

## COUNCIL CHAMBER

Regular Meeting

November 22, 2016

The twenty-second meeting of the City Council of Charleston was held this date convening at 5:07 p.m. at the City Hall.

A notice of this meeting and an agenda were mailed to the news media November 16, 2016 and appeared in The Post and Courier November 20, 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 ( <i>excused at 7:02 p.m.</i> )	District 8
Councilmember Lewis	District 3	Councilmember Shahid	District 9
Councilmember Mitchell	District 4	Councilmember Riegel	District 10
Councilmember Wagner	District 5	Councilmember Moody ( <i>excused at 6:37 p.m.</i> )	District 11
Councilmember Gregorie	District 6	Councilmember Wilson	District 12

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

Mayor Tecklenburg said, "Now, if you would like, please join us as Councilmember White is going to lead us in an invocation and the Pledge of Allegiance to our flag."

Councilmember White opened the meeting with an invocation.

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

Mayor Tecklenburg said, "I would like to share with Council and everyone here. Councilmembers Gregorie and Mitchell were with me earlier today that our Governor Nikki Haley has called upon the State for today to be a day of prayer. We had a ceremony, service at Emanuel Church and it was really remarkable and such a great leader. She led us through Hurricane Matthew and I was so appreciative that she called us in prayer today to give thanks and to be mindful of trials that we see in our community past and present. I do want to let everyone know that if there were an emergency of any kind, there are three exits from this room, two of them being here in the main Chamber and then one in the side room over here. Do not use the elevator if we were to have to exit the building in an emergency and then once you go down either one of these two stairs there is just the one front door out. Again, if there were an emergency, we would ask everyone to gather in Washington Park after exiting the building. I also want to remind Council and let the public know and we're happy everybody is here tonight but just to let you know, you can watch City Council now live in the comfort of your own home that we do stream our meetings live over the internet. We have a You Tube account with the City of Charleston and you can, in future meetings, if you like, watch our meeting live.

So, next we have a number of public hearings tonight. I think we have about nine of them and we will take them one at a time and the public will be allowed to come and speak to each item as we bring them up and give us your comments, if you like, and then Council will take up each matter as we go. So, the first matter is an ordinance that has been amended regarding the creation of a West Ashley Redevelopment Project area commonly called a TIF or Tax Increment Finance District. I am very pleased to report to Council that I met with both County Council and with the School District Board and we have a number of recommendations from them that we would like to bring to you tonight as amendments to the TIF District. The good news is that they could have said just, 'No, thank you', and instead they made some recommendations that they felt that they could live with. This would still be subject to both of those bodies' approval but we do feel like very positive that with these changes to the proposal that they would accept them. With that said, I am going to introduce Mandi Herring to give you more details."

Mandi Herring said, "Thank you, Mayor. Councilmembers, good evening. If you recall, within this past year we have been working diligently with City staff, with Charleston County, with Charleston County School District and with yourselves to develop the proposed West Ashley TIF District and Redevelopment Plan. I know that most of you are very familiar with TIF Districts so I am going to make this technical part of our presentation very short. I will be happy to answer questions. We also have Charlton DeSaussure here to answer any legal questions you might have about the TIF ordinance which is a State statute. We also have Amy Wharton here, our CFO, that can answer any type of budgetary and financial questions and additional Planning staff if you have additional questions regarding the plan. As you know, a TIF is a public funding method. It is a revitalization tool and an economic development tool that reallocates taxes generated from increased property values within a designated area and those increased taxes can go to create new public investments such as roads, parks and whatnot within a specific area. This graph on the screen right here demonstrates how a TIF District works. What it shows is in the blue the overlapping taxing entities continue to get the taxes that they received today for properties that are within that TIF District. So, that is what you see in blue. Over time as that property values within the TIF District increase, the incremental tax value, the incremental increase in taxes, that goes to the special TIF fund to create new streets, public spaces, affordable housing, streetscaping, and stormwater improvements. Then, once the TIF is finished, the taxing entities get the balance of that incremental TIF taxes. So, the existing taxing entities taxes are not taking away from them. They still get their tax they are getting today. It is just that incremental value that is directed toward public improvements and, on the screen, you see a couple of example of some public improvements that we have seen in the Charleston area that have been afforded by TIF financing. Again, TIFs go towards public parks, civic buildings, and public realm beautification. TIF funding allows for public investments without raising taxes. It is an economic development tool. It allows and encourages revitalization of distressed areas and it benefits the entire community, not just City of Charleston residents, Charleston County residents, PSD residents, visitors from Mt. Pleasant, visitors from the North area, business people, school children, retirees, everyone. You may be familiar with a few TIF Districts that we have in the City of Charleston that have been very successful. For example, the Waterfront Park TIF District. When the Waterfront Park TIF District was originally created, the assessed values of the properties in that district were only \$224,000.00. When this TIF District was completed when it expired this year, the new assessed value is over \$6 million, the assessed value. See that increase. Those properties were \$220,000.00 and after the TIF the public investments those properties are now assessed at \$6 million. This is what the Waterfront Park area looked like in 1986 when the TIF was established. This is what we have now. We have beautiful parks that everyone visits, residents, visitors, business people. We have new parking structures, we have places where school children come on field trips and around that we have private developments that have occurred. We also have another

successful TIF District the King Street Gateway TIF. In 2013, the incremental tax that the school district got from the King Street TIF was almost \$5 million above and beyond that base tax that they have always received. Again, remember King Street in the 1990s, just 20 years ago, this is what King Street looked like. This is not a 1970s picture, this is a 1990s picture, and this is what we see on King Street today. Think about the revitalization that happened along King Street for businesses, for residents, for our community, and this is just a graphical display of the assessed value increase of our TIFs.

Moving on to the West Ashley TIF, we see this as a partnership, as a collaboration with the County and with the school district, as well. As you recall, in the past year the City and County have worked in these other following initiatives, the Dupont/Wappoo Community Plan, West Ashley Revitalization Commission which we recently established. We will be working together on the West Ashley Master Plan next year. We propose that the West Ashley TIF District will do several things including beautifying the public streets such as Sam Rittenberg Boulevard, improving drainage in multiple areas of West Ashley, providing opportunities for diverse housing, affordable housing, workforce housing, and also new parks and open spaces so that West Ashley has a center. It has a community center where people can gather and there is a sense of place. So, the West Ashley TIF District which you have reviewed before in the past generally runs along the length of Sam Rittenberg Boulevard from Savannah Highway to Orange Grove. Sorry, just to go back, the parcels that are included in the West Ashley TIF District those are City of Charleston parcels. By State law, we can only include the City parcels. We cannot include unincorporated parcels in our TIF District. Currently, there are 155 parcels proposed in this TIF District. That is about 425 acres which is about five percent of the total West Ashley area, so, a very small area when you look at all of West Ashley. We would propose that this be a 25-year TIF. The current assessed value is just over \$18 million and we anticipate with future development, public investment that those properties could achieve \$55 million or more in their assessed value. Now, the current conditions, think about as you drive along the length of Sam Rittenberg Boulevard, some of it is nice but there are definitely blighted conditions along Sam Rittenberg Boulevard. The State statute identifies 20 conditions of blight and for a TIF you have to meet at least five of those conditions and those conditions can include vacancies, they can include dilapidated properties, properties not up to building code, properties not up to zoning code, properties that have excessive land coverage, properties that do not have adequate stormwater facilities, properties that do not have adequate transportation facilities as well. These are some examples, again, of what you see along Sam Rittenberg. You see Sam Rittenberg without sidewalks, without proper drainage, you see drainage issues when we have heavy rains, not just thousand-year storms but heavy rains as well. You also see your obsolete shopping centers which are just a sea of parking. Now, the Redevelopment Plan principles in the TIF, and you have this in front of your desk, the goals with this Redevelopment Plan are to diversify the economy, provide housing opportunities, improve stormwater, improve transportation infrastructure, create new public places, and update zoning.

When we see this, we can imagine this TIF achieving some principles such as the redevelopment of Citadel Mall, incorporating public spaces, incorporating new civic buildings there, incorporating housing opportunities in the Citadel Mall area, affordable workforce housing, and market rate housing. We also see opportunities for streetscape improvement where you have trees and you have street lighting and you have appropriate sidewalks and you have bike lanes so that everybody can travel that street. These are some other examples of how properties may redevelop over time with public investments being made. Again, street trees, imagining how some of those commercial properties could become neighborhood centers and livable workspaces. The West Ashley TIF District also proposes to improve stormwater drainage in the area. These are just a couple of pictures from the Dupont/Wappoo area. You

know that there are drainage issues there. There are also drainage issues along Ashley Hall and Sam Rittenberg and, in fact, Sam Rittenberg Boulevard has 20 drainage basins that are adjacent to it. So, the potential for the TIF to improve stormwater and within that area is very high. This is a stormwater drainage study that the City and County are embarking upon together. We have already started that process and the TIF could help fund that study. So, again, just to sum up, the TIF could help fund public investments. These public investments we envision will help catalyze private reinvestment in the area and will also allow opportunity for the City and the County and the School District to work together in the future. Also, the benefits in the TIF will extend beyond just the TIF boundaries. We see it having a positive influence throughout West Ashley.

I, also, want to just point out quickly the ordinance that was placed on your desk. I will go through these items quickly. You did receive earlier last week one version of the ordinance, and we have since amended the ordinance, proposed amendments to the ordinance as we are making these amendments after meeting with Charleston County staff and Charleston County Council and their leadership. Also, after meeting with Charleston County School District staff, the Superintendent and their leadership, and we are hopeful that some of these proposed changes that you see tonight outlined in red will address some of their comments and concerns and still make for a very viable TIF. So, I will go through those very quickly and if you have any questions, just let me know. On page 4, the changes identify that, Charleston County, per their suggestion, they would participate in a TIF for 20 years, the City of Charleston would participate for 25 years, the School District would participate for 25 years and the County would participate for 20 years. This also identifies that incremental tax increase that we saw that the School District would retain 55 percent of that incremental increase so they would still get the base tax revenue and then that they would out of that incremental increase they would retain 55 percent. Again, that change has been made based on our conversations with the School District and what we hope they will be willing to support. The other items in here, some language, and some of the other changes demonstrate just the partnership that the City has had with the County and our planning and revitalization efforts for West Ashley so that is just added to this document. We also have added a paragraph under the public investments to include an opportunity for providing for or construction of affordable and workforce housing. We thought that was very important and that is on page A-7. We thought that was very important to include in the list of possible public investments as well because we all know within the Charleston area there is definitely a need for more affordable housing. Then the other changes on page A-9, at the top of the page, that first paragraph, again, reflects the participation period of the County, the City and the School District and also the School District retaining 55 percent of the tax revenue increase and then we also just adjusted some of our proposed what the TIF will help generate and pay for is in that second paragraph. I think those are the changes. In general, that is it, and, so, I will be happy answer any questions and like I said we also have legal and finance staff here to answer questions as well.”

Mayor Tecklenburg said, “Council, we need to have our public hearing on the matter. If you all just want to wait to have our questions until we have the public hearing, does that sound good? Alright. So, now, this matter is before the public. Would anyone like to speak on this matter? Yes, sir. Please state your name and address.”

1. Anthony G. Bryant said, “I spoke as Anthony G. Bryant, not Anthony C. Bryant, at the Charleston Catholic Diocese sent that to me. If you’re not G, you’re trespassing on church property. We made public comment at the Commission on Public Works, November 17<sup>th</sup>, 2016. That’s the address there, you just put the G instead of a C there regarding this issue of the TIF. The critical question is what individual can defer their

taxes for 25 years? What individual citizen in this community can defer for 25 years? So, why would a school district who is broke pretty much defer taxes all these years? Who is going to benefit from that? You look at the example at Waterfront Park, it's a great improvement for the City of Charleston but the indirect unintended consequence was 8.6 million in value. Well, that would be appraised, I was in the real estate business, that would be appraised from 1986 to 1996. The first house sold Downtown for a million dollars in 1987, I believe, Downtown. That improvement led to that one million dollars being sold. Now, in terms of the City of Charleston and Charleston County School District, I made public comment at the Wallace District 10 School District on June 18, 2013 and right here is a lot of school employees, my family, whatever, on the record for this TIF, right, and that was investigated. Charleston County Sheriff as well would be of this as well. We did a FOIA with them. Then we had this issue here and since we're West Ashley of the Federal Bureau of Investigations, Department of Homeland Security, Department of Justice with my EPA complaint I filed. In terms of all of the improvements made over the years, the rate increases that took place over the years by CPW and the Insurance Commission and others. So, the real critical question is expressly in the Fire Department, I had a house I actually sold Downtown to the School District in 1990 something so this is my name here, right here, right. So, we're talking about parks and playgrounds, this is the Department of Interior right here. Now, you look at the improvements made, there is no way that you, look at the last Ways and Means Committee meeting, you basically said you hadn't approved the parks Downtown in Ferguson Village but now you're going to do a TIF District that approved for millions of dollars on Sam Rittenberg Boulevard and the Citadel Mall. You can take this right here, too. That is the Public Service Commission. The meeting in North Charleston is meeting next."

Mayor Tecklenburg said, "Thank you, Mr. Bryant. Alright. Would anyone else like to be heard on this matter? If not, it comes before Council."

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? Councilmember Waring."

Councilmember Waring said, "First I would like to thank you, Mr. Mayor, for your efforts in talking to our allies, the School District as well as County Council. I would like to thank the members of Council because in their own individual ways they reached out to call on relationships on both elected bodies. Those people do a great job on the School Board for their constituents because this was not, please believe me this was not a rubber stamp. Prior to walking in the room, I didn't know if we were on the winning side of that. So, I thank you, I thank our BAR and Counsel, Mr. DeSaussure, our County people, Amy, thank you, Josh, all of the people. I know I am leaving some people out but the push back we got, frankly, made for a better TIF. The workforce housing aspect, probably if it were not for a good constructive conversation between the Mayor and members of County Council, that would not be in here today. So, when we speak to one another, we are a little bit better on the other side of it. The School District certainly came around because they are being faced with funding differentials from the State of South Carolina which brings a domino effect to us. Normally, what would have been an automatic because of previous successful TIFs, there was Act 388 that took funding from the district on individual houses and now they have to make that money up elsewhere. It is an error in the State law but we have to live with that. So, sometimes when objections are raised we think why won't they work with us? They really do work with us. This is a great

example of a request being tailored and customized to fit for the City of Charleston, the School District and the County of Charleston. So, I thank you for your work, Mr. Mayor, on that one.”

