evening. So, we're trying as a City to become safety conscious in all that we do, including having meetings, and you never know what is going to happen. So, that is exactly what happened some weeks ago at our MLK Pool. We did not know what was going to happen and what could have been a very chaotic scene did not become that because of the swift action of the courageous Recreation employees and community volunteers that were at the pool that day. So, they are going to join me, the ones that were able to make it, in just a moment. They were responsible, by the way, for getting approximately 60 children who were at the park and in the pool, making sure that they were safe. Given the topography of the pool, they remained in the pool until they were sure that active gunfire was not occurring and then they moved the children safely into the building, the facility right adjacent to the pool. When our personnel knew that the children were safe, two of the lifeguards, Peter Halbert and Chad Wyatt, actually jumped the fence from the pool and ran to administer first aid to the victims that had been shot and then Jennifer Ayers Mallard and Ethan Thrasher followed them to bring first aid supplies and they made a valiant attempt to try to save the life of the young man who passed away, but were unable to. So, I am going to call their names and ask them to come forward and then ask you to join me in recognizing their courageous acts. I also want to call Rob Dewey to come forward and Ron Rutledge to please come forward, Dr. Rutledge, because the Coastal Crisis Chaplaincy, if you all do not know, is just on the scene whenever there is an emergency in our community and they do such a great job. So, anyway, Peter Halbert, are you here this evening? Please come forward along with Chad Wyatt, who I met earlier today. I have for you all, Peter, here is a proclamation. I will not read all of these, but, Peter, can I pick on you and read your proclamation and all the personnel who is here, we have proclamations as well, Sara Stancil, Mario Drayton, LaWanna Grant, Katrina Stroud, Katherine Thibideau and Jonathan Neighbors. Is Edward Jones here with us this evening and Blondell Harley? All please come forward, if you will, at this time."

Mayor Tecklenburg then read the proclamation.

---INSERT PROCLAMATION---

Mayor Tecklenburg said, "Please help me recognize these fine citizens."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you very much. Can I give you the rest of these for the others for tomorrow? God bless you all, and thank you."

There was applause in the Chamber.

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Before you go forward, I would like to personally thank each and every one of them for the assistance that was given that particular day. I was out there exactly when it happened. I assisted getting the young people off of the playground because they were out there on the field playing. We assisted getting them back into the park

house along with Mr. Jones when I heard the shots fired. When we saw them, I ran over to the first young man and two or three gentlemen came out and did not think about themselves at all. They did not even think about who was it. They did not look at color, and just went over to assist. I told the Chaplain that I needed to go and really express to them my gratitude because I was right next to them and they jumped the fence, took off and came out to give assistance to those on the ground. I want to say that if it was possible that the young man would be able to live, they would have done it. They went there without not even thinking about themselves, they just went to assist. The first young man was shot twice in the leg, and they put a tourniquet on him to stop the bleeding. Then a young lady came and said, 'no, there is another one over there', and we ran over there and they were assisting them before the EMS came, before the Police Department came. So, I would like to thank them myself and shake their hands."

There was applause in the Chamber.

Councilmember Mitchell continued, "You are doing a marvelous job. I just want to say thank you very much because they did not even think about themselves. They went right over. Thank you."

Mayor Tecklenburg said, "Would any of you like to address Council? You are welcome to."

No one came forward.

There was laughter in the Chamber.

Mayor Tecklenburg continued, "I do not blame you. God bless you all. Thanks again. We really appreciate it. Thank you.

Next, could I ask Councilmember Shahid to please join me at the podium? We would like to also present a resolution this evening honoring the life of one of our dedicated citizens, Mr. Lonnie Houston Shull, III. Peter, would you like to introduce?"

Councilmember Shahid said, "Yes. Mr. Mayor and members of Council, this is Margaret Shull, Lon's daughter, and Lynn Shull, Lon's wife."

Mayor Tecklenburg then read the Resolution.

--INSERT RESOLUTION--

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "If I can just for a few seconds, Lon was a very close friend of mine. He was my former roommate and partner in crime, so to speak, throughout the years. His voice was just such a magnificent strong voice, graced the City through all of his artistic performances throughout almost 30 years of his presence in town. He went through a long ordeal battling through life for the past several months before he died and his wife, Lynn, was at his bedside throughout the whole process along with Margaret. We have lost a true son, in the artistic world, particularly, and in the legal profession. We just wanted to recognize him for all of the accomplishments that he has achieved and thank him for what he gave to the City of Charleston. This is our way of paying him back. Thank you all, Margaret and Lynn."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you very much. The next order of business is to have our public hearings for this evening. We have a number of them, and the first one up is an ordinance to amend the Charleston Century V Plan regarding the Gateway Ordinance. This comes to us tonight because it did require a 30-day public notice, and I am going to ask Mr. Christopher Morgan to share with us any details about it. Mr. Morgan."

Councilmember Lewis said, "Mr. Mayor, I move that we accept the recommendation of the Planning Commission on this particular item, E-1."

Mayor Tecklenburg said, "We have a public hearing."

Councilmember Lewis said, "I know, but I just want to make sure that we have the motion."

Christopher Morgan said, "Mayor, as this image comes up here, of course, this is an amendment to our Charleston Century V Plan as amended by the 2010 Comprehensive Plan update by identifying Land Use Peninsula Map and the Lower Land Use for the Lower Cainho/Daniel Island Map locations of commercial Gateways into the City that are appropriate for Mixed-Use Dense Residential Development. You all have already seen the Gateway Overlays Ordinance that has been before you. This again, as the Mayor said, because of the 30-day notice requirement, is coming to you tonight for the public hearing. Just as a refresher on these, we have multiple locations in the City that the Comprehensive Plan would identify as appropriate for these Gateway locations. Of course, that does not rezone the property on the ground. There would have to be additional rezonings on the ground such as what you looked at for Broad Street and approved on Broad Street, but this would just be where in the Plan, these locations would be, and there are three on the Peninsula. On the western side of the Peninsula along Lockwood at a key gateway. There is also one, a key Gateway, into West Ashley, and then one at a key gateway into the Cainho Peninsula at Clements Ferry Road and I-526. The Planning Commission did recommend disapproval, so it requires a $\frac{3}{4}$ majority of City Council."

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

1. Anthony G. Bryant said, "I come actually for on my name. I'll just end it with that. Anthony G. Bryant, 2123 Courtland Avenue, Charleston, SC 29403. As far as gateways, Al Cannon, basically, I did an accreditation of Al Cannon regarding my name."

Mayor Tecklenburg said, "Thank you, sir."

Mr. Bryant continued, "Right here is all the complaints I have filed for the gateways of Charleston, the Al Cannon, this is Bryant and Inc., my first company, that's a credit card bill. Right here is a complaint for 8-15-2016, this complaint here is 8-15-2016 regarding 689. I like to be formal about my business. Right here is with you with all these issues the OBW questions on the table so therefore there is a brochure here to give to Greg Mullen. I don't know what that's all about and you take that and a gateway. Right here is any preventions to Greg Mullen, another one. Right here is another bill. That's it. So, therefore, this is my SCDOT piece here. The SCDOT, the Department of Commerce in 2013, an economical development plan submitted to me for the record this is 29402 like, the Department of Commerce, 29402 would then be across the street. So, I don't live at 29402, but what would this be about? Right, so, we

are here to take care of some serious business. So, this is what happened for the gateways, the gateways have people that may be chronically homeless or people that may be homeless. They can be chronically in the gateways as well. That could be a question. Commission of Public Works for the City of Charleston, they can have that as well. That's the public comment I made to them. Also, public comments made, this is my gateway. This is my computer I purchased in North Charleston right here and right here. Then, here is a letter between Susan Herdina and I in 2008, 1990 between Susan Herdina and I in 2008 e-mailed to me. Right here then is my ticket in 1989 from New Jersey. Well, my car wasn't in New Jersey, my car is in South Carolina in 1989. So, that's just my name."

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

2. Winslow Hastie said, "Good evening, Mayor, City Council, my name is Winslow Hastie. I am here to represent Historic Charleston Foundation and to speak on this proposal for the Gateway Overlay Ordinance. Historic Charleston Foundation continues to be strongly opposed to the Gateway Overlay Zoning Amendment to the City Century V Comp Plan. We ask that you support the Planning Commission's thoughtfully deliberated recommendation to deny this amendment. The Foundation's concern is that the amendment is not sufficiently developed and contains too many inconsistencies and omissions including the lack of any affordable housing requirement for potential projects within this Overlay and the failure to actually really fully define what a gateway area is. Any amendments to the Century V Plan, one of City's most important planning documents, merits proper research, study, review, and analysis, as well as, considerable public input. This proposed amendment has received none of those, none of that deserved deliberation and its deficiency is evident in this language, in the language of the proposed ordinance. So, we would urge you to please deny the amendment as proposed. Thank you."

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

3. Christopher King said, "Thank you, Mr. Mayor, Christopher King with the Preservation Society of Charleston. We would second the comments made by Historic Charleston Foundation and, again, would urge Council to give this careful consideration. We hope that you oppose this amendment to the Comprehensive Plan. We've identified many concerns already before this group that I need not rehash tonight, but I would like to ask, 'how is it possible that we can add an amendment to the final reading of the ordinance after the public hearing session at the second and last reading of Council. Councilman Waring's proposal to include affordable housing was offered no public review or discussion. If it had, the community would have asked how this amendment was crafted and pointed out its critical flaw that it offers a range of density with only the most dense end of the range requiring any affordable housing. As drafted, the ordinance actually encourages developers to build larger, more expensive units and not do affordable housing. So, there is no guarantee that we're going to have any affordability to this. We think that is critically flawed. So, we're basically doling out increased density in some very critical locations and what are we getting in return? There is no guarantee for affordability, so we think this really undermines what's happening in the City of Charleston and undermines the planning process. This undermines the existing MU Workforce Housing classification. Why do that where it requires it at a specific number when you can do this and do 71 units an acre, instead of 74 and not have to provide any affordable housing units? It was stated at that meeting that we're going to get 24 workforce housing units at the Jasper with this ordinance. Well, not only is 24 units insufficient, but we question whether it's even going to happen at all as it's not even a requirement. So, the Comp Plan should not be amended to

allow this hastily-designed ordinance to move forward. This is contract zoning. This is spot zoning. These are bubbles on a map. Where are the parcel descriptions? Where is the analysis? So, what we're talking about is putting a lot of increased density at key access points in all of the key parts of the City of Charleston with absolutely no requirement whatsoever for affordable housing. We think that's flawed, and we think it needs further study. We hope that you support the recommendations made by the Planning Commission and send this back for further consideration. Thank you."

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

4. Randy Pelzer said, "Yes, I'm Randy Pelzer. I live on South Battery. I'm here on behalf of the Charlestowne Neighborhood Association. We second the comments made by Preservation Society and Historic Charleston Foundation. We think this proposal is ill-considered, and we urge you to uphold the recommendation of the Planning Commission and give this matter further study before proceeding with what seems to be clearly a zoning category to meet the needs of one developer on Broad Street and not the greater needs of the community. Thank you."

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

5. Susan Lyons said, "Hi, my name is Susan Lyons. I live on Gadsden Street, Downtown. I want to encourage the Council seriously to support the Planning Commission's recommendation to turn down this amendment. I just was witness to some wonderful community feeling here in Charleston, which is one of the reasons I love this place. The development that is proposed and the takeover of our neighborhoods by these enormous projects is going to kill that spirit in this City. I've seen this in other places where I have lived, and it isn't worth it. We have something really special here in Charleston, something I love a lot. If enormous projects go up all over town intruding into our neighborhoods, the quality of life, the livability that we were promised is going to not only be compromised, it's going to go away. I seriously hope that you will reconsider. Thank you."

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard on this matter? I would like to go ahead and follow the agenda and continue with the public hearings on the other items. So, if we could take together Items E-2 through E-5 which are all rezonings and zoning matters, Mr. Morgan, would you present those, please?"

Mr. Morgan said, "Okay. Item #2 is an amendment of the Zoning Ordinance changing the Zoning Map at 124 Spring Street for .597 of an acre. The TMS number is 460-11-02-027, rezoning from Limited Business and Diverse Residential (LB and DR-2F) to Planned Unit Development. The images here in front of you show the site on Spring Street. It's between Ashley and Rutledge on the North side of Spring Street. It's the site that's a former church location. We have some aerial images here that show the surrounding site and the surrounding residential and commercial development that fronts on Spring Street around it. This is an image that shows the portion of the site that will be commercial up at the front towards Spring Street and the portion that will be exclusively residential towards the rear of the site. This is an overall conceptual site plan. The plan on the site is for 28 smaller one- and two-bedroom units. The development scheme for the site was developed with the Neighborhood Association's opinions taken into account because the Neighborhood Association was interested in seeing more smaller units and fewer larger units. The City's current zoning allows for up to four bedrooms in an individual unit so that would have created a lot more bedrooms on the site than this PUD would create. There will also be four workforce housing units, and there will be space for

Mixed-Use and short-term rentals in the buildings up at the front. There is a small court that provides access through the property. As I said, the Neighborhood Association was strongly in support and staff supports it, as well.”

Mayor Tecklenburg said, “Would anyone like to be heard on this matter? Mr. Morgan, Item Number 3.”

Mr. Morgan continued, “Item E-3 is a rezoning changing the Zone Map at 5 Fort Royal Court and an adjacent vacant lot in Wespanee. It is approximately 9.18 acres. The TMS numbers are 418-04-00-006 and 418-04-00-005. It was zoned Conservation despite the fact that the rest of Wespanee is basically SR-1. We think it was because they were just larger lots that backed up to the marsh and included a good bit of marsh. There has been change in the family, and they would like to be able to subdivide the lots and have lots that are comparably sized to those others that are in Wespanee. So, we have reviewed it and staff recommended for this change as did the Planning Commission.”

Mayor Tecklenburg said, “Would anyone like to be heard on this matter? If not, Mr. Morgan, #4.”

Mr. Morgan said, “Alright, then we have a piece of property, 1.53 acres on Ashley River Road. The TMS number is 354-12-00-004. It would be rezoned from Single-Family Residential (SR-1) to General Office (GO). This is immediately adjacent to the I-526 overpass. This is Ashley River Road where the I-526 overpass goes over. It’s immediately adjacent to a smaller commercial property and across the street from General Office (GO) property. We have an aerial image of the site and then a ground view. Again, you see the commercial aspect that’s here, and in the distance, you can see I-526. Staff felt this was an appropriate rezoning and recommended approval as did the Planning Commission.”

Mayor Tecklenburg said, “Would anyone like to be heard on this matter? Mr. Morgan, #5.”

Mr. Morgan said, “Okay, and this is at Tovey Road in Carolina Terrace. The TMS number is 418-10-00-012. It was annexed in the City in July, and it would be a recommended zoning of SR-2, which matches the surrounding zoning in the neighborhood. Both staff and Planning Commission recommend approval.”

Mayor Tecklenburg said, “Would anyone like to be heard on this matter? Alright, and then, Council willing, I would like to take Items 6 through 11 together. As for this part of the public hearing, they all relate to the DuWap planning process, and they include the adoption of the DuWap Community Plan, the amendment to the City of Charleston Century V Comprehensive Plan, the approval of the DuWap Community Plan Memorandum of Understanding, the amendment that creates the DuWap Planning Area and Overlay Zone and then, finally, two ordinances that specify the various properties and TMS numbers that would be rezoned as a result of the Overlay District.”

Mr. Morgan said, “Yes, sir. Alright. I’m going to just do a brief review of these items. Some of you all have been part of our presentations and worked on this. Some of you have not. So, I’ll give a brief overview here. We’re happy to answer questions about things that you may be curious about. The Mayor outlined the items before you tonight. So, I’ll go ahead and jump into the overall Planning Area, which is out on Savannah Highway. This is Wappoo Road, which runs through the center of the Planning Area, and then Dupont Road, which is right here.

Hence, the name DuWap, where those intersections come into Savannah Highway. This was an area where we had a lot of uses converging from commercial uses and auto-oriented uses, to entrepreneurial uses that were going on on some of the back streets, such as Dulsey and Dupont. We had active neighborhoods that were adjacent to this area, and we have done a planning project together with Charleston County. We've got a few slides here of what went on. Again, these are the planning boundaries just with the aerial. We had a number of meetings. In the meeting we had last Thursday night, I think we're well over 700 attendees. Overall, the workshops from June of last year, the bigger meetings in January of this year, and then the follow-up meetings with smaller groups, we actually had our charrette take place at the old St. Andrews High School site there on Wappoo Road, so folks could walk over or easily drive over to take part. That proved to be a fruitful location for everyone.

Here is the plan document, which looks at enhancing the overall character of the area. Of course, you've got the Greenway that's in the area. We're also going to be doing an overall drainage basin study together with Charleston County. We hope to get this underway and complete sometime in the next 12 to 18 months. It's going to be a broader drainage study than just the DuWap area because, when you look at drainage boundaries, of course, you have to look at where elevations are and different drainage systems, so the area in yellow that you see on this map is the broader drainage system that we'll be studying as part of this, again, together with Charleston County. It does encompass areas around Citadel Mall, as well, but that's going to be a very needed study because we know that those are all areas that are low, and that have been subject to some inundation in the previous rains.

We've got transportation improvements, working to create a better juxtaposition of the West Ashley Bikeway, which runs to the northeast through the project area and comes into Wappoo Road, creating a better way for it to connect across Savannah Highway and down to the West Ashley Greenway, which runs to the east and west from the location. So, we're very excited about making improvements, improving those connections, creating better bike access in the area, and better sidewalks in the area, as well. Then, we've got improvements that will be made to the overall zoning in the area such as the creation of this special job center district that would allow for entrepreneurial-type activities in an office warehouse-type format. So, you could have diverse uses such as a cabinetmaker, auto repair, a film studio, or someone who has a small office, sharing the different types of uses that they have within one overall complex or individual buildings there, and working to create some better design standards for those districts. This is something that's already going on in this area, but it would enhance it and create more locations for this type of entrepreneurial activity. Here are some of the images of these activities (referring to electronic presentation).

These are the properties that are up for the DuWap Overlay. They are highlighted in gray and, again, we worked on this with Charleston County. The County is conversely at the same time working on their amendments to their zoning and having public hearings, and I believe that they will wrap up with all of their approvals by September. So, when you see areas on these maps that are in white, those are areas that are not covered by the City. Those are in Charleston County's jurisdiction, but they're going to be doing comparable things. They are creating comparable ordinances to what the City has. Then, the overall zoning recommendations, when you combine both the County's and the City's zoning together, again, creating a lot of this job center area up in these Dupont and Dulsey areas, as well. We'll skip over that (referring to the electronic presentation). That's just existing City zoning, if you all have questions about what is out there, and then we have a map. Based on our comments we've received from both the County's Planning Commission, Council public hearings, the City's Planning Commission Reviews, and our comments we received last Thursday night, we've

pulled a few properties out because they were requested to be pulled out by the owners, and these are all up in the Jenkins Road area. Also, another one, there's an old store that's along Wappoo Road that would remain General Business (GB). You all have these changes in your packages in front of you, so you can look at those in particular. We would be happy to discuss each of those, if there are folks here tonight who have questions about whether they will remain in the overall changed area or not. We think we've got a good consensus from folks as to the changes that will occur in the area and are really looking forward to it. It was very well received by our Planning Commission with a few minor changes, which we indicated on this map, and it's recommended for approval."

Mayor Tecklenburg said, "Great. Would anyone like to be heard on the overall Dupont Road/Wappoo Road Planning Area? Yes, sir. Please come forward."

Anthony G. Bryant said, "Ladies first."

1. Frances Waite said, "I'm Frances Waite. I live at 1816 Pebble Road, and I've been involved since the very beginning. Overall, I'm very happy that the City and County are working on this, but I do have a concern. Trying to get housing policies through an Overlay, is that appropriate? I'm sorry. Trying to set housing policies through an Overlay, is that appropriate? I feel that housing policies should be accomplished at the Citywide level, not in an Overlay. We have terms utilized, like 'attainable housing', 'workforce housing', 'affordable housing', and 'low income housing'. What are the definitions of these at the City, County, and Federal level, and what is the median income? What are we basing this on, Downtown, James Island, West Ashley, Johns Island? What neighborhood in these areas? I was told the Overlay had language that provided for workforce housing, however, the word in the Overlay is 'affordable', and these words have different definitions. These words are not interchangeable. When I was reading the Overlay, it was so specific, I said to myself, 'This has to be for a specific project', and it turns out it is. Is that an appropriate use for an Overlay? The language in the present Overlay states that the project can be over a 10,000-square foot footprint, if the project is 100 percent affordable housing, instead of having a percentage of workforce housing like Sergeant Jasper. Is having a location that is 100 percent anything healthy for the community? If it was such a great idea, then why isn't Sergeant Jasper 100 percent affordable housing? If you are charging a percentage of rent at the market rate while taking advantage of a certain percentage of the tax breaks for having affordable housing, then you would be able to have a more diverse neighborhood. Let's keep that model and keep it a Citywide policy. Regardless of that, we need to return to the original intent of the Overlay to give guidance to design standards that reflect the character and feel that is unique to our area. Our area in DuWap is where the Bikeway and Greenway intersect, and that is there because that is where the Dupont Station was, the nexus of where two train lines intersected, where the Limehouse property sold produce, the original Farmer's Market, a place that reflects real community. This Overlay could be better. Let's return to the original intent, and try not to overmanage the things that go into the Overlay. I feel like the housing policies should be Citywide and not restricted to DuWap, and if it has to stay in, then we need to set an upper limit on the size of the footprint. Thank you."

Mayor Tecklenburg said, "Thank you, and thank you for your involvement throughout the process. I appreciate it. Yes, ma'am."

