

COUNCIL CHAMBER

Regular Meeting

October 25, 2016

The twentieth meeting of the City Council of Charleston was held this date convening at 5:02 p.m. at City Hall.

A notice of this meeting and an agenda were mailed to the news media October 19, 2016 and appeared in The Post and Courier October 23, 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 – <i>excused at 6:31 p.m.</i>	District 12

Mayor Tecklenburg called the meeting to order at 5:02 p.m.

The Clerk called the roll.

Mayor Tecklenburg said, "Next, I would like to call on Councilmember Gregorie for the invocation."

Councilmember Gregorie said, "Mayor and Council, I would like for the Minister of Mother Emanuel to do the invocation. It's a good way for us to first meet him and let him lead us in prayer. Reverend Eric Manning of Mother Emanuel AME Church."

Reverend Manning said, "Mr. Mayor."

Mayor Tecklenburg said, "Welcome."

Reverend Manning said, "Thank you, Mr. Mayor. Mr. Mayor and Councilmembers, let us please look to the Lord in prayer."

Reverend Manning opened the meeting with an invocation.

Mayor Tecklenburg said, "Thank you, Reverend Manning. Thank you so much."

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

Mayor Tecklenburg said, "Thank you very much. A couple of quick announcements, one is that, if there were an emergency in the room, these two doors, and there is one door to the room on my right, of course, serve as our exits. I don't see anybody in the balcony. Do not use the elevator if there were to be an emergency. Please use the stairs, and then we would assemble, after exiting the building, in Washington Park afterwards, just in case. I just wanted to let you know how to get out of the building if we needed to.

The other announcement is that, for the first time in the history of the City of Charleston, we are livestreaming tonight through our video camera over here which, in the past, has always been available on Comcast TV, but now and from here on out, we plan for our City Council meeting to be open, transparent, and live on the internet. It's available through a YouTube Channel or through our website. If you go to the City of Charleston website where it says Government and drop down, you will be able to link to the YouTube Channel, but if you do a search on YouTube, City of Charleston Council Meeting, you ought to be able to easily find it. By the way, we will be archiving the recordings and videos of the meetings, so if you ever wanted to go back and look at a prior meeting, it will also be available online at least for, I think, a year at a time, and then you would have to request it from us to get it after a certain period of time. But, anyway, we're livestreaming.

Next, I would like to call the Risher family up to the podium to join me. I have a Resolution for Council and for our City, because of the loss of a beloved member of our community, being Modie Risher, Sr. Here is Mrs. Risher. We're so blessed to have you with us this evening, thank you, and Modie's two children. God bless you for being with us. Thank you. So, if I may read this, with you present."

Mayor Tecklenburg then read the Resolution.

---INSERT RESOLUTION---

There was applause in the Chamber.

Mr. Modie Risher, Jr. said, "On behalf of my Dad, my sister, my mother, and I, we would like to thank the City of Charleston for everything they provided and helped with during his ongoing service, and everything that the City has done forever for my Dad since he has been part of the City. We would like to give you, Mr. Mayor, one of the programs from his service and to the City Councilmembers, we're going to leave some here if you guys would like to take one. That is from our family, and thanks again for everything you guys have done from the City."

Mayor Tecklenburg said, "You're most welcome."

There was applause in the Chamber.

Mayor Tecklenburg said, "Next, I believe, Councilmember Gregorie would like to add something to the agenda."

Councilmember Gregorie said, "Yes, I would like to add to the agenda a presentation to the City from Mother Emanuel by our Minister, Reverend Eric Manning, who will come with Dr. Smith. Please come forward."

Mayor Tecklenburg said, "Without objection of Council, we'll move to proceed."

Councilmember Gregorie said, "Without objection."

Several Councilmembers said, "No objection."

Mayor Tecklenburg said, "Reverend Eric Manning of the Mother Emanuel Church."

Reverend Manning said, "Once again, thank you for your continued support, your continued prayers for Mother Emanuel, and there has been such a wonderful outpouring of love from this fine City and from all people across the world, and we just wanted to let you know how greatly appreciative we are. One of the ways that we can always advance the Kingdom is to be able to give back, and we believe in doing such in love. So, tonight we are presenting to the Trident United Way a check for \$2,000.00 for you to utilize for your campaign. We, again, thank you, and this is, we pray, the first of many opportunities that we have to share and to give back, because we believe when we give back, God continues to pour out his blessings upon all of us. So, again, Mr. Mayor, thank you on behalf of all of the members of Mother Emanuel. Please accept this small token of love and appreciation for everything that you are doing. God bless you."

Mayor Tecklenburg said, "Thank you so much. God bless. We really appreciate it."

There was applause in the Chamber.

Mayor Tecklenburg said, "With that contribution, may I also ask Mike Whack to come forward? Is Mike in the house? Okay, with this contribution, and along with Mike Whack's leadership in leading our Trident United Way Campaign this year, we had a goal of \$82,500.00 from employees of the City of Charleston, and we have now raised how much, Mr. Whack?"

Mike Whack said, "\$88,868.00."

Mayor Tecklenburg said, "Alright, so, we met our goal for this year."

There was applause in the Chamber.

Mayor Tecklenburg said, "I want to thank all of our City employees, and Councilmembers as well, who have donated through the City. Along with Mother Emanuel, we had 30 City campaign coordinators who led the campaign. We had 40 separate meetings. We had the theme of 'Grow a United City of New Hopes and Dreams', and it officially ends the campaign next Tuesday, but we have already exceeded our goal which I'm very proud of. So, thanks everybody who chipped in for that.

Let's see, two more announcements, if I may, Councilmembers and citizens. We have rescheduled the MOJA Finale Concert. An event will be this coming Sunday which is October 30th at 3:00 in the afternoon at Hampton Park. So, we're really going to have a fun time, and it will be, as I mentioned, the rescheduled MOJA event, but I also view this as being an opportunity for us to thank our City employees and our Councilmembers for the fine job that's been done in the aftermath and recovery from Hurricane Matthew. I'm asking everybody to come out and have a good time and celebrate a little bit this Sunday afternoon at Hampton Park. Lastly, an announcement regarding Hurricane Matthew. I heard word just late this

afternoon that Charleston County has been added to the list of counties whereby individual assistance will be received and hopefully honored by FEMA. So, up until today, it was only applicable to governments, and apparently we met the threshold in Charleston County with the number of properties that were affected by the storm that we now qualify for individual assistance, as well. I'm sure we'll be able to get information on our website and other places where folks can find out where and how to apply for assistance. Alright, all of the announcements are done. We'll next move to our public hearings. The first one is to receive input from our citizens regarding the proposed 2017 City Budget which, technically, we hadn't actually released the details of that budget, but if any citizen has any comments or suggestions about the City's spending for next year, now would be your time to come forward and share that with us. Mr. Bryant."

1. Anthony G. Bryant said, "Anthony G. Bryant. Based upon the Charleston Public Works, Anthony Bryant, 2123 Courtland Avenue, Charleston, South Carolina 29403, phone number 843-722-7432. We would want to put on the record the fact that 80% of the budget has been given to law enforcement, and so 80% of the budget is for law enforcement. Therefore, a Federal complaint was filed in 2014 and police, sheriff's departments, State Department of Corrections, courts and other similar entities, Docket #4020402560, and the critical question, with a public comment made on a State level by SLED and Public Safety, made at a public hearing to Senator Malloy, Chip Campsen, Chauncey Gregory, Greg Hembree, Marlon E. Kimpson and J.J. Gentry, was the person who covered handling the hearing, Steven A. Wilson. It's a deep concern to me that if you have any Federal program activity that you have rape kits and DNA. As this City changes and, when you see at the College of Charleston what's going on there, and Public Safety and SLED, we want to ensure that people are not wrongfully accused of crimes they did not commit. It is unfortunate, in this Country that happens a lot. People lie on police reports. We ought to audit these police reports and show that all police reports are done properly. We want to make sure that all tickets that are written, handwritten in the past, by the value of the ticket is in the budget. We have to be about the business of accountability on the front end on these issues. Secondly, we did make public comment to the police department and some other people regarding Emanuel and we believe in separation of church and State. That's what I believe in. I love church, I love State, I believe in separation. So, we can be able to facilitate our church's citizens regarding the non-disclosure and full disclosure that we need on this issue to ensure that this doesn't happen again. We need planning and zoning policies. We don't need illumination, we need ordinances, use of force ordinances, profiling ordinances, that's what we need in this budget. So, I'll be talking on budget on the Courts so they're fully funded in the Courts, third-party, not-for-profit, by making investigations. Are they getting paid from Wells Fargo or the Chamber of Commerce or whoever to ensure their invested interests are not there? The CPW comment as well just this morning by brother Waring, and we want to ensure that the rates are proper and that they're on YouTube, that CPW is on YouTube, so we can see their meetings. Google just got sucked up all the water, all the water that Google's got, the Mt. Pleasant Water Works, etc. We want to ensure that the Court system in this Country and this City runs effectively, because poor folks don't live here. They still live there. We objectify the City. They will come here tonight and talk about all kind of news they want to do. That's their business, but Robert Clement is the Planning Commissioner and the Budget, the redesigned and development on Morrison Drive. All of those developments, all of those developments were all public properties. The State Ports Authority, with their transfer of property, the library transferred their property developable. We need to look at all of these public lands and ensure that people are included in the process. I know I'm very unpopular tonight and I like being unpopular. Just by being black in Charleston is unpopular really before the museum. So, what we want to do is submit, for the record, in the budget, the Interior Department, CPW, Charleston County School District. I was bullied in high school. This right

here is Anthony G. Bryant, this is the public comment I made for the release of public information. John, I had sweatpants on, and you know, I don't wear a lot of sweatpants, and I had an ascot bowtie on, custom vinyl. So, apparently somebody took that for a joke in the Court system. We're going to make sure that this budget and these budgets around the Country reflect DNA and rape kits. Thank you."