Mayor Tecklenburg said, “Thank you. Are there any other comments or questions? I will just add that this is a real partnership between the City and the County and the School District. They are truly our partners in this going forward and I look at it that way. You thanked many of our staff members and I echo that but got to point out that Mandy Herring did a lot of the heavy lifting on this over the last six months. Thank you, Mandy, for your very hard work on all of this. So, hearing no other comments or questions? Excuse me.”

The Clerk said, “Just to be clear, Mayor, it is the TIF as amended.”

Mayor Tecklenburg said, “It is the TIF as amended.”

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

*An ordinance establishing the West Ashley Redevelopment Project Area; making certain findings of blight within the Redevelopment Project Area; designating and defining redevelopment projects consisting of public improvements within the Redevelopment Project Area; designating appropriate redevelopment project costs; approving an overall redevelopment plan; providing for notice and public hearing in connection with the foregoing; and other matters related thereto.*

Mayor Tecklenburg said, “The next matter to come before the public is a Zoning Ordinance regarding a Planned Unit Development. Mr. Morgan.”

Christopher Morgan said, “Thank you, Mr. Mayor, members of Council. In front of you is the image of the property that is off Coburg Road otherwise known as the Coburg Road PUD. To orient you to the map here, we have Savannah Highway running roughly east, west in this location and this Coburg Lane coming down here. This is the St. Andrews Shopping Center with the Harris Teeter. This is the West Ashley Greenway directly behind that. There is also a Utility substation in this location and across Coburg Road is the Byrnes Downs Neighborhood, with houses that back up to Coburg Road. Further to the south are our residential uses along Coburg Road, and then further to the west are other residential uses that back up to marshes that back up to the subject property. We have an aerial image that again shows you all of these things. Again, St. Andrews Center, the Utility Substation, the Greenway, the marsh is here, the lower density residential use is further to the south off Coburg Road. Here is a little bit of a blow up. You see some of the grand trees that are on the site. This is the private road that leads back to the site. This is Coburg Road as it goes north towards Savannah Highway. Here you see the Utility Substation that is just north of the Greenway and then no name street which heads back into Byrnes Down right in this location. This is the overall layout of the proposed development on the site. It would be a 198-unit senior living facility with associated commercial uses. The commercial uses would be within the development within the main building itself. There would also be the apartments in the main building as well as in the separate building to the rear and parking associated with the development. This is an image that shows the green spaces that are part of the PUD document. There would be active open spaces around a pool area and a courtyard, as well as other active open spaces on the marsh, and connections to the Greenway to the north. The overall review by staff of this PUD was a favorable one. We felt that the existing General Business use could allow for a range of uses that could be much heavier traffic generators than a 55-plus senior-oriented housing development. The staff felt

that, given the access to Coburg Road which is already a signalized intersection, as well as the easy walking access to uses such as the grocery store, such as the other shops in the St. Andrews Center, such as the Greenway, would mean that this would be a lower traffic generating type of residential development than you might normally see. Also, national standards bear out the fact that number one, Multi-Family is a much slower traffic generator than Single-Family, and number two, that senior Multi-Family is an even lower traffic generator. Under current GB, you could have something such as a medical office which would have many times the amount of traffic generated from it and there would be no public review of such a development on this site. By virtue of this PUD, we are having a public review of it. When this item was at Planning Commission, we did have a number of conditions that I am just going to kind of go over those very briefly with you. The interest that staff has in seeing improvements to the Greenway lead to a condition that prior to permitting for this development there would be design consultation with our Parks Departments as well as the Parks Conservancy to determine improvements to the Greenway in the surrounding area. These improvements would be completed by the development team before a Certificate of Occupancy is issued for the development. So, there would be an immediate impact with this development on enhancements to the Greenway and the immediate area which we think is a great public benefit. Staff would also like to see some revisions made to the workforce housing definitions and requirements in the PUD. The PUD allows for ten percent workforce housing. We would like to see language used in those standards that would be similar to what the City has in our Workforce Housing Ordinance and also for the applicant to work with our Housing and Community Development staff to work on that language. With those conditions, staff is comfortable with this PUD and Planning Commission also recommended for it unanimously.”

Mayor Tecklenburg said, “Next, we will have the public hearing on this matter. I know a lot of folks might be here to speak on this matter. So, we want to limit the speaking time to a couple of minutes. I think that should be plenty and if you are making a point that has already been made by someone else in the group, please try to be aware of it and try not to be very repetitive. So, that being said, the floor is open and would anyone like to be heard on this matter? Sorry, I didn’t have my mic on. The floor is open. Please state your name and address before speaking.”

1. Demal Mattson/Amy McNaughton said, “Good evening, everybody. My name is Demal Mattson. My name is Amy McNaughton. Basically, I’m here before you as just a resident. My house backs right up to Coburg Road and at the intersection of the no name road. I understand that there was a study done on the traffic impact for that particular road but none was done for our subdivision. I have the unique perspective on a daily basis being outside with the animals, the girlfriend, the child, of all the cars that come through there. Being a small community, it is very easy to know who your neighbors are and who aren’t. We already have a massive, massive number of cars that cut from 17, come back down through there to get to the shopping center or to turn around and go the other way to go out to Folly Road, Folly Beach, other locations in West Ashley. I personally am just concerned about one thing. The amount of traffic and the kids in that neighborhood. The older folks that are crossing the road, the more generated traffic that comes through there, the more dangerous it is going to be, the louder it is going to be. Honestly, I didn’t buy a house back there and invest my hard earned money into something that is going to end up backing up to what is going to be a very main public thoroughfare. Well, today was a very unique perspective. There was a little bit of traffic on Highway 17. By the time I got home, the traffic was backed all the way down the road and I just sat on my front doorstep knowing I was coming here tonight watching already cars that were passing through that don’t live there. You could see tags for the Baker Acura Dealerships and things of that nature, so you knew they weren’t there. Anyway, in summary, traffic is my thing,

my problem, and my concern. I hope you will look at it with open eyes. It's not about the adults it's about the children and the safety of the children in that subdivision. Thank you."

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

2. Amy McNaughton said, "Yes, I am also a very concerned resident in Byrnes Downs. I have been for almost 19 years. I've seen a lot of changes in Charleston, as we all have. My concerns, again, with traffic is that there is one light, one traffic light to make a left-hand turn onto Savannah Highway from our neighborhood. It is Coburg and I understand we share this road, not just with the shopping centers, but with the residents, the Hanckels, off of the end of the road there. I am very concerned that adding that many units will be just massive, absolutely massive, and to take a left hand turn onto Savannah Highway, not at a traffic light, get some extra time to check it out, it's not so easy, not so easy. I wanted to bring that to everyone's attention. There are a number of dwellings obviously, and increasing the traffic flow because I understand the traffic study did not include Byrnes Downs, and we're looking at 54-plus percent of increased traffic because of it. That was our topic, so thank you very much for your time."

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

3. Leslie Benson said, "Hello, I'm Leslie Benson. I have been a homeowner of Byrnes Downs, 53 Timmerman that backs up to Coburg, since 1991, and I'm all for the development. I'm all for the Greenway. I think that West Ashley was a silent neighborhood for a really, really long time, and now it's just booming. I feel like it's very important that this development, along with all of the others that follow, are thoroughly analyzed, and the traffic is considered, as well as the neighborhoods that brought us to West Ashley. So, while I'm for the development, I feel like there are some things that are confusing as far as communication that has been put out in the community, especially in Byrnes Downs, that it's a senior housing facility. It made me think it was an assisted living facility, that people were not going to drive in and out of the neighborhood, that they were just going to be dropped off there and taken care of, like when you can't take care of yourself at home. So, I feel like the 55-plus stipulation on the demographic of the renter is going to impact our neighborhood as far as the architecture of the actual buildings and the parking around it versus what we're used to being in small 900 to 1300 square foot bungalow homes. That said, I know that's not part of your approval process tonight, but it's something that I think a lot of neighbors are very, very interested in being a part of, so that it doesn't get out of sorts and something that's just overwhelming to our community. Again, I think the traffic, I know that they've both, Amy and Ross, have both mentioned that, but just living behind the Coburg Road for as long as I have . . ."

The Clerk called time.

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

4. Donna Jacobs said, "Good evening, Mayor."

Mayor Tecklenburg said, "Good evening."

Ms. Jacobs continued, "Councilmembers, my name is Donna Jacobs, and I live in Byrnes Downs. Thank you for the opportunity to speak on this zoning request. The change that comes with revitalization and development, it's not always to everyone's taste, and this request

is no exception. It has created some awareness, potential opportunities, as well as some concerns in the community, but I would like to step back just a minute in time. In 1921, Francis Hanckel and his partner, I.D. Auld, announced the opening of the dairy on the Hanckel property in St. Andrews Parish. It didn't take long before the capacity to produce milk from his herd of over a hundred cows was exceeded, and they began to work with other farmers in the area to have milk brought to the processing plant on this land. The success of the dairy was one important aspect in the recovery process that was going on in St. Andrews Parish after the turn of the century. Mr. Hanckel was known for his community-minded spirit. As the parish grew, he became involved in leading the community. He was the founding member of the Exchange Club of St. Andrews Parish, and he donated his land in order that a meeting place could be erected for the Exchange Club. He routinely opened his Cookhouse on the dairy property to church groups, garden clubs, and civic groups for dinners, celebrations, fundraisers, gatherings, and the like. The newspaper was full of little announcements about this. Many of the people in the community in the '50s and '60s remember enjoying time on the property, and he had an open door policy with the community. One significant development occurred adjacent to the property in 1943, and that was the Veterans Housing Corporation's intention to build over 600 war housing rental homes, the 400 becoming Byrnes Downs. By the '50s, the family made the decision to develop the frontage acreage to the St. Andrews Center. There was even a road cut on private land in order for residents of Byrnes Downs to be able to access the property without going onto Savannah Highway. Today this is a vital and thriving shopping center at the southeast corner of the road and the center . . ."

The Clerk called time.

Ms. Jacobs continued, ". . . near the neon light and the rotating cow, an endearing remembrance of the time of the dairy, an iconic landmark for the community as a whole. I will leave you the rest of my remarks. Thank you."

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

5. Heather Powers said, "Thank you, Mr. Mayor, and City Councilmembers. My name is Heather Powers, and I currently am the President of the Byrnes Downs Neighborhood Association and have been for about four years now. I come before you tonight, and I feel this is a really difficult situation for our neighborhood because we are deeply divided over the support or lack of support of this project. The Board of the Byrnes Downs Neighborhood Association wrote a letter supporting the PUD in October, and we believe that this PUD has the potential to be a good solution for West Ashley, for the current landowners who have the right to sell their property as it currently is zoned or to anyone else who may come forth to purchase the property and for Greystar. Our letter of support written to the Planning Commission stated that we are in favor of this proposal because we think this type of 55 and older community would be a good fit, and we recognize a need for this type of housing in Charleston. Under the PUD, we support the workforce housing element, improvements to the Greenway, the decrease in parking, and the increase in greenspace. We are strongly opposed to the development of the property as it currently is zoned in General Business. We do not want to see shopping centers, office buildings, or other types of apartments that could be built on this parcel as it is currently zoned. We also understand the deep concern of our neighborhood and surrounding community about the traffic and congestion, and we would like to request, if possible, an additional traffic study be done that will include the Byrnes Downs neighborhood roads. We most definitely will be impacted by this, and I think there would be a lot of relief . . ."

The Clerk called time.

Ms. Powers continued, “. . . from people if they were to see that concession made to include our neighborhood.”

Councilmember Waring said, “Can I get your name again?”

Ms. Powers said, “Heather Powers.”

Councilmember Waring said, “Thank you.”

Mayor Tecklenburg said, “Thank you very much. Would anyone else like to be heard? Yes, ma’am.”

6. Anne-Wyman Cipolla said, “Hi, I’m Anne-Wyman Cipolla and I’m a Byrnes Downs resident at 15 Ludwell Street, I’ve lived there for the past ten years, and I get emotional. I have a little boy, Michael. I always get really emotional because Byrnes Downs means a lot to me and to my family. I don’t know why I cry, I’m sorry. I’m just really worried about the scale of the apartment complex. I don’t think any of us are opposed. We understand that it is land that is going to be developed, as sad as that is, but I think we are, or at least I am opposed to the scale of it. It is a very large, massive four-story apartment complex. My home is 950 square feet. Nine hundred fifty square feet is what my home is, and people buy in Byrnes Downs for two reasons. One is the charm of the houses, and the second one is location, and if we put a four-story apartment complex backing up to our homes, it’s going to ruin the charm of Byrnes Downs, which is one of the main reasons that we all bought into the home. So, that’s my concern. I hope to leave my home to my son when he is in his twenties to live there after he graduates from the College of Charleston. That’s our plan. So, that’s it.”

Mayor Tecklenburg said, “I think that can work out. Yes, ma’am.”

7. Yvonne Gilreath said, “I wasn’t going to speak, but I guess I’ll need to now. I’m Yvonne Gilreath at 7 Daniel Street. I’ve had my house there for 21 years. I’m a former neighborhood president, and I have literally never seen anything split a neighborhood like this has since I’ve been here. It’s been upsetting to so many people involved. I actually thought Heather had resigned as the neighborhood president. The meeting that was held with the neighborhood board was not very well advertised. Most of us didn’t know about it, and so this decision was made without a lot of input from our neighborhood, but as far as the actual development, I think we’re concerned about not just the traffic of the people going there, but also it’s going to be the trucks. It’s going to be the dumpsters, it’s going to be the people who work there, it’s going to be the landscapers, and then finally, just the height. We’re concerned about the height. Thank you.”

Mayor Tecklenburg said, “Thank you. Would anyone else like to be heard? Yes, ma’am.”

8. Erin Simmons said, “My name is Erin Simmons. My home is at 64 Colleton Drive. I back up to the marsh. My main concern is that in the construction process, how is the environment going to be considered? I see hundreds of birds, hundreds of happy squirrels, lots of nature that sort of, they kind of run rampant over the neighborhood, and in my opinion, it’s one of the reasons that I purchased the property. In addition, I know that our neighbors who live in South Windermere are going to be affected by development like this. It’s going to be

something that they see when they look out at the marsh, and it's certainly going to affect the value of their property, so I'm just concerned about the environment. Thank you."