2. Carmen Nash said, "Good afternoon, my name is Carmen Nash, and as a resident of the DuWap Community Plan Project Area, I became engaged in my community when Turkey's Towing applied to set up business next to the Firefighter Memorial on Savannah Highway. During this time, it became clear that this area faces aging infrastructure and

fragmented land use and design, partly because, as Christopher just pointed out, 60 percent is County, and 40 percent is City. The residents of our area want to create a village. We want a village that includes a thriving neighborhood school, many and different kinds of businesses, access to greenspace, a community that is connected by sidewalks and has bike paths because we have the Bikeway and the Greenway. We have our work cut out for us, but we've already made great strides towards these goals and, as the DuWap Community Plan has taken shape and come to life over the last year, I've been one of its biggest supporters. However, after attending several meetings and reviewing the documents from the City and the County, I am here tonight to voice my concern over the proposed DuWap Overlay Ordinance and ask City Council to vote 'no' on this version. So, I'm really happy the Mayor bundled everything together. It's very comprehensive and about three-quarters of it is awesome, but it's the last quarter that's giving me some heartburn. While I wholeheartedly support the elements of the DuWap Community Plan that help us upgrade our aging transportation infrastructure and help us enhance our drainage, I cannot support the zoning changes that are being proposed, or the way in which they are being implemented. I learned at a City Planning Commission meeting on June 15th from Christopher Morgan that, with the development of other overlays such as the Ashley River Bridge District Overlay, residents and businesses opted into that Overlay, whereas their framework for DuWap currently is that if we don't like it, we have to opt out. So, the burden is on the residents and the businesses to fully understand this plan, make an informed decision, and opt out. It feels kind of like instead of being partnered with, we're being dictated to. It's just a very small procedural change, but process matters, and I'm asking you to make that change for this Overlay as we go forward.

Also, I learned at the Planning Commission meeting on June 15th that there is very specific wording about affordable housing. For all of the same reasons that the people that spoke for the Gateway Overlays stated, I really feel like you need to be very careful when you move forward with Overlays. What is the purpose of an Overlay? Is it for a very specific parcel or part of the City? Are you trying to create something that's a universal template that can be adapted slightly and applied to a different part? I would hope it was the latter, so I caution you in making an Overlay that addresses a specific project and think a little more broadly. The changes in zoning are significant and very specific, and I don't think this is something that we can take lightly. We need to make sure we get this right, and that the outcome can be universally applied across the City. The County and City Planning staffs have worked so hard on this effort for the last year. They have been to so many meetings, and they have put in so much research on this. I want to thank them for all of their efforts, and I want Council to know that I think this is a great beginning, but I urge you to please go back and take another look at this whole bundle together, and keep it as a bundle. Let's get back to the original intent of this Overlay, which was to enhance our livability in this area and throughout all of West Ashley. It's something that can be reapplied and, once you perfect this Overlay, it can be applied at other places. Let's be responsive to the residents' and the businesses' concerns. So, please vote 'no' on this version tonight. Thank you."

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

3. Katie Zimmerman said, "Hi, thank you, Mr. Mayor. Thanks, Council. I'm Katie Zimmerman, and I direct the Coastal Conservation League's Air, Water, and Public Health Program, and I'm also a West Ashley citizen. I just wanted to really speak tonight in support, primarily of the work that the City and the County have done on this project. It's been amazing. It's been one of the most comprehensive projects I've ever seen and you all should be really proud of your staff because, at Planning Commission, it was amazing to watch. Every citizen, every business owner who stood up and reflected on this and explained they were concerned,

you know, Mandi Herring wrote down their address and talked through it with them, and it's been an incredible process to be a part of and to watch. So, I just wanted to first of all praise City staff and County staff for the work that they've put into this, and I also want to speak in support of this tonight. The League and the citizens are very excited about this. This is basically the first step in the West Ashley Revitalization process, and it's been going on for over a year now. It's incredibly exciting, and I'm just really proud of everybody who has been involved and speaking in support tonight. Thank you."

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

4. Anthony G. Bryant said, "I am a gentleman. Anthony G. Bryant, 2123 Courtland Avenue, South Carolina 29403. Zip Code 29402 would then be the Department of Commerce, and 29402 would be Dan Pennick of the Charleston County Planning Commission. I served on the Board of Zoning Appeals from 1999 to 2006, and it wasn't 29402 then. I made public comment, State of South Carolina Consolidated Housing and Community Plan, 2013 Annual Action Plan, Community Development Block Grants, Home Investment Partnerships, Emergency Solution Grants. The at-risk and, probably, homeless, are in that piece, and also help for women who suffer from domestic violence, housing opportunities for a person with AIDS, as well. So, I want to submit this for the record within this process. I attended the meeting of the Charleston County Council and I was deeply concerned by the Overlay District with the regionalism taking place in the area. We've got regionalism going on. We've got a growing area with Volvo, with Daimler, with Boeing, and all these industrial uses that we have. At some point, they're going to have to spur up housing and multi-family housing. It's natural. So, what was stated by Mr. Seekings and Mr. Gregorie made sense to me, as it should be a Citywide plan now. We've moved beyond, in my opinion, West Ashley. We have moved beyond that since the 1980s. It has been neglected by this Council, West Ashley, that's drawing its attention to the public. It's been neglected. All the emphasis has been on the Peninsula, by and large, and using incentives, with no real performance measures, since 1970. That's a fact.

Therefore, we have this critical issue with at-risk and currently homeless people. At-risk homeless basically are people who falter in the category that you have, having been in Charleston since 1980s, those currently at-risk homeless, now currently homeless, is because of housing prices. So, at the end of the day, this plan will be coming up again probably soon. How many people are in our area? We've got to move beyond just West Ashley. We're at like what, 100,000, 200,000 in Charleston right now? Well, we're beyond that. We're just flat out beyond it. West Ashley is important. Don't get me wrong, but keep aware of other people. They've been neglected. The bottom line, they have been neglected. This is all about West Ashley's neglect. Let's just be clear about this. It's about West Ashley's neglect. That's why John (Mayor Tecklenburg) ran, on neglect. He ran on neglect. So, why can't we come together with \$300,000 to lead the charge with regionalism in the area to deal with that issue? I'm a BZA member, Planning Commissioner. I know what I'm talking about, alright? So, I don't want to hear anything about Overlay District. It's a disguise of City of Charleston for years, the moving other people out because they'll put pressure on them, the water prices, sewer prices. For the record, at your meeting, \$1.35 for some people for water and \$1.65 for others; \$1.35 and \$1.65, that's what, thirty-five cents difference? On that criteria, you need to get to your CPW meeting, but, I mean, these are the real issues that are going on regarding the numbers, and the numbers are off."

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

5. Tim Condo said, "Good evening, Mr. Mayor, members of Council, my name is Tim Condo. I'm with the Preservation Society. This DuWap Community Plan we believe is well-conceived, and it's born of an inclusive public process. The work that has gone into it is clear, a lot of thought and collaboration, and we just would like to applaud the City of Charleston staff, Charleston County, as well as those residents and those who work in the area, for their involvement in this process. This is the way to get out ahead of the projected growth for this area, as well as the vision for revitalization that everyone would like to see for this area, so we are in support of this plan. Thank you."

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

6. Neil Stevenson said, "Thank you, Mayor, City Council. My name is Neil Stevenson, and I'm a resident of Charleston. I'm also an architect, and I'm here to ask that you deny the request to change the Zoning Ordinance of Chapter 54-220 Accommodations that would prohibit the renovation or the removal of residential or office use in the Accommodations District for the use of accommodations use. The Accommodations District was established for a reason, and I think that if you remove the ability to renovate these buildings that they won't be renovated. It's going to limit the ability to renovate these buildings actually. The report that the City Council asked the City to do on the hotel proliferation in Charleston was fairly conclusive showing that Charleston is not overbuilt as far as hotels. I think that it's important to keep an eye on it, but this is not the proper way to control development of hotels because, I think, that the accommodations use is a very valuable asset to have buildings renovated properly. Thank you."

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

7. Barry Whalen said, "Mr. Mayor, Council and all, Barry Whalen. I'm a businessman in West Ashley, a landscape architect. We were glad to see the DuWap coming about. We're very glad to be able to support it. We've been out there for 25 years. We see this as a great evolution, and we want to continue to work with staff. We see it as a working document. There's a lot of things that need to be integrated together with it to make it more effective and to make it get where I think it will be, that real crowning beginning of West Ashley Revitalization. Thank you."

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

8. Mohammed Idris said, "Mayor, Council. Mohammed Idris. When you hear what the developers and the hotels, etcetera, it makes you think about the prophet, Jesus. May peace and blessing of God be upon him. He was born in a barn, and his mother had to have him in a manger because there was no place at the inns. Every time she went to an inn, she could not get in. So, the baby that we say we love now, who came to the poor, had to be born in a manger. That is what is happening now with these developers on the Peninsula, West Ashley, etcetera, and the language of 'Overlay,' building these different names that they are giving it, but it's the same thing. They are taking advantage of the poor and, as Mary, the mother of Jesus, cannot get into the hotels that would not allow them in, the poor are being driven out into a manger by politicians who are being bought and sold by corrupt developers. Thank you."

Mayor Tecklenburg said, "Thank you very much. Finally, we have the matter before us tonight of an Ordinance to amend the vote required of City Council in the event of a disapproval of the Planning Commission. Mr. Morgan."

Mr. Morgan said, "Yes, sir. So, this is an ordinance that was actually, of course, proposed by City Council that would have required 60 percent of the members of Council present and voting to override Planning Commission disapproval. The Planning Commission did discuss it and the Planning Commission did recommend disapproval of that request."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter? Yes, sir. I ask you, please, restrict your comments to the matter at hand. We will have a Citizens Participation Period coming up for anyone to speak on any matter of their choosing. Thank you."

1. Winslow Hastie said, "Thank you. Good evening. Again, Winslow Hastie with Historic Charleston Foundation. About the Planning Commission vote issue, we are strongly opposed to the proposed reduction of City Council votes required to overturn a Planning Commission decision. The existing requirement functions properly, as we've seen. It applies only to denials, and Council successfully overturned multiple Planning Commission denials even this very year. If Council is regularly in disagreement with the recommendations of the Planning Commission, we would recommend that it should appoint new members to the Commission rather than gutting the authority of a professional Commission that has served the City of Charleston well in its current form for decades. Further, changing the vote requirement from a percentage of the total number of Councilmembers to only a percentage of members present is not a good idea. Such a change would improperly politicize the attendance of Councilmembers and create an incentive for attendance to be potentially manipulated. For these reasons, Historic Charleston Foundation urges Council to deny this proposed amendment and to respectfully allow the Planning Commission to do its important work. Thank you very much."

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

2. Susan Lyons said, "Susan Lyons, again. I wish somebody would explain to me why this has been brought before the Council. In all of the discussions I hear about developing and redeveloping Charleston, the Planning Commission is always referred to as setting a good bar, a high bar, and why that would benefit from being eviscerated is beyond me. I don't understand where this comes from. Why is this happening? It makes no sense to me, and I've talked about this with any number of neighbors and people who have been involved, more involved than I, and nobody gets it. So, it seems to me that we would be all better off if the Planning Commission had the authority it always had. Thank you."

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

3. Kristopher King said, "Kristopher King of the Preservation Society, again. We would second the comments previously made, the previous two speakers. We also are opposed to the changes to override the denial, the requirements to deny, override a denial of the Planning Commission. We really question, as well, where is this issue really coming from? You appoint these members, and they bring a great objectivity and expertise to planning issues. This issue is about appropriate checks and balances, as has been discussed numerous times in front of this group, but we would argue that the current requirement does that just well. It has worked for decades, and now is not the time to be lowering the standard. We have more pressure. We have more development. We have more out-of-town developers than we've seen in the history of Charleston. We have to maintain our high standards. We think this is a step in

the wrong direction. So, we ask that you support your Planning Commission and its thorough study and participatory review process. We ask that you support maintaining a higher level of expertise and objectivity in the planning process. We ask that you deny this request. Thank you.”

Mayor Tecklenburg said, “Thank you very much. Yes, ma’am, Ms. Zimmerman.”

4. Katie Zimmerman said, “Thank you. Katie Zimmerman, Coastal Conservation League. I wholeheartedly want to reiterate our support of the comments made by my colleagues at the Preservation Society and the Historic Charleston Foundation. Planning Commission, you all appoint them for a reason, and they do a very good job. They don’t need to have their decisions overridden even more easily. In true Planning Commission fashion, if you were at the meeting, which I know some of you were, watching them deliberate this, they did it so conscientiously. One would assume not knowing Planning Commission, that they would have easily said, ‘No, disapprove, we don’t want to lose our power’. They debated this thing with such grace and such thoughtfulness that it only reaffirmed my support of the Planning Commission going forward. Even when I disagree with their decisions, they are so conscientious. So, again, please don’t vote in favor of this override. Thank you.”

Mayor Tecklenburg said, “Yes, sir. Please come forward.”

5. Woody Rash said, “Thank you, Mr. Mayor. My name is Woody Rash. I live on State Street in the French Quarter, and I’m speaking as a private citizen who both loves Charleston and the preservation environment in this City. I would urge you to listen to your constituents, number one, and not change the supermajority that is needed to override the PZA (Planning Commission) decisions. The built environment is what attracts people to Charleston, and any attempt to weaken the process that has served the citizenry well for so many years is wrong, in my opinion. I’m a capitalist, however, I believe a move to so drastically change the (Planning Commission) oversight and the processes which have served us well, will change forever how preservation and development coexist in our City. Thank you.”

Mayor Tecklenburg said, “Thank you, sir. Mr. Pelzer.”

6. Randy Pelzer said, “I’m Randy Pelzer on behalf of the Charlestowne Neighborhood Association. Our Neighborhood Association strongly opposes changing the override provisions for the Planning Commission. We are afraid that changing it will open the planning process to even more politics and influence, and will make disappointed people before the Planning Commission more inclined to try to come to City Council to seek a change in the Planning Commission’s recommendations in order to achieve their goals, and we don’t think you should encourage that. We think that should be discouraged, and we think the current provisions for overriding the Planning Commission’s denial of zoning changes is appropriate. It has worked well for the City of Charleston and worked well for our residential neighborhoods, and we ask that it not be changed. Thank you.”

Councilmember Riegel was excused from the Chamber at 6:29 p.m. and returned to the Chamber at 6:29 p.m.

Mayor Tecklenburg said, “Thank you, sir. Would anyone else like to be heard? If not, our public hearings are now closed, and Council will proceed to take up action on these matters. The first item is Item #E-1 regarding the Gateway Ordinance Update to the Comprehensive Plan.”

Councilmember Lewis said, "I move that we approve the recommendation of the Planning Commission on Item #E-1."

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

Councilmember Moody said, "I'm not going to second that. I want a disapproval. I don't understand what he said."

Councilmember Lewis said, "The Planning Commission made a recommendation that we not change the ordinance of the Century V Plan."

Mayor Tecklenburg said, "The Planning Commission disapproved the matter."

Councilmember Moody said, "So, he wants to disapprove, and I approve."

Mayor Tecklenburg said, "I must have misheard you."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I'm going with the recommendations of the Planning Commission that we disapprove it."

Councilmember Moody said, "Okay."

Councilmember Lewis said, "That's what their vote was."

The Clerk said, "Councilmember Lewis wants a disapproval."

Mayor Tecklenburg said, "Okay. The motion is to uphold the Planning Commission's disapproval of the ordinance. Is that correct, Councilmember?"

Councilmember Lewis said, "That is correct."

Mayor Tecklenburg said, "Okay. Is there a second?"

Councilmember Seekings said, "Second."

Mayor Tecklenburg said, "We have a second. Is there any discussion? Okay, I'll call the question. All in favor to agree with the Planning Commission to disapprove the Gateway Ordinance, please say 'aye.' Those opposed, say 'no.'"

The voice vote was too close to differentiate the ayes from the nays.

The Clerk said, "Okay. Let's have a show of hands. Those for disapproval, please raise your hand. I'll call the names."

Councilmember Mitchell said, "Are we going along with the Planning Commission?"

The Clerk said, "This is a disapproval. Yes."

Councilmember Shahid said, "For the disapproval?"

Councilmember Gregorie said, "This is to go along with their recommendation."

Mayor Tecklenburg said, "If you are agreeing with the Planning Commission, and hence, what we passed last month, would be negated."

The Clerk said, "Alright. So, Councilmember Williams, Councilmember Lewis, Councilmember Mitchell, Councilmember Gregorie, Councilmember Seekings and Councilmember Shahid. Six – now, approval, or the reverse, so that would be six, 6-7?"

Mayor Tecklenburg said, "Nay. I'm a 'nay' vote."

The Clerk said, "Yes, he's a 'nay' vote."

The Assistant Clerk said, "So, it's 6-7."

The Clerk said, "Yes, so that's a 6-7 vote."

Mayor Tecklenburg said, "To disapprove."

The Clerk said, "To disapprove. So, we have six members. The Mayor is not for that. So, the vote fails because we have six, not seven."

Mayor Tecklenburg said, "Okay."

The Clerk said, "The vote fails. We have six, not seven."

Mayor Tecklenburg said, "The motion fails. Do I have another motion? I would like to move, if I may, that we support the amendment to the Comprehensive Plan supporting the Gateway Ordinance."

Councilmember Seekings said, "We just voted on that."

Councilmember Lewis said, "We just voted on that."

Councilmember Lewis said, "An ordinance to amend the Charleston Century V Plan as amended by the 2010 Comprehensive Plan Update by identifying on the Land Use Peninsula Map and the Land Use Lower Cainhoy/Daniel Island Map locations of commercial gateways into the City that are appropriate for mixed-use dense residential development. (AS AMENDED) (SECOND READING) The Planning Commission recommended disapproval, and that's the way I voted."

The Clerk said, "Those who wish to approve, we have seven votes. Is that correct?"

Councilmember Mitchell said, "That's exactly the way it is."

Mayor Tecklenburg said, "Okay. Thank you."

Councilmember Seekings said, "The vote to sustain the Planning Commission was 7-6."

The Clerk said, "The vote was 6-7."

Councilmember Seekings said, "So, that matter is not included."

Mayor Tecklenburg said, "I'm sorry."

Councilmember Seekings said, "That matter is not included."

Councilmember Seekings said, "Six."

The Clerk said, "It was six votes when I called the names, and Jennifer recorded them. It was six votes for the disapproval."

Councilmember Moody said, "We needed ten."

The Clerk said, "That's correct."

Mayor Tecklenburg said, "Alright. The motion failed."

On a motion of Councilmember Lewis, seconded by Councilmember Seekings, City Council voted on approving the recommendation of the Planning Commission to disapprove Item #E-1. The motion failed 6-7. The vote was not unanimous. Councilmembers White, Wagner, Waring, Riegel, Moody, Wilson, and Mayor Tecklenburg voted nay.

No action was taken on the bill because it required a $\frac{3}{4}$ vote (10 Councilmembers) to overturn the Planning Commission's recommendation.

An ordinance to amend the Charleston Century V Plan, as amended by the 2010 Comprehensive Plan update, by identifying on the Land Use Peninsula Map and the Land Use Lower Cainhoy/Daniel Island Map locations of commercial gateways into the city that are appropriate for mixed-use dense residential development. (AS AMENDED)

(No action was taken on this bill.)

Mayor Tecklenburg said, "We'll move on to #E-2. Can we take Items #E-2 through #E-5 together?"

Councilmember Seekings moved to approve Items #E-2 through #E-5.

Councilmember Riegel said, "Second, Mr. Mayor."

The Clerk said, "Two through five."

Mayor Tecklenburg said, "Two through five. They are all rezonings."

Mayor Tecklenburg said, "Is there any discussion on these items? Yes, sir."

Councilmember Gregorie said, "A question on #E-2. I know the Neighborhood Association wanted to reduce the number of bedrooms from four to two, but not necessarily decreasing the number of occupants because the occupants would still be consistent with the

number that would occupy four bedrooms. In other words, the only thing you get out of it is smaller units bottom line. Am I correct here?"

Mr. Morgan said, "That was what the Neighborhood Association was interested in. They don't like the four-bedroom units. They would like to see the one- and two-bedroom units that this PUD provides."

Councilmember Gregorie said, "Did they give a rationale for that?"

Mr. Morgan said, "I'm sorry."

Councilmember Gregorie said, "The rationale?"

Mr. Morgan said, "Yes, sir. I believe it's of concern about younger folks in apartments and when you get four together like that, it creates more issues for the neighborhood than the smaller units do."

Councilmember Gregorie said, "Okay, and as a follow up to that, the four units will be workforce units?"

Mr. Morgan said, "Yes, sir."

Councilmember Gregorie continued, "Will they also be two-bedrooms?"

Mr. Morgan said, "That is not defined. They could be one- or two-bedrooms."

Councilmember Gregorie said, "Okay, and the reason why I'm raising the question is that when you look at needs data, Citywide, and I think someone talked about the Housing and Community Development Consolidated Plan, that has a housing needs segment. It would be very interesting to see whether or not the need for workforce/affordable housing is four-bedrooms, three-bedrooms or two-bedrooms because the smaller the bedrooms, as you know, large families will not be able to participate. So, I'm thinking of it, not as a student population, but as a large family that would need that type of unit. Generally it's a three- to four-unit that a large family would look for. I'm just putting that out there for the record. When you start decreasing the number of bedrooms, what you're doing is backdoor discrimination against families, or familial status. At least to me, I think that that is something that could be challenged."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "It appalls me to see that also because there is a great need for four- and five-bedroom apartments in the City of Charleston. When we start limiting how many bedrooms developers want to put in a project, it just doesn't sit well because you've got working people that have a need for three or four bedrooms. You can't just look at the student population. We serve the whole segment of the City of Charleston whether it be students, whether it be elderly, or whether it be working people with families. We've got to include everybody, so when we do this, then we're taking a segment of people out and this sits well within my district. I'll tell you right now I will not vote for this."

Councilmember Mitchell said, "Right."