Mayor Tecklenburg said, "Thank you, sir. Would anyone else like to be heard on the 2017 budget? Yes, ma'am."

2. Alissa Lietzow said, "Thank you, Mr. Mayor, Councilmembers."

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

Ms. Lietzow continued, "Alissa Lietzow. I'm the Director of Charleston Pro Bono Legal Services, office address is 111 Church Street, home address is 1228 Marvin, 29407. Good evening, and thank you for the opportunity to address you. I am the Director of Charleston Pro Bono Legal Services. As a non-profit that provides free legal services to low income families in the City of Charleston, we submitted a grant request in August for your review and consideration. The grant would provide partial funding for a part-time mobile lawyer position dedicated solely to assisting in landlord/tenant disputes and other housing hurdles. I would like to take a few minutes allotted to impress upon you the importance of funding this program. Charleston Pro Bono has been proudly serving on the Lowcountry Task Force to combat homelessness since its inception earlier this year. We currently represent several individuals who were former residents of Tent City. However, our one staff attorney is unable to meet the demands that accompany the City of Charleston's plans at ending homelessness. At a recent Task Force meeting, we were asked if Charleston Pro Bono had a mobile lawyer that could travel out into the community to serve the needs of our homeless residents, primarily due to their transient nature. At this time, we do not. We would, however, like to provide that resource through this grant request. These citizens face an assortment of legal hurdles, including housing, employment and public benefits. A part-time Homeless Task Force attorney would not only assist the current homeless, but also would continue to provide legal representation to these citizens after their housing placement, with respect to any landlord/tenant issues that may arise. The target population includes Charleston's homeless and recently rehoused residents, some of whom are former residents of Tent City. Our community worked tirelessly to assist those residing in Tent City to find temporary and traditional housing. We want to do everything we can to prevent any of them from ending back out on the streets. Unfortunately, we already have one client who has been evicted following a disagreement with the landlord. One of the common barriers we see has to do with response deadlines. When a tenant is served with an eviction notice, there are very defined deadlines for a response. Currently, with one staff attorney, we are often unable to fight a wrongful eviction because the deadlines cannot be met due to our caseload and service demands. Creating this part-time position dedicated solely to meeting with and representing tenants and such disputes would have an enormous impact. We recently attended 'House Charleston', an event organized by the City of Charleston Department of Housing and Community Development. It was certainly inspiring and encouraging to see so many in our community dedicated to ending homelessness. Charleston Pro Bono would like the opportunity to serve our community by providing these necessary legal services. A grant from the City of Charleston funds would demonstrate the City's ongoing commitment to our homeless population and show the community our efforts did not stop with closing Tent City. Thank you, Mr. Mayor. Thank you."

Mayor Tecklenburg said, "Thank you, and thank you so much for your assistance this year with our Homeless to Hope effort. Charleston Pro Bono was really a partner of the City, so I appreciate it."

Ms. Lietzow said, "Thank you."

Mayor Tecklenburg said, "Would anyone else like to be heard on the 2017 budget? There is no action to be taken on this item, so we will proceed next to a number of zoning requests that we have before us this evening, and Council, if I may suggest, we take Items E-2 through E-10 together."

Councilmember Williams said, "So moved."

Mayor Tecklenburg said, "We'll ask Mr. Morgan to go through each of these annexations, or rezonings, I should say, each of these zonings and then ask for the public to speak on any of these as they would like because they're very similar in nature. Mr. Morgan."

Christopher Morgan said, "Thank you, Mr. Mayor. We'll have this one up in just a second. I'll go ahead and read the info about it. It's 53 Bogard Street on the Peninsula. It's a request to rezone from DR-2F to Commercial Transitional. Here's a map of the property (referring to the electronic presentation), and then Bogard Street running east/west roughly, Rose Lane to the east. The surrounding area is a mix of housing styles, but it's almost all zoned DR-2F, with the exception of the Planned Unit Development to the west, Peecksen Court, which is more of a Single-Family type of neighborhood. However, this is in an area that has a lot of corner stores, some of which have been converted back to residential use, some of which are commercially used. In this instance, this property, we have some images of it, was renovated a few years ago, and the downstairs space, that you can see is clearly a former corner store, has been used residentially for a number of years. However, the owners are interested in using that commercially again, and the commercial transitional district provides for a district that allows limited-in-scope commercial uses with limited hours of operation that we think fit well within the neighborhood. The Comprehensive Plan recommendation for the neighborhood is for what we call our Urban District, which would be a mix of denser housing and commercial. Given the history of the building, we think it's an appropriate use here. Both staff and Planning Commission recommend for the rezoning to CT."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Hold the public hearing, and I'll speak afterwards."

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

1. Christopher Wyatt said, "Hello, my name is Christopher Wyatt. I own the property, and we look forward to restoring it to its historic use. We're pleased to have the overwhelming support of the Neighborhood Association, the Preservation Society, and the Historic Charleston Foundation. If you have any questions, I'd be happy to answer any of them."

Mayor Tecklenburg said, "Do you have a question, Councilmember Mitchell?"

Councilmember Mitchell said, "No, I just want to say that I spoke with the neighborhood association's President today, I spoke with the owner today, and also went by the shop. That

particular shop was owned at one time by my cousin. He owned that particular building, and a store was there back in the '60s. I worked in that store for about two years during the summer months. It was sold and someone else opened a store, and then it went dormant for a while. It was always a store as I was growing up, when I lived around on Bogard Street during that time. The neighborhood association approved it. They were satisfied with it. Most of the neighbors were talking about it and they are satisfied. There were a few neighbors that had some questions, and the owner went graciously and answered the questions, and he did some other things to help them out in that particular area. So, I'm going to vote to approve it."

Councilmember Lewis said, "I second the motion."

Mayor Tecklenburg said, "Alright. Would anyone else like to be heard? Yes, ma'am. Please come forward."

2. Mary Miller said, "Good evening. My name is Mary Miller. I live at 58 Bogard Street, which is less than a 100 yards from the proposed restaurant."

Mayor Tecklenburg said, "Come a little closer to the microphone."

Ms. Miller continued, "Okay. The proposed restaurant at one time was host to a Greek grocery store, and before that to a German grocery store, and over time I've lived in the neighborhood. That's about 11 years. I have seen hosts of college students residing temporarily there. Back in 2006 roughly, there was a very nice art gallery on the site that is now where the restaurant is supposed to be placed. The restaurant is going to be open seven days a week, from 7:00 a.m. to 10:00 p.m. This means garbage pick-up seven days a week. I'm here to tell you that my observation about Trattoria Lucca, which is down the street, frequently, I can't say I go down every day, but as I'm driving past the restaurant, I observe as late as 11:00 p.m. and 12:00 a.m., the garbage has not been picked up. Now, they're only open from approximately 6:00 until 10:00 in the evening, and they're only open six days a week. The neighborhood has survived hurricanes, but it has been gutted by the Crosstown, I-26, which cut through a solid, middle class, ethnically diverse community. Fifty years later, Bogard's livability is being destroyed by a deficit of over 200 parking spaces just on Bogard Street alone, illegal Airbnb operations, including one at #53, and hoards of College of Charleston students who occupy Charleston single homes that have been cut up into apartment units. Various City Councilmembers who grew up in the neighborhood, and as well as our new Mayor, have expressed to me personally at different times about what a terrible neighborhood, it was and, quite frankly, my response is, in the 11 years that I've lived there, there have been two incidents. One was a drug dealer looking for money on a Saturday night, who came in through my kitchen window, and he came upstairs, and I came out, and I said, 'You get the hell of out of here', which he did. Two years later, there was a trial, and he is in jail. During the Christmas holiday of 2007, I am here to tell you that my car windows were smashed, so that was my Christmas present for the year."

One of the things I learned about the neighborhood's history is that in the '20s and the '30s after blacks and children had migrated to the North, they somehow, in the '50s and '60s, started to want to come back and visit the relatives and the old homesteads. Well, their choices were pretty limited. There was the St. James Hotel on Spring Street, and there were two tourist homes, one over on Ashley Avenue, that I know of, that would have been listed in what we all know as the Green Book, which is what told black people who were traveling in the City where they could go to have a meal or where they could stay overnight."

Councilmember Waring said, "Mr. Mayor, excuse me. I hate to be in the position that I'm in, but I'm going to have to call for a point of order. We actually had the public hearing, a motion was made, seconded, and I think when you asked for discussion, you were asking for discussion from Councilmembers. We're in the process of carrying a motion and now we have a person from the public, and you're a gracious lady, but we're supposed to be carrying a motion right now, not getting comment from the public, Mr. Mayor."

Mayor Tecklenburg said, "Respectfully, when the owner spoke, and then I called on Councilmember Mitchell, I thought he was asking a question of that individual, and I had not called for an end to the public hearing on this matter yet."

Councilmember Waring said, "Do we have a motion on the floor or not? That's the point of order I'm asking."

Councilmember Williams said, "We do not have a motion on the floor."