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

9. Kappe Manuel said, "I was told the best way to do that was to print them, but I also sent you an e-mail right before I came. My name is Kappe Manuel. I live in Byrnes Downs, and I'm not going to rehash what I sent in the letters to you, but what I do want to say is that we have roughly 300 supporters there. I think it was 311 when I went home when I checked at home, but reading through the comments online, there is definitely a common theme that the development is not going to fit in with the charm of the neighborhood and that the livability of the current residents will suffer with the increased traffic. I've heard no objections to the 55-plus age restriction, and I gave you all the comments that were online there. I fit into that group myself, 55-plus. We've got quite a number of residents that fit in that group. It looks like the Greystar projects in other areas across the country. They're pretty high class. I have no doubt that, high rent, it's going to be a good place to stay, but I urge you to consider what the developer is giving back to the City and our neighborhood. In many of the cities, I looked online, Greystar is replacing old, dilapidated buildings, or revitalizing an area in trouble. The Coburg property is far from being an eyesore. In fact, it's a beautiful property with rare greenspace so close to the City, and these cities have demanded things. They've had them reduce them from three stories to two. They've had them design it so that it blends with the character of the neighborhood. They've asked them to be more environmentally friendly in terms of stormwater management, build parking garages instead of surface-level parking, and reorient the main entrance as a concession to the nearby homes. I think somebody mentioned, it's a big business to run a 200-unit apartment complex in and of itself. Provide landscaping buffers for those nearby homes, lots of things, they've had to pay traffic improvement fees to pay for the speed humps, the turning lanes, the road repairs, and the traffic lights. All we're asking here, again, not to block the development. We're asking to amend the PUD to follow your due diligence and look at the infrastructure that you have for us. I'm just asking you to . . ."

The Clerk called time.

Ms. Manuel said, ". . . figure it out first. Thanks."

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

10. Bill McKenzie said, "I'm Bill McKenzie. I live at 10 Coburg Road. I'm here on behalf of St. Andrews Parish, LLC, the owner of the land. This is an entity we formed between the Hanckel and Hay families to manage this investment. Over the years, we've been approached by numerous developers looking for a medical office, regular office, regular apartments, and every time we had a request, we asked two questions. Is this something we would be comfortable living next to, followed by how will this impact our daily lives? Most of them didn't, they would pass one question, but not both. When Greystar approached us late last year, this was something that seemed worth talking about. The age restriction is 55. That's a HUD requirement. The average age in these facilities is typically 75, so it's a much lower traffic generator. While it would be nice to do nothing and keep all of the land, that's simply not feasible. It's a very expensive piece of property to maintain, to insure, and to keep up. Working with this piece, we're likely to be able to keep the rest of it for a long time to come. This use generates about 50 percent of the traffic that would be generated by Single-Family. The reason we're here before you tonight is the workforce housing and adding the 55 age restriction to the PUD. A deed restriction can be overturned. We could change our mind or future generations

could. It will now be imbedded in zoning, which guarantees that it stays that way without a complete rezoning of the PUD. The additional units for workforce housing provide an important need in the area. Thank you.”

Mayor Tecklenburg said, “Thank you, sir. Would anyone else like to be heard on this matter? If there is anyone in addition, would you please queue up, so that we move along? Yes, ma’am.”

11. Susanne Harris said, “My name is Susanne Harris. I’m a Byrnes Downs homeowner. I’ll keep this very brief because a lot of it has already been said. I think one concern that maybe wasn’t touched on is the noise from the constant incoming and outgoing traffic, commercial vehicles, moving vans, delivery vehicles, trash, and recycling. The last time I saw the plans, there was a dog park right up at Coburg Road. I think that’s going to add a lot to the noise. I’m worried about the parking lights. The parking lot is half of the footprint of the entire development. Those parking lights are going to bleed into the homes in Byrnes Downs. Cars leaving, those lights are going to bleed into the homes in Byrnes Downs. I’m concerned about screening and buffering and just the height, the scale, the traffic.”

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

12. Emma Souder said, “Hello, my name is Emma Souder, and when I was looking into buying a home in the Charleston area, Byrnes Downs was the only development that I even considered. I’m an architect, and I fell in love with this neighborhood with so much character. The wide sidewalks, the curvy pattern of tree-lined streets, and the cozy small brick homes all contribute to a desirable village-like setting. This community is unique. I am grateful to call Byrnes Downs my home for 19 years. In 2009, a character appraisal study was completed for our neighborhood to help plan for its preservation, as our neighborhood’s character is still very much intact 70 years later. This study was in part financed with Federal funds from the National Park Service and made possible because of the vision of City of Charleston. I participated and contributed to the study, as I am concerned about the preservation of this area. This study is now very relevant, and I urge you to review it in light of Greystar’s proposed PUD, and I have it right here.”

Mayor Tecklenburg said, “Thank you.”

Ms. Souder continued, “This proposed four-story complex surrounded by a double row of surface parking is completely out of character for the adjacent Byrnes Downs neighborhood where there are compact 1000-square foot cottage-style homes. The size, mass, and scale are completely out of proportion of the existing adjacent homes, and I have also done a sketch to illustrate the size of our homes versus the size of this development.”

Mayor Tecklenburg said, “Thank you.”

Ms. Souder continued, “In addition to my concerns regarding the mass and scale of these buildings, I also have concerns regarding the aesthetics. We have only seen site plans. What will this apartment complex look like? Will these huge buildings compliment the cottage-style architecture in our neighborhood? We don’t know. We haven’t seen what it looks like. The character study I referred to earlier warned us of development pressure for this area. Please consider the scale and aesthetics of these buildings as they sit in very close proximity to our small homes. It is important that any adjacent future development strengthen the

established context of Byrnes Downs and that transitions from one neighborhood to the next property are appropriate.”

The Clerk called time.

Ms. Souder continued, “I strongly urge you to re-evaluate the size and mass of these proposed buildings.”

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

13. Stacy Turner said, “My name is Stacy Turner. I also live in Byrnes Downs. Like many of my neighbors, I am opposed to the PUD. I understand that it can be developed. I’m not opposed to development in and of itself, but in this particular instance we’re talking about large scale and large numbers. I would ask all of you, part of their argument is that, ‘Well, it’s an adult community 55 and older.’ How many of you are 55 and older? How many of you drove here today? How many of your wives drive? So, their argument for a lower impact with an older population really doesn’t hold water. No. Additionally, my background is in biology. I have a Bachelor’s Degree in Biology from Virginia Tech, a Master’s Degree in Biology from The Citadel. The impact with that small runoff pond of all of the automotive debris coming from those cars, you’re talking about antifreeze, oil, transmission fluid, it’s not going to be contained in that one runoff pond, and it is going to end up affecting the marsh and all of the things that are in it, the crustaceans, the shellfish, the seafood. It is a U.S. Fish and Wildlife designated estuary and wetland. We do need to be proper and protect that, as well, because those crustaceans, they feed birds. Part of what we like about our City is the salt marsh. The last part of it, what is it that protects us from the storm surge during these hurricanes? The marsh. If we let them destroy it, what’s going to happen to the homes and everything that comes in here? That surge is going to come in, and they’re going to damage us even further. We need to think about it in that tact, as well. Lastly, with regards to the Byrnes Downs Homeowners Association, the Neighborhood Association, we do need to keep in mind that they only represent approximately ten percent of the homes in that neighborhood, so they’re really not speaking for the whole, and two members of the Board have direct conflicts of interest. One of them, well, they happened to get the contract for the landscape architecture.”

The Clerk called time.

Mr. Turner continued, “The other one, their wife worked for Greystar.”

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

14. Susan Walter said, “Hi, my name is Susan Walter. I don’t live in Byrnes Downs. I think I’m so far the first one who’s not. I’m opposed to the project. I live in Parkwood Estates, a little further down. I’m worried about the traffic, worried about the density, and also worried about the Greenway, which is basically our park space in that part of the City, and I want to protect that. I look at this and go ‘that’s a lot of concrete and a lot of building on what is right now a gorgeous piece of property’. If I had my dream, the City would buy it, and we would turn it into a community park for West Ashley. That’s just my thinking. Thanks.”

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

15. Emmanuel Ferguson said, “I’ll be brief. My name is Emmanuel Ferguson, and I’m not going to take a public position on the issue, but I know the Board, or excuse me, I know

City Council works hard to look out for our best interests, and I just encourage you to continue to do so. So, thank you so much for your service.”

Mayor Tecklenburg said, “Yes, yes, sir. Thank you. Would anyone else like to be heard? If not, this matter comes before Council. Wait a second. Yes, sir.”

16. Gordon Hay said, “My name is Gordon Hay, and I live at 180 Coburg Road. Mayor Tecklenburg and Councilmembers, we would like to ask the Council to vote to approve the proposed senior living community at Coburg for our West Ashley area. Presently with the current zoning, we could already be building 162-unit apartments on the property, but we’re here tonight to seek your approval for a PUD, which also would allow restrictions for seniors only, additional greenspace, workforce housing, 36 additional units, 20 of those would be designated for workforce housing. We believe this option better serves our community with less impact. This plan to sell a portion of our property has been a difficult decision for our family to make, as this property has been in our family for generations, but it has been thought out and deliberated. The reality is, the family must move forward with the sale of this property. After considering many different options over the years, we believe we have chosen a project that fulfills a number of objectives. Number one, it fulfills a community need. We’ve heard from many friends and family that they are very interested in a senior living project for their relatives and, in fact, many want their families to stay close and live in this community development. It enhances the community. We believe the project is the least intrusive of options that we’ve considered for the property. In fact, the age restriction can’t be changed without approval. It also significantly has less traffic impact than other options we’ve considered. Thirdly, it chooses the correct partner. We believe Greystar is a good partner with local ties and local community interest.”

The Clerk called time.

Mr. Hay continued, “My last thoughts to leave you. Thank you very much. Thank you, sir.”

Mayor Tecklenburg said, “Yes, sir. Yes, sir.”

17. Bill Eubanks said, “I’m Bill Eubanks. I’m the Creative Director of Seamon Whiteside’s Urban Edge Studio. We’re the landscape architects and civil engineers on the project. I’ve also been a homeowner in Byrnes Downs since 2002. I would just like to clarify, I’m not part of the Byrnes Downs Neighborhood Association Board, however, I do represent the neighborhood with the Ashley Bridge District Board. This project right now, is zoned General Business. We could do 26.4 units at 55-foot building height right now. A 162 traditional apartments would have over twice as many A.M. and P.M. peak trips as this project. Ninety thousand square feet of medical office which could be done here would have over four times as many daily trips. This project is located along the Greenway. We’re approximately 170 feet from the existing path with our building significant vegetation between us and the path. Also, the portion of the building that’s adjacent to the homes in Byrnes Downs would only have a two-story presence, and those six homes would be on average about 200 feet from our building. Some of the neighbors have questioned why the traffic study did not factor in local streets. The very simple and short answer is that the impacts were so low, they really didn’t warrant consideration. Anyone coming through the neighborhood from this project to get to Folly Road would have to make 9 to 10 turns, several stop signs, and even more speed bumps. We felt like the majority of the trips would come out to the signal at Highway 17. That being said, it’s our intent to ask for a “no right turn” sign coming from our project onto no name street, which should

eliminate the majority of those trips if people obey the signs, but if the neighborhood's worst fears were realized, and 100 percent of all A.M. and P.M. trips from this project went through the neighborhood to Folly Road, what that would mean . . ."

The Clerk called time.

Mr. Eubanks continued, ". . . was that a project would leave every four to six minutes, and a project would come in every 2.3 minutes in the morning . . ."

The Clerk called time.

Mr. Eubanks continued, ". . . and in the afternoon every 2.3 to 2.6 minutes coming in and out."

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

Mr. Eubanks continued, "We're here if you have questions."

Mayor Tecklenburg said, "Yes, sir. Would anyone else like to be heard on this matter? If not, it goes before Council."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "Yes, I want to ask Christopher a question."

Councilmember Lewis said, "Can we get a motion on the floor before we discuss it?"

Councilmember Moody said, "I'll just make a motion that we approve the PUD, so we can discuss it."

Councilmember Waring said, "Second."

Mayor Tecklenburg said, "Okay, we have a motion to approve and a second. Councilmember Mitchell."

Councilmember Mitchell said, "Well, I want to ask Christopher a question about the percentage for the affordable housing piece."

Mr. Morgan said, "Yes, sir."

Councilmember Mitchell continued, "You mentioned ten percent."

Mr. Morgan said, "Yes, sir."

Councilmember Mitchell said, "I would like to amend that and make a motion of 15 percent. Normally, we have 15 percent affordable housing units in anything being built in the City, and I don't know how it dropped to ten percent all of a sudden."

Mr. Morgan said, "That was just a discussion with the development team based on how their project works, but you are correct that most PUDs have had 15 percent in the past."

Councilmember Mitchell said, "Well, I would have to amend that motion to 15 percent."

Councilmember Lewis said, "I'll second."

Mayor Tecklenburg said, "Okay, we have a motion on the floor. Are you willing to accept this amendment that has been added? It is Councilmember Moody's motion."

Councilmember Moody said, "I would like to maybe have some discussion. I'm not sure because what we're doing here is a General Business category, as I understand it, the ten percent which would be 20 workforce housing units."

Mr. Morgan said, "Yes, sir."

Councilmember Moody continued, "So, if we went to 15 percent that would be, what, 30?"

Mr. Morgan said, "Roughly 30."

Councilmember Moody continued, "Thirty units, and that is about the number of units that's being allowed with the PUD. I'm not sure that we can, I mean, I'll be glad to, but I wish we had 50 units, but the problem is we're trying to keep the height down, and you've got 55 feet with the General Business. We've got four stories now adding to those 30 units. I don't want to keep adding units that make it any taller. For example, if we add these additional units, does that make any difference or does the project not work? I'm just asking the question."

Councilmember Mitchell said, "I don't think we have to add any more units. We normally say once it's being built, units are being built in the City of Charleston, and it's 15 percent. Now, if we're going to change that to ten percent, then I need to know about it, because affordable housing is one of the issues I push for all the time. In so much as housing, we don't have enough affordable housing around. That's why I made that amendment, a motion to put it back to 15 percent, because if it's not going to be 15 percent, I'm not going to support this project. I just want to see it in there, the 15 percent, as what we have been doing. That's all I'm saying."