Councilmember Lewis continued, "I will not vote for it."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. I'd like to go back on this one, again, to Planning and Mr. Morgan can kind of touch base on this. There was a church there before, Plymouth Congregation. We have a rule within the zoning, if an entity came, such as this church, and said that we're getting ready to move, so we want to get it rezoned for its highest and best use, so we can sell it and get enough money to go elsewhere, they'll be denied because the Planning Commission is not to consider financial hardships in zoning changes. Now, we've got a big crowd in here, but that is systemic discrimination. Let me tell you why. It's not intentional. Nobody sat that in there and said, 'We're going to discriminate against a certain amount of people'. The reason that it's systemic discrimination is the developer, which happened in this case, bought a church that wasn't historical, bulldozed it down, and then the developer comes and asked for Mixed-Use and what do we do? We get a nice brochure, we get nice drawings, we get interactive communications with Planning and, again, this is not Planning's fault. We've got a great Planning Commission, but that rule needs to change, and I'll tell you why. The church congregation that sold that property could not get enough money to go elsewhere, buy a piece of land, and build a church the same size they had here. Why? Because they left money on the table. They left money on the table because they could not get a Mixed-Use Zoning. Now, the question is going to be. Well, they didn't ask. Had they asked, because I've sat on the Planning Commission and I've had people come, we've had social organizations come to get zoning changes for that same express purpose. The social groups have left, the civic organization's needs changed, and that zoning was denied because, again, a financial hardship cannot be considered. That needs to change. What should've happened here is had that church had a little bit more information, and they still wanted to sell, they should've been able to obtain the Mixed-Use category prior to selling the property. Then, when they sold the property, they would have gotten more dollars and they could have used those dollars to continue their mission elsewhere. This happens time and time, and it's really happening quite frankly to either African-American churches or social organizations that help the poor and underserved. That is something in our Zoning Ordinance that we need to change. If the civic organization, a non-profit organization, comes and needs to get a piece of property rezoned, in particular, that's surrounded by Mixed-Use, as this property is, and in a commercial district they have a non-conforming use and want to bring it to its highest and best standard, that needs to change. So, this is the example, and I knew this was going to happen. As soon as that church was bought, it was bulldozed in no time flat and it seems logical as that the buyer was not a congregation. It seems logical, and we on the Planning Commission, and I was a part of it, voted for that, but we never advocated for the change to enable the owner to be able to take advantage of what's simply taking place around them. What has taken place around them as Mixed-Use and infill, quite frankly, has been encouraged on the Peninsula, and rightly so. Existing owners cannot take advantage of the rising market around them, in particular, if they are a non-profit or a civic organization that wants to take advantage of a zoning change for the express purposes of attaining the higher and best use. So, hopefully this is the example. Maybe we can get our smart lawyers working on it to amend that part of the ordinance so this will be the last time that, hopefully, this will happen to a church or an underserved civic organization trying to go elsewhere. Thank you."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Williams.

Councilmember Williams said, "I'm going to not disagree. It's a matter of opinion, but if you look, when I read this closely, look at page 25, the statement that comes from the Pastors and the Elders at church, whether they knew the value of the sale or not sale, they actually have a very detailed letter asking that the property be demolished. They thought that was what they wanted and that was the best use for them to move forward. I just thought that when I read the whole thing the church had a history of moving."

Councilmember Waring said, "I want to be recognized."

Councilmember Williams said, "Okay. Well, I'm not through yet. So, I think to throw out anything at that level, we have to be careful because this is a detailed statement from the church indicating that they asked for the demolishing. They knew what they were doing at the particular time and it follows a pattern of this church moving from place to place to serve their congregation and their need. I just want to point that out because this was unusual to me to have the church have this statement attached to this project, too. Thank you."

Mayor Tecklenburg recognized Councilmember Gregorie and then Councilmember Waring.

Councilmember Gregorie said, "Yes, Christopher (Mr. Morgan), since the church sold the property how many owners have they had? Is this the first and only? The reason why I'm raising the question is, of course, by cheap flip, and I know that if we had advised the church with respect to the potential of that property, regardless of what they wrote; I read what they wrote as well, I think that, if they knew that if they were able to come and get a variance or any changes that would perhaps double the worth at that property, it's only logical that they would have. I just don't think that the information is there, not just for churches, but for poor people in general, in terms of what the potential worth of their properties is and their getting ripped off. The second, or third owner, in many cases it is, the third owner would then do the project. Folks skimming all the way by cheap flip, and that's happening in this City, and it's happening with our churches, but it's also happening in general with property. It has more to do with just not knowing."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. First, I want to point out, this isn't Mr. Morgan's fault, or the Planning Department's, or anything like that. It is engrained in the system. What I would like to point out to Councilmember Williams, with all due respect, that letter was done after the property was under contract. That letter was done to the BAR, so the property was already under contract based on its existing zoning. Hence, it shows you how difficult it is to get that systemic piece out of the system because when you illustrate it, indirect, I guess, divergence just as Councilmember Williams just came up with. That letter is a good letter, and I agree with you, Councilmember Williams, but that letter wasn't done prior to the sale, prior to the property being put under contract, that was done after the property was put under contract so the buyer can tear the building down and, again, come forward with a zoning change. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you. Okay, the motion was to combine Items #E-2 through #E-5. Based on the discussion we've had, do you all want to continue to vote on those items together?"

Councilmember Gregorie said, "We need to separate Item #2."

Mayor Tecklenburg said, "Is that okay still? Okay. Is there any other further discussion or questions?"

The Clerk said, "Councilmember Gregorie was saying to separate Item #2."

Councilmember Mitchell said, "We've got to separate Item #2."

Councilmember Gregorie said, "Separate."

Mayor Tecklenburg said, "Let's separate Item #2 since we've had some discussion about that? Is that acceptable to everyone?"

Councilmember Shahid said, "I have a quick question for Mr. Morgan."

Mayor Tecklenburg said, "Councilmember Shahid has a question."

Councilmember Shahid said, "I have a question for you."

Mr. Morgan said, "Yes, sir."

Councilmember Shahid said, "Do you know who the principal owners are or the current owner of this property?"

Mr. Morgan said, "I believe they are here tonight, if you would like to let them speak to you. I see one of the owners, I believe, over there."

Councilmember Shahid said, "I think from the questions that were brought up, I'm getting a little confused by some of the comments being made as to the sale of the property, when the property was sold and to the zoning issues. Can they address that for us? Are they able to address those issues that Councilmembers Waring and Gregorie have brought up as to the time and the purchase of the property?"

Councilmember Waring said, "I will try to do something about it going forward."

Mayor Tecklenburg said, "Correct."

Councilmember Shahid said, "I understand that, but that was one of the issues that you brought up that. I just wanted to see if it can be clarified as to the chronology of how this property changed hands."

Mayor Tecklenburg said, "I think it's okay for Councilmember Shahid to ask a question. Mr. Morgan, do you know?"

Mr. Morgan said, "Mayor and Councilmember, I don't know about the property transactions because that's not something we regulate, but the owner of the property, I think, could potentially speak to that."

Mayor Tecklenburg said, "Would you like to address that, sir?"

Collin Colbert said, "I'd be happy to."

Mayor Tecklenburg said, "Come forward, please."

Collin Colbert said, "My name is Collin Colbert, and I'm the owner of the property at 124 Spring Street. When we were buying this property, I guess, in October of last year and when we did it, we went through an interview process with the Pastor and it was for who they thought, they took into account a few developers that did some stuff locally and obviously the purchase price of the property into consideration. But we went through a process of showing previous projects, what we thought we could do with this property and then from there, we actually acquired the property, worked with the neighborhood for the last 12 months and the City and actually came up with this concept for the PUD because it's the best use of this property for the neighborhood. The reason the neighborhood was in favor of this is because, obviously, the smaller units allowed for a less chance of a fraternity or sorority-style tenant in the space. Then, we got the City involved. The City got involved, and they added stuff like affordable housing, a car share service to lower the reliance on cars for people that lived in the development, and it actually decreased the number of occupants in the development from what current zoning would allow, increased the number of parking spaces, remain the same for the number of on-street parking spaces and that's why I think we had so much support from the neighborhood and the City for this project. We worked closely with the church prior to acquiring it, going through the BAR process and getting their input on what they would like to see out of the facility."

Councilmember Shahid said, "Thank you so much."

Mr. Colbert said, "Thank you."

Mayor Tecklenburg said, "Thank you very much. Can I go to Councilmember Mitchell because he hasn't spoken on this matter?"

Councilmember Mitchell said, "What is the rent going to be based on so far as the AMI, that you're proposing that can make?"

Mr. Colbert said, "I believe it's 33 percent of the annual median income as an annual rent for any unit."

Councilmember Lewis said, "33? That's low."

Mr. Colbert said, "Annual median income."

Councilmember Mitchell said, "Yes, AMI."

Mr. Morgan said, "Workforce is 80 to 120 percent I think."

Mr. Colbert said, "Yes, yes, yes, I'm sorry. It would be 80 to 120 percent of the AMI and you would be allowed to use 33 percent of that as annual revenue."

Councilmember Mitchell said, "So, you're going with the 80 percent to 150 percent?"

Mr. Colbert said, "One Hundred Twenty."

Mr. Morgan said, "Eighty to One Hundred Twenty."

Councilmember Mitchell said, "That's what I'm getting at. We have the two-bedroom units, now. I'm a big advocate when it comes to housing. That's something that I'm very, very serious about in this community."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Mitchell continued, "I know Spring Street very well because I grew up on Spring Street back in the '50s. Charleston is my home. I've been here. I may have gone to college and come back, but I know this area very, very well. We're talking about just bringing two-bedroom units. That's what the Neighborhood Association wants, and I will tell them the same thing when I get a chance to speak with them. We are looking at one segment of people, but we're not looking at the people that are working in this City to keep this City going. It seems like we are throwing them under the bus, and I've got a big problem with that. We've got people in the restaurants working. What are they making? They're not going to be able to afford this 80 percent to the 120 percent AMI. I know that. You see, anytime a development comes in the district that I represent, I go to them and say, 'You've got to give me some units that are going to be affordable for the people that work in this area'. I can't make them do it, but I go to them and ask them. They usually give me some units out of that workforce housing piece so the people can say, 'Hey, look, we are getting something out of this in the community'. Some of the communities are changing, but it seems like we are moving everybody out of this City who has been living in this City for years. They're gone, but we have all these hotels we are building in the City. We have all of these people working in this City, and we need them to work in this City, and what are they making? I'm just saying to you, they cannot even afford to stay here, so we're talking about traffic, we are running with this. That's why a lot of times you hear me saying to this Council, 'I'm getting tired of hearing lip service'. We're always talking about 'coming together, we are working together, we are doing this, we are doing that' but that's all lip service to me. I'd like to see it in action, and that's the way I am, and they will tell you that's the way I am in this community every day, all day. I work for the small people in the community. We, as a people, even when a development is coming in this City, have got to do a better job even working with some of the people who are here because we need them here to work, because I'm not going to work as a housekeeper. I'm not going to do it. I'm not going to be a busboy. I'm not going to do that this time of day, but we still need them here because we have all of these jobs and things in this particular City. So, where are they going to live?"

Mayor Tecklenburg said, "Yes, sir."

Councilmember Mitchell continued, "That's all I'm saying. I'm not asking the question."

Mayor Tecklenburg said, "I think it's a rhetorical question."

Councilmember Gregorie said, "I have one, though."

There was laughter in the Chamber.

Mayor Tecklenburg recognized Councilmember Gregorie.

Mayor Tecklenburg said, "Oh, I'm sorry, Councilmember Waring was next."

Councilmember Gregorie said, "The life of affordability on this project is ten years."

Mr. Colbert said, "Yes, sir."

Councilmember Gregorie said, "Did you consider any more than 10? 15, 20, 30?"

Mr. Colbert said, "We did not. We weren't asked to, and we didn't consider it."

Councilmember Gregorie said, "That's what I was getting at. You were not asked to go above ten, correct? No one asked you to go above ten years?"

Mr. Colbert said, "I guess, through the TRC process, they give you a stipulated standard and that's what we followed and put in document and that being said . . ."

Councilmember Gregorie said, "Oh, it's not your fault."

Mr. Colbert said, "I think the reason that we had so much support is because it's not necessarily what this project, what this PUD does but it's better than the current zoning. It's better than what we could do under current zoning, and that's why it provides these kinds of amenities, workforce housing, car share service and stuff that can really benefit the community around it. I agree those are huge problems in Charleston. I just don't think, that's something as a community you've got to come together and fix. I don't think we can rely on private developments to do that."

Councilmember Gregorie said, "Can I just do a follow-up to the ten-year because you said you weren't asked about anything else other than the ten-year which was probably part of the process? This is probably rhetorical also. If it was 15 or 20, would you have accepted it?"

Mr. Colbert said, "I would've had to talk to my partners."

Councilmember Gregorie said, "Because you want to see, make sure that the numbers work?"

Mr. Colbert said, "Exactly, and this was a balance the whole time. It would be a whole lot less expensive for us to develop these 14 four-bedroom units and lease them out in larger buildings. So, when we did this, it was a sacrifice to us financially to come to this PUD, and I think that's why we've had so much support through it because it helps us develop smaller units, smaller footprints that fit within the neighborhood better than what current zoning would allow. I agree with all of these issues that you're bringing up. I just don't think that this project is going to make or break those issues."

Mayor Tecklenburg recognized Councilmember Waring.

Mayor Tecklenburg said, "Thank you very much."

Councilmember Waring said, "Please sit down. I don't want to rake you over the coals."

There was laughter in the Chamber.

Councilmember Waring said, "It really is not that young man's fault."

Mayor Tecklenburg said, "That's right."

Councilmember Waring said, "But, Mr. Morgan, what was the zoning prior to the PUD?"

Mr. Morgan said, "Well, it's DR-2F, I believe, and Limited Business."

Councilmember Waring said, "DR-2F, and under the PUD, what are the additional benefits they get doing the PUD?"

Mr. Morgan said, "Well, the density goes up because there are more units."

Councilmember Waring said, "Right."

Mr. Morgan said, "Right, yes, sir."

Councilmember Waring said, "That's my point. Had the church come with the same layout, the probability is that, the church wouldn't have had the money to build. Again, that's not this young man's fault."

Mr. Morgan said, "Right."

Councilmember Waring continued, "Our zoning process would have turned that down, and that needs to change. That's all I'm saying."

Mayor Tecklenburg said, "That's right. I hear it."

Councilmember Waring continued, "Going forward, we need to amend our rules so our civic organizations can take advantage of the rising markets, but the piece that Councilmembers Mitchell and Gregorie mentioned, they are dead on with it. The people that attended that church that are no longer there probably can't afford to rent those spaces that are going to be built, and there's something wrong with that process."

Mayor Tecklenburg said, "Right. We hear you loud and clear."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Alright. Councilmember Seekings, would you be okay to restate your motion so that we just vote on Item #E-2 at this time."

Councilmember Seekings said, "So moved."

Councilmember Riegel said, "I'll second."

Mayor Tecklenburg said, "We've got a second. Is there any other discussion or questions? I'll call for the question."

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 124 Spring Street (Peninsula) (0.597 acre) (TMS #460-11-02-027) (Council District 3), be rezoned from Limited Business and Diverse Residential (LB and DR-2F) classifications to Planned Unit Development (PUD) classification. The property is owned by CKC Properties, LLC.

The vote was not unanimous. Councilmembers Lewis, Mitchell, Wagner, Gregorie, and Waring voted nay.

The Clerk said, "One, Councilmember Lewis."

Councilmember Waring said, "No, I tell you what. I'm going to vote against it, too, because of the affordable housing only being ten years."

Councilmember Gregorie said, "I'm going to do the same thing. I'm going to vote against it, for the record."

Councilmember Mitchell said, "Me, too."

The Clerk said, "Alright."

Mayor Tecklenburg said, "Also, Councilmember Mitchell."

The Clerk said, "So, we have five."

Mayor Tecklenburg said, "That is four."

The Clerk said, "Let me call them out."

Mayor Tecklenburg said, "Okay."

The Clerk said, "Councilmember Lewis, Councilmember Mitchell, Councilmember Wagner, Councilmember Gregorie and Councilmember Waring."

Mayor Tecklenburg said, "Five 'no's'. The motion still passes."

The Clerk said, "Yes."

Mayor Tecklenburg said, "For what it's worth, we will be coming to Council next month at our next meeting. It's been in a draft form, but we will come to you with a redefinition of our workforce housing requirements. We're going to extend the time, and we're going to increase the percentage on all our Mixed-Use zoning categories, and we'll be bringing that to you next month at our next meeting. I also hear you loud and clear, and we'll look at the issue of allowing consideration for financial hardship for certain owners."

Councilmember Gregorie said, "Thanks, Mr. Mayor."

Mayor Tecklenburg said, "Alright. Can we take Items #E-3, #E-4 and #E-5 together?"

The Clerk said, "Items #3 through #5."

Councilmember Gregorie said, "Wait a minute now. Don't go so fast."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg said, "The motion is for #E-3 through #E-5. We have three different rezonings. Is there any discussion and questions on any of those?"

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 5 Fort Royal Court and adjacent vacant lot (Wespanee – West Ashley) (approximately 9.18 acres) (TMS #418-04-00-006 and 418-04-00-005) (Council District 9), be rezoned from Conservation (C) classification to Single-Family Residential (SR-1) classification. The property is owned by the Estate of Barbara M. Nickles.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Ashley River Road (West Ashley) (1.53 acres) (TMS #354-12-00-004) (Council District 2), be rezoned from Single Family Residential (SR-1) classification to General Office (GO) classification. The property is owned by Laura M. Smith.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 5 Tovey Road (Carolina Terrace – West Ashley) (0.17 acre) (TMS #418-10-00-012) (Council District 9), annexed into the City of Charleston July 19, 2016 (#2016-087), be zoned Single-Family Residential (SR-2) classification. The property is owned by Amanda Coté and Gilles Coté.

Councilmember Seekings was excused from the Chamber at 7:00 p.m. and returned at 7:01 p.m.

Mayor Tecklenburg said, "Next, if we may take together Items #E-6 through #E-11, which all apply to the Dupont Road/Wappoo Road ordinances."

Councilmember Lewis said, "Move for approval."

Councilmember Mitchell said, "Second."

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

Mayor Tecklenburg announced the order of speakers as Councilmember Moody, followed by Councilmember Gregorie and Councilmember Waring.

Councilmember Moody said, "Thank you, Mr. Mayor. Real quickly, I find myself in somewhat of a loss for words here, in that I'm agreeing with the Coastal Conservation League, and disagreeing with Ms. Waite and Ms. Nash but, anyway, in spite of all that negative feeling, I'm going to go ahead and proceed. DuWap is an interesting thing, and I agree with all the work that's gone into this thing. If it wasn't for the fact we had basically 60 percent County and 40 percent City, if it wasn't for that conflict there, and if it was all in the City, we wouldn't be having this problem. So, I agree somewhat with what Ms. Nash said about 75 percent of this thing was really good. I would even make it higher than that, but it's not perfect. I want to ask Mr. Morgan a little bit about that opt-in and -out because I don't know that one's better than the other, but I wanted to ask about that. Another thing was this one piece of property that was raised about

affordable housing, and I talked with Mr. Morgan about that this morning, and it's not with this piece of property, that they're dictating that it's got to be affordable housing. It's allowed. Affordable housing is allowed within that zoning. Right now, it's General Business. I think it is in the City, isn't it, Mr. Morgan?"

Mr. Morgan said, "Yes, sir."

Councilmember Moody continued, "It is in the City but it's General Business, so any kind of housing would probably be better than General Business, unless we were going to put the Job Center in there. There's a lot of moving parts to this that are very complicated. There were a lot of people involved in this thing. We do need to keep an eye on all of it, but I think this is an opportunity for West Ashley. So, I'm going to support this package, but I would like to just question a little bit about that opt-in. What does that involve, and what would be the difference if they opted-out, or the opposite of that?"

Mr. Morgan said, "Councilman, it depends on the situation as to whether we do an overlay with the opt-in or the opt-out. I believe Ms. Nash may have referenced the Ashley Bridge District Overlay for the Savannah Highway Overlay, and that was one that was definitely, because of the metrics in what was going on with those property owners, some were ready to go, some weren't, at different times. Some of that was an opt-in situation. In most Overlays, the City does take the initiative and put the Overlay on all of the properties. We do community meetings like we've done for DuWap. We get input, but we go ahead and set it up, based on what the plan says makes sense for that particular area, and that's what we've done with DuWap. That was also done in an effort to work together with Charleston County because, again, how they do their Overlays is they go ahead and implement them all at one time. Not every property, of course, within the City is in the Overlay, and what you see on the map, here, are the parcels that are actually in the Overlay. It's mainly the ones that are along the commercial corridors, Wappoo Road, Savannah Highway, Dupont Road, that are in the Overlay. The other pure residential properties are not. Those aren't changed, so it's just the Overlays that have the change, and then some of the actual rezonings that we did to some of the commercial properties, if that makes sense."

Councilmember Moody said, "But it's all a matter of trying to get the County and the City together as we go forward, so that we don't have as many differences."

Mr. Morgan said, "Yes, sir, absolutely. That's right. The whole approach in this was so we would be in lockstep with Charleston County with how they did their Overlays and how we perceive the overall feeling of the community about the plan and how they wanted to implement it."

Councilmember Moody said, "Okay."

Mayor Tecklenburg said, "May I give a pointout and a shoutout to Mr. Joel Ford, who's the Planning Director for Charleston County, who happens to be with us this evening?"

Mr. Morgan said, "Joel Evans."

Mayor Tecklenburg said, "Please stand, Joel, and let us recognize you. This whole matter, as you say, may not be perfect, but it's been an unprecedented level of cooperation between the City of Charleston and the County Planning Departments, and we thank you, Joel, for that, very much, and for working with us. Sir?"