Councilmember Waring said, "It was motioned and seconded."

The Clerk said, "Councilmember Mitchell made a motion that was seconded by Councilmember Lewis."

Councilmember Waring said, "Councilmember Lewis seconded it. So, a motion is on the floor, and that's why I called the point of order, Mr. Mayor, that's all. I mean we are all trying to be gracious, and like I said this is a very nice lady, but do we have a motion on the floor or not? That's the point of order."

Mayor Tecklenburg said, "We do have a motion on the floor. As the presiding officer, I'm going to allow Ms. Miller to complete her statement, and then we'll close out the public hearing on this matter. Yes, ma'am. Please proceed."

Ms. Miller said, "Thank you."

Councilmember Waring said, "Back to the point of order, if we're going to do that, then we need to take the motion off the floor and continue the public hearing."

Councilmember Williams said, "This is ridiculous."

Councilmember Waring said, "That's Robert's Rules of Order."

Mayor Tecklenburg said, "Councilmember Mitchell."

Councilmember Waring said, "If it's his pleasure to do that."

Councilmember Mitchell said, "I'll withdraw the motion for the purpose of letting her speak."

Councilmember Waring said, "Okay, thank you."

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

Councilmember Williams was excused at 5:35 p.m.

Ms. Miller said, "Today with the influx of tourists, both nationally and internationally arriving by the scores, the City of Charleston faces two challenges in this neighborhood where we are talking about 53 Bogard, and that is the flow from the unrestricted business developments that have occurred on Upper King Street that flood traffic and all manner of items over into the neighborhoods of Cannonborough/Elliotborough, etcetera. Parking is a serious matter, as there already is congestion to anybody who drives up King Street. It's very obvious, and it's just spilling more and more over into the neighborhoods. As I said earlier, there is a deficit of 200 parking spaces for the people who are entitled to have a parking permit. No parking feasibility study has been done by the City Administration since 1999, and now we have this proposed 50-seat restaurant, the same capacity as Lucca (Trattoria Lucca). There is no parking for Lucca or for the bar, for the pizza parlor, and the second bar that are all located on Bogard Street.

Now, yet, this is a residential neighborhood. I will concede that the gentleman who is pushing for this development has made an arrangement wherein there will be five spaces beside the restaurant that will be available for the public who come to the restaurant. His tenants who live in the back of the building are going to be going to Line Street to park. So, it isn't as though, he hasn't made at least one minor concession. I would submit, when you think critically about how many people will be in and out seven days a week, and the traffic tie-ups that are going to occur, I can tell you I have at least five either UPS, or other huge delivery trucks parked literally in front of my house every day. The only day I have any real relief is on Sunday. I'm here to tell you that Bogard Street is used as a cross street from Saint Philip over to Ashley Avenue. Obviously, with the other restaurants and bars on the street, it's quite a task some days to get around to go out your driveway and onto wherever you were trying to head, meaning wherever I might be trying to go, but other neighbors have the same issue. My other point is seven days a week of garbage that may or may not be picked up until half the day has gone by, and the odor and the rats are not what I had envisioned living with as a neighbor across the street."

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

3. Robert Gurley said, "Mayor Tecklenburg, members of City Council, I'm Robert Gurley of the Preservation Society of Charleston. I'll be very brief. We think this is a great use. We are pleased to see this commercial historic building be returned to a commercial use, the first floor. We think we have the right owner for this building. He's worked with the neighborhoods and the neighbors. We agree with the neighborhood association that this is a good situation, and we ask that this amendment be approved. Thank you."

Mayor Tecklenburg said, "Thank you, sir. Would anyone else like to be heard? Not hearing anyone, now Council."

Councilmember Mitchell said, "I'll make a motion to approve."

Councilmember Lewis said, "Second."

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

The Clerk said, "Yes, Councilmember Lewis."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to be heard.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 53 Bogard Street (Peninsula - Cannonborough/Elliottborough) (0.118 acre) (TMS #460-08-03-105) (Council District 4), be rezoned from Diverse Residential (DR-2F) classification to Commercial Transitional (CT) classification. The property is owned by 53 Bogard Street LLC.

Councilmember Williams returned to the Chamber at 5:40 p.m.

Mayor Tecklenburg said, "Next, is E-3. Mr. Morgan."

Mr. Morgan said, "This is a piece of property at 718 Riley Road on James Island, 2.35 acres. It's a portion of TMS# 340-07-00-009. It's a request to rezone from Single-Family Residential (SR-1) to Conservation (C). Conservation is a much lower residential district. It does allow some other uses that are more readily found in more low intensity areas, such as a nursery or a horticultural supply facility, and I think part of the reasoning for the rezoning is that there is an existing nursery on these parcels that are currently Zoned Conservation (C) here at the end of Up on the Hill Road. I think they are interested in having a driveway that comes from Riley Road that would create a better access for that, and they would have to do that through property that was zoned the same way as the nursery itself. When I say nursery, of course, I mean a plant nursery, plants, vegetables, and things like that. So, the request is to rezone in essentially a manner that is a down zoning, SR-1 to Conservation (C), and both staff and Planning Commission recommend approval."

Mayor Tecklenburg said, "Thank you. Would anyone like to be heard on this matter? Mr. Wade."

1. Derek Wade said, "Mr. Mayor and members of Council, my name is Derek Wade. I reside at 740 Up on the Hill Road, and the primary objective here is indeed to have better access to our property and to remove congestion for the growing community on Up on the Hill Road. So, this would, I think, be a win-win for our community back there. Thank you very much."

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

No one else asked to speak.

Councilmember Seekings said, "Move for approval."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one from the public asked to speak.

On a motion of Councilmember Seekings, seconded by Councilmember Gregorie, 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 718 Riley Road (James Island) (approximately 2.35 acres) (a portion of TMS# 340-07-00-009) (Council District 6), be rezoned from Single-Family Residential (SR-1) classification to Conservation (C) classification. The property is owned by Derek and Kathlyn Wade.

Councilmember Gregorie was excused from the Chamber at 5:42 p.m. and returned at 5:43 p.m.

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "Next, we have 3 and 4 Maple Street, an adjacent vacant lot. These are TMS# 463-12-02-013, 014, and 084. A request to rezone from DR-1F to Limited Business, and you can see here that the property is to the west of Meeting Street, to the east of I-26, which is the area in gray you see here (referring to the electronic presentation). It's just to the south of Cypress Street. Here is Maple Street, which for this portion terminates at I-26. Most of the surrounding properties are Zoned Limited Business that front on Meeting and, in some instances, some of the side streets, but these properties were not zoned that way. There is an interest in developing these for office use. We have some aerial images. They are immediately adjacent to the interstate, so it would be nice to see some other uses come into that area. Here is another aerial image looking from Meeting Street to the west. You can see the subject properties, and both staff and Planning Commission recommend approval for the rezoning to Limited Business."

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

No one from the public asked to speak.

Mayor Tecklenburg said, "Hearing none."

Councilmember Mitchell said, "I move for approval."

Councilmember Williams said, "Second."

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

No one from the public asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 3 & 4 Maple Street and adjacent vacant lot (Peninsula) (approximately 0.15 acre) (TMS #463-12-02-013, 014 and 084) (Council District 4), be rezoned from Diverse Residential (DR-1F) classification to Limited Business (LB) classification. The property is owned by JJR Development and SCDOT.

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "Now, we have the zonings for recently annexed properties. The first is 4 Forest Creek Court in Shadowmoss. It's recommended for SR-1, Single-Family, which matches the surrounding zoning in the neighborhood."

Councilmember Riegel said, "Move for approval, Mr. Mayor."

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

Councilmember Riegel said, "I don't think there is anyone here."

Mayor Tecklenburg said, "Alright. To Council, we have a motion to approve."

Councilmember Mitchell said, "Second."

Councilmember Riegel said, "That's my district. Thank you."

Mayor Tecklenburg said, "Is there any discussion?"

No one from the public asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 4 Forest Creek Court (Shadowmoss - West Ashley) (0.34 acre) (TMS #358-07-00-034) (Council District 10), annexed into the City of Charleston September 13, 2016 (#2016-108), be zoned Single-Family Residential (SR-1) classification. The property is owned by James and Hannah Lynch.

Mayor Tecklenburg said, "Back to Mr. Morgan."

Mr. Morgan said, "Then we have 303 Stinson Drive. Again, a recommendation for SR-1, Single-Family Residential."

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

No one from the public asked to speak.

Councilmember Lewis said, "Move for approval."

Councilmember Mitchell said, "Second."

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

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 303 Stinson Drive (West Ashley) (0.35 acre) (TMS #350-09-00-100) (Council District 5), annexed into the City of Charleston September 13, 2016 (#2016-109), be zoned Single-Family Residential (SR-1) classification. The property is owned by Richard Benson.

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "Then we have 2027 Woodcliff Court. Again, SR-1, Single-Family Residential is recommended."

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

No one from the public asked to speak.

Councilmember Williams said, "Move for approval."

Councilmember Lewis said, "Second."

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

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2027 Woodcliff Street (West Ashley) (0.23 acre) (TMS #355-15-00-060) (Council District 2), annexed into the City of Charleston September 27, 2016 (#2016-114), be zoned Single-Family Residential (SR-1) classification. The property is owned by Nicholas and Elaine Boyer.

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "So, now, we have E-8 which is 614 Stoneboro Court on James Island. The recommendation is for SR-1, as well."