Councilmember Moody said, "I don't know whether the developer can give us any information on that tonight. Does that make the project not feasible? I agree with you, Councilmember Mitchell. I would love to see more, and we have to be very specific, so I will accept your motion, and hopefully that will not kill the project."

The Clerk said, "So, you're accepting his amendment?"

Mayor Tecklenburg said, "We have a motion with the acceptance of an amendment that the workforce housing component be increased from 10 to 15 percent."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Okay, more importantly, what is the duration of affordability?"

Mr. Morgan said, "They have expanded it to 20 years versus the typical 10 years in our MU Workforce Housing districts, for example."

Mayor Tecklenburg recognized Councilmember Waring followed by Councilmember Lewis.

The Clerk said, "And Councilmember Wilson."

Mayor Tecklenburg said, "Then Councilmember Wilson."

Councilmember Waring said, "They had their hands up before me."

The Clerk said, "Yes."

Mayor Tecklenburg said, "Okay, I'm sorry, Councilmember Lewis."

Councilmember Lewis said, "What you just explained is that you are familiar with your ordinance, but you are not familiar with the 15 percent? Because the 15 percent has been put in there from the beginning. It needs to be clear to staff that this is a part of our housing ordinance that when these developments come, that it's 15 percent, and if you can't get an agreement from the developer with 15 percent, then we need to know about it before it comes to Council, but you all need to make sure that you explain these things to developers when they come with these projects, that we are expecting the 15 percent. That's simple as A, B, C."

Mayor Tecklenburg said, "Thank you, and as you may know, the 15 percent applies to our MU-2 Zoning, which they are not asking for that particular zoning here. They're asking for a PUD, but point well taken."

Mayor Tecklenburg recognized Councilmember Wilson.

The Clerk said, "Councilmembers Wilson, then Waring, Williams, and Moody."

Mayor Tecklenburg said, "Correct."

Councilmember Wilson said, "Thank you. If there are any of my colleagues that want to continue the threat of affordable housing, I'm switching gears, but to keep that conversation coherent. Do any of my colleagues have anything more to say on that before I speak?"

No one asked to speak.

Councilmember Wilson continued, "Okay. I completely understand the fact that the Hays and the Hanckel's have property owner rights with this, and this is a means of saving a much larger piece of property. I understand that completely and have always been an advocate with property owner rights. I think it's in part because I've just been through an absolutely bruising fight on James Island with something that strikes me as being similar. First of all, we need to stop saying that open space and greenspace are the same thing, and I'm going to beat that drum for as long as it takes. They're not the same. When I look at that, I see nice little green areas that say 'active open space, pool area'. Of course, I never object to a pool, but that's pavement, that's cement, that's not greenspace. We need to stop saying that. Open space is open space. Greenspace is greenspace, and they're not the same thing. I really do have concerns with the height with this. Four stories is getting very high next to bungalow-type homes, and I understand the General Business zoning, and I understand what is allowed, what could be there versus what is being proposed, but that resonates with me regarding the

neighbors and what they have said. This will absolutely affect Byrnes Downs forever, in traffic, in neighborhood character. Yes, there might be some improvements made to the Greenway, but does it offset that perpetual change in character? I don't know. Regarding the issue of 55-plus, 55 isn't a senior. That's not an old person."

There was laughter and applause in the Chamber.

Councilmember Wilson continued, "I will say that because I don't qualify yet, but nevertheless, when we say a senior living, that's not holding water with me either because there are a lot of 55-year olds, 65-year olds, 75-year olds . . ."

There was laughter in the Chamber.

Councilmember Wilson continued, ". . . quite active who are getting around really well, but it's a point nevertheless that I need to make. This is just a detail. I spoke with Councilmember Moody about this earlier today because I needed to give him my viewpoint, and I said one thing that was just a little troubling to me is our brand new West Ashley Revitalization Committee wasn't even consulted, wasn't told about this. Are we going to start including that Commission in some of these larger development issues to make them aware, not necessarily gain their blessing, but again it's an awareness, and I think it leads to cohesive planning. So, I think that's something that needs to be addressed moving forward. I look at this, I see something that is just completely leveled and completely clear-cut, and that's what's going to get ready to happen on Maybank Highway, just total oblivion. If it's living, cut it down, and that always concerns me because we are losing so much as a community, and we're planting street trees, tree wells, and shrubs to replace grand trees and things that have been there for a very, very long time. I wish we would slow that down, and I wish we would tighten things up considerably with the variances that we allow and start asking developers to work around grand trees a little bit more and how can we be much more creative in our planning to save these sorts of things. The traffic study was flawed. I was really rather surprised to hear that Byrnes Downs was not included because absolutely regardless of those eight or nine turns to get from Coburg Road out to Folly Road, there are a lot of people who are going to do that, and it goes back to the character of the neighborhood being changed. So, in spite of my supporting property owner rights and understanding that this could be worse, I think there is room for improvement, and at this time, I have to vote my conscience which is to not support the PUD."

There was applause in the Chamber.

Mayor Tecklenburg said, "Thank you. I've got to ask our guests to, please, no outbursts during the Council meeting. Councilmember Williams was next?"

The Clerk said, "Councilmember Waring, then Councilmember Williams."

Mayor Tecklenburg said, "Sorry about that."

Councilmember Waring said, "I'll defer to Councilmember Williams."

Councilmember Williams said, "Okay, I really don't like what this property could be in its present state. I just think it would just be awful. Earlier, somebody made the comment about some of the other things that we could ask this developer to do to enhance some of the concerns. I'm a little concerned if you went from workforce to 30 units. That may kind of affect the aesthetics of how it was going to be built, but I'm in support of it because what it could be

could just be awful for that area, and secondly, I think sometimes when developers come in, they do work with what is called a performer what fits, and I just really believe that this might fit, but it would it could be in its present state if we don't change it could just be a disaster for that neighborhood. For that reason, I still would ask that we would continue to work at some of the things they could do, but I'm going to support it because what it could be, could be very awful for that community."

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

Councilmember Waring said, "Thank you, Mr. Mayor. I'm going to ask Mr. Lindsey to come forward because I want to know, part of this job is not only helping the good ideas, but helping to prevent bad ideas from happening, and for all my neighbors West Ashley, I always like to point to the example of the storage facility that's a little bit across from where Ryan's Family Steakhouse was on St. Andrews Boulevard. It's a four-story spaceship that landed there, and that's a bad idea that this Council could not prevent from happening because of existing zoning that was not in coordination with our zoning category, and that property was in the County. It's an entirely inappropriate use for that wonderful site on St. Andrews Boulevard for the next decade that we all have to enjoy when we go by back and forth. Obviously, I'm being facetious. Now, with the General Business, what, Mr. Lindsey, are some high impact-type uses that, right now they have the right to put there that could go there? Well, I won't say a bar because nobody in that area drinks, but anyway."

There was laughter in the Chamber.

Councilmember Waring continued, "A huge medical office building, for example."

Mr. Lindsey said, "Well, you are right, Councilmember. General Business is one of our most permissive zoning categories, and I think lumberyards are permitted within General Business. Certainly, medical office as was mentioned before, drive-through uses, drive-through retail, drive-through restaurants are all permitted within General Business. Again, except for our industrial categories, it's our most permissive general zoning ordinance category."

Councilmember Waring said, "You see, those type of things right now they have the right to do, and I don't even know the owner. I am familiar with the name being from Charleston, but any time an owner comes in with a high impact property and asks for less, that's an opportunity for a neighborhood, quite frankly, because I go back to when it was a dairy back there, and you had the commercial trucks going in and out, the little steel cylinder trucks hauling the milk back and forth. I go back to when the railroad was coming through that neighborhood. So, there were high impacts, it's a bikeway now, a Greenway now, but there was an active railroad track coming through there. So, you had high industrial uses in there. You had, quite frankly, methane gases from the hundred or so cows that came through there. It's a fact. I mean that is a fact. So, now, we have a chance for a choice of housing that does not exist or it does exist West Ashley, but in small quantity.

These people have come with some very good ideas on how to tweak it. For example, directional lighting, I'm sensitized to, even though Mr. Eubanks it may be 200 feet away, and I appreciate it being two-story, where it backs up to the residential side, I think that's a good choice to do that, but by the same token, some of the unintended consequences would be some of things we don't even look at right now in this PUD. Correct me if I'm wrong, Mr. Morgan or Mr. Lindsey, the directional lighting is to make sure that flood light doesn't light up somebody's backyard at 12:00 at night. So, those types of tweaking on some of these aspects that were

pointed out, I would hope that we could get some of that done between maybe the first reading and the second reading because we do have three readings on this. I'm going to support it on the first reading, but I also support the 15 percent workforce housing. So, the amended motion I'm going to support, but some of these aspects that these people have come up with they can tweak, I think will make a better product, and maybe somewhat of a win-win, but preventing the bad ideas is part of responsibility of being a Councilperson, and that General Business, believe it or not, allows for some high impact situations that if they were built, there would be those in the community that would ask how do we allow that to happen. Thank you, Mr. Mayor."

Mayor Tecklenburg recognized Councilmember Wagner.

The Clerk said, "Councilmember Moody."

Councilmember Moody said, "Go ahead, Mr. Wagner. I'll finish up because I've got to go."

Councilmember Wagner said, "Being in the over 55 crowd, I'm going to date myself, but I'm also going to confess to being one of your interlopers. I like to ride through your neighborhood because that's the only way to get somewhere about 8:00 in the morning. If you're going, heading that way, I'm guilty. Okay? I like the speed humps. I've gotten used to them, but the land in question, back throughout the '80s, do you all ever remember, First Baptist out there early in the morning starting in August, when my kids were there? So, now, I've dated myself, but that property has always had that issue even before the redevelopment of St. Andrews (Shopping) Center. I'm real curious. I remember before they paved no name street, or whatever that is, Keating Roofing was there. As Councilmember Waring said, the trucks are running up and down, and I actually don't see it as a real negative. I almost bought over there in 1972, and then they opened up a place called Melrose, which is further out, and I liked that better, but that's neither here nor there. I'm not seeing this impact that has everybody meeting. I know Councilmember Moody has been to dozens of meetings. As Councilmember Waring and Williams both said, what could be is hundreds of times worse than what is probably going to be with the PUD. I really think I need to support this. This is no comparison to what's happening on Maybank. I mean, in that they're both PUDs, and, yes, there is going to be impact, but short of closing down no name street, I think it's going to have to be this way guys. I've got to support it, and thank you very much. I appreciate everybody that came out."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Moody.

Councilmember Moody said, "Thank you, Mr. Mayor. I did get a lot of calls today from my colleagues, and I've talked to most of these folks that got up and spoke. I've talked to them over the last few weeks, and there are some good points. I think Councilmember Waring is right. I think we could do some things like put maybe a privacy fence on the Coburg property there, so that the headlights coming out don't even shine into Byrnes Downs. I think you could put the direction on the zero escape lighting which have all of the lighting on the property. How we designed the building, all of that is going to have to be decided in the design review process, the technical review process, as the building plans are brought forward. I think what we're doing here tonight is really looking at the PUD, and that's really what's important to me is that this PUD will be put in concrete, so to speak. The zoning on this property, it will tell us all of these things, the 15 percent, the 55 and over. If any of that is going to be changed down the road somewhere, it's like getting a zoning request. You are going to have to come back through this

body to change all of that, so most these PUDs when they get put in place, they stay that way. So, for that reason, I believe that the bird in the hand, this PUD, is much better than those two birds in the bushes that we don't know what we're going to get, and what is allowed under that General Business is going to be very, very onerous on the community. So, I hear both sides. The only thing that really disappoints me about this, and I'm going to say it. I probably shouldn't, but I'm going to say it. There have been a lot of comments on the internet that I find offensive with neighbor fighting neighbor. They can say that stuff to me, and it doesn't really bother me either way, but when I see the neighbors in the community fighting each other, that bothers me a lot. I hope that whatever we do here tonight, I'm going to support the PUD, that the neighborhood can come back together and work together if we've got to do some tweaking. It's traffic, traffic, traffic. Everything in this community is traffic, but what we could get there is traffic, traffic, traffic, traffic. So, I'm going to support it. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "Thank you, Mr. Mayor. So, the enemy of good is better, and that's always on display in these Chambers. About a year ago, we had a group of people come into these Chambers with 'No PUD' signs on. I can tell you the majority of those people would come into day and trade those in for a PUD in an instant because what they got was something that wasn't better. It was no good at all, and we're going to fight that for a long time. I own a piece of property at the corner of Sothel and Timmerman, 28 Sothel. My mom lived there for ten years. My associates live there now. Whatever happens on this property, is going to affect that property greatly. There is no question about it. In thinking about the future of West Ashley and the neighborhood that this is going to affect, and what will ultimately be on that property, I think about General Business. General Business allows all sorts of things. Councilmember Waring doesn't think anybody over there in West Ashley drinks, but if you have been to Avondale anytime at 2:00 in the morning, they're drinking a lot, and General Business is inclusive. You could have General Business back there that includes late night business which is the worse type.

Now, I applaud the Hay/Hanckel family for looking at this, thinking about it, and not just jumping at the first comer or developer that wanted to develop this property. I'm going to support this PUD, but I want to make some comments about it, and I think we need to think about some of these things. Bill (Eubanks), we've known each other a long time, I respect you, but I will tell you there is no chance that this development is not going to affect traffic flow through Byrnes Downs. It's going to affect it greatly. Just look at a map. No name road to Timmerman to Daniel Street or back to Nicholson Street across Sothel or Craven, there are two ways to go to avoid a traffic light. People want to avoid a traffic light especially at the corner of Coburg Road and Highway 17 because it backs up two, three, four, five turns at the light. Many times, many times, people get stuck there not being able to go right. I've gone back through the parking lot to get around that. So, let's all be adults in here. I think the PUD is the way to go. I think that we, and I certainly hope that the developer and their team will listen to what's gone on in these Chambers tonight and take to heart that there are going to be some effects in Byrnes Downs particularly when it comes to traffic, and let's figure out ways to minimize those effects by looking at it reasonably, rationally, and as adults. I just don't buy that there's no effect at all, and we need to look at no name road. We need to look at Timmerman, and think of some creative ways to make sure that the traffic that goes to this development is going the most expeditious way with the least resistance and the least impact to the neighborhood that has been there for decades, and we've got to protect that neighborhood. You live there. I'm going

to own that property forever. I am, by the way, over 55, so I might live around the corner, I don't know, but I'm going to support this PUD, but I would ask whoever, I don't know where the motion is currently. I don't know if it's going to include the workforce housing or not. Okay, I would like to add an amendment. I hope it will be accepted that pass it for first reading, but we're going to go look at traffic around no name road, Byrnes Downs, and we're going to have someone tell us what the effects of that are going to be and suggest a plan to minimize traffic effects in Byrnes Downs."