Mr. Evans said, "It was a group effort."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, Mr. Mayor, a quick question."

Mr. Morgan said, "Yes, sir."

Councilmember Gregorie said, "Who did the plan?"

Mr. Morgan said, "It was done between the City staff and the County staff."

Councilmember Gregorie said, "So, staff did the plan?"

Mr. Morgan said, "Yes, sir."

Councilmember Gregorie said, "They did this Comprehensive Plan for DuWap?"

Mr. Morgan said, "Yes, we did have some outside consultant help."

Councilmember Gregorie said, "You know where I'm going with this, right?"

There was laughter in the Chamber.

Councilmember Seekings said, "I'm right there with you."

Councilmember Gregorie said, "I'll leave you alone."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mr. Mayor, I'm a supporter, and I wanted to give praises and compliments to our staff and the County staff, and you're right. This is unprecedented. One of the things West Ashley has suffered from is divided government. With that said, this was a great effort to try to bring together common ground between the County and, obviously, the unincorporated areas in the City, but we get to vote on this three times, right?"

Mayor Tecklenburg said, "That's right."

Councilmember Waring continued, "The ladies, Ms. Nash, and her friend, Ms. Waite, their points are very, very valid."

Mayor Tecklenburg said, "Absolutely."

Councilmember Waring continued, "In between the first and second reading, we have an opportunity to try to get together and work on some of those issues to get it from 75 to 80 percent, maybe to the 85th or 90th percentile. I don't know whether we'll ever get to 100, but all of their effort has tried to make it a little bit better. They're not trying to hold it up or fall back, and we just got through talking extensively about housing on one zoning location because this is a pretty good chunk of West Ashley. So, the aspects of neighborhoods, the differences between affordable and workforce housing, we shouldn't just run over that. I think we need to

put some more time in that. Mr. Morgan, do you think, can we put together some information between now and the next meeting which is two weeks from now? Of course, we have our good friend, Joel, in the audience to find out, even if they have one or two good ideas, to get it incorporated in it because it's all towards trying to find an assortment of housing in the area. Right now, that, quite frankly, is affordable, very affordable compared to the Peninsula. So, we find ways to protect that or expand upon that."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Waring said, "Well, I wanted to hear from Mr. Morgan on that first."

Mayor Tecklenburg said, "Oh, I'm sorry."

Mr. Morgan said, "Yes, sir. We're happy to meet with them and look at that further. Absolutely."

Mayor Tecklenburg said, "Yes, absolutely."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Yes, sir, Councilmember Wagner."

Councilmember Wagner said, "I've been to every one of the meetings. This is my stomping ground, and I've got two really good buddies over there, Frances and Carmen. Now, these two ladies, we need to hire them if we can get them because these guys have flat pushed us every step of the way, right down to, 'A, B, and C' at the first charrette. Then we had the little stickys, the little pink ones and the green ones. Carmen came in with a whole pocketbook full of a green one because that's what she wanted. I did attend the County meeting, guys, where they had their version of what we're doing here tonight, and it was really not a pretty sight was it, Joel? The people stood up, and just about every single one of the County owners had a question or a discussion about why they didn't want to do it, everything from, 'I've had a garage in my backyard for the last 30 years, and now you've got me in a different place'. That's what caused the opt-out, and the County had, I think, three more meetings before they came back and did it the final time. So, there has been a ton of work done by a ton of people both on the City side and on the County side. I mean, from that first meeting where we had to wade through that much water to get into the gymnasium, to this last one which was, really, a pretty easy meeting last week. Everybody has pulled together. We're in one location, and it's the greatest thing since grits, for that one little square mile area. Basically, it's a good start."

Mayor Tecklenburg recognized Councilmember Gregorie.

Mayor Tecklenburg said, "Thank you."

Councilmember Gregorie said, "Just a request to Planning, because I do think that you do great plans. You really do. You know how to do them. My question is where you're locating the affordable units because I think that question came up. There is a specific place where affordable housing can go, and I think one of the commenters' concerns is that we don't concentrate the poor in one area of DuWap, and that there be an opportunity that any affordability can be disbursed throughout. I think that was the issue, it appeared, because when I read it, it looked as though this was the only area that, it didn't say that, where affordable units can go."

Mr. Morgan said, "That was actually not the intent. The intent is that anywhere in the area can have workforce or affordable housing. What has happened is, because there is a pending project at one particular location, that brought to light during the planning process the fact that our footprint limitation, which right now is 10,000 square feet, you can't build larger than a 10,000 square foot building, that that limitation will mean that project will have difficulty happening. We were so enthralled that somebody wanted to put 44 workforce units in that neighborhood that we said, 'Well, let's change that allowance for affordable units'. It's not that we're locating and wanting any one particular place. It was that we didn't want that project to be jeopardized."

Councilmember Gregorie said, "Okay, thank you for that explanation."

Mayor Tecklenburg said, "Alright. Are there any other questions or discussion, comments? I would just thank Councilmember Waring for pointing out, I would've done that if you hadn't, that this is only the first reading. I want to thank Ms. Waite and Ms. Nash for all the work that you have done on this project. We have three weeks until our next meeting to get together and see if there are any tweaks that need to be made to the DuWap set of proposals."

On a motion of Councilmember Lewis, seconded by Councilmember Mitchell, City Council voted unanimously to approve Items #E-6 through #E-11 and give first reading to the following bills:

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 Dupont | Wappoo Community Plan into said Century V Plan as hereinafter provided.

An ordinance to amend of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) to create the Dupont Wappoo Planning Area and Duwap Overlay Zone, to create the Job Center Zoning District and amend various existing sections of the Zoning Ordinance as necessary to include standards for the Dupont Overlay Zone and the Job Center District.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that the following properties located in the Dupont Wappoo Area of West Ashley be rezoned: TMS# 3511500009 from Business Park (BP) to Commercial Transitional (CT); TMS# 3500100049, 3511400012, 014, 099, 100, 101 and 111, 3511500007, 023, 025, 027 and 042 from Business Park (BP) to Job Center (JC); TMS# 3511500041 from Commercial Transitional (CT) to Job Center (JC); TMS# 3500200029 and 225 from Diverse Residential (DR-1F) to Conservation (C); TMS# 3500100084, 3511300012, 3511400026 and 028 from Diverse Residential Mobile Home (DR-3) to Job Center (JC); TMS# 3500100006 and 109, 3511300010, 061 and 064, 3511400006, 007, 010, 074, 0741, 075 and 077, 3511600008, 012, 015, 017, 018, 023, 024, 025 and 130 from General Business (GB) to Job Center (JC); TMS# 3511500039 from General Office (GO) to Commercial Transitional (CT); TMS# 3500100009 and 091, 3511500002 and 029 from General Office (GO) to Job Center (jc); tms# 3500200137, 138, 168, 169, 170 and 171, 3511600026 from Limited Business (LB) to Job Center (JC); TMS# 3500200023, 107 and 118 from Residential Office (RO) to General Office (GO); TMS# 3500100108 and 3500500174 from Residential Office (RO) to Single Family Residential (SR-1); TMS# 3500600084 from Single & Two Family Residential (STR) to Conservation (C); TMS# 3500100092, 3511300063, 3511400005, 008, 009, 011, 022, 024, 068 and 080

from Single Family Residential (SR-1) to Job Center (JC).

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that the following properties located in the Dupont Wappoo Area of West Ashley be rezoned so as to be included in the Duwap Overlay Zone: TMS# 3100800001, 002, 004, 011, 013 and 021, 3500100078 and 098, 3500200004, 005, 006, 007, 008, 009, 010, 011, 012, 015, 017, 023, 024, 094, 102, 103, 107, 118, 137, 138, 150, 170, 171 and 227, 3500500022, 036, 045, 047, 055, 061, 072, 073, 075, 077, 078, 079, 147, 163, 174, 278, 279, 280, 281, 282 and 283, 3500600060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075 and 144, 3511300010, 012, 013, 020, 047, 051, 061, 063, 067, 068, 074, 079, 080, 081, 083 and 085, 3511500003, 007, 008, 009, 039, 041, 042 and 058, 3511600015, 017, 025 and 026.

Mayor Tecklenburg said, "Next, we will take up the matter of the vote required by City Council in the event of a disapproval by Planning Commission."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I just want to make a brief statement, Mr. Mayor. We, as Councilmembers sitting here, I'm not trying to knock the Planning Commission. I believe they're doing a marvelous job. We need them there, and we are not trying to weaken their process, but the thing is we have to remember that we are elected officials. Most of the Planning Commissions around have simple majority, not ten votes, just a simple majority. We're not even going there. We weren't asked to go simple majority. Just because something was happening 50, 60 years ago, that doesn't mean that is the right thing to do. Changes are being made every single day. Streets in the City of Charleston have changed. The names have changed. Street names have changed since I've been living here. Housing factors have changed, but then we have some that are thinking that everything should stay the way that they want it to stay, and that's not making it right. We're not saying, like some people come and stand up here and I hear them, and they kind of get to me when they say, 'Oh, you're weakening the process. If you do this, you're going to take away the Planning Commission's power.' That's not about power. It's not about taking anything away from the Planning Commission. It's just saying that we, as elected officials, are elected by the masses of the people in the City of Charleston, and we also put the people on the Board of the Planning Commission. We are the ones that placed them there. We voted on it here to put them there. How many times have we overridden the Planning Commission in the years that I was here, or the years that Councilman Lewis has been here, and he has been here 20 years? You can count the times, but people have to remember that we are elected. We are not just sitting here every day as volunteers, and we love volunteers. I think we need to step back and take a look at what we are doing here, and stop thinking that Councilmembers are just trying to take power, or are being someone in the background telling them what to do, because, I tell you one thing, nobody is going to tell me what to do here. I vote my conviction on every single item that comes before this Council. I don't have anyone standing over my head telling me what to do because I'm not going to have it. That's just the way I am. I've got a higher being to answer to, and that's the way I look at it. That's the way I carry myself, and most of the Councilmembers here know that. That's the way I do it. When people come and say that we want to do things to weaken the process of someone else, or weaken the process of a body that we have and we know they're doing a good job, that's not what it's about.

It's about making changes that we feel should be correct to do, and the right thing to do, because we are elected officials. Even in Washington, DC, they don't take that many votes to

overturn anything. You have Congress there. So, when are we going to get and take Charleston to a different level? We are moving in a different area altogether. Charleston has changed a whole lot, but then certain things we want to keep like we're a hundred years back. No, that's not the way Charleston is. It's like I tell people every day, 'I'm not a person that came here'. I was here all the time, been through it all in Charleston. Some of you all here, or some people here, wouldn't even want to come to Charleston back in the '50s the way Charleston was, not even in the '60s. I was right here and went through a lot in Charleston, but it made me different. It made me better, and it made me know how to treat people differently. That's the way I look at things in the City of Charleston now. I get along with everyone. I've got a district that is very diverse, and they will tell you I'm out there until 1:00 or 2:00 in the morning, out there making a difference in my community, every night. They will tell you they see me in the street every night. So, when people come up here and stand up and say things, and it gets back to me when they're saying things like 'Someone is trying to take something away,' or we're doing it because, like someone stood up here and said, 'we're 'probably in someone's back pocket' or something like that. That really appalls me, but this is why I'm looking at it, and when we're talking about the Planning Commission, and making it a little different, to come up to the modern standards of what is here today, and that's all we're doing. It's not about taking anything away from the Planning Commission because we need them there."

Mayor Tecklenburg said, "Alright, sir. Thank you very much. Can we entertain a motion to further our discussion?"

Councilmember Williams said, "No, no. I just wanted to say, for me, once we declare to debate, can we kind of get to a point where we know what exactly what we're voting for and what a 'Yes' means and a 'No' means? I think we're creating some complications, at least for me."

Mayor Tecklenburg said, "Right."

Councilmember Williams continued, "So, just kind of, after debate, can we just kind of slow it down and get to where we are with the vote? Thank you."

Mayor Tecklenburg said, "Okay. Yes, sir, Councilmember Moody."

Councilmember Moody said, "Mayor Tecklenburg, before we maybe put a motion on, let me make a suggestion. I'm not sure, and I'll be glad to vote on this, but I think probably a better procedure would be to send it back to the Planning Commission. The reason I say that is, when this was heard in early May, there were three vacant seats. There were only six people that heard our story. Quite frankly, I went to that meeting, as did Councilmember Waring, without any kind of real preparation as to why the lady got up and asked why I would push for this particular thing, and I would be glad to answer that, but it was kind of spur of the moment. I just went because I thought maybe I was the applicant, since I was the one that made the original motion to lower it, but there were only six people there. As I was watching the proceedings, and I don't go to those things because I know they come back to us, and I feel like our proper role is to hear them here and to decide on them. One of the people that voted is an employee of one of the Historic organizations, and her fellow employee got up and spoke against it. When I was in that meeting, I was aghast at what I saw. To me, visually, it was a bad conflict of interest, but anyway, if this lady had recused herself or abstained, it would have been a tie vote. It would have failed. I'm not sure that it got a proper hearing at the Planning Commission. Rather than maybe voting tonight on this particular thing, and this has been decided, this was decided in early May. That's when the Planning Commission first heard this, and now we've got two new

members. We've got a full complement on the Planning Commission. I'm willing to send it back, and if they come back with this, that's fine, but I think we ought to send it back to the Planning Commission and ask them to review it. I think we ought to make a presentation. If it's coming from us, I'll be glad to go and make a presentation. So, having said that, my motion would be that we send it back to the Planning Commission for their review and hearings and bring it back to us with however they want to do it. If it's this, that's fine. Then, we'll deal with it."

Councilmember Waring said, "I'll second."

Mayor Tecklenburg said, "Well, the motion is to ask the Planning Commission to reconsider the proposal. We have a second."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Because of the new members, I think it should go back. A couple of people came up, and the good lady over in the corner, I think her name is Ms. Lyons, and asked a legitimate question. 'Why are we doing this?' There are a number of reasons why. When it comes to overriding the President of the United States, it takes two-thirds. It's a governance issue among others. To override the President of the United States, it takes two-thirds of our Congress to do it, two-thirds of the Senate to do it. You don't have to have 100 percent attendance to do that. To override the Governor of this State, it takes two-thirds of our General Assembly and our Senate. Remember, the President is elected, obviously, by all of the people. All of Congress and Senators are elected on the U.S. level, as well as the State level. To override, on the County level, the Planning Commission, it takes a simple majority. There is not a municipality in the State of South Carolina that requires 75 percent of total members, not of a quorum, of total members. Now, what does that do? That creates an unfair system. Again, maybe this is the day we talk about diversity on Council, but Councilmember Lewis has been here 20 years, and I asked this same question at the Planning Commission hearing, of Mr. Morgan. Mr. Morgan, I think you said you had been here 18, maybe 19 years, and I served on that Commission almost 18 years. In the almost 18 years I was on the Planning Commission, and now the four and a half years that I've been on City Council, there has never been a woman-owned business, a minority-owned business, or an African-American business that's gotten turned down at the Planning Commission and been able to marshal the forces to come forward to the City Council and get ten votes to overturn that Planning Commission.

I'll give you just one example. Two years or so ago, there was a gentleman named Ronald Holmes. This is public information. He had a plan. He's a retired Vietnam Vet and has a piece of property on John's Island. He wanted to put 12, 14 units of housing for disabled veterans. To my knowledge, we don't have an incentive for disabled veterans. He came to the Planning Commission, and he represented himself. He didn't have a professional staff. It was close, but the Planning Commission turned him down. They didn't turn him down unanimously, and there were some things like, 'Well, public transportation doesn't go out.' Well, that assumes every disabled veteran wants to live in an urban setting. That assumes maybe that every disabled veteran doesn't drive. I sure see a lot of them with a DV on the tag in front of me. We needed to have a little bit more broad thinking in that. Well, the Planning Commission, I think, voted that down 4-3 or something like that. Actually, he called me to see whether we could get City Council to overturn it, and I've got a lot of friends on this Commission, but the Planning Commission is that well-respected. I didn't think we could get ten votes to overturn it. So, I told him to go back, we met with Mr. Morgan, we tried to work something out, and we did, but that simply should not have happened. That 75 percent rule is a bridge too far. It's just simply

unfair. If you had a business, you came in front of the Planning Commission, and you got turned down 4-3 and you say, 'Well, I'll tell you what, I've been to City Council. I'll come to City Council, and I'll ask them for their ten votes.' Given the incredible job, very good job, those volunteer citizens have done for decades, and I respect all of them, you could not get ten votes to do it. Now, let's go forward to the people who have been able to get the ten votes. It has, in my experience, and that experience is almost 22½ years in one capacity or another, it's either a well-financed corporation, or a well-heeled individual. So, in other words, the rich and well-to-do or well-connected. That's not good for our City. It is not 'Us against Them', and we shouldn't have two cities. The rules should apply to you, as it does to the well-connected. I'm not saying you're not well-connected, but the probability is you would find it difficult to get ten votes. So then, the Preservation Society and the Historic Charleston Foundation, believe it or not, are friends to this City. We would not exist without the City, but there are times when I think we put earmuffs on, and we don't listen to one another. They are very well-researched, but even they could not come up with one example in the entire United States in all this time that said, 'Well, whatever town does it this way.' Not another town in America, and you know the counter to that, 'Well, we're Charleston, we're different' and we are different, but Charleston has changed.

Hundreds of years ago I would have been a slave. I wouldn't have been sitting in here, but that rule changed. Thank goodness. Years ago, we would've been demonstrating outside to have a voice in this Chamber, but that rule changed. African-American businesses, minority businesses, woman-owned businesses need to be heard at all levels of government. Right now, when it comes to all this development going on, even the Preservation Society, Historic Charleston Foundation, Charlestowne Neighborhood, none of them can give one example where a woman-owned business or a minority-owned business has been able to achieve the rule that they're trying to preserve. So, that is the reason for this change. It is for a better system of governance. Now, the last point I'll make is that the City government that put it in place was a City Council Government. That government is no more empowered, or those Councilmembers were no more empowered, than these Councilmembers around the table. That rule, quite frankly, isn't in blood. Every other city that we've seen, it's a simple majority. Realizing the experience, realizing the job that the Planning Commission has done, we opt for a 60 percent rule of a quorum, and that's what the fight is about. So, I appreciate your question. I wrote it down. I wrote your name down because you deserve an answer on that. I'm sorry for being long, but quite frankly, if anybody has any questions on that I'll reserve the balance of my time until after the meeting."

Mayor Tecklenburg said, "Thank you very much."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I concur with Councilmember Waring. We don't want to try to take anything away from the Planning Commission. Those folks do a good job, a very good job. We're just trying to make it even across the board, to make sure that City Council does some of the things that need to be done, and not take power away from City Council, and not take the power away from the Planning Commission. That's all we want to do. So, I hope that they will reconsider and listen to some of the comments that were made here tonight, or some of their friends who are here tonight can go back to them and say, 'Well, City Council is not trying to do this or do that, they want to work with you all,' and that's all we want to do. We shouldn't have to be having this conversation as elected officials, but sometimes it's good to have a conversation. Conversation brings things together. Hopefully, they will listen, and maybe we can say that we can all work for the common good."

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

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. Actually, I think what is on the floor is a motion to send this back to the Planning Commission. We are City Council. We're an independently selected body, elected as everyone said. The Planning Commission sits as its own body. We both have our own rules. I don't think we can do this. I think what we're doing here is we're making a motion to send it back to the Planning Commission and forcing them to reconsider their own vote, and I don't think we can do that. I mean that would be telling us we've got to reconsider our own vote. I don't know if Ms. Cantwell wants to weigh in on this, but we're sending it back to them and saying, 'You now have to bring up again this issue and reconsider your vote', where they have their own procedural rules to do it and may or may not do it, as Councilmember Moody said. The make-up of the Commission has changed. I don't know who voted how and when and why or who is still on that Commission or not. I don't know if there are people who would be able to bring that motion up, or whether it's timely. So, just as a procedural matter, I think that this body needs to vote on what the Planning Commission did and sent to us up or down today. I just don't think that we're in a position to direct the Planning Commission that they have to reconsider their already duly-considered decision. I think, procedurally, we're in a tough spot when we do that. Every time we don't like it, we send it back to them to reconsider. I think we need to follow our own rules, vote on what they sent us, and see what happens."

Mayor Tecklenburg said, "Are there any other comments or questions? The motion is to send this matter back to the Planning Commission for their reconsideration."

On a motion of Councilmember Moody, seconded by Councilmember Waring, City Council voted to send the following bill back to the Planning Commission for their reconsideration:

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 Williams, Seekings, Shahid, Riegel, and Mayor Tecklenburg voted nay.

Councilmember Seekings said, "Can we take a count?"

The Clerk said, "I know Councilmember Seekings and the Mayor are 'nays', but who else is a 'nay'?"

Councilmember Williams said, "Williams is a 'nay'."

Councilmember Shahid said, "Nay."

The Clerk said, "I have nay votes for Councilmember Seekings, the Mayor,

Councilmember Shahid, Councilmember Williams, and Councilmember Riegel. That would be 8-5.”

Mayor Tecklenburg said, “Alright. So, that motion passes. We’ll send it back to them. They may tell us.”

Councilmember Seekings said, “This could be the neverending inward cycle of sending things back and forth.”

Councilmember Lewis said, “I don’t think so.”

Mayor Tecklenburg said, “Alright. That concludes, for the time being, our action on the public hearing matters. Next item is to approve our last City Council 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 July 19, 2016 City Council meeting.