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

No one from the public asked to speak.

Mayor Tecklenburg said, "To my Council."

Councilmember Waring said, "Move for approval."

Councilmember Gregorie said, "Second."

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

No one from the public asked to speak.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 614 Stoneboro Court (James Island) (0.23 acre) (TMS #343-15-00-099) (Council District 11), annexed into the City of Charleston September 27, 2016 (#2016-113), be zoned Single-Family Residential (SR-1) classification. The property is owned by Erin Hitchinson.

Mr. Morgan said, "The next one is E-9, which is a property on Grimball Road Extension, TMS# 427-00-00-086, and its request and recommendation is for Single-Family Residential which matches the adjoining properties."

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

No one from the public asked to speak.

Mayor Tecklenburg said, "Hearing none."

Councilmember Waring said, "Move for approval."

Councilmember Mitchell said, "Second."

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

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Grimball Road Extension (James Island) (0.79 acre) (TMS #427-00-00-086) (Council District 6), annexed into the City of Charleston September 27, 2016 (#2016-116), be zoned Single-Family Residential (SR-1) classification. The property is owned by Johnny Troutman and Eunice Troutman.

Mayor Tecklenburg said, "Number E-10."

Mr. Morgan said, "Number E-10 is several different lots that combine to 2.14 acres. They're on Secessionville Road, as well. Excuse me, they're on Secessionville Road on James Island. The TMS numbers are 427-00-00-006, 116, 117, 250, and 251. They adjoin other properties to the north and to the west that are zoned Single-Family Residential, and this would be recommended for SR-1, as well."

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

Councilmember Gregorie said, "Move for approval."

Councilmember Lewis said, "Second."

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

No one asked to be heard.

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

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that property located on Secessionville Road (James Island) (2.14 acres) (TMS #427-00-00-006, 116, 117, 250 and 251) (Council District 6), annexed into the City of Charleston September 27, 2016 (#2016-115), be zoned Single-Family Residential (SR-1) classification. The property is owned by Ion Venture LLC.

Mayor Tecklenburg said, "Number E-11."

Mr. Morgan said, "Number E-11 is 472 Woodland Shores Road, an existing Single-Family lot that would go for SR-1 in the City."

The Clerk said, "That's a second reading."

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

No one from the public asked to speak.

Mayor Tecklenburg said, "Hearing none."

Councilmember Gregorie said, "Move for approval."

Councilmember Mitchell said, "Second."

On a motion of Councilmember Gregorie, one (1) bill (Item E-11) received second reading. It passed second reading on motion by Councilmember Mitchell and third reading on motion of Councilmember Lewis. On further motion of Councilmember Mitchell, the rules were suspended, and the bill was immediately ratified as:

2016-132 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 472 WOODLAND SHORES ROAD (JAMES ISLAND) (0.30 ACRE) (TMS #343-16-00-040) (COUNCIL DISTRICT 11), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY ROLINA HOMES LLC.

Mayor Tecklenburg said, "Number E-12."

Mr. Morgan said, "That is 336 Folly Road. It is 0.42 acres. It is a request to come into the City and be Zoned General Business. It was commercially designated in Charleston County, and there is nearby commercial General Business to the west, and further to the south there is an office park immediately to the south, but further to the south there is other GB."

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

No one from the public asked to speak.

Councilmember Mitchell said, "Move for approval."

Councilmember Lewis said, "Second."

The Clerk said, "This is also a second reading, Mayor."

Mayor Tecklenburg said, "Second reading also. Is there any discussion?"

No one asked to be heard.

On a motion of Councilmember Mitchell, one (1) bill (Item E-12) received second reading. It passed second reading on motion by Councilmember Lewis and third reading on motion of Councilmember Gregorie. On further motion of Councilmember Mitchell, the rules were suspended, and the bill was immediately ratified as:

2016-133 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 336 FOLLY ROAD (JAMES ISLAND) (0.42 ACRE) (TMS #424-05-00-029) (COUNCIL DISTRICT 11), BE ZONED GENERAL BUSINESS (GB) CLASSIFICATION. THE PROPERTY IS OWNED BY GEORGE SMYTHE AND DAVID SMYTHE.

Mayor Tecklenburg said, "Next is Number E-13."

Mr. Morgan said, "This is the amendment that you all have seen before that was initiated at City Council to modify the vote required by City Council in the event of a recommendation for disapproval 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 those immediately adjacent to the sides and rear or directly opposite thereto is presented to Council, to sixty-five (65%) percent of the members present and voting. That is the amendment from the Planning Commission from the present 75 (75%) percent. That is what came forward from Planning Commission by a vote of 6 to 3 from the Planning Commission."

Mayor Tecklenburg said, "Right. As this ordinance is amended and different from what we originally sent to the Planning Commission, that leads to the reasoning for this being a public hearing on this matter this evening. So, would anyone like to be heard on this matter? Yes, sir, Mr. Gurley."

1. Robert Gurley said, "Mayor Tecklenburg, members of City Council, I'm Robert Gurley with the Preservation Society of Charleston. In this Lowcountry area in Charleston and Mt. Pleasant, we are all experiencing unprecedented growth. Our citizens are paying attention to our decision makers. We believe that this is a step in the wrong direction, to modify the Planning Commission's authority by decreasing the number of people necessary for you to override their decision. This is just the wrong time. We appreciate your service, but the participation on the part of our volunteer boards is especially critical in these times of growth. Our citizens need to have every opportunity to have their voice heard. We don't think this is a step in the right direction, and we ask that you not approve it. Thank you."

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

No one else asked to speak.

Mayor Tecklenburg said, "Alright. Back to Council. Yes, sir."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "I mentioned this before, the last time we had the discussion pertaining to this, and most of the people that are on the Planning Commission, which we love to death because they are volunteers. We are elected officials. We were elected to do the job that we are sitting here for, for the community. For some reason, it seems like they have more power than the City Council has and we are elected. That's my position on this 65 or 60 percent and what they're saying. They're telling us how much it's going to take to override what they do. How many times have we overridden the Planning Commission? We don't do that all the time, just in certain instances, when we look at something that's going to benefit the community, and it's a betterment for the community. That's the problem I have with this overall, because they're coming back and telling us what they wanted. We voted on one thing, sent it to them, they sent it back to us, and said, 'This is what we're going to take.' They are volunteers, but we are elected. Most of the jurisdictions around here, you'll find County Council, North Charleston, they have simple majority. We didn't even ask for a simple majority. Any time something comes to this Council and we vote, we only need a simple majority. It's not two-thirds vote or 80 or 60 percent here or there. That's the problem I have with this ordinance that's coming back here again, and I still have a problem with it. I still have a problem with it."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Mitchell continued, "Because the people that are on the Planning Commission, who placed them there? We did. We vote on them, and I have a problem with them coming back and telling us as elected officials and a legislative body, 'This is what we have to take, or 'We don't want you to override us', or 'this and that's'. I don't understand that. Even in Washington, D.C., it doesn't take that much. Even with the President, with Congress, it doesn't take that. So, I have a problem with it. That's my dilemma with this altogether, and I don't know if I can support this anyway."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Thank you, Mr. Mayor. With all respect to, and we all do have respect for the Planning Commission, but without repeating what I've repeated a number of meetings running, I respect the recommendation of 65 percent, but I'm going to put the motion on the floor to go with our request of 60 percent. I hear you, Councilmember, everybody else does it simple majority, and there's certainly a strong argument for that. I'd like to put the motion on the floor that what we recommended to the Planning Commission and voted on here is what we approve today. So, I make a motion to overrule at 60 percent."

Councilmember Moody said, "I'll second that motion."

Mayor Tecklenburg said, "We have a motion that to override would require just 60 percent of the members of Council present and voting as stated here (referring to the bill), but just changing the number."

Councilmember Waring said, "Just changing the number."

Mayor Tecklenburg said, "Changing the number from 65 to 60. We have a motion and a second on the floor. Is there any discussion?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "I've got a couple questions for legal counsel, if I might, just procedurally on where we are on this, sorry."

Mayor Tecklenburg said, "Attorney Cantwell. Yes, sir."

Councilmember Seekings said, "I would like to speak, please."

Mayor Tecklenburg said, "Councilmember Seekings has the floor."

Councilmember Seekings said, "Thank you. Procedurally, I'm trying to figure out how this is before us now and what this motion does to it, so that we can explain it to our constituents. It came originally as a motion of Council to have this as a 60 percent majority. We voted on it. It then went to the Planning Commission. What happened to it then, because it came back to us, again, right?"

Frances Cantwell said, "It went to the Planning Commission the first time. They recommended that they not accept your recommendation, and City Council never acted on that negative recommendation of the Planning Commission. It sat on the agenda, and then Council, as the applicant, asked that it be sent back to the Commission for them to address it again, which they did."

Councilmember Seekings said, "Essentially to reconsider their position of our recommended 60 percent?"

Ms. Cantwell said, "Yes, but I just want to say that you can call it a reconsideration. In effect, that's what it is, but any applicant, whether it's the City, Council, or a private citizen, has the right to ask the Planning Commission to consider the same application twice within six months."

Councilmember Seekings said, "So, then it went to the Planning Commission on the request for one or two times to be heard in six months. The Planning Commission rejected the 60 percent and then came up with its own 65 percent?"