Councilmember Shahid said, "I second that motion."

Councilmember Seekings continued, "I want to make sure that's very clear. I'm going to vote for it tonight, but if that's not done, that's the last vote I'm casting in favor of this until we figure out traffic. So, thank you all for being here. I know this has been tough on the community. It's been tough on me because it's a tough decision to make for people who live and invested there, but it is a use that is less than what could go there. Again, the enemy of good is better, so just be careful with the 'No PUD' signs because what might come of a 'No PUD' debate will be not a PUD and might be something you don't like. So, thank you."

Mayor Tecklenburg said, "That was not a form of an amendment, just a request before it comes back to us."

Councilmember Seekings said, "It's a request for an amendment to the motion that we have a traffic study that takes into effect what goes on to the east which is Byrnes Downs."

The Clerk said, "So, it needs to be in the form of a motion."

Mayor Tecklenburg said, "Are you presenting that for a motion today?"

Councilmember Shahid said, "I second it."

Mayor Tecklenburg said, "We have a second. So, I've got to come back to Councilmember Moody since it's your motion. He's willing to accept that motion?"

Mayor Tecklenburg recognized Councilmember Shahid.

Councilmember Shahid said, "Thank you, Mr. Mayor. At the opening session we had at the West Ashley Revitalization Commission, I made the comment that if you travel around West Ashley, you will find hidden gems throughout the area. I went back to Coburg Dairy the other day, and it is certainly one of those particular hidden gems. It's one of the last hidden gems probably in West Ashley, at least on this side of I-526. It is beautiful property. There's no denying how pristine this land is, and I certainly understand the folks who live in South Windermere and Byrnes Downs in opposition to this property because it will greatly affect them. There's no denying that. I shop regularly in St. Andrews Shopping Center at the Harris Teeter and the other shops there. The traffic in there requires imagination how to get in and out of that area which I do, and hopefully I do it all legally, but it is a problem. We cannot just approve this without those things and being mindful of how this project, as proposed, is going to have a tremendous impact on those neighbors. It will, and I understand why. When you drive back there, you will see the beauty of this land, how we're going to affect people's views from back there, and increase the number of pedestrian and vehicle traffic coming in and out of this area. I agree with what Councilmember Wilson has said. This is sort of a piecemeal approach to this development. With all that being said, though, we don't want this land which is beautiful to be

marred by commercial development. We can't. The alternative to this with an office complex or a medical complex is a more commercial property back there. It's going to have a much more negative impact here. So, I support the comments being made by Council, and particularly the last comment by Councilmember Seekings, regarding what we need to do to tweak this project. So, let's approve it on the first reading. Let's have a very critical eye when it comes to the second reading, so that these things that we are addressing, we make sure that we incorporate in there, that we are mindful of the concerns of the citizens who live in this area, that we are incorporating and adopting those concerns, so that this is a project that they can be happy with and very proud of. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Thank you. I would just like to add a couple of comments. You all have covered just about everything. I want to thank everyone that came here tonight and made suggestions and comments. I think it's been very constructive, and if this gets approved, we'll end up making a better project, and it's a shame really that we're in this situation. It seems like once again of not just the lesser of two evils, but maybe the least of what might be many evils given the variety of development that could happen given this zoning. I must tell you that I hate to bring up an unpleasant memory, but it reminds a little bit of the Sergeant Jasper situation we had earlier this year in that they had the zoning called 3-X that allowed the height of the building to be higher than what really anybody in the community wanted. If you ask me today if this property were coming into the City, were being annexed into the City, what kind of use do I think would be appropriate I would say residential and, frankly, I would say at a lower density than what is being proposed here tonight. We're not in that situation. The property came into the City years and years ago, decades ago. It was a dairy, and the same family that owned the property also developed St. Andrews Shopping Center. So, I don't know the rationale that was given at that time that led to this property having a General Business Zoning, whether it was because it was a commercial use with the dairy or whether it was maybe anticipated one day it would be an add-on to the shopping center, but whatever the reason, that's what it is. So, we are in a situation where it's the least of many potential other uses that we would not like to see, and maybe that's not a good position to be in, but it's where we are now.

Given that they agreed to a residential use, even though it's more dense than we would like, the fact that they, even though I'm over 55 myself, I would like to think that one day on average, folks living there wouldn't be getting up and coming home at the same time, and there's a little flexibility there. The workforce housing component that Council has wisely required as an additional requirement on the developer is a good thing, and so, if you look at the bigger picture of housing in our community, we really, as a region, have a shortage of housing. We have a shortage of affordable housing. If you're going to put it anywhere, it does make sense to put it near where people can walk to the Harris Teeter and walk to a restaurant nearby and, yes, there will be some traffic. Yes, there will be some impact, and I assure you that the City will look at every trick that we can think of, be it no name street or modifying the intersection down at Savannah Highway to help improve it. I am going to vote 'yes' on the PUD. I think under the circumstances it's the best, and I know it will come at some impact to the neighborhood, but under the circumstances I do think it's the right thing to do. Are there any other comments or questions?"

The Clerk said, "Mayor, do you want me to repeat what I think the motion is?"

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

The Clerk said, "So, the motion is to approve the PUD that has been amended to include 15 percent workforce housing and to include a traffic study to review traffic prior to second and third reading that be brought to this Council. Is that correct?"

Councilmember Seekings said, "The effects it will have to the east, in particular, Byrnes Downs."

The Clerk said, "We will get that in the minutes since they are verbatim."

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

No one asked to be heard.

On a motion of Councilmember Seekings, seconded by Councilmember Shahid, City Council voted 12 to 1 to approve Item #E-2 that was amended to include 15 percent workforce housing and to include a traffic study to review traffic and the effects to the east and Byrnes Downs prior to second and third reading.

First reading was given 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 Coburg Road (Overture PUD) (West Ashley) (approximately 6.15 acres) (TMS# 349-08-00-001) (Council District 11), be rezoned from General Business (GB) classification to Planned Unit Development (PUD) classification. The property is owned by St. Andrews Parish LLC. **(AS AMENDED)***

The vote was not unanimous. Councilmember Wilson voted nay.

Councilmember Waring said, "Mr. Mayor."

Mayor Tecklenburg said, "Thank you all for your wonderful comments and participation."

The Clerk said, "Mayor."

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

The Clerk said, "Councilmember Waring."

Councilmember Waring said, "After we get the motion out of the way, I do have a motion related to that to this project. There have been a number of times where projects have come in front of us, particularly with PUDs, and Council Lady Wilson just pointed it out where greenspace, the swimming pool, is calculated into the calculation of greenspace. We've talked about it, but we've never taken any action steps. So, I would like to make a motion that our staff be directed in the PUD process, or any other process that includes a swimming pool as greenspace, that that be removed from the calculation of greenspace henceforth now and ever more. That should never be. That's just a farce for a swimming pool to be considered greenspace."

Mayor Tecklenburg said, "So, we have a motion on the floor."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a second. Is there any discussion? I think it's a very reasonable request."

Councilmember Moody was excused from the meeting at 6:37 p.m.

On a motion of Councilmember Waring, seconded by Councilmember Gregorie, City Council voted unanimously to direct staff to remove swimming pools from the calculation of greenspace.

Councilmember Seekings said, "I have a question."

Mayor Tecklenburg recognized Councilmember Seekings.

Councilmember Seekings said, "That is actually going to change the requirements of our PUDs, so it's going to change our Zoning Ordinance. So, that's got to be a change in the Zoning Ordinance in the PUD."

Councilmember Waring said, "Not this PUD."

Councilmember Seekings said, "But just generally going forward."

Councilmember Gregorie said, "That's right."

Councilmember Waring said, "Going forward."

Councilmember Seekings said, "I just want to make sure of what we're doing."

Mayor Tecklenburg said, "Alright. Next, we have Item #E-3 which is a rezoning of a property near or in Ashleyville-Maryville Neighborhood. Mr. Morgan."

Mr. Morgan said, "Yes, thank you, Mayor. As the Mayor said, it is a property in Ashleyville-Maryville. To orient you, this is St. Andrews Boulevard, 5<sup>th</sup> Avenue, running roughly east west, the marshes of the Ashley River headed up towards Charlestowne Landing, ultimately. The property has Single-Family Residential to the west, marshes roughly to the east, and a mix of uses to the south. We've got some aerial photos here, again, some commercial uses that are to the south, including some industrial uses here, a City park space that's over here, and undeveloped land further to the east, so a kind of mix of land uses around it. A blown-up aerial, the portion of the property that is Zoned DR-3 is our mobile home category, and so, there are a number of mobile homes on the property. The remainder of the property is SR-2 which matches up with a good bit of Ashleyville-Maryville, but it is home to just one Single-Family residence. Here is an image from the street. The mobile home park is to the right. The entrance to the Single-Family house property is to the left. The request here is actually a down zoning of the property. The folks who are working on this are interested in using the SR-1 category which allows for a cluster development, to do a cluster development on the site that will help preserve the substantial grand trees that are on the site that you can see through the center, as well as up here along the marshes. So, they feel that the SR-1 would serve them better. It actually lowers the density on the site. Staff has been comfortable with this request because of the fact that it actually lowers the density on the site, so it's not an increase in the neighborhood, and both staff and Planning Commission recommend approval of this change."

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

1. Bill Eubanks said, "Really quickly, Bill Eubanks, Creative Director, Urban Edge Studio, Seamon Whiteside. We're the landscape architects working on this project. This is a fantastic piece of property. It's absolutely gorgeous. It is our intent to come back with a cluster plan for this that will save all of the grand oaks and with the lower density of SR-1, but also with 40 percent open space. So, I think it's going to be, it's a spectacular piece of property, and we intend to do a really good project here."

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

Councilmember Lewis said, "I move that we approve this property."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We have a motion and a second to approve this rezoning. Would anyone like to be heard?"

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I would like to say that the owners of this property came before the Ashleyville-Maryville Neighborhood Association two weeks ago. The neighborhood voted, and they approved it. Everybody should have gotten a letter from Ms. Hamilton, and also incorporated in this project, they agree to build some affordable housing in this project at no cost to the City. They will build it. They will turn it over to Housing and Community Development, and they will sell to first-time homebuyers, so I think it's a win-win situation. Very seldom do we get a developer that would come and ask us to downzone property."

Mayor Tecklenburg said, "That's right."

Councilmember Lewis continued, "The property is going to be downzoned, and it's going to be Single-Family. I think it's going to be very beautiful for that neighborhood."

Mayor Tecklenburg said, "Correct."

Mayor Tecklenburg recognized Councilmember Mitchell.

Councilmember Mitchell said, "No, I'm good."

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "I would just like to second what Councilmember Lewis said. He's already said it. Thank you."

The Clerk said, "Mayor, they do have a letter on their desks from the neighborhood President, Diane Hamilton, as well as they were e-mailed, as well as there were many letters from Byrnes Downs and other people."

Mayor Tecklenburg said, "I would just add that because we made the request to the

developer to add some affordable housing as a component of what they were doing, and they weren't required to, and they have voluntarily done that. So, I'm very appreciative of that. Alright. Are there any other comments?"

No one else asked to speak.

On a motion of Councilmember Lewis, seconded by Councilmember Waring, 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 1040 & 1042 5th Avenue (West Ashley) (10.481 acres) (TMS# 418-06-00-028 and 418-06-00-115) (Council District 3), be rezoned from Single-Family Residential (SR-2) and Diverse Residential – Mobile Home Park (DR-3) classifications to Single-Family Residential (SR-1) classification. The property is owned by Thomas C. Campbell, III and Campbell Knuppel Trailer Park LLC.*

Councilmember Waring was excused from the Chamber at 6:44 p.m.

Mayor Tecklenburg said, "Next, is Item #E-4. Mr. Morgan."

Mr. Morgan said, "This is Nabors Drive and Affirmation Boulevard on James Island. It's just to the south of Harborview Road, which is a little bit further up here on this map. Here is Nabors Drive. The Harris Teeter is the former Piggly Wiggly Harborview Shopping Center, but now the Harris Teeter Harborview Shopping Center is in this location here. There are some other Multi-Family across the street. The subject property is currently Zoned GB. There is Multi-Family to the south. There is a cell tower in this area here. The request, in a similar instance, is for a portion of this to be downzoned from the GB to the SR-9, and then a portion of it would upzone from the SR-1 to the DR-9. Here is an aerial image. Again, you see Harborview Road, the grocery store shopping center, the subject parcel is here, the cell tower here, the Residential that's across the street here, and just a little bit of the blow-up. It's currently being used as a laydown yard for the Harborview Road improvements, I believe, a construction site for the Harborview Road improvements. Both staff and Planning Commission recommend approval of this request."

Mayor Tecklenburg said, "Alright. Would anyone like to be heard on this matter? If not, it comes before Council. What is Council's pleasure?"

Councilmember White said, "Move for approval."

Councilmember Mitchell said, "Second."

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

Councilmember Wilson said, "Thank you. Just a moment of discussion. This is in my district, and here I'm a few minutes ago we did Coburg Road and now I find myself on the other side. This is, in fact, taking two parcels with two different zonings and making it one cohesive zoning. One of the greatest fears of residents of James Island, especially along the Harborview Road corridor with the upgrades to Harborview Road, is that those properties will begin to fall to commercial uses, be it office, residential, or similar things. I've tried to be rather hard on that and not allow those types of rezonings to take place. This is a General Business zoned

property for all intents and purposes. It's not a terribly attractive piece of property. It's a laydown area right now. Townhouses, it's a good alternative from General Business, although I got yelled at about it. I got yelled at for a downzoning, but that's the way it rolls. This probably is the best outcome for this. It's not suitable for Single-Family Residential. I think if residents understood that they could have an Arby's or a bar or all sorts of things in their backyards, they would probably be a little more comfortable with townhouses, but I've met with the developer. I did hold a community meeting. Like I said, I got yelled at, but I think this is still probably the best outcome for the property, so I will support it."