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, “Thank you, Mr. Mayor. I wanted to address, as a point of order, what we did at our last meeting in July where you allowed an activity to exist, in my opinion, that was not allowed by our rules. In all fairness to you and our legal counsel, my objection to allowing the telephone voting to take place at City Council was raised at the meeting, and probably not enough time was allowed to properly research the question. The question that I raised was, can a member of City Council cast a vote on issues before Council via electronic means, voting by phone, or must they physically be present? I realize that State law does allow voting via telephone, if certain conditions are met, but also State law Section 5-7-250 requires Municipal Councils to, among other things, determine their own rules and order of business. In October of 2013, the issue of electronic voting was raised, and there was actually an ordinance prepared that consisted of two sections. The first, Section ‘A’, was procedures for conducting Standing Committee meetings by telephone conference, and Section ‘B’ was procedures for participating in City Council meetings by telephone conference, and that dealt with both City Council and Ways and Means. That was debated and basically rejected by Council. What we did at our November 6, 2013 meeting, we adopted the rules for the Standing Committees to allow teleconferencing, but we specifically excluded Ways and Means and City Council. Then, as of January 12th of 2016, you presented your ordinance as required by that State law, that’s Section 5-7-250, in order for us to comply with that rule. Section 2-48 of that ordinance that we adopted this January basically is use of electronic devices prohibited. The first part of that basically says, ‘No person shall possess or use, electronic devices, including, but not limited to, mobile phones that emit an audio alert’. In other words, you have to turn your phones off if you’ve got them, and coming on down the second sentence says, ‘However, in no event, shall any person verbally communicate on a two-way radio or mobile phone during any City Council meeting’. I contend that was our attempt to say ‘No electronic voting’. That’s not allowed under our rules, but even if you said, ‘Okay, let’s ignore that, and let’s say that’s not applicable’, I think this section is relevant. If you throw that out, if you ignore that and contend that our rules are silent on this issue, that it’s not included, then you’ve got to go to the latter part of our ordinance that is Section 2-67 that says, ‘Robert’s Rules to be followed: The rules of

parliamentary practice comprised in the current edition of Robert's Rules of Order shall govern the Council in all cases for which they are applicable and which they are not inconsistent with the foregoing rules.' It basically says that Robert's Rules of Order, if you don't have something in here, you've got to adhere to Robert's Rules of Order. So, if the Rules don't specifically allow that telephone voting, they specifically know that the Robert's Rules of Order control the absence of anything else, but there is no provision in Robert's Rules or ours, if you ignore that one section, that there is no provision for telephone voting because Robert's Rules of Order does not allow that. Robert's Rules do provide for absentee balloting or absentee voting, but only by proxy or by mail, not by telephone. So, where does that leave us?

I think, for the last two months, June and July, that Councilmember Williams' votes should be discounted. They should be ignored because I don't think they were allowed. I think they were improper. I think our attorney should look at the votes that were taken in both June and July. I called Ms. Cantwell and discussed this briefly with her awhile back to ask her if Mr. Williams' votes were thrown out, what would happen and she said, she 'only thought that the only vote that would be changed would be the vote on the bicycle lane,' and that's just in the July meeting. All of the other votes, if you threw his vote out, they would still stand as a majority, or they would meet the 75 percent rule, or whatever. I didn't go back and look at June, but somebody needs to go back and check June to see if those votes could be thrown out. So, since I believe that his vote was improper, and he should not have been allowed to vote by phone, then that brings us, and we only have one really that was questionable. I know you remember with him voting, I think it was 7-6 maybe. Was that the vote on the bike lane? I think it was 7-6, right?"

Councilmember Riegel said, "That's correct."

Councilmember Seekings said, "To defeat the negative."

Councilmember Moody said, "What?"

Councilmember Seekings said, "To defeat the negative."

Councilmember Moody said, "So, if that's the case, then we've got a tie vote. A 6-6 vote and, again, going back to our rules under Section 2-45, 'Mayor to vote in all cases except of tie votes'. So, that rule says that 'The Mayor shall in all cases, except when he or she may be directly interested or shall be excused, his or her name being called last than the ayes and nos. If with his or her vote, the Council is equally divided, the question shall be decided in the negative.' So, basically, you're not allowed to vote in a tie unless it's, you know, your vote gets thrown out, too. So, if that's the case, then what we end up doing is we completely reverse that vote. With that being said, you sent a letter to Charleston County saying that we had reaffirmed that commitment, and my point of order is that we did not reaffirm that commitment, and that vote should never have been allowed. Since we're required by ordinance to pass these rules and I know that you were put on the spot. I was, too. I raised the question. I didn't have all of the details, but I've gone back and looked. You said, 'Well, we allowed it in June', but I still think in June it was against the rules, too, and just because it's against the rules, since we have to pass our rules by ordinance, we have to change them by ordinance. Just saying, 'Well, we did it last month', is not acceptable to changing our rules. I bring this point up because I think it's that important and, I think at a minimum, we should notify Charleston County that we may have a negative vote and that we're looking into that. We need to possibly get an Attorney General's opinion with the specific facts on our case to be sure we're on proper ground, and I think our legal staff should go back and look at June, and probably even confirm in July that was only the

one vote, so that we don't come down the road here, and end up being challenged on something that we're going to lose. So, that's my point of order. I guess what I'm asking is the letter be sent, this matter be looked into, and let us know what happens."

Councilmember Gregorie said, "Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Point of order. What you're suggesting would require us to go back further than June, at least in my opinion, because this Council, as a body, has communicated through electronic means to discuss relevant issues and vote accordingly, if I'm not mistaken. We've had a couple of emergency calls which pulled the City Council meeting together electronically, and if I'm not mistaken, this has happened more than once. So, if what you're saying is true, then not only do we go to June and July, but we go to every single time that we as a body voted electronically."

Mayor Tecklenburg said, "So, Councilmember Moody, I appreciate your bringing up this as a point of order. I would respectfully disagree on a number of points you have raised. First of all, a point of order was raised at last month's meeting by Councilmember Wagner. We heard the opinion of our attorney, Susan Herdina, at that time and I, as the Chair, ruled. It was a ruling from the Chair, that we would accept the vote by Councilmember Williams over the phone. So, the vote stands. I, like you, went back and looked at what Council had approved in the past on this issue and, in the 2013 procedures that were put in place, there was, in fact, a 12-month limit on those procedures for voting electronically, if you will, or by telephone. The 12 months passed, and Council did not, since that time, bring the matter up again. In terms of electronic voting, there was no policy. I became Mayor earlier this year and we passed, as you noted, our Rules of Conduct. It did not include any provisions for voting electronically and, I most respectfully say, the part that you just cited, I believe, clearly the intent was that we not be talking to folks on the phone during a meeting, and wasn't intended to address voting by phone where it is allowed. Since I've been Mayor, we've had three separate meetings where voting and participation has been allowed by telephone, not just of Committee meetings but of this Council, one a Special Meeting earlier this year, the June meeting, and the July meeting. So, from my perspective, it was allowed, and we had a precedent. I asked the Clerk of Council and our attorney, prior to the June meeting, whether it was okay and got the same answer that all of you got when Susan Herdina addressed this matter last month, and that is, in the absence of a specific denial of allowing voting by telephone or electronic means, that State law does allow it. Although Robert's Rules is called into question, that as long as State law allows it, that predominates, and I could probably call on our attorney to tell us the whole story again, but I took her advice last month. I believe still that it's true. I ruled from the Chair that the vote would be allowed and, with all due respect, I believe the vote stands, and we do not need to go back to last month's meeting or the prior meeting or many meetings that have occurred since that policy has not been in effect. So, I'll be happy to call on Counsel if that would please you, but I believe the vote stands. Yes, sir."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "Mr. Mayor, I think, not think, I know, each and every member in here was given, by me, a Municipal Association Handbook. The handbook says 'All the rules reside with Council.' I said, at the last meeting, 'If Council wants to change the Rules of Council, we can change it.' There could be a motion made tonight, and I'll make that motion. If we want to change the Rules of Council and incorporate that in the Rules of Council, this is

the time to do it tonight. If you want to change the Rules of Council that there will be no voting by electronic devices, actually, I'm making that motion tonight, that we change it and incorporate it in the Rules of Council."

Councilmember Moody said, "Another Rule of Order, sir. We need to have a change in the agenda to do that."

Mayor Tecklenburg said, "We would have to change the agenda, so we need a two-thirds vote to change the agenda."

Councilmember Lewis said, "Well, I'll ask that we can put it on the next agenda."

Mayor Tecklenburg said, "That would be fine. I'm happy to entertain a proposal from Council to change our rules, but it would not be retroactive. It would be proactive going forward."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. There are so many things to be said about all of this, but one that I would like to point out to all of my fellow Councilmembers. I think all of you sat on this Council last October, with the exception of the Mayor, when we had a Special Meeting during the flooding, all participated by telephone, and we shut down the City of Charleston. That was what we voted to do. So, all of us, 100 percent, participated by telephone. But again, it was a City Council meeting. You can call it an emergency one, but it was a meeting of this City Council where, not one, but all, participated by phone. We had another emergency City Council meeting where we participated by phone, some of us, over the Sergeant Jasper. So, the idea that we're going to shut ourselves off and disenfranchise votes, to me, is sort of beyond the pale. I agree with you, and we can have a big debate about this, but there's plenty of precedent. Mayor Riley participated by phone in a meeting when he drove home from Columbia. You all remember that?"

Councilmember Gregorie said, "Right."

Councilmember Lewis said, "Yes."

Councilmember Gregorie said, "Yes."

Councilmember Seekings said, "So, this is nothing new, nothing new to anybody around this table. We've all done it. So, I just want to point that out for consistency purposes."

Mayor Tecklenburg said, "I'm happy to entertain a motion at our next meeting regarding a change in procedure. I do think if we do that, we need to be thoughtful to allow some flexibility for emergency situations and, when appropriate, where we can't physically get together, but need to have a meeting. Yes, sir."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Technically, Mayor, all of us can call in from home at this point, the way the rule is currently written. I don't have to come in anymore."

There was laughter in the Chamber.

Mayor Tecklenburg said, "We may need the policy just because we want you to be here."

Councilmember Gregorie said, "Exactly. I'll call in."

Mayor Tecklenburg said, "Thank you. Alright, if we may proceed on, and let me announce that after Citizens Participation Period, we will take a five-minute break for Councilmembers. I would like to because the public has been waiting here, and some I'm sure would like to participate in public participation, proceed with that."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Mr. Mayor, your ruling and State law is based on what? I would like to hear it from Counsel again."

Councilmember Williams said, "The debate is over. We've already debated this. We need to move on. We really need to move on tonight. This has been debated."

Councilmember Waring said, "Mr. Mayor, you're the presiding officer."

Mayor Tecklenburg said, "Councilmember Waring has the floor. Yes, sir."

Councilmember Waring said, "Can we get the ruling again from our Counsel where the State law said that your ruling is correct because there are exceptions for emergencies. I agree with that. The instances that I'm aware of that Councilmembers Seekings and Gregorie are talking about were emergencies. The bike lane was not an emergency. It was an advertised item on the agenda. To blend those two together, to me, is incorrect, respectfully, incorrect. So, I would like to know the actual, I didn't write it down, the actual State law that you're leaning on because, hypothetically, if you're wrong, then it does make a big difference. Listen, we've been down this road before. We've been on the other side, and we lost 8-5 and that was it, but in this particular case, I've got to be frank, when Councilmember Williams was on the phone in June, I thought that was incorrect. Again, in July, I thought it was incorrect. So, when the point of order was raised, I thought, frankly, that Ms. Herdina was put in a bad position. Obviously, she's a staff attorney that works for you. In that case, you had a number of Councilmembers, obviously six, that were on the other side. She can't serve two masters, so to speak. I really feel sorry for staff. In this case, you say our rules doesn't spell it out, which I agree, so, what is the actual State law that we are leaning on because, if we're leaning on State law, actually something that Councilmember Moody said applies. Maybe we do need an Attorney General's opinion, because right now we're getting an opinion from an attorney that works for you. He has the right to hire and fire her. We do not have the right to hire and fire her. So, in that particular case, if we're leaning on State law, I'm no expert of State law. Can we get the actual portion of State law that our Counsel is leaning on, and if that's the case, we can ask for a legal opinion from the Attorney General?"

Mayor Tecklenburg said, "I'll be glad to have them provide that to you. Yes, sir."

Councilmember Waring said, "Thank you."

Mayor Tecklenburg said, "Thank you. So, we're going to move on to our Citizens Participation Period. How many people would like to be heard this evening? Please raise your

hand. Alright. I'm going to ask you to please keep your remarks to two minutes please. Yes, sir, Mr. Idris."

1. Mohammed Idris said, "Good evening. Can I ask just one question, Mayor? How much do we aid the school system, the education system in this City? How much do we aid them with money?"

Mayor Tecklenburg said, "Well, I'll be glad to get that information for you, Mr. Idris. There is some budgetary assistance, but I don't have the number on the top of my head."

Mr. Idris continued, "The reason I'm asking that is because in all of the schools in this system, we can't find anybody to be put in those positions. We have to go outside to get somebody to bring in with the educational system and we help the City. That's what I'm getting at, but let me read this here."

Mayor Tecklenburg said, "Alright, sir."

Mr. Idris continued, "Evening, Mohammed Idris, Mayor, City Council. We, the following citizens, are working to heighten the historical John L. Darby Library. Join us as we seek help to heighten the library on upper King Street. We are doing this so that our youth and grownups can benefit from this historical site together in a manner that would make our ancestors very proud of us. We need names and information that we can share with the local, national, and international world showing the historical contribution that this library has given to humanity. The library cannot be widened, and it cannot be lengthened, but we can go up with it and we know we need to go up. In doing this, we will be contributing not only to the memories of Pastor Dart, but also Cynthia Graham Hurd, one was the founder and the other was a lifetime worker. We're working to heighten the library up on King Street, and so, we're asking the Council and all good human beings to help us in that area. Thank you."

Mayor Tecklenburg said, "Thank you, sir. Who would like to be heard? Yes, sir."

Councilmember Lewis said, "Mr. Mayor, this lady was standing here."

Mayor Tecklenburg said, "Oh, I'm sorry. I'll get you next. Yes, ma'am."

2. Maria Parker said, "Is it on? I'm Maria Parker, I live at 61 Laurens, and I was wanting to comment about the potential ordinance, #1-2, the Accommodations Overlay Zone. I came directly from work to the BZA meeting, and then I came directly from there to here. At the BZA meeting, there was yet another hotel with a rooftop bar approved, and when the neighbors object and cite the hotels that they already have in the neighborhood and the ones in the pipeline, the BZA says, 'please address that to City Council. We have one application in front of us, and that's what we're voting on'. So, every hotel gets approved in a vacuum, and if we let every hotel be approved in a vacuum, this town is going to be completely overrun with hotels. I want to know what we're going to do in, say, 30 years when there's a dip in the economy, and the hotels are derelict, and they're just making the City not what we want it to be. The hotel developers say, 'oh, we don't have nearly the saturation as other tourist cities'. Guess what? We are not other tourist cities. We are Charleston, and there is currently a rush to get all these hotels approved before Charleston comes to its senses, and you are Charleston's senses. So, I want to ask you to approve, as quickly as possible, an ordinance to preserve this City, and I apologize for perhaps being a little underprepared. I don't know what it means to preserve the

Mixed-Use District, but I am very pleased to see you prohibit the displacement of housing by accommodations, and consider the effects of the housing units to be altered or replaced a little weak. Some other things are unclear, so define it and pass it.”

Mayor Tecklenburg said, “Thank you very much. Yes, sir. Oh, your name, please?”

Ms. Parker said, “Maria Parker.”

The Clerk said, “Thank you.”

Mayor Tecklenburg said, “Yes, sir.”

3. Marc Knapp said, “Marc Knapp, 2258 Pristine View. I've got six quick points. Number one, speed humps. Quit approving the things. You know every speed hump costs ten seconds for a firetruck. If they have to go past six of them, that's one full minute. They have got to go, people. I actually broke the frame on my truck going over one because the sign was covered by a tree. I was tempted to go cut the tree down, but I knew better. Somebody ought to, the tree people. Next thing, affordable housing, I'm tired of it. If you want affordable housing, tell the people to quit making bad decisions in their life. Go to school, get a job, and work for it. They are there because they've made bad decisions in their life. There's a reason. In this USA, there is no reason for anybody to be getting paid minimum wage unless they made a bunch of decisions that got them there. Next thing, call it sunshine. I'm hearing rumors of special organizations, special people paying elected officials that have consulting companies. In the legal community, I call it phantom cases, people getting paid off. You know what, if I find out about it, you're going to jail in this City, and I will find out. I'm concerned. I'm hearing rumors about this. West Ashley, \$350,000, whining about going through West Ashley traffic, but we just put a bike lane in that's going to snarl traffic for three years, and there goes \$3 million down a rat hole and another \$3 million when they take it down in three or four years. Come on people.”

The Clerk called time.

Mr. Knapp continued, “Thank you.”

Mayor Tecklenburg said, “Thank you very much.”

Mr. Knapp continued, “Get your you-know-whats out of here.”

4. Alice Tellis Kritokos said, “Alice Tellis Kritokos, and I could speak on behalf of all of these people that have already spoken. We don't need any more hotels. We don't need any more bars. We're the best people in the whole world. What else do we need? We are of the people. Anyway, you all know that I'm kind of out of it, but anyway, what I wanted to say is what I read in the paper today about the Rio Olympics, and what Raven (Saunders) can teach sore losers, a black girl from Burke High School.”

Several people and Councilmembers cheered.

Mayor Tecklenburg said, “An advertising promotion, at 2:00 p.m. at Burke High School on Thursday, there will be a community celebration of Raven Saunders' accomplishments. Yes, ma'am.”

5. Katie Zimmerman said, "Hi, Katie Zimmerman, Coastal Conservation League. Just three things, although I really appreciated the City Paper article that you were in, that was great. One, you've already talked about it, the \$350,000 transferred to West Ashley. Obviously, I live in West Ashley, so I'm personally interested in that, but I just want to, from the perspective of the Conservation League, make sure that money wasn't partially tied to some things that the Peninsula's Tourism Commission suggested. I was at a Tourism Committee meeting about a month or two ago, and some of the items that they all came together and planned to implement were related to that funding. So, I just want to make sure that's sort of been sorted out. I assume it has been, if you all already have looked at it.

The other item is two years ago, you all hired Gabe Klein to come and do a Peninsula Mobility Report for us. One of his primary recommendations related to existing parking garages was, 'Inexpensive parking sends a clear message to the public and visitors to drive your car. Parking is one of the key congestion pricing drivers that cities have in their arsenal to encourage alternate modes.' To be honest, even taking it up from, so for instance, metered parking from \$1 to \$2, is not likely going to discourage parking, but it will bring in more revenue to the coffers to fund projects. Later, you can further increase rates in an effort to discourage driving. You all have the SPA Hotel Contract in front of you tonight. Parking, the cost is not being increased. Actually, it looks like you're giving them kind of a break on that. I really encourage you to listen to the consultant we paid for two years ago, and take that into account.

Lastly, please try to unite the community. We're going to get a bike and pedestrian lane on the Legare Bridge. That's a really good thing. Seven of you voted in a wonderful . . ."

The Clerk called time.

Ms. Zimmerman continued, ". . . way for that. Let's continue to move forward united. Let's stop fighting over this. Thank you."

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

6. Kristopher King said, "Kristopher King with the Preservation Society. As a member of the Tourism Advisory Commission, I'm disappointed to see the reallocation of the \$350,000. We're very supportive of all of the focus and attention on West Ashley that it's currently getting, but we're really concerned about this reallocation coming without a commitment to address the core issue of a Citywide traffic study. The recommendation of our committee was then formed by a thorough year-long public process, and the funds that we are now discussing to reallocate were one of the principle recommendations supported by the 27 members of this committee that represented the tourism industry and the community. So, we're concerned to see these funds going to not address traffic problems. We cannot kick the can down the road. If you insist on doing this, I must ask you, as Council, when will Council begin to address the problem of traffic? We will continue to advocate for comprehensive Citywide traffic and transportation improvements, but we really feel like this is a step in the wrong direction. We have money allocated. If we're going to plan West Ashley, we need to figure out the traffic before we figure out what should go there. This is a serious amount of money that could seriously begin the process of addressing traffic, and we would encourage you to please consider not reallocating that money."

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

7. Tim Condo said, "Good evening, again. I'm Tim Condo with the Preservation

Society. I am speaking in regards to Item #1-2, the amendments to the Accommodations Overlay. Planning staff is often overworked, yet tireless in their efforts, and here, you have a great effort to thoroughly analyze accommodations on the Peninsula. What is recommended in the amendment is a prudent step towards making Charleston a healthy sustainable City. We don't want to lose our diversity of uses. So, it is a good thing, and we are in support of it and ask that you support City staff. Thank you."

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

8. Chris Cody said, "Good evening. My name is Chris Cody, and I represent Historic Charleston Foundation. Historic Charleston Foundation would also like to express our support for the proposed amendments to the Accommodations Overlay, and we would very much like to thank City staff for reaching out to us and working with us in the process of arriving at these much needed improvements and changes and thank them especially for responding to some of our feedback. We're happy to see so many well-conceived and positive changes in this amendment. With all due respect to the gentleman who spoke earlier, it will not prohibit the adaptive reuse of historic structures. We do hope that this is but a first step towards a more comprehensive look at reforming our accommodations uses in response to the state of hotel construction currently occurring. We very much support the proposed amendments and ask that Council approve them. Thank you."

Mayor Tecklenburg said, "Thank you. Would anyone else like to be heard? If not, that's the end of our Citizens Participation Period. We're almost to the end of Page 3 of a 12-page agenda, so we're almost a quarter of the way through our agenda. So, let's take a five-minute break, Councilmembers, and come right back and move on through the rest of it."

The City Council meeting recessed at 8:06 p.m.

The City Council meeting reconvened at 8:18 p.m.

Mayor Tecklenburg said, "We've got some Councilmembers out in the hallway or maybe we've got enough here to conduct business. Alright. Let me call us back to order. We're at our Petitions and Communications section on the agenda. The first order of business is the appointment of Brian Sheehan and Belén Vitello as Code Enforcement Officers for the Department of Traffic and Transportation, so they write tickets appropriately."