Ms. Cantwell said, "What the Planning Commission did, and it wasn't seamless, but there was a motion made by Mr. Geer to deny Council's request, and it was seconded. It was discussed, and there was discussion over each other. Then, I believe he amended his own motion to bring it to 75 percent of those present, and that motion failed 6 to 3. Then, there was another motion, again, I believe, to not go with what Council wanted, but to do something more than what Council had suggested. That was rejected. Mr. Sanyal made a motion, at first, to accept Council's recommendation, and then, he amended his own motion and said, 'I move for 65 percent of those present.' That motion passed 6 to 3. So, procedurally, how I interpret it is that the Planning Commission did not accept Council's original recommendation for 60 percent, but is recommending 65 percent."

Councilmember Seekings said, "I want to get through to the end of this, so when we vote, we're all clear. So, they didn't accept what we sent to them. They, on their own motion, have sent an amendment to a Planning ordinance back to us at 65 percent."

Ms. Cantwell said, "That's correct."

Councilmember Seekings said, "Councilmember Waring, now seconded by Councilmember Moody, has moved to amend the original 75 percent ordinance to 60, and basically ignore what the Planning Commission has sent to us. I think that's where we are, right? So, after we vote on this tonight, if we vote on this motion that has been seconded, does this go back to the Planning Commission?"

Ms. Cantwell said, "No, sir, because the Planning Commission has already had before it what Councilmember Waring has now put back on the floor. They did not accept it. They are offering something else, and so, the motion to accept their recommendation has not yet been made. I don't know if it will be made. What Councilmember Waring has asked is that the original proposal that was sent to the Planning Commission be adopted by the Council, notwithstanding their objection."

Councilmember Seekings said, "Therefore, we would be voting to override the recommendation of the Planning Commission and substitute the motion that Councilmember Waring made?"

Ms. Cantwell said, "Yes."

Councilmember Seekings said, "So, do we need a supermajority of this Council to do that?"

Ms. Cantwell said, "In my opinion, you do, because I think that the fact that they made the motion, and they considered it, they rejected it, and they came across with their own, that if you wanted to go with what the Council originally proposed, you need the 10. If you want to go with the 65, you would only need 7."

Councilmember Seekings said, "Okay, thank you. I think we need to know what we're voting on. So, on this motion with the second, it would take a supermajority to carry?"

Mayor Tecklenburg said, "Ten votes for this motion to carry. Yes, sir."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Let me get a clarification from Counsel because we were at the meeting, Councilmember Moody and I. The Planning Commission put a motion on the floor to accept the 60 percent. That was never voted on and never denied. Commissioner Sanyal made the motion to approve the 60 percent, it was seconded, and during the discussion, the recommendation came for 65 percent to come forward to us. They voted, and that was passed. Was there a vote taken to deny the 60 percent request that came from Council?"

Ms. Cantwell said, "That motion, just a straight-up 60 percent motion, which was made and seconded, but which was amended, was denied."

Councilmember Waring said, "That's right."

Ms. Cantwell continued, "I will tell you that as far as I can remember, and I may be wrong, but as far as I can remember, is that whenever this Council or a private citizen has asked the Planning Commission to do something, and they come back with something else, if you want to go back to the original request, we've always required a supermajority to do that."

Councilmember Waring said, "What was the vote on the denial at the Planning Commission?"

Ms. Cantwell said, "It was 6 to 3 both ways. The original motion that . . ."

Councilmember Waring said, "My question is on the 60 percent request, the motion that was voted and requested at 60 percent."

Ms. Cantwell said, "That motion, there was never a motion . . ."

Councilmember Waring said, "What was the vote count on that?"

Ms. Cantwell said, "Councilmember Waring, the motion at 60 percent was amended, and that vote failed. There was never a pure motion, that I'm aware of, where they just voted on the 60 percent."

Councilmember Waring said, "So, there was never a vote on the 60 percent."

Ms. Cantwell said, "Well, you can interpret it that way, and that's fine. The question posed to me was what, in my opinion, would be the requisite vote to pass the ordinance that the motion is on the floor, and I'm giving my opinion based upon how the ordinance and how this instance has been carried out traditionally by this Council. For as long as I can remember, that when the Planning Commission comes back with something else, if it's not an outright rejection, it certainly is an implied one and therefore would trigger the supermajority."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "So, if I understand this correctly, if we vote for 65 percent, we just need a simple majority?"

Ms. Cantwell said, "That is correct."

Mayor Tecklenburg said, "That's right."

Councilmember Seekings said, "That's not what's on the floor."

Mayor Tecklenburg said, "That's not what's on the floor right now."

Councilmember Moody said, "I understand that, but, picking up a little bit on what Councilmember Mitchell raised, and expounding on that a little bit, my concern is that you said 'most jurisdictions around here'. It's not 'most jurisdictions'. It's all jurisdictions require just a simple majority to overturn the Planning Commission, and it seems to me like we're in a loop here. So, I guess if we went back to the Planning Commission with a new ordinance . . . where did Counsel go?"

Ms. Cantwell said, "I thought I had been excused."

Councilmember Moody said, "No, ma'am. So, if we went back to the Planning Commission with just a simple majority of those present, then that would be a new ordinance."

Ms. Cantwell said, "You can send a new ordinance back to them on a majority vote. Depending on what they do with it, determines on how much it's going to take you to pass it on second and third reading."

Councilmember Moody said, "Say that again."

Ms. Cantwell said, "A majority vote gets something to the Planning Commission. A majority vote is needed to uphold what the Planning Commission does. A supermajority vote is needed if the Planning Commission says 'no', and you want to do it anyway."

Mayor Tecklenburg said, "Or it comes back with something different."

Ms. Cantwell said, "That's right."

Councilmember Moody said, "Okay. So, we can just keep going back to them and keep appointing new members. This is so convoluted. What Councilmember Mitchell said, it's even stronger than that. The Planning Commission is designed to look at certain things. They're only supposed to look at a narrow window, zoning basically. They look at that. They don't look at whether or not the City is going to be sued. They don't look at a whole bunch of things that we have to look at as a Council. I thought Councilmember Wilson made one of the most astute observations in our very first conversation. We're in the process now of putting new people on all of these Boards and Commissions, and quite frankly, we're going to have people out in Councilmember Riegel's and Councilmember Williams' districts that are not on these Commissions, now, and they may not have the same interests that all of us have in Downtown. I could see this thing going the other way very quickly where we're trying to protect Downtown and some of the historic stuff, and we can't do it because we need a supermajority. I'm just really confused, no, not confused, I know what's going on here. I'm just disappointed in where we are. I've always said 60 percent was kind of the number because I thought it ought to cause us to take pause and look at what we have. We would take a second look at it, and be sure of the facts we're dealing with, that we've looked at all of that, and so that's why I was always willing to go to 60 percent, rather than just a simple majority. It seems like now we just need to pass this thing and get it. I'm still in favor of the 60 percent. I think that's the right number, and if this fails, then we'll do something else, but I think this is a bad precedent to set to allow the Planning Commission or the Board of Zoning, or any of them, to override City Council. Thank you."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "I think I just heard to approve what they have re-sent to us at 65 percent, we had to have a supermajority for that, too."

Councilmember Seekings said, "No."

Mayor Tecklenburg said, "No, sir."

Councilmember Wagner said, "Okay."

Mayor Tecklenburg said, "That would just require a majority of Council, seven votes, but if you want to approve Councilmember Waring's motion that's on the floor, it will require ten of us."

Councilmember Wagner said, "Somehow that doesn't work in my head because it's not said that it requires a supermajority to change it. We've been here before and that's why I'm trying to, but I can't get my head around this whole concept. So, I think I need to back down, because it's better to keep your mouth shut and let him think you're a fool, than keep talking and then there will be no doubt."

Mayor Tecklenburg recognized Councilmember Lewis followed by Councilmember Gregorie.

Councilmember Lewis said, "Ms. Cantwell. Sixty percent, right now we need ten votes, we know that. This ordinance when it originally was drafted, was the ordinance drafted by a former City Council and Mayor or was it a part of the State statute? I realize that when it comes down to the BAR (Board of Architectural Review) and the Planning Commission, they have different governance. So, was this an ordinance that was put in place by a former City Council?"

Ms. Cantwell said, "This ordinance, Councilmember Lewis, as best we can tell, was put in place by a City Council in the 1930s."

Councilmember Lewis said, "Okay. Former City Council, 1930s."

Ms. Cantwell said, "It goes that far back."

Councilmember Lewis said, "So, it takes a supermajority to change it under our rules. The Rules of Council under the State statute indicates everything falls under Council. Council governs the City. If we want to override the Planning Commission and go to 60 percent, we have the authority to do it under the law. I think we ought to do it and just leave it at 60 percent."

Mayor Tecklenburg said, "But you would need ten votes."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Just for clarification, 60 percent of 13 votes is 7.8 which is 8, 65 percent of 13 votes is 8.45. Are we still at eight, or do we take the eight to nine?"

Ms. Cantwell said, "You round up."

Councilmember Seekings said, "Plus the ordinances that come back to us are members present, not of all members of Council. So, that number would fly."

Ms. Cantwell said, "The number would slide but, by and large, I think the Planning Commission discussed this. Most of the time there are 12. All of you are normally here, and rarely are there more than two absent."

Mayor Tecklenburg said, "Would anyone else like to be heard before I go back to the second time around?"