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

No one else asked to speak.

On a motion of Councilmember White, 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 on Nabors Drive and Affirmation Boulevard (James Island) (approximately 3.95 acres) (a portion of TMS# 428-16-00-013 and TMS# 428-16-00-046, 428-16-00-047, 428-16-00-048 and 428-16-00-052) (Council District 12), be rezoned from General Business (GB) and Single-Family Residential (SR-1) classifications to Diverse Residential (DR-9) classification. The property is owned by Anne Doscher Read & James Island Plantation Services Inc.*

Councilmember Waring was not present for the vote.

Mayor Tecklenburg said, "Now, Item #E-5 was a rezoning of 1099 Playground Road from Limited Business up to General Business. It was denied by the Planning Commission, and since then, the applicant has withdrawn, but we advertised it for a public hearing, so we still have the matter before us. Mr. Morgan."

Mr. Morgan said, "Yes, sir, and it is just a rezoning on Ashley River Road from Limited Business to General Business. We don't have a slide for it because it was withdrawn, but both staff and Planning Commission recommended against its request."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter? There is no action to be taken by Council since it was deferred by the applicant.

Item #E-6 is a rezoning of the property at Spring and Cannon Streets. Mr. Morgan."

Mr. Morgan said, "Thank you, Mayor. Here (referring to the electronic presentation) we have this kind of island in the midst of Cannon Street and Spring Street, just south of Hagood along The Crosstown, because this is where essentially Spring Street and Cannon Street are called The Crosstown."

Councilmember Gregorie said, "Septima Clark."

Mr. Morgan said, "The Septima Clark Parkway. Yes, sir. Yes, sir."

There was laughter in the Chamber.

Mr. Morgan continued, "It is immediately adjacent to parking decks from MUSC, fast food restaurants that are along Cherry Street, a bank that is on Cherry Street, and then the WestEdge Development to the northwest, other fast food restaurants to the northeast. The proposal is for, well, I'll give you a few more pictures here. Here you see the property looking from the north to the south. Again, there is a Wendy's building that is now vacant that is on the center of the property. There is also a Bruegger's Bagels Shop that is on a portion of the property. There is a good bit of drainage work that is going on on the property. It's part of our staging area for the Septima Clark Parkway drainage improvements.

Then, we have an image that shows how this property relates to both the Medical District, Medical University of South Carolina, as well as the VA, the overall Medical District area we're working with, and the WestEdge area, where we have new development underway now. There is a new building at the corner here, along with the Publix Grocery Store, and also a medical research building and other apartments in that area. This is the overall image of the WestEdge Development. Again, this building is under development now, as well as this building here, and then another building and parking deck behind the police station, and here is the subject property here at the end of Hagood Street.

One of the key things about this Planned Unit Development that staff is very excited about is the ability to have the developer dedicate to the City a 60-foot wide right-of-way which would allow for an extension of Hagood Street. This could have huge implications for creating better connectivity between WestEdge and the Medical District and MUSC, not only from a pedestrian and bicyclist standpoint, but also from a bus standpoint. If buses that are coming in from the upper ends of WestEdge, from parking decks, from other uses in that area, could come straight down Hagood and go through signalization to the Medical District and MUSC area, it would save a tremendous amount of traffic and time on Lockwood Boulevard. So, it's something we've been doing some analysis of and think that there is tremendous benefit to the community from having such a connection there.

The PUD itself would allow for a variety of uses within the property, from a hotel of up to 175 units or residential or offices. It's basically a PUD that would allow a range of uses although a hotel is, at this point and time, contemplated. The overall footprint of the project would be impacted by the roadway that would go through the middle, so it breaks the project up, and it does not make for a large overall mass of the building here. That's something else that we think is very helpful to the area, to kind of get the masses of the buildings down. Staff did have some additions in reference to the development when it was at Planning Commission, and we have also talked about those in subsequent weeks since the Planning Commission meeting, but I'm going to refresh some of those and add a couple of more that we have looked at. The right-of-way would need to be dedicated prior to the issuance of Certificates of Occupancy on the site. We would, of course, have the limit of 175 rooms for the proposed hotel use and then, if there were residential down on the site, 15 percent of the units would be workforce housing units. The project would also have an increase in height, but there is some language in the PUD at present that deals with the BAR, that we'd like to work with the applicant on, and there is also some language in the PUD about the BZA review of hotels, that we would like to work with the applicant on. I think Mr. Lindsey had a few others things he was going to add. Is that it? Okay, but both Planning Commission and staff recommended approval with those conditions."

Mayor Tecklenburg said, "Mr. Morgan."

Mr. Morgan said, "Yes, sir."

Mayor Tecklenburg said, "Let me ask one quick question. If it were a residential use and workforce housing, did we set the number of years that would be, as well?"

Mr. Morgan said, "I believe they were under the basic provision that we have with 15 percent and the 10-year segment."

Mayor Tecklenburg said, "Okay, alright."

Mayor Tecklenburg recognized Councilmember Gregorie.

Councilmember Gregorie said, "Yes, Mr. Mayor. This project is in my district."

Councilmember Seekings said, "Public hearing."

Councilmember Gregorie said, "Oh, public hearing I'm sorry."

Mayor Tecklenburg said, "Right. I forgot about the public hearing. Sorry about that. Councilmember Gregorie, can we come back to you?"

Councilmember Gregorie said, "Sure."

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

1. Jonathan Yates said, "Thank you, Mr. Mayor, and members of Council. Jonathan Yates. First and foremost, I want to thank Councilmembers Gregorie, Lewis, and Williams who took the time to work, look at this project with me, and help us make it really a better project, and also Councilmember Seekings. With me tonight, I have Mr. Tom Hund, our Design Chief. A really exciting project, it centers on two things. Connectivity, the family that has owned this property for some time, Dr. Clarence Calcote, is with us tonight. He was working on sort of a better plan for his property. Historically, it's been fast foods. Moving to the future, he thought he could do something better. About 14 months ago, we were approached by the City with the idea of this connectivity. Dr. Calcote put everything on hold. He studied it. He agreed to partner with the City and other stakeholders, and I think we've come up with a win-win plan, but it was all by a lot of people working together. We thank the City staff, we thank Dr. Calcote, and I thank the Councilmembers who let me bore them to death last week. Thank you all."

Councilmember Waring returned to the Chamber at 6:56 p.m.

Mayor Tecklenburg said, "Thank you, sir."

Mayor Tecklenburg recognized Councilmember Gregorie.

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

Councilmember Seekings said, "Can I ask a question really quick before you speak?"

Councilmember Gregorie said, "Sure you can."

Councilmember Seekings said, "Before Councilmember Gregorie speaks, I just have a

quick question.”

Mayor Tecklenburg said, “Yes, sir.”

Councilmember Seekings continued, “I saw Michael Mathis was here. I don’t know if he’s still here. Have we engineered that connection between Hagood Street and where you come down into Cannon and connect into the Septima and all that? Do we know how this is all going to work, because now it’s a crazy merge that you go across four lanes. So, I just know this is, by the way, dedicated land back to the City to make connectivity between the Medical University and WestEdge. It’s fantastic, if that engineering works. So, do we know how that’s going to go?”

Mayor Tecklenburg said, “Go back to the picture, the aerial picture.”

Councilmember Seekings said, “Yes, that aerial picture really shows it. One more, there you go.”

Mayor Tecklenburg said, “It’s actually a public street right here and, if you look, it lines up really just about perfectly with Hagood Avenue, not Hagood Street, Hagood Avenue. So, the intent is for this to become a straightaway right through there.”

Councilmember Seekings said, “Okay, so, Mayor, when you take your hand (referring to the electronic presentation) and when you get to, keep going, keep going, right there. That’s the sort of crazy spot right there. You see where those cars are merging in? How is that all going to work?”

Mayor Tecklenburg said, “That’s a good question. Understand that this has been presented, a concept has been presented to the Highway Department, and they have asked us, Councilmember Seekings, to come back with them with a comprehensive traffic study of the area. If you would note, if you recall, the Half-Cent Sales Tax Referendum that just passed, included a provision for studying just this section of the City from a traffic view and the way this was going to work. So, it’s just a concept at this point, but we actually have funds that will be available to study it, and the Highway Department is receptive, but they want to see what we come up with.”

Councilmember Seekings said, “Thank you, and I don’t want my comments to be taken that I’m not in favor of this. I think it’s fantastic. It just is a huge opportunity to connect parts of the City and make what’s a really bad intersection better. We’re going to spend some money on it, but it’s worthy, so I’m going to yield to Councilmember Gregorie, and I appreciate him letting me get that question in.”

Councilmember Gregorie said, “You kind of made the comments that I was about to make.”

Councilmember Seekings said, “Sorry.”

Councilmember Gregorie said, “I do think, however, that this project, the connectivity alone, is vital. It’s vital for what we’re doing with regard to WestEdge, it’s vital for the Medical University Complex, and it’s also vital for the greenspace that we’re developing along Doughty and Courtenay. It would give folks who live on the other side of the Septima Clark Parkway an easy access to that park. So, I am in extreme support of this project, realizing that there are

some kinks that we will have to work out over time, and I would definitely recommend to my colleagues to support it, because of the connectivity and because it will, if they decide to do housing, provide some affordable housing opportunities as well, and, if it's a hotel, accommodation taxes, as well."

Mayor Tecklenburg said, "Yes, sir."

Mayor Tecklenburg recognized Councilmember Lewis.

Councilmember Lewis said, "I certainly support this project. I think it's a good project, but I would ask you all in the future, if you're doing projects on the Peninsula near WestEdge, try not to tie it in with WestEdge, because WestEdge is no good. WestEdge is going to displace all of those people back to Gadsden Green if we don't do something. WestEdge is no good. It's costing the citizens of this City money, it's going to create headaches, and it's going to displace those people on the Westside, especially Gadsden Green, if we can't do something to keep those people there. I certainly, with a good heart, don't want to have to vote on anything that's tied to WestEdge. This is a good project, and I will support this project, but, please, keep the WestEdge name out of these projects when you bring it here because WestEdge is a bad name in my vocabulary. Thank you."

Mayor Tecklenburg said, "Yes, sir. How do you really feel about WestEdge?"

There was laughter in the Chamber.

Councilmember Lewis said, "You all know how I feel about WestEdge."

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

Mayor Tecklenburg recognized Councilmember Waring.

Councilmember Waring said, "When Councilmember Lewis brings up WestEdge in regard to the Gadsden Green Housing Development, he's consistent with that, but he's consistently right with that. He usually finishes up by saying, 'if we don't do something.' The problem is, he's right, and we're not taking any action steps. I give the example, the hurricane that we just had, Matthew, that came through, we were very fortunate it hit at a low tide. It was supposed to hit on the high tide. Hypothetically, if it had hit on a high tide, and Gadsden Green were flooded, as were Ansonborough homes, those people would have been displaced, and what would have been the probability that the ground would have been contaminated as Ansonborough was and those apartments not put back? So, his insistence is not a joke, and action steps need to be taken to, I think, to come back with a Mixed-Use. We have to get with the housing development, and take action steps to redo Gadsden Green. I think that's what we really need to do. Thank you, Mr. Mayor."

Mayor Tecklenburg said, "Yes, sir. Councilmember Mitchell, then Williams."

Councilmember Mitchell said, "Yes, I think, what we need to do, we need to get with the Housing Authority, but what I'm going to do, I'm going to call a meeting with my Community Development Committee, and then we're going to come up with some suggestions to go to the Housing Authority to try to come up with some means of how we can be able to do something with Gadsden Green before that time comes."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Mitchell continued, "Because I know it's going to be an impact there, because there is no way they're going to have WestEdge there looking over on Hagood Avenue at the project."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Mitchell said, "So, a lot of people don't know that project that we are talking about on Hagood Avenue was the extension. That was built later on because I lived back there. I grew up back there anyway. That was built later on. So, that's going to be the first portion that's probably going to be impacted. It went from Fludd Street to Hagood Avenue. That was the extension, but we need to assure the people that we can do something else and try to find some mechanism with the Housing Authority of how we can build it, how we can retain the housing for the underprivileged people there on the property. So, I'll be calling a meeting with my Community Development Committee, and we will make some suggestions and go to the Housing Authority and come up with some means of doing that."

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

Councilmember Williams said, "Mayor, I just want to recall. I think it was June or July you sat in that meeting with the company from Minnesota. We did a presentation of what Gadsden Green could be. I think you left, but I think it was Geona's office, we had a meeting with the group from Minnesota talking about what they did in East Atlanta."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Williams said, "You gave your consideration in listening to that. I just want to put that on the record, that we did do a meeting with a public group. Thank you."

Mayor Tecklenburg said, "Thank you. So, I look forward to this matter coming to Community Development Committee. Yes, sir. Councilmember Gregorie."

Councilmember Gregorie said, "Right, and Mr. Mayor, any discussion with regard to any of our public housing communities, and I definitely agree with Councilmember Lewis, we've got to make sure it's one-for-one replacement."

Mayor Tecklenburg said, "Yes, sir."

Councilmember Gregorie continued, "Let's not play any games with that."

Mayor Tecklenburg said, "That's right."

Councilmember Gregorie continued, "One-for-one replacement at each public housing that may have to be demolished and updated."

Mayor Tecklenburg said, "Why don't we try for a little more than that?"

Councilmember Mitchell said, "One-to-one-and-a-half."

Councilmember Gregorie said, "One-and-a-half."

Mayor Tecklenburg said, "Alright. We'll have to get to that. Oh, by the way, we need a motion on the floor."

Councilmember Seekings said, "Move for approval."

Councilmember Gregorie said, "Second."

Mayor Tecklenburg said, "We got a motion and a second to approve this. Is there any other discussion or questions, comments?"

No one else asked to speak.

On a motion of Councilmember Seekings, 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 221 Spring Street & 194 Cannon Street (Peninsula) (approximately 1.58 acres) (TMS# 460-10-04-011 and 460-10-04-013) (Council District 6), be rezoned from General Business (GB) classification to Planned Unit Development (PUD) classification. The property is owned by Jem Management Co and Calfran properties.*

Mayor Tecklenburg said, "Next, is a rezoning on Shadowmoss Parkway. Mr. Morgan."