Councilmember Williams said, "Move for approval."

Councilmember Lewis asked, "What will the Code Enforcement Officers be doing?"

Robert Somerville, Interim Director of Traffic and Transportation said, "Parking enforcement."

Councilmember Lewis said, "Parking enforcement?"

Mr. Somerville continued, "Parking tickets."

Councilmember Lewis said, "They will be writing parking tickets?"

Mr. Somerville said, "Reviewing parking ticket violations."

Councilmember Lewis said, "Okay."

The Clerk said, "Who made the motion?"

Councilmember Williams said, "I made a motion."

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

Councilmember Gregorie said, "Second."

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

Councilmember Lewis said, "I have one more question."

Mayor Tecklenburg said, "Yes, sir. No problem."

Councilmember Lewis said, "Is this Brian Sheehan, the Ombudsman?"

Mr. Somerville said, "Yes."

The Clerk said, "He is."

Councilmember Lewis said, "So, he is coming out of that office and isn't going to be doing this anymore?"

Mr. Somerville said, "No, he assists us. He comes over and helps out just if we need him."

Councilmember Lewis said, "Okay."

Mayor Tecklenburg said, "He is staying as our Ombudsman. It's just empowering him to be able to write a ticket and adjudicate the tickets. Are there any further questions?"

On a motion of Councilmember Williams, seconded by Councilmember Gregorie, City Council voted unanimously to appoint Brian Sheehan and Belén Vitello as Code Enforcement Officers for the Department of Traffic and Transportation.

--INSERT APPOINTMENT MEMO--

Councilmember Seekings returned to the Chamber at 8:19 p.m.

Mayor Tecklenburg said, "Next we will have a short presentation from our Planning Director, Jacob Lindsey, about our hotel recommendations."

Mr. Lindsey said, "This has come before the Council three times before, so I'm going to be very brief."

Mayor Tecklenburg said, "Yes."

Mr. Lindsey said, "The ordinance amendment before you does four things. The first thing that it does is it limits the displacement of desirable uses by hotels. Those include

residences, and then in the center of the City, offices and retail spaces on Main Streets. The second thing that it does, is it prohibits developers from skirting our 50-room limit rule by building two 50-room hotels, which are attached to one another. The third thing that it does is it helps us with transportation, first of all, by requiring that hotel developers account for how their employees get to work, either by making sure that we know where they park or by providing transit passes and making sure that we know how they get to work. It accounts for how their valet pick-up and drop-off areas are handled. So, we look at that in the approvals process to make sure that it's not going to gum up the works near a hotel. The third provision for transportation, if I can do this by memory, is that there are shuttles required for hotels outside the urban core, meaning that a hotel in West Ashley, a hotel in the upper part of the Peninsula, would be required to provide a shuttle for the people who want to come Downtown, so they don't all individually drive and put a car out in the street or put a car in a parking deck. The last thing this does is that it eliminates the full-service hotel zone, which is the area on Upper Meeting Street that provides for an unlimited number of hotel rooms, given 20,000 square feet of convention space be built within the hotel. Lastly, to finish up, we have updated our numbers, which is the one thing that has changed since you all last saw this, and I just wanted to finish with that, and remind you all of the numbers. Currently, on the Peninsula, we have 4,930 hotel rooms. Of those, 769 were built between 2013 when we passed our last regulations, and today, if you include all of the hotel rooms in the newly opened Dewberry, which will be coming online shortly. In the pipeline approved for construction, are 1,031 hotel rooms. We believe that those could come online likely sometime in the next three years. So, we have about 1,900 hotel rooms which have been either built or approved since we updated our regulations last time. Those are our most recent updated numbers as of this month."

Councilmember Gregorie asked, "Does that include the ones that are not built?"

Mr. Lindsey said, "Good question. So, the hotel rooms which are approved presently are entitled, however, the impetus behind this, of course, is that given in three years we had so many hotel rooms additionally approved, we feel confident given Charleston's ranking as the #1 tourist city in the world that seems to keep coming, that we'll continue to have hotel development in the City."

Councilmember Gregorie said, "So, 1,000 and something, are those approved?"

Mr. Lindsey said, "One thousand thirty-one are approved and unbuilt."

Mayor Tecklenburg said, "Is there anything else, Mr. Lindsey?"

Mr. Lindsey said, "No, sir."

Mayor Tecklenburg said, "So, I want to thank Jacob and our Planning Department for all the work that they've done on this matter and very good thoughtful study and a proposal has come before you. I will be the first to say that, like the DuWap matter that we considered earlier this evening, it may not be a perfect set of proposals, but it's a good start. It's a good leg up, and I would respectfully ask that we give it first reading tonight and listen to your comments and suggestions so that we can come back to you with any improvements that need to be made."

Mayor Tecklenburg announced the order of speakers as Councilmember Riegel followed by Councilmember White.

Councilmember Riegel said, "So, was that a motion that you just made, sir? I will

second it, or I will make the motion for approval. I wasn't listening. I was looking at Jacob."

Mayor Tecklenburg said, "If you would make the motion, that would be good."

Councilmember Riegel said, "Yes, I'm going to make the motion to approve. As many of you know, I was adamantly against the moratorium some months back, and frankly, as we looked into this, and Jacob, you've done a marvelous job. I've been very surprised at the number of hotels and applications and new permitting, very, very surprised. I'm always in favor of smart growth, smart development, and planned growth. Since this is a first reading, I'm going to make the motion that we move forward, and then we can make some adaptations, and I just want to commend your work on this because you did convert me, sir. So, thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you. We have a motion on the floor. Do I have a second?"

Councilmember Mitchell said, "I'll second it."

Mayor Tecklenburg said, "We have a second."

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, "Yes, I just wanted to, I guess really one clarifying point in that really what we're doing by making this change really affects all future development. It's not retroactive, and specifically, there's one thing that you mentioned, having hotels, let's say, for example, if they're in Daniel Island, West Ashley or Johns Island, required to have a shuttle, that they would then be allowed to bring passengers in. If that is for a new hotel, that's fine because they can certainly budget that within the constraints of their project, but to make that retroactive, obviously, would not be appropriate. So, I just want to make sure we clarify this is for everything moving forward, not retroactive."

Mayor Tecklenburg said, "That's correct."

Councilmember White continued, "The second thing I will say to this is there's a lot here, and there are a lot of really good points, and I think there are some good changes in this. However, when we make sweeping changes, if you will, to ordinances, there are always unintended consequences. So, I would say that as we continue to think through this over the next several weeks before it comes back for second reading, we need to make sure that we really take in a very hard look at those specific issues that could come up to become sort of the unintended consequences of making these types of changes, but also be aware and prepare that in the future, there is going to always be an issue or an exception to the rule. I think we need to sort of outline how do we deal with those situations whether it's through the BZA or whatever the process needs to be because, again, there are a lot of great things in here, but there are going to be certain circumstances in this City that come up that we say, you know what, it doesn't really make sense on this particular site, or for this particular reason, so we've got to be prepared how are we going to address those one-offs with this. Those are just some comments I have to make, but I'll support moving forward with this."

Mayor Tecklenburg said, "Council will always have that availability to it to make changes going forward. I mean, I already know of requests that will probably come to Council to ask for a rezoning to include a property to be in the Accommodations Zone that is not presently in the

Accommodations Zone. So, we have to be flexible over time to consider those things as they come to us.”

Councilmember White said, “I’m sorry, Mr. Mayor, if I could make one more comment. As the Planning staff and everyone went through the process of coming up with a lot of the recommendations in the interviews that were done with Councilmembers, one of the things that came up in my conversation after meeting with Planning staff, was the need for continued diverse use of properties throughout our City, to have a diverse City and not just a City that’s full of just hotel rooms. So, I appreciate the inclusion in ensuring that we have that ability to have diverse settings. Although this may seem that we’re sort of forcing the issue, it will ensure over time that we do, in fact, have diverse uses of buildings across the City. So, I appreciate you all putting that in there. Thank you.”

Mayor Tecklenburg said, “Thank you very much.”

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, “I think that there are some great ideas here, but it still feels like a moratorium to me. I mean we can color it however we want, but, to me, this feels like a moratorium, and I can’t support that.”

Mayor Tecklenburg said, “Thank you very much.”

Mayor Tecklenburg recognized Councilmember Wilson.

Councilmember Wilson said, “Thank you very much. The question that I posed to you earlier today when we asked, Jacob, is do you have any idea within the existing Accommodations Overlay how much potential retail, office, residential space we would be losing? Has anyone gone through sort of property by property with the Overlay to determine what the actual loss is?”

Mr. Lindsey said, “That’s a good question. No, we haven’t done it at that level of detail. That would require a pretty good bit of conjecture on our part, guessing what properties may or may not become hotels. So, we haven’t done it at that fine grain, but certainly there are properties out there that are currently used as office or currently residential that would be displaced. I can say that confidently, but I haven’t done the exact numbers on it.”

Councilmember Wilson said, “Okay, the question that I have that kind of ties into it is, with one project that is going through the approval process right now, how are we able as a City, and really we are not able, it says right here, to protect the affordability of housing units with what’s about to happen up on Meeting Street? Those units, which were never deemed affordable, in any sense of the word, will be displaced. There will certainly be units put back. They will not be the same size. They will not be the same price point, nor is the City obligated to ensure that they are. I think we’re overstepping when we start to get into that. That kind of wreaks of rent control, a little bit, saying units have got to be put back in the same size, same price point. That’s territory we ought not go, but it would interesting to note at a little more granularly level exactly how much displacement we’re talking about.”

Mr. Lindsey said, “Okay.”

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "Josh, it might be educational if you would comment . . ."

Councilmember Seekings said, "Jacob."

Councilmember Gregorie said, "It's Jacob."

Councilmember Riegel said, "Oh, I'm sorry. Jacob, I'm sorry."

There was laughter in the Chamber.

Mr. Lindsey said, "There's a lot of J's. That's alright."

Councilmember Seekings said, "You all look a lot alike."

Councilmember Riegel said, "I apologize and, Jacob, you're much better looking than Josh."

There was laughter in the Chamber.

Councilmember Riegel said, "I have no idea how I did that. Blame it on I-26 coming back from Columbia. Jacob, it might be educational to share with Councilmembers the process you went through. As an example, I understood the Chairman of the Charleston Convention and Visitors Bureau, your friend and mine, Dan (Blumenstock), was very involved in this process, as were other stakeholders of the hotel community. I think that's very important. We're not doing this in a vacuum, and much like Chief Mullen, engaged the stakeholders in the Late Night Entertainment District and those ordinances and modifications. You did the same with the hotel industries, as I understand it. Thank you."

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

Councilmember Riegel said, "No, I was asking for him to comment."

Mr. Lindsey said, "A response."

Mayor Tecklenburg said, "Yes."

Mr. Lindsey said, "Yes, thank you, Councilmember. We did. We engaged 75 stakeholders over a 90-day period led, I should note, by Amy Barrett on my staff, who was very diligent in doing that outreach. They included hotel owners, those from the hotel advocacy industry, the Convention and Visitors Bureau, as well as neighborhoods and preservation groups. There was a very broad outreach of all different interests, and we think that all of these recommendations really incorporate a broad array of stakeholder viewpoints."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Let me ask a couple of questions because there are certain parts of this that I like, but I'm almost like Councilmember Gregorie. I feel like a little bit of moratorium here. In my meeting with you and Ms. Barrett, I asked the question, 'What is the status of the retail?', because I also believe in being sure we have a diverse community. In the last five years, I believe, retail is up, hotels are up, apartments are up, and offices are up, the

number of them. We're building more and more and more, all of that. The only thing that was down was population, and actually, for the last year it was back up. Is that pretty well?"

Mr. Lindsey said, "I think that's generally correct, Councilmember, and we've just barely, barely turned the curve in terms of population, and we feel like we have a duty to kind of work to make sure that the population Downtown increases."

Councilmember Moody said, "So, I guess my statement, when you present everything as, 'we've got more retail, we've got more office, we've got more places to live and then we're trying to put our thumb on this hotel'. As I mentioned early on in this process, the hotels were probably the least intrusive development that we could have. Couple that with when I reached out to the CVB, they were a part of this, and they're not in favor of this. Is that my understanding? They're opposed to this?"

Mr. Lindsey said, "I'm not aware of their official position, maybe."

Councilmember Moody said, "They are. So, that's a big stakeholder that has got some problems with this. It just occurred to me to reach out today, so I need to get some more detail as to why they're not in favor of it, but I've got several concerns about this thing that just does feel like a moratorium or something. I'm going to vote against this, and I appreciate your and Amy's time to help me get through it, but I've still got questions. It feels like this is a solution looking for a problem."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Councilmember Moody, yes, everything is up except affordability, down. We don't have enough affordable units. A question for you, of the 1,031, how many offices, houses, etcetera, will those units affect?"

Mr. Lindsey said, "It's a good question. I don't know. I'm not prepared to talk about the details. I haven't been through every single one. We tallied them, but we can do that. We can look into it and find out."

Councilmember Gregorie said, "As a follow-up, of the hotels that are being developed, how many will have ground floor retail space, and how will that then affect this, because it doesn't speak to it?"

Mr. Lindsey said, "Right. Are you referring to the hotels which are currently under construction, or those that are in the pipeline?"

Councilmember Gregorie said, "Both, actually."

Mr. Lindsey said, "It's a good question. Those that are in the pipeline, we don't really know what they're going to do on the ground level until they actually submit plans, and we get a chance to look at it. So, for a lot of those, that would just be conjecture. I can't really say, but the ones that are under construction, for the most part, I can say, have done a pretty good job of actually providing ground-level retail, mainly because we either require it through the Code, or we require it at the BAR level, or we strongly encourage them and the hoteliers are happy to provide that, but it's not without some work. We have to make sure that ground-level retail is there to make the streets a good place."

Councilmember Gregorie said, "As a follow up, how many of those businesses displace existing small businesses?"

Mr. Lindsey said, "Good question. That's another one we would have to look into the details of, but we're aware of the issue, and we want to make sure that we are protecting small local businesses."

Councilmember Gregorie said, "Okay. That's why I can't support it."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. I did avail myself of the opportunity to sit down with Jacob for a long time and talk about this. I don't know if you have it on the screen, but do you have the original study that you all produced to this Council some number of months ago?"

Mr. Lindsey said, "No, sir. We don't have that. We just have point by point with the ordinance itself. We don't have the original."

Councilmember Riegel was excused from the Chamber at 8:36 p.m. and returned at 8:37 p.m.

Councilmember Gregorie was excused from the Chamber at 8:39 p.m. and returned at 8:39 p.m.

Councilmember Seekings said, "I'd like to talk a little bit about that, if you don't mind. There are a couple things in that study that I thought were illuminating and that you highlighted when you first came to us and talked with us about it. The first was a graph that you showed us. It was the Charleston Area Hotel Market Room Inventory by sub-market, if you remember that. I know you do, and it showed the Tricounty area, Charleston County, Tricounty net of Peninsula, North Charleston, and the Peninsula, and it showed from 1990 to 2015 flat growth on the Peninsula, an astronomic growth around the Peninsula. If you read the newspaper this weekend, there was an article about that astronomic growth of hotel rooms around the Peninsula because people are coming here. When you gave us your report, which really visually laid it all out, you correlated this chart, this graph, to one of your key recommendations, which was, this is a transportation issue, not a housing, hotel development issue. You went back and showed very clearly the per hour trip generation for a 50,000 square foot building, for apartments, for hotels, for townhouses, and what that does to traffic around the Peninsula, and it was dramatic what offices do, as opposed to hotels. Two hundred twenty-six trips per hour versus 30, office, hotel. Again, looking back to a point I made earlier tonight when the sun was still up, and we were not weary, this is, after public safety, a City that is in desperate need of traffic solutions. We have talked all around it, and I think that your report, as initially presented to us, shows that beautifully, graphically, and clearly. If you look at the recommendations section, it's a big page with lots of words. Almost all of those words talk to traffic and parking. You want to balance uses, we agree with that, traffic and parking. You made some comment about the 50-room limit which, by the way, was a huge mistake by this Council. The 50-room limit has not worked. That's been a failure, but that's in hindsight.

Then you said, 'Let's look at regional impacts.' Now, the proposed ordinance that we're going to vote on tonight I don't think matches the recommendations of your report, and that, to me, is a problem. There are things in here I love, not the least of which is the transportation

issue requiring some shuttling around, to look at all of those, to ask the hoteliers and the developers to do that, but you will remember, although you weren't our Planning Director, you know very clearly about this. Three years ago, many of the members around this table spent an inordinate amount of time in their life rethinking the Hotel Overlay Zone, and we spent a lot of time. We took all of the stakeholders in, we went through it, and we came up with a much, much, more condensed Hotel Overlay Zone. We took out something like 74 properties, a potential of 3,000 hotel rooms. We took them out. The other thing we did, which was true planning, which is what you're now doing for us, and you're doing a great job, was, we identified parts of the City that we thought were appropriate for larger development hotel projects, like a convention-type project with 20,000 square feet, and areas that weren't. We specifically came up with the area that's referenced, let me make sure the record is clear of the proposed ordinance, Section 2, well, Section 18, and that is the A-1 Zoning Map. We identified that, and that was three years ago. We, as a City, identified that we need to make sure that people who come here, and, by and large, people who come here for short stays that are convention-based, aren't driving into the City. They are taking public transportation, and they're going to a full-service hotel which, in this area, would be Upper King Street, and it's all right there at their fingertips. If we take that out of our stock of potential developments, guess what? Someone's going to build that accommodation somewhere, and all those people are going to come to Downtown Charleston. So, I don't believe the problem here is hotel development. The problem here is a lack of us getting out on the lead of transportation issues. This addresses some of that, but there are a few things, too, that, Mayor, I heard you say. One of the things we want going forward, as we look at this in development and management of our City, is flexibility. Some of the things in this proposed change to the ordinance are 100 percent inflexible, zero flexibility."

Councilmember Gregorie said, "Prohibit."

Councilmember Seekings continued, "That's a problem. When you use the words 'prohibit', 'no', 'you can't', 'not', B-1(a), 'the facility will not displace from the property any existing housing', 'any', zero. You could have one unit of housing on a large area that's zoned Accommodations, and you are precluded from building an accommodation. I don't believe that's a tool that you, as the Planning Director, really want, to be completely prohibited from considering all of that. It's a huge, huge prohibition. The linear footage of the offices, I think that, again, is there a problem with that? We've got a lot of office space. We've got a lot of retail out there. I haven't seen that identified as a problem on the Peninsula. So, I think we should rethink this. It sounds good to give it first reading, we'll go back and tweak it, but people invested in this City based on what we did three years ago. What we said was, 'This is going to be a shrunk-down, condensed, and focused Accommodations Overlay Zone.' People have invested based on that, including in the area that we've identified now to completely take out of the A-1 Zone. I think that's very, very on the line of doing something to a property owner we really can't do. I, at a very minimum, I would give this first reading if we take out B-1(a), B-1(c), and 18 because those are limitations that are absolute. We can't recover from them. They provide no flexibility, and look, go back to your original recommendations to us on the original charts that you gave us in your original report, which shows people are coming. We can't stop them. They're coming here, and either we put their heads in beds and figure out a way to move them around that's consistent with a long-term development plan, or they're all driving Downtown, every single one of them, whether it's in their own car, an Uber, a taxi, I don't know what, but it's madness out there right now. It's madness. I agree with Councilmember Moody. I think that we're now addressing a problem that doesn't exist and ignoring a problem that does. So, I'm going to vote against this, unless there is a movement by this Council to take out the 'no's' and prohibitions and give some flexibility going forward when this gets to the Planning

Commission and comes back.

The stakeholders that you've interviewed, as you know, have had various reviews of this. They love your report, and I do, too. I think it identifies exactly where we are and where we need to go. I'm just not sure that this ordinance, as presented to us tonight, gets us there. That's not a criticism. It's an observation, and it's an observation that I am intimately interested in, making sure that we do the right thing going forward, with traffic on the Peninsula and livability for those who are around here. That 20,000 square foot area on Upper King Street, if done right, which it can be, will be fantastic. Every day, every single day, I walk through what I still call the Omni. Although a private building, it is public space. It's fantastic. You walk through it, and there are people from all walks of life there. It is an expensive place to stay, but it's free to walk through. It's free to look at and free to see all of the people that go there. We don't have that same kind of thing on Upper King Street. We're looking at the U-Haul site. We may own that someday. That's going to be a place of gathering. It's also going to be a place we take off the tax rolls. Where is that same type of gathering place that is sort of a public-private partnership going to be up on Upper King Street? If we take this area, this square that we're taking out of it, that's a huge mistake and an opportunity lost, financially, and for putting something kind of back into the public realm. So, I think we've got to look long term here. No, I don't think, I know. We've got to look long term here, and I think these are some band-aid solutions to some people who are worried that we're going to get overrun by hotels but your empiric evidence shows us we're not getting overrun by hotels. We're getting overrun by people with cars. That's what we have to address.

Now, I know I don't think any of this comes as a surprise to you. We've talked about this, and I said I was going to be public about it. I think it's important that we think about this holistically long term and pass ordinances that are sustainable, Mayor, long term, and we aren't just band-aid fixes that we say we're going to come back and fix. We did that three years ago. We did this. People relied on it. I relied on it. I spent a lot of time doing it, and we've told people you can rely on this long term. We have a concept in the law called 'stare decisis', a decision is made, and that's what people then conform their lives to, because they know what the law of the land is. The Overlay Zone three years ago was, and is, the law of the land, and we're changing it too quickly, we're changing it too radically, and we're putting too many absolute prohibitions on it. I think we will get challenged on some of it if we do this, and we probably will lose. So, I think we need to keep looking at this. I don't think we should surrender. I think we should keep working. I don't want to make more work for you, but I think we need to make our ordinance match your report, which currently it does not do. I'm going to vote 'no' on this, I'm going to vote 'no', but enthusiastically say it's a start, not the end, of what we need to be looking at."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I certainly agree with Councilmember Seekings. We got an Overlay Zone for hotels three years ago. I think we ought to stick with it. I think staff needs to take a harder look at this, maybe bring it back to us, probably at the last meeting in September, or the first meeting in October, but, one thing I don't like you saying is, that's the U-Haul property. We've talked about that in here before. That man wrote us a letter and said he had no intention of selling this property. Now, I know some of you all want that to be a park, but you just can't go around taking people's property just because we they want to put a park there. So, whatever we do, let's not mention taking a private person's property because we think something else needs to be there, okay? I would make a motion that we defer this until at least the last meeting in September, or the first meeting in October. Give staff a chance to take a

little harder look at this and maybe make some revisions to the zoning.”