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "This is the merits. I think we've gotten through procedurally. I think we know where we are. Just as the merits, a couple things based on what Counsel just told us, we're not setting a precedent here. This ordinance has been in place since the '30s, so it's worked for a long time and, as to Downtown, I can tell you I represent Downtown. Downtown doesn't want to change this. They're not worried about this putting them in a bad place. It is only on a negative recommendation that we need a supermajority. Since I've sat on this Council, which is seven years, if there was something we as a Council didn't like, we've never not gone back and fixed it, ever. I think the supermajority works, and I agree with Mr. Gurley. The optics of this are bad. There's a lot going on around us. There's a lot of development and the more that we water down the people who have specialized knowledge and focus, which is what the Planning Commission has, specialized knowledge and focus, we don't. I agree with Councilmember Moody. We think broader, but the specialized knowledge and focus with the ordinances and that we have an ordinance in place that works. I don't think it needs to be changed, certainly not down to 60 percent of those of us here. So, speaking for those Downtown, there's some concern that the Downtown is going to get somehow damaged if we don't go back to just a simple majority. I think that's not a concern for those that I represent."

Mayor Tecklenburg said, "Well, thank you."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "Who is the final arbiter of Zoning in this town, in the City of Charleston? Is it City Council or the Planning Commission?"

Ms. Cantwell said, "City Council, you are the legislative body. They are an advisory body. They make recommendations to you."

Councilmember Waring said, "That's right. So, we're the legislative body, and everything else in this City we can pass with a simple majority. We just got through with the budget workshop. We can pass that with a simple majority from a quorum. What is the only other entity, or are there any other entities in the City that require a supermajority for the legislative body to enact the will of the people, the majority of the will of the people? What other committees or Commissions do?"

Ms. Cantwell said, "I do know that there is a provision in State law that would require a supermajority of the Board of Zoning Appeals to give a use variance. So, in other words, if you wanted to build a gas station in a residential neighborhood, and it wasn't allowed, and you went to the Board of Zoning Appeals and made a case for a variance, it would have to be by supermajority. I'm not aware of any ordinances or procedures in the City that require a supermajority view, except for when you pass a budget that has, I think, a tax increase. You have to have a higher majority."

Councilmember Waring said, "Explain to me why that Council in the 1930s is more powerful than this Council today?"

Ms. Cantwell said, "Well, I'm glad you asked if they were powerful. I thought you would ask me why."

Councilmember Waring said, "No, no. From a legislative perspective, a legislative perspective, what enables them to be more empowered to enact this than this Council in 2016?"

Ms. Cantwell said, "They served in the same capacity that you do."

Councilmember Waring said, "Right."

Ms. Cantwell said, "You set the policy of the City, and you fulfill that policy through the ordinances that you pass. So, if you're asking me did they have more power or less power than you, I would argue that they had at least as much power but maybe less, because you've got home rule authority, which they did not have."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "How many members were there in 1937 on this Council?"

Ms. Cantwell said, "I don't know. I heard that there were 16, but I don't know that."

Councilmember Moody said, "What would 75 percent of 16 be?"

Councilmember Shahid said, "You're the accountant."

Ms. Cantwell said, "I don't know."

Councilmember Moody said, "I think it's ten. I think that's where the number came from."

Ms. Cantwell said, "No, I think it's . . ."

Councilmember Gregorie said, "Twelve."

Ms. Cantwell said, "It's 12."

Councilmember Moody said, "Seventy-five percent. Well, the number ten divided by 16 is 60 percent. That's what I'm saying. That's where the ten came from."

Mayor Tecklenburg said, "Alright. Let me just make a comment, if I may, as a member of this Council. I do believe that Council a hundred years ago, or nearly a hundred years ago, had no more power than you do, but they had an incredible insight about protecting the built environment of Charleston, and that led to this remarkable historic place that we have. I certainly, since the time I've become Mayor, listened to your thoughts on this matter and you've been on Council longer than I have, obviously. I appreciate the thought of the balance of power, particularly compared to the Federal Government and all like that. As that Council a hundred years ago formed this Planning Commission and put into place our BAR and ordinances that help protect the City, I think they really had a special sense of responsibility towards protecting the buildings and built environment of Charleston. But, I've got to tell you honestly, my experience in the ten months I've been here is that, although I hear you theoretically, I don't sense that we've had a problem. In fact, we've overridden the Planning Commission a number of times since the beginning of the year. It seems that when we're in disagreement with them, there's a kind of clear disconnect between Council and the Planning Commission, so I'm going to vote 'no' on the motion. Maybe if you come back with what they recommended at 65 percent, and note that they did agree with a change in the ordinance, whether you get the 60 or 65

percent, that it's on the members present and voting, which is a change that I think was something that Council had wanted."

Councilmember Seekings said, "Call the question on the motion."

Councilmember Shahid said, "Call the question."

Mayor Tecklenburg said, "Councilmember Waring, one more comment."

Councilmember Waring said, "Thank you, Mr. Mayor. Councilmember Lewis is the longest tenured Councilmember on this body. Twenty years? Congratulations. In twenty years, and I challenge any other Councilmember to come up with one example, as that rule was put in place almost a hundred years ago, in part, to protect a financial privilege. There has never been an African American business owner come in front of this body in twenty years and been able to overturn and be successful in attaining that 75 percent vote. In the 1930s, that wasn't even conceived of. The body that was here in 1970 was totally white. It was a segregated Chamber. When you change the zoning on a property, it either increases the financial value of a property or potentially decreases the financial value of a property. It is embedded in economics. This has a whole lot more to do than just with history. Not one Councilmember from District #1 all the way through the #12 can recant one case where African Americans have been able to come to this Council Chamber. This hallowed Council Chamber, in one of the oldest cities in the United States and be able to overturn a 5 to 4 decision. A divided decision at the Planning Commission by the simple majority needs 75 percent to be overcome here, and it appalls me that the people here think that's fair. It's nothing fair about that. So, my question to you is Counsel Lady, because we are in a loop, like Councilmember Moody has said, we come up with another suggestion, they kick it back, and we're back into the loop again. If Council filed litigation against the Planning Commission, is that the only way we have to get in front of a person in a black robe to get this figured out?"

Ms. Cantwell said, "I don't think you could sue the Planning Commission for a vote that they take because you don't like the result that they give you."

Councilmember Waring said, "It's not the vote, it's the procedure. It's this rule that is unfair. This 75 percent requirement of the total elective body, I believe, is unprecedented."

Ms. Cantwell said, "Well, I think that can be challenged with the right person who has the right standing. City Council, I don't think, can sue itself, and I think that's what you're kind of asking."

Councilmember Waring said, "Who will answer that lawsuit? It's an interesting question. If we've seen more than 60 percent, always sued for the simple majority, who is going to counter sue us, the legislative body? The Planning Commission?"

Ms. Cantwell said, "No, sir. I think what would happen, Councilmember Waring, is if Council chose to, let's say you chose to whatever, notwithstanding what the procedure is or what the Planning Commission did, we're going to pass an ordinance, and we're changing it to 60 percent of those members present and voting, and that's the rule. That's the ordinance. It gets ratified by this Council. Someone could challenge the ordinance to say that, procedurally, it was defective, and that's how you would get the question before Court."

Councilmember Waring said, "This is bad legislation. Bad legislation makes for bad law. This bad law has been to the economic disadvantage to every African American. If we were to go through the denials at the Zoning Commission from inception, none, zero have been able to come to this Chamber and get it overturned. In your short time here, Mr. Mayor, with all due respect, every one that was overturned was a multi-million dollar request funded by multi-millionaires. That's the pattern in short nine- or ten-month tenure. You say we haven't had a problem, but it is the wealthy and well-to-do that can afford to hire the consultants to go out and call teams of people, call on each Councilmember, to make the case separate from the Planning Commission. They hire legal firms, they hire engineering firms and the architectural firms. Historically, that's at the disadvantage of African American women- and minority-owned businesses. In this whole Country we're to the disadvantage of that. To say that this has worked, it has worked well for a few, but not for the many. The reason we have minority representation is because of single-member districts. The voice I bring a hundred years ago was locked out. Today they have a voice, but then they're being buckled by a 75-percent requirement. It's just wrong. It's just wrong and we have a boom going on economically in this town. Tell me that African American applicants that have come up, gotten rezoning changes, come to this Chamber, and participated in the boom that we have going on right now. We're just not there. We don't need to put hurdles in it. We don't need to keep the hurdles in the place. It is not one neighborhood Downtown or the historic society, it is for the betterment of the whole. That's why this one, I actually thought when we spoke on this we would be able to work this out legislatively, and it has become a tug of war. It's an 'us against them.' We don't have 75 percent anyplace else in the legislative acts of this body in the entire City of Charleston, and this is the one that we're holding it on to. Thank you for the opportunity."

Mayor Tecklenburg said, "We have a motion on the floor. I believe the Planning Commission, in a way, tried to offer you a compromise by coming back with the 65."

Councilmember Lewis said, "Mayor, please call for the question. Let's just vote on it and see which way it goes."

Mayor Tecklenburg recognized Councilmember Williams.

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

Councilmember Lewis continued, "Please call for the question. Let's just vote on it and see which way it goes, because we can go all night and we're going to come right back around to the same thing. You might as well just cast a vote and see who is for it and who is against it."

Mayor Tecklenburg said, "Is there anybody else who has not spoken who wants to say anything?"

Councilmember Shahid said, "I haven't spoken."

Councilmember Williams said, "I have not spoken."