Mr. Morgan said, "This is a recently annexed property recommended for SR-1 in Shadowmoss."

Councilmember Riegel said, "That's in my district. I'll move for approval."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter? Hearing none, it comes before Council."

The Clerk said, "Councilmember Riegel moved, who is the second?"

Councilmember Williams said, "Second."

Mayor Tecklenburg said, "We have a second. Is there any discussion or questions?"

No one asked to speak.

On a motion of Councilmember Riegel, 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 14 Shadowmoss Parkway (West Ashley) (0.36 acre) (TMS #358-07-00-007) (Council District 10), annexed into the City of Charleston October 11, 2016 (#2016-128), be zoned Single-Family Residential (SR-1) classification. The property is owned by Paula and Chris Iannuccilli.*

Councilmember Seekings was excused from the meeting at 7:02 p.m.

Mayor Tecklenburg said, "Next, a rezoning of 7 Arcadian Way. Mr. Morgan."

Mr. Morgan said, "This is another recent annexation. The recommended zoning is also SR-1 because it most closely matches the County zoning of R-4 at this location."

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

No one asked to speak.

Councilmember Lewis said, "Move that we approve."

Councilmember Gregorie said, "Second."

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

On a motion of Councilmember Lewis, 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 7 Arcadian Park (West Ashley) (0.25 acre) (TMS #418-15-00-069) (Council District 3), annexed into the City of Charleston October 11, 2016 (#2016-129), be zoned Single-Family Residential (SR-1) classification. The property is owned by Kathleen and Josh Bell.*

Mayor Tecklenburg said, "Mr. Morgan, Item #-E-9."

Mr. Morgan said, "This is at the corner of Magnolia Road and Sycamore. It is a recommended SR-2. It's a vacant lot. Oh, sorry. If you go with a piece of paper, you never know what will happen. It's not WestEdge."

There was laughter in the Chamber.

Mr. Morgan continued, "It's at the corner of Magnolia and Sycamore, a vacant lot, and it would be zoned SR-2, which matches surrounding zoning based on lot size."

Mayor Tecklenburg said, "Would anyone like to be heard on this matter? Hearing none, it comes before Council. Is there any discussion?"

Councilmember Shahid said, "Move for approval."

Councilmember Riegel said, "Second."

On a motion of Councilmember Shahid, seconded by Councilmember Riegel, 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 Magnolia Road (West Ashley) (0.125 acre) (TMS #418-10-00-005) (Council District 9), annexed into the City of Charleston November 10, 2016, be zoned Single-Family Residential (SR-2) classification. The property is owned by William G. Niemeyer.*

Councilmember Wilson was excused from the Chamber at 7:05 p.m.

Mayor Tecklenburg said, "We've acted on these public hearing matters. Thank you, everyone, for your patience. Next, we have the matter of approving our last City Council minutes. Are there any corrections, deletions, or additions?"

On a motion of Councilmember Mitchell, seconded by Councilmember Riegel, City Council voted unanimously to approve the minutes of the November 10, 2016 City Council meeting.

Mayor Tecklenburg said, "Next, will be our Citizens Participation Period which we limit to 30 minutes. I would like to ask for a show of hands and maybe a little queueing here of folks who would be interested in addressing Council tonight. Is there anyone over here? Up here? So, I see about 20 hands. So, we'll say a minute and 15 seconds. Seventy-five seconds per applicant, and I do want to ask everyone here tonight, the protocol of Council is that we ask you to refrain from any outbursts or clapping or anything like that, and I do want to announce that I'm going to ask for Council's permission that, as of the first of the year, that we put into place a protocol similar to County Council and other jurisdictions in the area, where we're going to ask our citizens to sign up prior to our meeting, and that way we get a better handle of how many folks really want to be heard. So, without further ado, yes, sir. Please state your name and your address prior to speaking. Yes, sir."

Councilmember Gregorie asked, "Can we take a three or four minute recess?"

1. Emmanuel Ferguson said, "I have a 20-second comment. It's really very short."

Mayor Tecklenburg said, "Yes, go ahead."

Mr. Ferguson continued, "I just wanted to take this time to thank Tony the Peanut Man. I would beg him to sing the song ten times and only buy one bag of peanuts. So, thank you, Tony the Peanut Man."

Mayor Tecklenburg said, "Yes, yes, and what Emmanuel is referring to, everyone, it's sad news in our community. Anthony "Tony" Wright, everyone loves him and knows him as 'the Peanut Man,' and he passed away today."

Mr. Ferguson said, "All I know is 'hey, hey, hey, what I say.' That's it."

There was laughter and applause in the Chamber.

Mayor Tecklenburg said, "Order. Alright. Yes, sir."

Councilmember Gregorie was excused from the Chamber at 7:07 p.m.

2. Mohammed Idris said, "Mayor, City Council, ladies and gentlemen, Mohammed Idris. I wanted to bring to the attention of the City that we had the worst-run campaign in the history of our Country. You had a white man and a white woman running against each other to be the President of our great Country. It was one of the most heated campaigns in the history of our Country for the highest office in our Country. The white man was calling the white woman a 'crook', and the white woman was calling the white man a 'whoremonger' and more. The job that they were seeking is a job of making life better for the citizens of our Country, but the way

they were campaigning was like two old Medusas, the mythical Greek figure who stole the fire from heaven and set up an educational system for selfish reasons. Only they were fighting to gain the seat that a black man has held for eight years . . .”

The Clerk called time.

Mr. Idris continued, “. . . with dignity and respect, and if they did not have those . . .”

The Clerk called time.

Mr. Idris continued, “term limits . . .”

Mayor Tecklenburg said, “Thank you so much.”

Mr. Idris continued, “. . . he would run for eight years more. Thank you.”

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

Councilmembers Gregorie and Wilson returned to the Chamber at 7:08 p.m.

3. Blakely Adair said, “I’m Blakely Adair. I live at 1002 Stono River Drive, and I go to First Scots Presbyterian Church. I’m here today with my friend, Kimberly Brock Brown, and she’s from YWCA. We’re here from the Charleston Area Justice Ministry. We have people here, if you would raise your hand or stand up and join me. We represent a small number of the 25,000 people in our congregations through the Charleston Area Justice Ministry. Thank you. We attended today as that small representation, excuse me, and want to reiterate that 2,000 of our people came together for our Nehemiah Action last April to ask City Council to contract an independent, external, and professional police auditor and audit the Charleston Police Department for bias-based practicing.”

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

4. Annie Jennings said, “My name is Annie Jennings. I live at 2116 Chancellory Lane. I’m a member of the Episcopal Church of the Holy Communion. Standing in solidarity with me tonight is my friend, Veronica Shephard, of Calvary Episcopal in Charleston. Racial discrimination in traffic stops in Charleston is a real problem and a major contributor to fear and mistrust of the police in the African-American community. This is based upon testimony from hundreds of CAJM members, as well as Charleston Police Department stops data, which confirms that black community members are twice as likely to be pulled over than whites, based upon population. This disproportionate treatment, often for minor things, adds greatly to fear and mistrust between the community and the police. So, our communities continue to suffer from overpolicing, harassment, and unfair stops, searches and questions, and community trust in our police department continues to erode. An independent external police audit by a professional police auditor is proven to build trust in transparency and offers proof and . . .”

The Clerk called time.

Ms. Jennings continued, “. . . recommendations to change discriminatory policies . . .”

Mayor Tecklenburg said, “Thank you very much.”

Ms. Jennings continued, “. . . yet and still . . .”

The Clerk called time.

Ms. Jennings continued, “. . . the Mayor and City Council have not taken this action, and that is unacceptable.”

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

5. Pam Smalls said, “Good evening, Mr. Mayor.”

Mayor Tecklenburg said, “Good evening.”

Ms. Smalls continued, “Council. My name is Pam Smalls from Charity Missionary Baptist Church, and I stand here in solidarity with my sister in justice, Kay Hahn. Mayor Tecklenburg’s election wish was that Charleston is a great place to live for all citizens. This is CAJM’s mission also, but the reality is that Charleston is not a great or just place for African-Americans or Hispanic persons. While there are many injustices in Charleston regarding the African-American population, CAJM’s large diverse membership has placed its focus on policing and our public servants have the power to make a difference here. Last month, CAJM held its 5<sup>th</sup> Annual Community Problems Assembly. Over 500 people gathered to reaffirm our commitment not only to do justice as part of each of our faith traditions, but also to vote on the single issue we will address this coming year. Over 90 percent of those present voted to continue with our full focus on addressing racial discrimination in police practices.”

The Clerk called time.

Ms. Smalls continued, “Tonight we will present 500 signatures to Council and . . .”

Mayor Tecklenburg said, “Thank you very much.”

Ms. Smalls continued, “. . . we implore that you make steps . . .”

The Clerk called time.

Ms. Smalls continued, “. . . towards this immediately. Thank you.”

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

6. Mavis Huger said, “Good evening, Mr. Mayor and Council. My name is Mavis Huger from Blessed Sacrament Catholic Church in West Ashley. Standing beside me in solidarity is my sister in justice, Amy Horowitz, from KKBE. CAJM has the goal of reducing racial bias in policing, increasing community trust in the police department, and improving relationships between the police and the community, while at the same time keeping our officers safe and allowing them to be more effective in their work. Mayor Tecklenburg has stated that he shares these goals, and we now ask him and the rest of Council to act seriously on that. The Mayor’s office produced an RFP for an external independent consultant to assist with the performance assessments of every City agency and department. While CAJM is pleased with our mutual agreement on an independent external audit, we are not agreed on the crucial objectives and deliverables of the audit and the qualification of the auditors. The RFP that has been produced is a performance and efficiency assessment which, while a worthy pursuit, does

not deeply analyze bias in police practices, nor offer specific transparent solutions to address bias in police practices. The issue of bias in policing is urgent, and to say that it is on par with a performance audit of a garbage collection agency is quite frankly a slap in the face to the community.”

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

7. Bill Thomas said, “Good evening, my name is Bill Thomas. I’m a member of the Unitarian Church of Charleston, and joining me is my sister in justice, Phyllis Dickinson, from First Scots. We had a meeting with Mayor Tecklenburg last week, and CAJM provided him with an RFP from the City of Madison, Wisconsin, who is seeking to similarly address issues with racial bias and their police practices, and we are passing those out so you all have a chance to read them. When you do read it, you will see RFP lists in great detail and very specifically what they want examined and delivered by the bidding firms, therefore, ensuring that only those firms having the necessary qualifications would apply. This is the model we want the City of Charleston to use. Unfortunately, Charleston’s current RFP is mostly focused on process efficiency across all of the City departments. There’s nowhere near this level of detail on the expectations and qualifications required to do an in-depth audit of the police department for racial bias. Therefore, we do not believe the respondents will have the necessary expertise and experience needed to address this issue. As a result, we are asking that City Council and Mayor Tecklenburg to take this problem seriously and create a new specific and targeted RFP for a professional auditor to audit the Charleston Police Department.”

The Clerk called time.

Mr. Thomas continued, “Thank you.”

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

8. Christine Jennings said, “Good evening, Mayor, Council. My name is Christine Jennings from the Church of the Holy Communion here in Charleston. I live in West Ashley. Beside me is my sister in justice, Shawn Lebeaux from Girls Rock. During the CAJM meeting last week with the Mayor, we had an update on the actions of the Illumination Project. What is apparent to us is that, as feared, the actions going forward are not around an independent, objective in-depth look at what goes on in the police department. We were especially shocked to hear of solutions such as a video made for young adults counselling them how to act when stopped by police. Don’t we all see the irony of the City teaching citizens how they should behave when unfairly stopped to avoid being hurt by someone charged to protect them? Whereas, the Illumination Project laid out very good objectives from the start, the execution has not been transparent or inclusive or focused on root causes of biased police actions, which so severely erode citizens’ trust. CAJM attended many listening sessions, and our voices were often ignored or misrepresented. We submitted the voices of over 2,000 of us last April, and those have been ignored. We were even told by the Illumination Project leadership that despite the Mayor asking us to attend Illumination Project listening sessions, our voices would not be included in the project because . . .”

The Clerk called time.

Ms. Jennings continued, “. . . we were outside the parameters set by the Mayor’s office. So, what message does that send . . .”

The Clerk called time.

Ms. Jennings continued, “. . . other than this process is untrustworthy and merely window dressing. Thank you.”

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

9. Susanne Hardy said, “Susanne Hardy from the Unitarian Church in Charleston and standing behind me in solidarity is my sister in justice, Theresa Green, from the Circular Church. We have studied the 86 strategies recommended by the Illumination Project, and a professional police audit of the Charleston Police Department would impact over 80 percent of those. Hiring a professional firm to address the high percentage of Illumination Project strategies is the epitome of killing two birds with one stone, and while we applaud many of the strategies put forth by the Illumination Project by the steering committee, we’re also clear that trying to implement any of those important ideas without a full and deep understanding of the history and the current practice of our police department is futile with regard to building trust and last change. Charleston producing an RFP along the lines of the Madison RFP would be a win-win because it allows for a potent and measurable response to the Illumination Project, as well as being fully responsive to the community’s request for an audit of police department practices. We cannot just wait and see how the general performance audit comes out. We need to address the injustice of our black and brown community members now with sincere intent and with informed knowledge of the best work . . .”

The Clerk called time.

Ms. Hardy continued, “. . . that’s being done around the Country. History shows us that if the affluent white community were being treated like this, something would be done, it would be a priority.”

The Clerk called time.

Ms. Hardy continued, “Thank you.”

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

10. Arthur McFarland said, “Arthur McFarland, St. Patrick Church, Grove Street. We are confident a professional and independent audit of the police department will uncover issues within the police department, along with the recommendations to address those problems. We also expect the audit will uncover positive things being done within the police department. We are prepared to stand behind our police department on the things it is doing well and support them as they work to fulfill the gaps that have been identified by this audit. We are not looking to point fingers, but to bring justice. Never before in the history of Charleston have the Four Corners of Law been challenged on the question of racial justice. Today at St. Michael’s and other congregations within our City, prayers are being offered for peace and racial justice. At the Federal Courthouse, the United States seeks justice in the death of nine members of our community from Mother Emanuel African-Methodist Episcopal Church. Across the street at the Statehouse, the State of South Carolina and our solicitor seeks justice . . .”