Councilmember Gregorie said, “Second.”

Mayor Tecklenburg said, “There is already a motion on the floor.”

Councilmember Lewis said, “No, there wasn’t a motion.”

Councilmember Riegel said, “Yeah, we made a motion and seconded it. We were just discussing it.”

Mayor Tecklenburg recognized Councilmember White.

Councilmember White said, “Well, I was just going to make the comment to kind of reiterate what Councilmember Seekings said, and, in my comments earlier, that there are parts of this, again, that are very finite. There are going to be circumstances where we need to outline when an exception is appropriate to the rule because there are going to be circumstances where we look at it and say, ‘I know we made the rule two years ago, however, in this case, everyone agrees we want to do it this way,’ but as written, it is definitive, and there is no ‘wiggle room’, I think is the word that was used. So, again, I don’t think anybody in this room, at this point, is agreeing that it’s perfect, but it’s certainly going to address some things that I hear from my constituents Downtown that deal with traffic, employee parking, and other things. Maybe it needs some more work. Maybe deferral is right. I don’t know, but at the end of the day, I do think there are points of it that certainly make sense, so we need to make sure that we incorporate them moving forward.”

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, “Mr. Mayor, members of Council, when I received the study that Councilmember Seekings has referred to throughout this presentation, I was astounded by the numbers that you had presented to us, and particularly the numbers on the traffic, and the impact on offices versus hotels, also the number of hotel rooms and where we sort of fit into that graph. I was prepared to vote for this ordinance this afternoon because I thought that had worked its way into parts of your study, but now that I’m hearing the comments and questions that many of you all have presented to me, I am retreating a little bit. I think that, and I was one person who voted for the moratorium, which I was the lone ranger out there doing that, there’s a big issue with the way we’re going with the City and our accommodations. I know that accommodations bring in a tremendous amount of revenue, but that also has such an utter impact, dealing with not just traffic, but with public housing and affordable housing. It deals with the character of the City and how that impacts not just who’s here, but what is the vitality of the City, and maybe the train’s already left the station. I’ve heard that comment made several times because we’re just a destination City, and we have these short-term tourists come in here over and over again. That’s already done, and we’re beyond that point of no return. I don’t know if that’s accurate, but I think that the impact of this ordinance, whatever we pass, as it is written or as if it’s modified, as Councilmember Seekings has suggested, is going to have a tremendous impact, and redirect the trajectory of the City in dealing with accommodations. I just would prefer, I think, if Council is willing to do this, that we defer this, that we set up a workshop dedicated to this issue, and I’m seeing the grimaces on doing that, but I think that it’s such an important aspect of what we’re doing here. It may have an impact for three years, five years or ten years as to how we address this particular issue, because I think that your study is so important, and I just want to make sure that the study and the ordinance line up as closely as

they can, so that we're not making a mistake that we can't rectify sometime down the road. So, my recommendation, and maybe it's misplaced at this time in the Robert's Rules of Order, but I would prefer that we defer this, and set up a workshop on this. Let's study this a little bit more, and make sure we got all of the 't's crossed and i's dotted' on this thing. Thank you."

Mayor Tecklenburg recognized Councilmember Riegel.

Councilmember Riegel said, "I know a deferral trumps the motion. I do want to ask a question. The traffic congestion, the mass transit, how big a part of that did you study? Then, I want to make a comment."

Mr. Lindsey said, "What we observed is that hotels which are in the urban core, walkable, generate less traffic. Hotels that are in suburban areas, further out, of course, people drive to destinations, which is exactly why we included the requirement that hotels outside of the core provide a shuttle for their visitors, so that they can move back and forth to Downtown without a car. We think that provision is a really good one that goes a long way, and in fact, that suggestion came from a hotelier who volunteered to do that because he understood the burden that his hotel was placing upon traffic in the City of Charleston. Presently, we have a requirement that the hotel be located on or near a CARTA stop. We feel like we need to go a step further."

Councilmember Riegel said, "That was going to be my follow up comment. Councilmember Lewis, the last time I looked, was still on the CARTA Board. Councilmember Seekings, you're the Chairman of CARTA, and I would hope that you're giving legitimate input. I attend the CARTA meetings. Councilmember Lewis, I know you have a hard time getting there, but the thing about CARTA, Councilmember Seekings, is that a year ago, we asked that you involve the other communities in the support of CARTA, not just Charleston, North Charleston, and the County. I hope you continue on that effort, as a sidebar, but my challenge is for CARTA to be involved in this planning process to mitigate that traffic congestion that Councilmember Seekings and Councilmember Lewis are complaining about. Thank you."

Mayor Tecklenburg said, "So, if I may, make a few observations. I appreciate your observations, of course, and particularly the thought that we need to look at this long term, because I agree wholeheartedly with you. I am so proud that Charleston has been rated by Travel and Leisure Magazine as the #1 place in the world, on the Planet Earth, to visit. That's amazing and, including things like Robert's Rules of Order, we've also been rated by Condé Nast as the #1 friendliest place in America, as well. So, all those things are good. The market is so good. It's so good for hotel and accommodations in this City, this is what I see long term. You come off of I-26 onto Meeting Street, and from there down to Charleston Place is in the Accommodations Overlay Zone presently, correct? If you give it enough time, I mean you and I may be gone, but long term, if a property is entitled to become a hotel in Charleston, I believe it will, and you will take that right turn on Meeting Street and go over a mile down the street, our children will, and there will be a hotel on every single corner. I know that hotels are great for business, and I'm proud of our accommodations and hospitality business, but we have to keep a diverse mix of uses in our City and our central business core. That's got to include housing, retail, and office use. So, there are cases, Councilmember Gregorie, at Reid Street and Meeting where a brand new Holiday Inn is going up, and there was Alluette's there, an African-American restaurant. She could not find an affordable place to relocate when her property was taken. Even though it's not officially entitled as affordable housing at 411 Meeting Street, which will be one of those 20,000 plus square foot meeting space hotels that you desire to have, and I think it's fine in that location. We are displacing 189 units that currently are affordable, mostly

because of the condition of the units, I admit, but still they are affordable and they're Downtown, and where are they going to go next? They're not going to be below the Septima Clark Parkway. Maybe there is some flexibility that we can add, particularly on affordable housing, that instead of having that absolute 'no', that we have a fee-in-lieu, an affordable housing fund, that the City operates. We just have created one, or are creating one, where a hotel developer maybe is going to displace some units, but rather than build them on that site where we would all agree might not be as appropriate, he can pay the City into the fee-in-lieu fund, so we can use those funds to develop more affordable housing. It would give us that flexibility.

I appreciate what Council did three years ago. I know you were being very thoughtful at the time, but in fact, since that time, almost 2,000 hotel rooms have been either built or are entitled on the Peninsula, and there are more to come. I don't even think that includes Loews proposed hotel at the Ports Authority site, and there are more that are in the pipeline that we know about. May I say about Loews, we did not request that any of those sites that had specifically larger hotels be changed. Isn't that correct?"

Mr. Lindsey said, "Yes, sir."

Mayor Tecklenburg continued, "They are a prime example of creating that kind of public space that you mentioned at Charleston Place that's very good. So, even though you all were very thoughtful three years ago, I do believe that the 50 hotel room limit was a disincentive to hotel developers from creating those kinds of public spaces that have been an amenity to Charleston. Loews is a great example, with the inclusion of the waterfront walkway from the Waterfront Park and the other ways that proposal is going to open up to the waterfront and have public space. I think it's grand. In addition to that, the shuttle requirement is great. We can add a fee-in-lieu. We have a provision for good faith efforts to do business with minority firms and to hire a good, diverse group of Charlestonians, when they build hotels. So, here you go, I didn't really plan it this way, but you may have all forgotten our next workshop is on September 8th, prior to our next meeting. I would propose to you that we utilize that workshop to hone down on these things that we have been talking about. I'm going to ask you, again, respectfully, to go ahead and give it first reading on this. Let's have the workshop on September 8th before we have the next meeting or two, and we can give it a little time, if you want, but the applications have been coming fast and furious, and I feel like we need to go ahead and put this in place, so that we let folks know we're serious about making what really can be thoughtful, long-term changes with your input and recommendations."

Councilmember Lewis said, "Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Lewis said, "Since you mentioned the workshop, before it slips my mind, would you consider having Ernest Andrade come and give us an update on the Digital Corridor at the workshop, so we can see where we are with that project?"

Mayor Tecklenburg said, "I'd be happy to do that."

Councilmember Lewis said, "Because that project is very important to Council."

Mayor Tecklenburg said, "If that is the pleasure of Council, certainly."

Councilmember Lewis said, "Thank you."

Mayor Tecklenburg said, "Yes, sir. The question on the floor was to give this first reading, and we have a second. Is there any further discussion or questions?"

Councilmember Seekings said, "There's a motion to defer."

Councilmember Gregorie said, "He took his motion back."

Councilmember Seekings said, "He withdrew his motion."

Councilmember Riegel said, "He made a motion to defer."

Mayor Tecklenburg said, "That had precedence. You are correct. I'm sorry. Did it get seconded?"

The Clerk said, "Yes, it did."

Mayor Tecklenburg said, "It did. Okay, we have the motion on the floor to defer the matter. Is there any further discussion?"

On a motion of Councilmember Lewis, seconded by Councilmember Gregorie, City Council voted to defer Item #1-2.

The following bill was deferred:

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-220 Accommodations Overlay Zone, by inserting language to preserve Mixed-Use Districts; prohibit the displacement of housing by accommodations and consider the effects of housing units to be altered or replaced on the housing stock and whether requirements to protect the affordability of the housing units should be attached to an accommodations special exception approval; prohibit the displacement or reduction of office space by accommodations to be located within areas on the Peninsula designated "A-1" on the Accommodations Overlay Zoning Map and on streets with office use as a predominant use; prohibit the displacement of more than 25 percent of ground floor, store front retail space by accommodations uses on streets with ground floor, store front retail as a dominant use; prohibit an overconcentration of accommodations units within areas on the Peninsula designated "A-1" on the Accommodations Overlay Zoning Map; amend revised Subsection B. 1. (g) by deleting wording regarding pedestrian activity and transit system usage and inserting language regarding the location and design of guest drop off and pick up areas; and amend revised Subsection B. 1. (h) 15 to require additional information on parking and public transit provisions for employees (AS AMENDED) (DEFERRED)

The vote was not unanimous. Councilmember Williams and Mayor Tecklenburg voted nay.

Mayor Tecklenburg said, "Alright. Next, we'll go to our Council Committee Reports. First is the Committee on Public Works and Utilities."

Councilmember Gregorie said, "Move for approval."

Councilmember Lewis said, "Second."

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

Councilmember Waring said, "I would like to carry the motion and just discuss the miscellaneous piece we spoke about, so if we can just carry the motion, then I'll, for information, talk about the environmental services that you all are doing some good work to help out with."

Mayor Tecklenburg said, "Yes, sir."

The Clerk said, "He wants you to vote."

Mayor Tecklenburg said, "We are going to vote."

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

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

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

(a) Daniel Island Parcel Q Phase 3 - Acceptance and dedication of a portion of Fairchild Street (right-of-way varies). All infrastructure is complete.

- i. Title to Real Estate
- ii. Affidavit for Taxable or Exempt Transfers
- iii. Plat
- iv. Exclusive Storm Water Drainage Easement

(b) Daniel Island Parcel J Phase 2 - Acceptance and dedication of a portion of Robert Daniel Drive (50-foot right-of-way). All infrastructure is complete.

- i. Title to Real Estate
- ii. Affidavit for Taxable or Exempt Transfers
- iii. Plat

(c) Fleming Park - Acceptance and dedication of Fleming Woods Road (42-foot to 50-foot right-of-way). Sidewalks and ditch re-establishment are bonded.

- i. Title to Real Estate
- ii. Affidavit for Taxable or Exempt Transfers
- iii. Plat
- iv. Exclusive Storm Water Drainage Easement

(d) Maybank Village Phase 2A - Acceptance and dedication of a portion of Timberline Drive (50-foot right-of-way). Final overlay and sidewalks are bonded.

- i. Title to Real Estate
- ii. Affidavit for Taxable or Exempt Transfers
- iii. Plat
- iv. Exclusive Storm Water Drainage Easement

(e) Maybank Specialty Shoppes Project – Approval to notify SCDOT that the City intends to accept maintenance responsibility for a portion of the sidewalk located within the SCDOT right-of-way along Maybank Highway, SC 700. Letter and map attached.

- i. Letter
- ii. Map

Mayor Tecklenburg said, “Yes, sir.”

Councilmember Waring said, “Thank you, Mr. Mayor. As part of that meeting, I just want all Councilmembers to know that there was a discussion on our Environmental Services people and our Sanitation Department. Councilmember Lewis came and brought some very good points on how we need to go about giving extra consideration for the hard work that they do, the overtime that they’re putting in. They’re shorthanded. All those accolades that the Mayor made mention of are true, we’re #1 in the world. Well, if those people don’t do a good job, everybody who visits here knows immediately knows if the trash isn’t picked up, if the City is unclean. The Mayor and his team have already stepped forward, looked at the compensation, have an increased compensation trying to create incentives for the drivers because that’s a huge problem. Our drivers being hired away, and he stepped in and tried to bring corrective action to that. I thought all Councilmembers needed to know that. I want to thank Councilmember Lewis for bringing that to my attention because he has his eyes and the ears and hears talk, quite frankly, that I don’t hear sometimes, and maybe you don’t either, so it worked very well. So, I just wanted to thank you and your team for what you’re working on within Environmental Services. Thank you.”

Mayor Tecklenburg said, “Well, you are welcome, and I would like to thank our Public Service leadership, Mike Metzler, particularly, and our Human Resource Department. They have been dealing with a difficult situation, of course, as we noted at our last meeting. We had the tragic loss of a contract employer, Mr. Comfort, who was a wonderful gentleman, and between that and our competitiveness with other jurisdictions, we did a quick look around. We have offered a pay raise to our sanitation drivers. We have created a few positions that will offer them some opportunity for advancement and a little supervisory role, which will give them yet another opportunity to increase their rate. We’re also offering full-time employment to the former contract collector positions that we had working in our Sanitation Department to try to solidify our relationship with those employees. So, we are taking affirmative steps, and even with all that, we are having to reach out to our contract vendor, Carolina Waste, to ask them if they can handle another route or two for us. So, thank you for pointing that out.

Next will be our Committee on Traffic and Transportation.”

Councilmember Gregorie said, “Move for approval.”

Councilmember Seekings said, “Second.”

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

--INSERT COMMITTEE ON TRAFFIC AND TRANSPORTATION REPORT--

(Application for Original Certificate of Public Convenience and Necessity:
-- James T. Jamison (Taxi)
-- Jane J. Hulseberg DBA Pink Checkered Express (Limo)

Mayor Tecklenburg said, "Our Audit Committee, Councilmember Seekings."

Councilmember Gregorie said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Mr. Mayor, just a point of order, did we in the Committee accept this? Did we accept the Audit Report? I don't remember us doing that, but I think we need to officially accept."

Councilmember Seekings said, "I can respond to that. We accepted the Internal Auditor's Report, which we're required to do. We are not required to accept the external Auditor's Report. I've got my Clerk over there who reminded me of that when we began tonight. So, we did accept the reports as they were presented to us properly."

Councilmember Moody said, "In other words, we were. Thank you."

Councilmember Seekings said, "Thank you for pointing that out, and I want to give full credit to Ms. Cook (the Assistant Clerk) over there who is the one who reminded me about that today. So, thank you."

Mayor Tecklenburg said, "So, the Audit Committee Report, are there any other questions or discussion?"

Mayor Tecklenburg said, "Committee on Ways and Means."

Councilmember Mitchell said, "Move for approval."

Councilmember Seekings said, "Second."

Mayor Tecklenburg said, "Is there any discussion or questions?"

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

(Bids and Purchases

(CARTA FY2017 Budget

(Police Department: Approval to submit the 2016 Hazard Mitigation Grant Program (HMGP) Application to the SC Department of Emergency Management in the amount of \$128,078 for flood alert cameras and barriers. A City match is required in the amount of \$42,693.

(Mayor's Office for Children Youth & Families: Approval to submit the AmeriCorps

Continuation grant (11VSSC002) to the Corporation for National and Community Service in the amount of \$13,250 for Project Sponsorship. The Grantee share of \$138,711 will come from site fees that each selected site hosting a VISTA pays to the City. Due to time constraints, this grant application was submitted on August 1, 2016. This is an after-the-fact approval.

(Office of Cultural Affairs: Approval to accept the award from the Jerry and Anita Zucker Family Endowment Fund in the amount of \$2,500 for the 2016 Piccolo Spoleto Festival Outreach Programs. No City match is required.

(Parks-Capital Projects: Approval of a FEMA Hazard Mitigation Grant application (FEMA HMGP 4241) for the structural retrofit of the Huger Street Fire Station (FS#8). This grant would result in the full structural retrofit of the Huger Street station to meet or exceed current building code requirements including seismic, wind and flooding. New M/E/P systems would be installed in the process. All work would meet the Secretary of Interior's requirements for historic properties. The grant program is a 75/25 grant and would provide \$2,902,232 in funding requiring a match of \$967,411 (\$3,869,643 project total). If selected, funding would be available the 1st quarter of 2017. 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 FEMA via the SC Emergency Management Division. However, the fiscal impact will occur if the grant application is approved for award.

(Parks-Capital Projects: Approval of a FEMA Hazard Mitigation Grant application (FEMA HMGP 4241) for permanent back-up power generators at four fire stations: 2&3 (Cannon Street), 8 (Huger Street), 12 (Old Towne Road) and 17 (Johns Island.) This grant would result in new diesel generator sets with supplemental tanks suitable for at least one week of full power for each of the stations. This includes all design/permitting, required equipment and installation costs for the project. The grant program is a 75/25 grant and would provide \$283,514 in funding requiring a match of \$94,505 (\$378,018 project total). If selected, funding would be available the 1st quarter of 2017. 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 FEMA via the SC Emergency Management Division. However, the fiscal impact will occur if the grant application is approved for award.

(Parks-Capital Projects: Approval of Fee Amendment #1 to the Design Contract with Walker Concepts Architecture, LLC in the amount of \$15,500 for the Charleston Police Department Team 4 Office Building. The amount includes studies and final design for modifying one bathroom in a unisex designation, providing full specifications in the project manual booklet, originally directed to be outlined specifications included as part of the drawings, replacing existing HVAC equipment and design modifications of ductwork, and a \$500 increase to the original \$1,000 reimbursable amount. Approval of Fee Amendment #1 will increase the Design Contract with Walker Concepts Architecture, LLC by \$15,500 from \$31,660 to \$47,160 and thus over the \$40,000 threshold. The funding source for this project is the 2015 Installment Purchase Revenue Bond (\$1,750,000) and 2015 General Fund Reserves (\$323,211).

(Parks-Capital Projects: Approval of a Professional Design Contract with Evans and Schmidt Architects in the amount of \$242,050 for the Fire Station #6 (Cannon Street) Retrofit. The Professional Design Contract will obligate \$242,050 of the \$375,349 project budget. The funding source for this project is: 2015 FEMA Hazard Mitigation Grant (\$281,512) and 2015 Installment Purchase Revenue Bond (\$93,837).

- (Parks-Capital Projects: Approval of a Construction Contract with KMD Construction, LLC in the amount of \$3,381,009 for the construction of a new fire station in West Ashley in the Carolina Bay neighborhood. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council Approved budget. Approval of this action will institute a \$4,372,059 project budget, of which the \$3,381,009 construction contract will be funded. The funding sources for this project are: 2015 Installment Purchase Revenue Bond (\$3,500,000), 2015 General Fund Reserves (\$269,000), 2014 General Obligation Bond (\$400,000) and 2013 Budget Amendment (\$203,059).
- (Public Service: Approval of Amendment #4 of the professional services contract with Thomas & Hutton for Construction Engineering & Inspection (CEI) of Phase 1 of the Forest Acres Drainage Improvement Project in the amount of \$579,175. Tasks include Project Management & Administration, Construction Observation, Material Testing, Pre-Construction Survey and Monitoring, and Public Outreach and Education.
- (Public Service: Approval of Amendment #5 of the professional services contract with Thomas & Hutton for design of Phase 2 of the Forest Acres Drainage Improvement Project in the amount of \$657,850. Tasks include General Consulting and Project Management, Surveying, Study Phase, Analysis Phase, Design Phase, Permitting, and Property Acquisition.
- (Police Department: Approve Agreement between City of Charleston and James Island Charter High School for one (1) City of Charleston Police Department School Resource Officer to be assigned to the James Island Charter High School for the 2016-2017 School Year. James Island Charter High School shall reimburse the City of Charleston for the costs associated with the School Resource Officer.
- (Police Department: Approve Agreement between City of Charleston and Berkeley County School District for one (1) City of Charleston Police Department School Resource Officer to be assigned to Daniel Island Elem./Middle School for the 2016-2017 school year. Berkeley County shall reimburse the City of Charleston for the costs associated with assigning the School Resource Officer to the school.
- (Police Department: Agreement between City of Charleston and Charleston County School District for nine (9) City of Charleston Police Department School Resource Officers to be assigned to various Charleston County Schools for the 2016-2017 school year. Charleston County School District shall reimburse the City of Charleston for the costs associated with six (6) School Resource Officers.
- (Budget Finance and Revenue Collections: Approval of \$5,000 contribution to help fund a monument honoring the families of those who have lost a loved one while protecting our freedom. The monument will be placed at Patriots Point. By approval of this contribution, Council is also approving a budget transfer in the amount of \$5,000 from Community Promotions (620000 52924) to the above listed account.
- (Budget Finance and Revenue Collections: Approval to transfer funds in the amount of \$350,000 budgeted for a City-wide traffic study in the Traffic & Transportation Department to the Planning, Preservation and Sustainability Department for the West Ashley Master Plan. Funds allocated for the City-wide traffic study will be repurposed to fund the cost of the West Ashley Master Plan. Additional funds will be budgeted in 2017 for the anticipated additional costs of the Master Plan.
- (Planning, Preservation and Sustainability: Approval to establish a contract in the amount of \$47,000 with DPZ Partners to review and revise, as necessary, the

height zones for new development within the Historic District. Approval is required at least 5 days before payment can be made per State law.