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "I know that I am the newest member of Council. I've observed the business of Council for almost a year. I've also lived in the City all of my life. I've also watched City Government work, and I appreciate and respect what Councilmember Waring is saying. I'm going to vote against the motion and, if I thought for a nanosecond that this

ordinance as it stands had a racial component to it and discriminated against anybody in this City, I would be the first person to have that ordinance repealed. We cannot tolerate racial bias in this community. Now, I know I'm new to all of this. I know I'm the new kid on the block with all of this. I'm not new to the City and I haven't seen or heard and maybe my experience is naïve, maybe my experience is green, I don't know. I haven't seen that the government of the City of Charleston is racially biased in this modern era. It has in the past, because I've felt it. I felt it as a minority member in my own race as a Lebanese. I understand where Councilmember Waring is coming from, as my family was discriminated against early on, and I understand all of that, but I will not vote for any ordinance that has any inkling that discriminates against any group of people. I don't think this ordinance does that and I agree with Councilmember Waring it has an economic impact on all of this. I can't go back to the minds of the people back in 1933, 1943 and 1963, but I know in 2016 and I know in 2006 that this ordinance has worked effectively. Maybe it has transformed itself. Maybe it has morphed into something different than it was in 1933, but I know for certain it has worked pretty effectively. So, as my relatives would say, 'You don't fix something that ain't broke', and tinkering with this gives me great concern that we're going to do something that we're going to regret later on down the road. The City is changing. The City is changing, sometimes I think for the worse, because I think that we're running our citizens off the Peninsula. I think we're running our citizens off in the community and we're changing the dynamics of this City, and it bothers me at some of the projectory of this City and it bothers me and concerns me greatly. I don't think this ordinance is what's going to fix that ill. There are other things we need to do to address that, and so, with all due respect to my friend and fellow Councilmember Waring, I'm going to vote against this motion for those reasons."

Mayor Tecklenburg said, "Councilmember Williams, and then we'll call the question."

Councilmember Williams said, "I'll be brief. I'm, too, an African American, as you can see. I, too, lived, raised, worked, built a business of integrity. If something happened in this Council among us, I'd dismiss it, too. This ordinance is not racial. This City is over 300 years old and has made a lot of progress and there is a lot of progress to be made. One other in particular, is the gentrification of contractors and subcontractors in the minority community. That, too, needs to be addressed. People have compassion for what they want to have compassion for. The architectural integrity of a historical city that's known around the world has to be protected. My only thing is, that I'm a proud member of this City Council, coming from a proud hardworking family. I think that we've got work to do but I don't think there is anything that's going to change in this ordinance that's going to be more important than the vitality of people working and having a living wage for themselves. I will vote against this."

Mayor Tecklenburg said, "All those in favor of the motion, please say 'aye'."

Councilmember Seekings said, "Repeat the motion."

Mayor Tecklenburg said, "The motion."

The Clerk said, "The motion was to override the recommendation of the Planning Commission of 65 percent to 60 percent."

On a motion of Councilmember Waring, seconded by Councilmember Moody, City Council considered amending Item E-13 on the agenda to override the Planning Commission's recommendation of 65 percent to 60 percent. Ten votes were required to carry the motion. The motion failed 5 – 8.

The vote was not unanimous. Councilmembers Lewis, Mitchell, Wagner, Gregorie, Waring, Riegel, Moody, and Wilson voted in favor of the motion.

Mayor Tecklenburg said, "Is there any further discussion? If not, we'll move on to public hearing for E-14."

Councilmember Waring said, "We still have to rule on what's in front of us."

Councilmember Seekings said, "We amended it."

Mayor Tecklenburg said, "It failed."

Mayor Tecklenburg said, "Okay. Alright. Next, is Item E-14, Mr. Morgan."

Councilmember Waring said, "I have a question, Mr. Mayor."

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

Councilmember Waring said, "So, where do we stand on, my motion failed, so where do we stand on the recommendation? Did we actually vote on it?"

Councilmember Lewis said, "No, we haven't voted on it."

Councilmember Waring said, "We still have to vote on the recommendation."

Councilmember Williams said, "We don't have to vote on that."

Mayor Tecklenburg said, "Well, we don't have to, unless somebody makes a motion."

Councilmember Mitchell said, "It's automatically approved."

Councilmember Waring said, "What?"

Councilmember Mitchell said, "It's automatically approved since we failed."

Councilmember Waring said, "My motion was different."

Ms. Cantwell said, "The motion on the floor was not the Planning Commission's recommendation."

Mayor Tecklenburg said, "That is correct."

Councilmember Waring said, "Right, so, we still have to vote on that."

Ms. Cantwell said, "That's your option to vote. I mean you all sent something to them, they came back with something different, and the motion to change that failed and so, unless there is some action taken by Council otherwise, we are right where we were six months ago with the same ordinance on the books."

Councilmember Waring said, "Sounds like we've got a loop?"

Councilmember Mitchell said, "We've got to vote on the 65 percent."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "So, we're just kind of in a holding position. We're still at the ten votes. Could we bring an ordinance back that would lower it to a simple majority?"

Ms. Cantwell said, "Yes, sir, you can always do that."

Councilmember Moody said, "So, there wouldn't be anything wrong with doing that?"

Ms. Cantwell said, "No, sir."

Councilmember Moody said, "If they denied that, then could we raise it to 60 percent?"

Ms. Cantwell said, "Well, you're back to . . ."

There was laughter in the Chamber.

Councilmember Moody said, "I'm just asking a question. If we sent it back as a simple majority, and they denied that, or let's say they went to 60 percent, then we could bring it back as a simple majority and approve 60 percent."

Ms. Cantwell said, "That is correct."

Councilmember Moody said, "This is so convoluted. I'm going to vote against the motion because I'm going to send one back that says a simple majority and I'd like, depending on what happens here, I would like an ordinance drafted to that effect."

Mayor Tecklenburg recognized Councilmember Wagner.

Councilmember Wagner said, "We still have to vote on the 65 percent."

Councilmember Williams said, "No we don't."

Mayor Tecklenburg said, "No one has made a motion, so there's nothing to vote on."

Councilmember Wagner said, "I would like to make a motion that we vote on the 65 percent, as this is the second reading, and we had already previously voted on it on the first reading."

Mayor Tecklenburg said, "Alright. There's a motion on the floor that we accept the ordinance as written."

Councilmember Wagner said, "But you've got a second to get."

Councilmember Lewis said, "For the sake of time, I'll second it."

Mayor Tecklenburg said, "We have a motion, and we have a second. I feel like I'm at an auction here."

There was laughter in the Chamber.

Mayor Tecklenburg continued, "Can I get a third? We have a motion and a second on the floor. This would approve what the Planning Commission has sent back to us, what they approved, that there would be a vote needed to override them of 65 percent of Councilmembers who are present and voting. So, that would mean a supermajority of nine versus ten?"

Ms. Cantwell said, "If 13 are here."

Mayor Tecklenburg said, "Okay, and for this motion to pass, we only need seven votes of Council. Is there any discussion?"

On a motion of Councilmember Wagner, seconded by Councilmember Lewis, City Council considered giving second reading to Item E-13 on the agenda. The motion failed 12 - 1.

The vote was not unanimous. Councilmember Wagner voted in favor of the motion.

Mayor Tecklenburg said, "The motion failed. Now, can we go to E-14? Mr. Morgan."

Councilmember Wilson was excused from the meeting at 6:31 p.m.

Councilmembers Seekings and Williams were excused from the Chamber at 6:31 p.m.

Mr. Morgan said, "Certainly. This is another zoning ordinance amendment, a fairly minor one relating to landscaping around perimeters of surface parking lots. This is to deal with situations where you have utility easements that may be overhead, and you don't want to have larger trees, so it would allow for a substitution of smaller maturing trees instead of larger trees in those utility areas. The Planning Commission and staff recommend approval."

Mayor Tecklenburg said, "Alright. This is still a public hearing. Would anyone like to be heard on this matter? Hearing none, what is the pleasure of Council?"

Councilmember Gregorie said, "Move for approval."

Councilmember Lewis said, "Second."

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

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

An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-343 to change Zoning Regulations for perimeter landscaping requirements for surface parking lots, service areas or other vehicular use areas.

Councilmembers Seekings and Williams were not present for the vote.

Mayor Tecklenburg said, "Next, we have the approval of our two City Council minutes of September 27, 2016 and October 11, 2016."

Councilmember White said, "Move for approval."

Councilmember Mitchell said, "Second."

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

On a motion of Councilmember White, seconded by Councilmember Mitchell, City Council voted unanimously to approve the minutes of the September 22, 2016 and October 11, 2016 City Council meetings.

Councilmembers Seekings and Williams were not present for the vote.

Mayor Tecklenburg said, "Next, is our Citizens Participation Period. How many folks would like to be heard tonight at Citizens Participation Period? Alright."

The Clerk said, "Is there a time limit, Mayor?"

Mayor Tecklenburg said, "Let's just have a two-minute limit just in case, and please come forward, anyone who would like to be heard. Mr. Idris."

1. Mohammed Idris said, "Good evening."

Mayor Tecklenburg said, "Yes, sir."

Mohammed Idris continued, "I would just like to read. I think that this whole Council needs to read this book here. I think they'll come to some better understanding, the Bible. I'm reading from the 3rd Chapter of the Revelation by Christ, the 3rd chapter and the 7th verse, 'And to the angel up to church in Philadelphia write; These things saith he that is holy, he that is true, he that has the key of David, he that openeth, and no man shutteth; and shutteth and no man openeth; I know thy works: behold, I have set before thee an open door, and no man can shut it: for thou has a little strength, and has kept my word, and has not denied my name.' This is the Book of Revelations and speaks about those who are in charge and who have caused corruption in the land, and it's talking about the Greek community. I hear it with the African Americans, I hear it with the Europeans, but the Bible is talking about the Greek community. They are the ones, and what I heard Councilman Waring say, not an African American community or businessman gets any play in the City because the politicians in this City get their hands in grease, and when you hear 'grease' it sounds like 'Greeks'. So, it verifies the people that are holding us down. So, you all should look better and deeper in the book that you all swear on. Thank you."

Mayor Tecklenburg said, "Thank you very much. Mr. Knapp."

Councilmember Riegel was excused from the Chamber at 6:33 p.m. and returned at 6:34 p.m.

Councilmember Williams returned to the Chamber at 6:35 p.m.

2. Marc Knapp said, "Marc Knapp, 2258 Pristine View. I have a real problem with what we just went through. You should've voted for it, the 65 percent, because 65 percent of 12 is 7.8. Sixty percent is 7.2. You still need eight people. Then, you could change it back even further, okay? I just can't believe you did that. Now, secondly, Mr. Lewis has been here a long time, but I think I've been here maybe as long, if not a little longer, coming to these meetings and probably a little better attendance record because I think he was sick a couple times. What Mr. Waring said is correct. I have seen, if I remember correctly, in the back of my mind, over 25 years, I've seen I think three African Americans get basically pushed aside because of the BAR, okay? It happens, and I'm almost positive it's been three times, but you really need to change this. You need to bring it back up. You need to do the 65 percent, then you only need eight people, or if you have ten, you only need seven. You need to bring it back, and you need to get it changed because these people, you got the tail wagging the elephant. Thank you."

Mayor Tecklenburg said, "Thank you very much. Would anyone else like to be heard? Alright. Next, we go to our Council Committee Reports. Councilmember Mitchell, Community Development."

Councilmember Mitchell said, "I think you have Petitions."

The Clerk said, "Petitions and Communications, Mayor. We have the appointment of the Code Enforcement Officer."

Mayor Tecklenburg said, "Correct. I'm so sorry. We missed the appointment of Philip Ramsey as a Tourism Code Enforcement Officer."

Councilmember White said, "Move for approval."

Councilmember Gregorie said, "Second."

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

On a motion of Councilmember White, seconded by Councilmember Gregorie, City Council voted unanimously to appoint Philip Ramsey as a Tourism Code Enforcement Officer.

-- INSERT APPOINTMENT MEMO --

Mayor Tecklenburg said, "Philip Ramsey now has that honor. Now, the Committee on Community Development. Thank you, sir."

Councilmember Mitchell said, "Community Development Committee met on October 13, 2016 at 4:30 p.m., and we only had two items there. Both items were for information only."

Councilmember Seekings returned to the Chamber at 6:38 p.m.

Mayor Tecklenburg said, "Thank you very much. Committee on Public Works and Utilities."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "All that you see on the agenda passed unanimously by our committee, so I move to approve."

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

On a motion of Councilmember Waring, seconded by Councilmember Riegel, 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---

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

(i) Fenwick Hills Phase 1 - Acceptance and dedication of a portion of Misk Street (50-foot right-of-way), a portion of Arrow Arum Drive (50-foot right-of-way), a portion of Fishbone Drive from Sta. 1+80 to 15+12 (50-foot right-of-way), and a portion of Fishbone Drive from Sta. 15+12 to 24+63 (30-foot right-of-way). All infrastructure is complete.

- a. Title to Real Estate
- b. Affidavit for Taxable or Exempt Transfers
- c. Plat (2)
- d. Exclusive Storm Water Drainage Easements
- e. Exclusive Access Easements

(ii) Crowne Maybank - Acceptance and dedication of Devlin Road (40-foot right-of-way), Reva Ridge Drive (60-foot right-of-way), Crowne Commons Way (60-foot right-of-way), Harold Arnold Way (60-foot right-of-way), and Mitnick Lane (50-foot right-of-way) . Sidewalk and final asphalt lift are bonded.

- a. Title to Real Estate
- b. Affidavit for Taxable or Exempt Transfers
- c. Plat (2)
- d. Exclusive Storm Water Drainage Easements

Mayor Tecklenburg said, "Next, the Committee on Ways and Means, Councilmember Moody. Approval would include first reading on the two annexations."

Councilmember Moody said, "Move for approval."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

No one asked to be heard.

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

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

(Parks: Approval of the receipt and deposit of the 2016 LOWES/KAB Community Partner Grant in the amount of \$4,000 for the Compost Rangers. Program funds

will go towards supplies that will create composting cubes at various community gardens and schools. No City match is required. (Parks: Approval to submit the 2017 Keep South Carolina Beautiful Palmetto Pride Grant in the requested amount of \$10,000. Program funds will go towards litter prevention education and volunteer cleanup supplies. No City match is required.

(Public Service: Approval for VacVision Environmental, LLC's proposal in the amount of \$314,675 for pipe repair and rehabilitation at Rebellion Road.

(Public Service: Approval of an Intergovernmental Agreement for disaster damage assessment and debris removal for the City of Charleston. This is an Intergovernmental Agreement with Berkeley County to allow the county to activate its disaster response contracts and perform services in the City of Charleston. This agreement was executed under the emergency authorization approved by City Council. The City would only be responsible for costs that were not covered by FEMA or the State of South Carolina.

(Police Department: Approval of a Mutual Aid Agreement between CPD and Department of Homeland Security, National Protection and Programs Directorate, Federal Protection Services to allow Federal Protective Services officers and agents to enforce state and local laws for the protection of Federal property and persons on Federal property and as needed to maintain the public peace and welfare on and in the vicinity of Federal property.

(Police Department: Approval of a Memorandum of Understanding between CPD and SLED in the amount of \$18,343.40 to upgrade latent fingerprint workstations at CPD.

(Request authorization for the Mayor to execute the attached Supplemental Lease Agreement between the City of Charleston and the U.S. Coast Guard which is an annual renewal of an existing 10-year lease agreement. The U.S. Coast Guard desires to continue to use a platform area approximately 5'x 5' mounted on top of an 18" diameter steel pile adjacent to the Maritime Center Pier for use as a navigational range light. U.S. Coast Guard also desires to use an optic mounted on a 15' tower bolted to the rear top deck of the Charleston Municipal Aquarium Garage for use as a navigational range light. (TMS: 459-00-00-169; Charleston Maritime Center Pier and Charleston Municipal Aquarium Garage)

(Request approval for the Mayor to execute the attached Parking Lease whereby the City leases 322 parking access cards for non-reserved parking to the Medical University of South Carolina (MUSC) in the 99 WestEdge parking garage. [Ordinance]

(Consider the following annexations:

-- Magnolia Road and Sycamore Avenue (TMS#418-10-00-005) 0.125 acre, West Ashley (District 9). The property is owned by William G. Niemeyer.

First reading was given to the following bills:

An ordinance authorizing the Mayor to execute on behalf of the City a Government Parking Lease Agreement with the Medical University of South Carolina pertaining to the City parking garage located at 99 WestEdge Street.

An ordinance to provide for the annexation of property located on Magnolia Road and Sycamore Avenue (0.125 acre) (TMS# 418-10-00-005), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 9. The property is owned by William G. Niemeyer.

The Clerk said, "Including the ordinance that deals with the parking agreement, so all ordinances are a part of the report."

Mayor Tecklenburg said, "Oh, all ordinances. Thank you very much. Next, we are going to take something out of order."

The Clerk said, "That is correct."

Mayor Tecklenburg said, "We're going to proceed with L-1. We're going to annex the property before we zone it."

Councilmember Moody said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "So, we have a motion and a second. Is there any discussion? We're finally going to get Mr. Mungo into the City."

There was laughter in the Chamber.

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

2016-134 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1830 MAYBANK HIGHWAY EXTENSION (1.0 ACRE) (TMS# 343-04-00-007), JAMES ISLAND, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON, SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 11. THE PROPERTY IS OWNED BY MARIA AND STEVEN MUNGO.

Mayor Tecklenburg said, "Now, we'll back up, and we'll zone it for him. This is K-1."

Councilmember Moody said, "Move for approval."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "This is for third reading and ratification."

The Clerk said, "That's correct."

On a motion of Councilmember Moody, seconded by Councilmember Gregorie, City Council voted unanimously to give third reading to the following bill. The bill was immediately ratified as:

2016-135 AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1830 MAYBANK HIGHWAY (JAMES ISLAND) (1.0 ACRE) (TMS #343-04-00-007) (COUNCIL DISTRICT 11), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY

MARIA AND STEVEN MUNGO.

Mayor Tecklenburg said, "We have one ordinance up for approval, and that's the formation of the City of Charleston's Health and Wellness Advisory Committee."

Councilmember Riegel said, "Move for approval."

Councilmember Mitchell said, "Second."

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

An ordinance to amend Chapter 2, Article IV, to add a Division 9 to create a City of Charleston Health and Wellness Advisory Committee.

Mayor Tecklenburg said, "Our next meeting will be November 10th, 2016 at 5:00 p.m. right here. Thank you all very much. This meeting is hereby adjourned without objection."

There being no further business, the meeting was adjourned at 6:40 p.m.

Vanessa Turner Maybank
Clerk of Council