(Request approval for the Mayor to execute the attached Third Amendment to Agreement to Buy and Sell Real Estate whereas Flournoy Development Company, LLC and the City agree to extend the time for closing on the property. The property owner is Flournoy Development Company, LLC. (TMS: 421-11-00-058, 421-11-00-063; 19 Folly Road, 25 Folly Road)

(Request approval for the Mayor to execute the attached Third Lease Amendment whereby the Lease between the City and Dee Norton Lowcountry Children's Center, Inc. shall terminate 30 years following the execution of this Amendment. The property owner is the City of Charleston. (TMS: 463-15-02-096; 1061 King Street) [Ordinance]

(Request approval for the Mayor to execute the attached Purchase and Sale Agreement whereas the City intends to purchase 113 Calhoun Street from Sustainability Institute in accordance with the Removal of Right of Reverter with Conditions Agreement for the amount which shall not exceed \$300,000. The property owner is the Sustainability Institute. (TMS: 458-01-01-086; 113 Calhoun Street)

(Request approval of the Ordinance and related Public Infrastructure Improvements Agreement between the City of Charleston and Horizon Project Foundation, Inc. The property owners are City of Charleston and MUSC Foundation. (TMS: Multiple; WestEdge District (aka Horizon District) (Ordinance) **[Councilmember Lewis voted nay on Item 21(d).]**

(Request approval for the Mayor to execute the attached Parking Agreement with the South Carolina State Ports Authority (SCSPA) relating to the Concord Garage. The property owner is City of Charleston. [TMS: 458-09-02-068; 1 Cumberland Street (Concord Parking Garage)] (Ordinance)

(Consider the following annexations:

-- 4 Forest Creek Court (TMS# 358-07-00-034) 0.34 acre, West Ashley (District 10). The property owners are James Lynch and Hannah Lynch.

-- 303 Stinson Drive (TMS# 350-09-00-100) 0.35 acre, West Ashley (District 5). The property owner is Richard Benson.

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

An ordinance authorizing the Mayor to execute on behalf of the City a Third Lease Amendment with the Dee Norton Lowcountry Children's Center, Inc. pertaining to property located in the City at 1021 King Street.

An ordinance authorizing the Mayor to execute on behalf of the City a Public Infrastructure Improvements Agreement with Horizon Project Foundation, Inc. pertaining to the funding of certain public improvements in the Horizon Redevelopment Project Area (sometimes referred to as "Westedge") with tax increment financing revenues or borrowings secured by a pledge of revenues generated by the Horizon Redevelopment Project Area Tax Increment Financing District.

An ordinance authorizing the Mayor to execute on behalf of the City a Parking Agreement with the South Carolina State Ports Authority pertaining to the parking garage located at 1 Cumberland Street.

An ordinance to provide for the annexation of property known as 4 Forest Creek Court (0.34 acre) (TMS# 358-07-00-034), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 10.

An ordinance to provide for the annexation of property known as 303 Stinson Drive (0.35 acre) (TMS# 350-09-00-100), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5.

The vote was not unanimous. Councilmember Lewis voted nay on Item 21(d) of the Committee on Ways and Means Report.

Mayor Tecklenburg said, "Next will come up our bills for second reading."

Councilmember Mitchell said, "Items K-1 through K-11, Mr. Mayor, if no one objects."

Councilmember Gregorie said, "Second."

Councilmember Mitchell said, "K-1 through K-11."

Mayor Tecklenburg said, "We're asked to take K-1 through K-11 altogether. May I respectfully ask that we hold out K-2 and K-3, just because the vote required on those two items is ten because we're disagreeing with the Planning Commission on those two items and just to keep our vote straight. Yes."

Councilmember Mitchell said, "So, that will be K-1, K-4, K-5, K-6, K-7, K-8, K-9, K-10, and K-11."

Councilmember White said, "Mr. Mayor, hold on. We actually defer Item K-11, as well, only because there was a public meeting announcement that should have gone out that did not go out for that item, so we need to just defer that to the second meeting in September."

Mayor Tecklenburg said, "Thank you very much, Councilmember White. So, we're going to defer Item K-11. So, may I restate the motion that we would vote on Items K-1 and then K-4 through K-10?"

Councilmember Mitchell said, "Right. Correct."

Mayor Tecklenburg said, "Do I have a second?"

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Is there any discussion or questions on Items K-1 and K-4 through K-10?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Item K-7, authorizing the Franchise Agreements, are these new vendor spaces? I wasn't sure exactly what on Item K-7 because we have these specific vendor spaces. Are we adding something to that?"

Mayor Tecklenburg said, "My understanding is that we are not."

The Clerk said, "I believe those are the same vendor spaces."

Councilmember Gregorie said, "I think so, too."

The Clerk said, "I believe those are the same vendor spaces, and they received first reading."

Councilmember Moody said, "Okay. I know we set out the specifications for the rents and all which were bid. So, I was trying to figure out what we were doing here, whether we were changing vendors, or we were just approving something that was already done."

The Clerk said, "Janie (Borden) might be able to answer this a little bit better than me. I believe that we may have a few new vendors, but I think these are spaces that we've had previously. Janie, am I correct?"

Ms. Borden said, "I'll have to check on that. This was a project that I did not work on."

The Clerk said, "Okay."

Councilmember Moody said, "I just want to be sure we're doing this in the right order here."

The Clerk said, "I believe Ms. (Adelaide) Andrews, who is not here tonight, worked on those, and I feel confident that those are the right spaces."

Mayor Tecklenburg said, "I am almost certain that these are the same vendor spaces, but the total of the 14 vendors changed a little bit from the year before."

The Clerk said, "Yes."

Councilmember Moody said, "But have we followed procedure? Have we gone back out and advertised that these are available for bid?"

The Clerk said, "Yes."

Ms. Borden said, "Yes, I'm confident that we followed the process."

Mayor Tecklenburg said, "Yes."

Councilmember Moody continued, ". . . or did we just add these people, and say 'okay?' Alright, so, you're okay with this?"

Ms. Borden said, "Yes, sir. I'm confident that we've followed the process."

Councilmember Moody said, "Alright. I just could not get that out."

Mayor Tecklenburg said, "It went back out for bid. Yes, sir."

Councilmember Moody said, "Okay."

Mayor Tecklenburg said, "Are there any other questions on K-1, and K-4 through K-10?"

On a motion of Councilmember Mitchell, (8) bills (Items K-1 and K-4 through K-10) received second reading. They passed second reading on motion by Councilmember Gregorie and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Seekings, the rules were suspended, and the bills were immediately ratified as:

- 2016-088** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1522 BALSAM STREET (ARDMORE - WEST ASHLEY) (0.55 ACRE) (TMS #350-07-00-045) (COUNCIL DISTRICT 7), BE REZONED FROM SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION TO SINGLE AND TWO-FAMILY RESIDENTIAL (STR) CLASSIFICATION. THE PROPERTY IS OWNED BY ANTHONY A. COAXUM.
- 2016-089** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1211 CAMELLIA ROAD (PINECREST GARDENS - WEST ASHLEY) (0.14 ACRE) (TMS #351-12-00-050) (COUNCIL DISTRICT 9), ANNEXED INTO THE CITY OF CHARLESTON JUNE 21, 2016 (#2016-077), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION. THE PROPERTY IS OWNED BY DENIS O'DOHERTY AND ROBERT HARVEY.
- 2016-090** AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1643 SULGRAVE ROAD (FOREST LAKES - WEST ASHLEY) (0.30 ACRE) (TMS #354-02-00-043) (COUNCIL DISTRICT 2), ANNEXED INTO THE CITY OF CHARLESTON JUNE 21, 2016 (#2016-078), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY EMMANUEL FERGUSON AND MARANDA ADAMS.
- 2016-091** AN ORDINANCE TO REPEAL ORDINANCE NO. 2016-64, RATIFIED ON MAY 10, 2016, AND TO REPLACE THE SAME WITH AN AMENDMENT TO CHAPTER 2, SECTION 2-184 OF THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, TO CREATE DIVISION 8 WHICH SHALL BE ENTITLED THE WEST ASHLEY REVITALIZATION COMMISSION AND SECTION 2-184 WHICH SHALL SET FORTH THE DUTIES AND RESPONSIBILITIES OF THE WEST ASHLEY REVITALIZATION COMMISSION. **(AS AMENDED)**
- 2016-092** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY OF CHARLESTON FRANCHISE AGREEMENTS WITH MARK RYERSON, LOW COUNTRY VENDORS, CHUN HONG CHAN, KYLE PHILLIPS, ANTELMO VARGAS, KEVIN SCHELL, JACK BYRNE AND SASSYASS COFFEE FOR CERTAIN DESIGNATED SPACES WITHIN THE CITY OF CHARLESTON FROM WHICH FOOD OR DRINK OR READING MATERIAL SOLD IN CONJUNCTION WITH THE SALE OF FOOD OR DRINK MAY BE SOLD FROM STATIONARY CARTS OR OTHER DEVICES.
- 2016-093** AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF WATERWORKS AND SEWER SYSTEM REFUNDING REVENUE BONDS OF THE CITY OF CHARLESTON IN ONE OR MORE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING \$50,000,000 AND OTHER MATTERS RELATING THERETO. (SERIES ORDINANCE)

2016-094 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY AN AMENDED AND RESTATED TRANSFER AND DEVELOPMENT AGREEMENT BETWEEN THE CITY AND THE CITY OF CHARLESTON HOUSING AUTHORITY. **(AS AMENDED)**

2016-095 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN LICENSE AGREEMENT AND LEASE AMENDMENT BETWEEN THE CITY OF CHARLESTON AND TOUR MANAGEMENT SERVICES, INC. IN ORDER TO ALLOW TOUR MANAGEMENT SERVICES, INC. TO OPERATE ITS VESSEL, THE CAROLINA BELLE, AT A SLIP AT THE CHARLESTON MARITIME CENTER AND TO SELL ADMISSIONS TICKETS TO THE CAROLINA BELLE AND RELATED MERCHANDISE OUT OF A 375 SQUARE FOOT SPACE IN THE CHARLESTON MARITIME CENTER UPON THE TERMS AND CONDITIONS MORE FULLY SET FORTH IN THE LICENSE AGREEMENT MARKED AS EXHIBIT A, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN AND THE LEASE AMENDMENT MARKED AS EXHIBIT B, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

Mayor Tecklenburg said, "Now, I have to go to work and start signing things. In the meantime, we have Items K-2 and K-3."

Councilmember Seekings said, "So moved."

Councilmember Mitchell said, "Second."

The Clerk said, "Okay, that was Councilmember Mitchell and Councilmember Seekings."

Councilmember Mitchell said, "Yes, I seconded."

Mayor Tecklenburg said, "We have a motion to approve Items K-2 and K-3, which will require a vote of ten votes on Council to pass. Is there any discussion or questions regarding Items K-2 and K-3? Hearing none, all in favor, say 'aye'. Any opposed . . ."

Councilmember Waring said, "Point of order."

Mayor Tecklenburg said, "A point of order."

Councilmember Waring said, "What did we vote on just now? Did we vote to overturn the Commission, or we voted to affirm the Commission?"

Councilmember Seekings said, "Overturn."

Councilmember Waring said, "You just said move to approve."

Councilmember Seekings said, "Move for approval."

Mayor Tecklenburg said, "We are approving the amendment of the Zoning Ordinance to go to the 56/30V, which the Planning Commission did not approve. So, yes, we are voting to affirm that change. Yes."

Councilmember Waring said, "As long as we're clear. You just said move to approve."

Mayor Tecklenburg said, "We voted already. So, we're good to go on."

The Clerk said, "Okay, but we, but, Mayor, we still have to do second reading."

Councilmember Seekings said, "So moved."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "That was second reading for Items K-2 and K-3."

The Clerk said, "Okay, but now we have to do the third reading."

Mayor Tecklenburg said, "So, now, we have to do third reading and ratification for Items K-2 and K-3. We have a motion and a second."

On a motion of Councilmember Seekings, (2) bills (Items K-2 and K-3) received second reading. They passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Seekings. On further motion of Councilmember Gregorie, the rules were suspended, and the bills were immediately ratified as:

2016-096 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A PORTION OF 176 CONCORD STREET (PENINSULA) (5.039 ACRES) (TMS #459-00-00-009) (COUNCIL DISTRICT 1), BE REZONED FROM 50/25 OLD CITY HEIGHT DISTRICT CLASSIFICATION TO 56/30V OLD CITY HEIGHT DISTRICT CLASSIFICATION. THIS PROPERTY IS OWNED BY THE SOUTH CAROLINA STATE PORTS AUTHORITY.

2016-097 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 186 CONCORD STREET (PENINSULA) (1.493 ACRES) (TMS #459-00-00-0091) (COUNCIL DISTRICT 1), BE REZONED FROM 50/25 OLD CITY HEIGHT DISTRICT CLASSIFICATION TO 56/30V OLD CITY HEIGHT DISTRICT CLASSIFICATION. THIS PROPERTY IS OWNED BY THE SOUTH CAROLINA STATE PORTS AUTHORITY.

Mayor Tecklenburg said, "Okay. So, finally, K-11 got deferred."

Mayor Tecklenburg said, "I believe we need a motion to withdraw Items K-15 through K-18. Let me check with the Clerk on one item here."

The Clerk said, "So, we have K-15 through K-18 that we need a motion to withdraw."

Mayor Tecklenburg said, "To withdraw. That's correct. That's what we just did. We have a motion to withdraw Items K-15 through K-18 and a second. Is there any discussion?"

On a motion of Councilmember Seekings, seconded by Councilmember Mitchell, City Council voted unanimously to withdraw Items K-15 through K-18 from the agenda.

The following bills were withdrawn:

An ordinance to provide for the annexation of property known as 2319 Savannah Highway (1.06 acres) (TMS# 310-06-00-114), West Ashley, Charleston County, to the

City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 7.

*An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2319 Savannah Highway (West Ashley) (approximately 1.06 acres) (TMS #310-06-00-114) (Council District 7), be zoned General Business (GB) classification. **(AS AMENDED)***

An ordinance to provide for the annexation of property known as Savannah Highway (1.49 acres) (TMS# 350-05-00-039; 350-05-00-040 and 350-05-00-160), West Ashley, Charleston County, to the City of Charleston, and includes all public rights-of-way shown within the area annexed upon a map attached hereto and make it part of District 7.

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Savannah Highway (West Ashley) (approximately 1.49 acres) (TMS #350-05-00-039, 040 and 160) (Council District 7), be zoned General Business (GB) classification.

The Clerk said, "Okay, so, Mayor, we have to go back. Which one was that?"

The Assistant Clerk said, "K-2 and K-3. The vote for second reading wasn't carried."

The Clerk said, "Okay, Mayor. We have to go back to K-2 and K-3? There was a question in the middle of the vote which caused you not to carry the vote. So, now, we need to vote on it again so that it's final."

Mayor Tecklenburg said, "This is K-2 and K-3, back to the Concord Street, a question got asked and apparently the vote didn't get reported. So, this is for second reading of K-2 and K-3. Can I get a new motion to approve?"

Councilmember Mitchell said, "So moved."

Councilmember Riegel said, "Second."

Mayor Tecklenburg said, "We have a motion from Councilmember Mitchell and a second by Councilmember Riegel."

The Clerk said, "I thought we voted on it before he asked his question."

Mayor Tecklenburg said, "Yes, I thought so, too, but we're going to make double-sure."

There was laughter in the Chamber.

The Clerk said, "Yes, we want to be sure."

Mayor Tecklenburg said, "Okay."

Mayor Tecklenburg said, "We have no items up for first reading."

The Clerk said, "The first readings are deferred."

Councilmember Seekings said, "Motion to adjourn."

Mayor Tecklenburg said, "Can I ask your indulgence for just two more minutes while I sign these documents that are supposed to be signed while we're still in session?"

The Clerk said, "Mayor, you have some questions, some hands up."

Councilmember Waring said, "I want to ask this question. If we just reaffirmed the second reading, don't we have to do a third? We re-voted on the second."

The Clerk said, "Well, we definitely did third reading. I think we did them all, but if that makes you comfortable, we can certainly do that."

Councilmember Waring said, "Okay."

Councilmember Riegel said, "So moved."

Councilmember Gregorie said, "Second."

The Clerk said, "Third reading."

Mayor Tecklenburg said, "Third and ratification of Items K-2 and K-3."

On a motion of Councilmember Seekings, Items K-2 and K-3 received second reading. They passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Riegel, the rules were suspended, and the bills were immediately ratified as:

2016-096 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A PORTION OF 176 CONCORD STREET (PENINSULA) (5.039 ACRES) (TMS #459-00-00-009) (COUNCIL DISTRICT 1), BE REZONED FROM 50/25 OLD CITY HEIGHT DISTRICT CLASSIFICATION TO 56/30V OLD CITY HEIGHT DISTRICT CLASSIFICATION. THIS PROPERTY IS OWNED BY THE SOUTH CAROLINA STATE PORTS AUTHORITY.

2016-097 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 186 CONCORD STREET (PENINSULA) (1.493 ACRES) (TMS #459-00-00-0091) (COUNCIL DISTRICT 1), BE REZONED FROM 50/25 OLD CITY HEIGHT DISTRICT CLASSIFICATION TO 56/30V OLD CITY HEIGHT DISTRICT CLASSIFICATION. THIS PROPERTY IS OWNED BY THE SOUTH CAROLINA STATE PORTS AUTHORITY.

Mayor Tecklenburg said, "Okay, so, the workshop meeting is going to be September . . ."

The Clerk said, "September 8th. It's a Thursday, and this one will be from 2:00 p.m. to 5:00 p.m. Remember, we alternated the times to go with your schedules."

Councilmember Lewis said, "Please put the Digital Corridor on there."

The Clerk said, "I beg your pardon."

Councilmember Lewis said, "I said, please make sure that we get Mr. Andrade to give us the report on the Digital Corridor."

Mayor Tecklenburg said, "We'll ask Ernest to come and give us an update."

Mayor Tecklenburg said, "Is there any other business before we go to the order?"

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Let me ask a question. I was kind of taken a little bit aback on our public hearing on Item E-1 that dealt with the Overlay Zone."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Moody continued, "At one of our breaks, there was some discussion about people who didn't understand what they were voting for."

Mayor Tecklenburg said, "Alright."

Councilmember Moody continued, "I don't know whether I'm on the winning side or not that could bring it back up. I was part of the majority, but we didn't have ten, so I think we all lost. So, I don't know, maybe I can't bring it back up."

The Clerk said, "Well, Frances can answer that question. It needed a majority vote, and we didn't get a majority vote. It was 6-7."

Ms. Cantwell said, "I've got my keys out."

There was laughter in the Chamber.

Councilmember Moody said, "And your Robert's Rules of Order."

Ms. Cantwell said, "I've got those, too, right here. The end result of what happened tonight on the item that Councilmember Moody just discussed was no action was taken, because the motion was made to uphold the Planning Commission's recommendation. That motion failed, so there was no action taken by the Council. It will stay on the agenda. It will come back before Council for definitive action at the next meeting."

Councilmember Gregorie said, "E-1?"

Councilmember Lewis said, "E-1."

Ms. Cantwell said, "That was the one on --"

Councilmember Moody said, "The Overlay Zone for the Gateway Overlay Zone."

Mayor Tecklenburg said, "That's right."

Councilmember Moody said, "I guess I was a little bit taken aback, and there was a lot of discussion because, I mean, just a month ago, we voted almost completely the other way. I haven't gotten any more information, and there was a lot of discussion about whether we were

voting pro or con. So, I just wanted to be sure we didn't walk out of here because there is one Gateway project that's pending. We may end up with a 375,000 square foot office building, rather than a 375,000 square foot residential unit, and that's not what I think we intended. I just wanted to be sure we were okay before we adjourned."

Mayor Tecklenburg said, "Mr. Lindsey, may I call on you?"

Mr. Lindsey said, "If I can very briefly address that. You have already voted upon the actual ordinance itself."

Councilmember Moody said, "Okay."

Mr. Lindsey continued, "This item is only to amend the Comprehensive Plan, which is the document that recommends general policy related to zoning in the City. This is only the Comp Plan Amendment. The Overlay itself is done and done."

Councilmember Moody said, "Okay. Well, then I was all confused, which is usual."

Mayor Tecklenburg said, "Well, I think you made a good point, and I think it was, whenever we're voting with this disapproval and all like that, it is confusing, and the hour is late. As our attorney has mentioned, in effect, no action has been taken and it will still be on the agenda, and we'll be real clear about it next time, and we'll vote on it next time. Is that okay with everyone? There being no further business, this meeting is adjourned. Thank you."

There being no further business, the meeting was adjourned at 9:18 p.m.

Vanessa Turner Maybank
Clerk of Council