The Clerk called time.

Mr. McFarland continued, “. . . in the death of Walter Scott. The question for you all tonight is will you add your name as the fourth corner of law seeking justice in racial . . .”

The Clerk called time.

Mr. McFarland continued, “. . . reconciliation in this City.”

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

11. Claire Curtis said, “Claire Curtis. I’m from KKBE, and I live at 9½ Felix Street, downtown. CAJM is here to stay, and we will not abandon our work to address this problem. We know that what we are asking for is imminently reasonable and doable, and we ask that the Mayor and Charleston City Council prioritize this problem and create a new RFP specifically for an external independent police audit by a professional police auditing firm by the end of the month. Thank you.”

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

12. Charles Heyward said, “Mr. Mayor and Council. Charles Heyward, James Island, 528 Clearview Drive. I trust that you have observed by now that we had 14 people standing with the intent of only two speaking. We missed those 45 seconds. We all prepared two-minute statements. I want to say to the Council that you are who we asked for when you place your signs in our yards, visited our neighborhoods, our communities, and our fellowship hall when you campaigned. We just want to remind that we are partners to make Charleston a better city in which to live. It is our commitment to those who cannot speak for themselves that we speak for them. We want to encourage you, one, to listen with the ears of the heart tonight. Secondly, to reorganize the priorities of this City to address this issue, and then, thirdly, to reallocate the appropriations so that you might engage an independent external auditor. It is our commitment to make Charleston a better city to live. It is ours to make Charleston a city for the State and the nation to emulate in police practices, and, finally, it is our faith that calls us to this work. Thank you.”

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

13. Anastasia Ketchin said, “Good evening. My name is Anastasia Ketchin, and this is Jason Slade, and we’re coming on behalf of the Wraggborough and Robert Mills Community. We’re coming to speak for our entire community, especially our youth. We have a lot of concerns, speaking of trying to clean up Charleston. In the communities, it is very polluted not just physically with trash, a lack of lighting, but also a lack of commitment from our police department. There is an obvious and very well-known issue of drug trafficking in the communities, and our children are feeling a huge impact of it, but we don’t feel like it’s being addressed directly or if at all. Even just this summer, there have been two young men that have been killed as a result of the crime that is taking place in the City of Charleston that we really feel needs to be addressed.”

Mayor Tecklenburg said, “Thank you very much.”

14. Jason Slade said, “We also got the youth there. We’re doing an after school program there, and they wrote down a lot of things they want to see in the community, and what we got from them is that they’re very aware of what’s going on with the police situation and we’re for the audit, as well, with CAJM. But, we wanted to speak on behalf of the youth in this

and that they're very aware of what's going on in our Country. They want to see more stuff in their parks. There's not even a trash receptacle there to pick up, so there's a lot of litter. There's nowhere to put trash near the playground."

The Clerk called time.

Mr. Slade continued, "These kids even know about Donald Trump and are aware of that. Please don't let this man take the Presidency."

The Clerk called time.

Mr. Slade continued, "So, people are very aware . . ."

Mayor Tecklenburg said, "Thank you, sir."

Mr. Slade continued, ". . . of the community and like the policing and all of this stuff."

Ms. Ketchin said, "Thank you."

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

15. Barry Whalen said, "Mr. Mayor, Council, Barry Whalen with HLA. I just wanted to thank you for your vigorous support of the West Ashley TIF at the meeting that we just attended last week."

Mayor Tecklenburg said, "Thank you."

Mr. Whalen continued, "I look forward to the staff doing as great a job, Councilman Waring, as well, and look forward to supporting and hopefully bringing that through next month. Thank you."

Mayor Tecklenburg said, "Thank you. Would anyone else like to be heard? If not, we will move forward to our Petitions and Communications. I did want to share with Council that we put on your desks our first set of committees and commissions appointments that are upcoming. I just selected I think four or five different ones that we've got to start somewhere. So, we have for you a copy of any kind of bylaws or ordinance about the particular commission and then a kind of recap sheet of the openings. Some are currently vacant, and some are what will be open by the end of the year, and then we have a list, and I think background, on those who have applied. So, I appreciate your review of these, and let me know any comments or suggestions, and the process is still open. So, if you were to look at one of these committees and commissions and think of someone you know who would really be of great service to our City on that particular board or commission, please contact them and ask them. It's still good to apply online, and I appreciate your comments on our applicants so far. Secondly, I think you all have our proposed budget for next year, and I'll announce this in a minute, but I think we've been working on when we'll have a workshop next week, specifically dedicated to talking about the budget items next week. Next Wednesday."

The Clerk said, "Next Wednesday at 8:30 a.m."

Mayor Tecklenburg said, "Next Wednesday at 8:30 in the morning. We'll have coffee, and maybe even a little bit of breakfast. We'll see."

Next, we're going to go to our Committee Reports, Committee on Community Development. Councilmember Mitchell."

Councilmember Mitchell said, "The Community Development Committee met on November 14<sup>th</sup> at 4:00 p.m., and we had two things that we discussed. We had a presentation by Ginny Deerin pertaining to the Low Line, and that was for information only. We also passed a motion that we were going to pursue and work with them on the Low Line, but there was no money or transaction that was made. We said that we support the idea that they have. That's what it was. We support the idea of the Low Line. The second thing, the financing for the affordable housing bond deal. Charlton DeSaussure couldn't make it because he was over at the Charleston County School District with you at that particular time."

Mayor Tecklenburg said, "That's right."

Mr. Mitchell said, "So, then we have to do that a different night. We will call and have him come back again to talk about the bond deal."

Mayor Tecklenburg said, "Absolutely, and that would be a very appropriate conversation to have in light of our earlier discussion about potentially redeveloping the Charleston Housing Authority properties."

Mayor Tecklenburg said, "Yes, sir. So, no action is needed on that matter. Next, is our License Committee. Councilmember Gregorie."

Councilmember White said, "Move for the adoption of the report."

Councilmember Lewis said, "Second."

Mayor Tecklenburg said, "Is there any discussion?"

On a motion of Councilmember White, seconded by Councilmember Lewis, City Council voted unanimously to adopt the report of the License Committee as presented:

---INSERT LICENSE COMMITTEE REPORT---

An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina, Ordinance Number 1991-153, as amended by Ordinance Numbers 1991-194, 1992-587, 1993-448, 1994-469, 1995-565, 1996-218, 1997-455, 1998-118, 1999-176, 2000-231, 2001-116, 2002-143, 2003-109, 2004-131, 2005-671, 2006-599, 2007-238, 2008-162, 2009-259, 2010-264, 2011-296, 2012-403, 2013-144, 2014-154, and 2015-189 to adopt said ordinance, as amended, as the Business License Ordinance for the City of Charleston, South Carolina, for the fiscal year commencing January 1, 2017.

*First reading was given to the following bill:*

*An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina, Ordinance Number 1991-153, as amended by Ordinance Numbers 1991-194, 1992-587, 1993-448, 1994-469, 1995-565, 1996-218, 1997-455, 1998-118, 1999-176, 2000-231, 2001-116, 2002-143, 2003-109, 2004-131, 2005-671,*

*2006-599, 2007-238, 2008-162, 2009-259, 2010-264, 2011-296, 2012-403, 2013-144, 2014-154, and 2015-189 to adopt said ordinance, as amended, as the Business License Ordinance for the City of Charleston, South Carolina, for the fiscal year commencing January 1, 2017.*

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

Councilmember Riegel said, "Move for approval."

Councilmember Mitchell said, "Second."

Mayor Tecklenburg said, "Councilmember Moody has left the building. We have a motion for approval. Do we have a second?"

Councilmember Riegel said, "Move for approval."

The Clerk said, "Yes, Councilmember Riegel, seconded by Councilmember Mitchell."

Mayor Tecklenburg said, "Yes, is there any discussion?"

No one asked to speak.

On a motion of Councilmember Riegel, seconded by Councilmember Mitchell, City Council voted to adopt the report of the Committee on Ways and Means as amended. Mayor Tecklenburg and Councilmember Waring abstained from voting on Item 16(c) of the Committee on Ways and Means Report and signed conflict of interest forms which are on file in the Office of the Clerk of Council. Councilmember Moody was excused from the City Council meeting at 6:39 p.m. and abstained from voting on this item in the Committee on Ways and Means meeting. A completed conflict of interest form is on file in the Office of the Clerk of Council.

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

(Bids and Purchases

(Police Department: Approval to accept the FFY2017 Highway Safety Grant award of \$226,158 to fund and outfit two new officers for the Traffic Enforcement Team. No City match is required.

(Police Department: Approval to submit FY16 Special Solicitation VOCA Application for a Victim Resource Coordinator salary, supplies, training, and two vehicles for a total of \$109,467. A cash match of \$21,893 will derive from the 2017 CPD General Fund.

(Mayor's Office for Children Youth and Families: Approval to accept the Youth Service America Grant award in the amount of \$500 for the Global Youth Service Day. This award will engage 500 youth throughout the Charleston Community in service-learning, community service and volunteerism. No City match is required.

(Fire Department: Approval to submit a FY16 Assistance to Firefighters Grant for funding to be used to implement a Community Paramedicine/SWAT Medic program. Total cost for project is \$95,000 with a local match of \$9,500. If awarded, this will be budgeted in FY18. This is an after the fact request.

(Fire Department: Approval to submit a FY16 Assistance to Firefighters Grant for funding to be used for replacement of existing firefighter escape systems, which are reaching end of life expectancy. The total cost for the project is \$143,980 with

a local match of \$14,398. If awarded, this will be budgeted in FY18. This is an after the fact request.

- (Fire Department: Approval to submit a FY16 Assistance to Firefighters Grant for funding to be used to equip, train and implement a swift water rescue team. The total cost for the project is \$225,000 with a local match of \$22,500. If awarded, this will be budgeted in FY18. This is an after the fact request.
- (Parks-Capital Projects: Approval of a Construction Contract with Chambers and Associates, Inc. in the amount of \$67,703 for the renovation of the Moultrie Park Building. The project consists of improvements to the existing 1,250 square foot playground building at 41 Ashley Avenue including replacement of windows, flooring, ceilings, and lighting, ADA upgrades, and painting along with some limited asbestos abatement. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000, to the extent contingency funds exist in the Council approved budget. Approval of this action will institute a \$76,000 project budget of which the \$66,703 construction contract will be funded. The funding source for this project is the 2016 Capital Projects, Structural Repairs in the General Operating Budget (\$301,000).
- (Parks-Capital Projects: Approval of the Charleston Police Department Team 4 Office Building Construction Contract with J. Musselman Construction, Inc. in the amount of \$570,313 for the interior upfit and mechanical replacement for office spaces in the existing building at 3545 Mary Ader in West Ashley. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than \$40,000 to the extent contingency funds exist in the Council approved budget. Approval of this action will institute a \$2,272,584 project budget, of which the \$570,313 Construction Contract will be funded. The funding source for this project is the 2015 Installment Purchase Revenue Bond (\$1,750,000) and 2015 General Fund Reserves (\$522,584).
- (Public Service: Approval for B&C Land Development to perform emergency repairs/replacement of tidal check valve at the Battery in the amount of \$48,625. The work was performed as an emergency repair due to the need to replace a failed check valve.
- (Public Service: Approval for Anson Construction Company, Inc. to construct drainage improvements in the amount of \$216,200 at Greenleaf Street.
- (Police Department: Approval of a Mutual Aid Agreement with the City of Isle of Palms. The mutual aid agreement was amended in June, 2016. New agreements have been drafted to ensure compliance with the amended statute. The new agreements are replacing the old agreements.
- (An ordinance to adopt and amend the Business License Ordinance for the City of Charleston, South Carolina, Ordinance Number 1991-153, as amended by Ordinance Numbers 1991-194, 1992-587, 1993-448, 1994-469, 1995-565, 1996-218, 1997-455, 1998-118, 1999-176, 2000-231, 2001-116, 2002-143, 2003-109, 2004-131, 2005-671, 2006-599, 2007-238, 2008-162, 2009-259, 2010-264, 2011-296, 2012-403, 2013-144, 2014-154, and 2015-189 to adopt said ordinance, as amended, as the Business License Ordinance for the City of Charleston, South Carolina, for the fiscal year commencing January 1, 2017.
- (Request authority for Mayor to execute the attached Amendment to the Management Agreement between the Old Exchange Building Commission and the City, extending the term of the Agreement from November 23, 2016 to November 23, 2017.
- (Consider the following annexations:
  - 2319 Savannah Highway (TMS# 310-06-00-114) 1.06 acres, West Ashley

- (District 7). The property is owned by Hag Re Cdt LLC.
- 771 Longbranch Drive (TMS# 310-01-00-115) 0.33 acre, West Ashley (District 2). The property is owned by Keith Gordon and Janet Wagner-Gordon.
  - 2947 Maybank Hwy (TMS# 313-00-00-088) 2.97 acres, Johns Island (District 5). The property is owned by Oak Family Properties LLC.
  - Property located on Ashley Hall Plantation Road (TMS# 353-00-00-003 and TMS# 353-00-00-004) 44.59 acres, West Ashley (District 2). The property is owned by the Estate of Rosina Kennerty Siegnious.

**(Amendment to the Lease Agreement between the City of Charleston and Gaillard Management Corporation approved November 10, 2016 (Mayor Tecklenburg, Councilmember Waring, and Councilmember Moody abstained from voting on this item. Conflict of Interest forms are on file in the Office of the Clerk of Council.)**

*First reading was given to the following bills:*

*An ordinance to provide for the annexation of property known as 2319 Savannah highway (1.06 acres) (TMS# 310-06-00-114), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 7. The property is owned by Hag Re Cdt LLC.*

*An ordinance to provide for the annexation of property known as 771 Longbranch Drive (0.33 acre) (TMS# 310-01-00-115), 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 2. The property is owned by Keith Gordon and Janet Wagner-Gordon.*

*An ordinance to provide for the annexation of property known as 2947 Maybank Hwy (2.97 acres) (TMS# 313-00-00-088), Johns Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by Oak Family Properties LLC.*

*An ordinance to provide for the annexation of property known as property located on Ashley Hall Plantation Road (44.59 acres) (TMS# 353-00-00-003 and 353-00-00-004), 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 2. The property is owned by the Estate of Rosina Kennerty Siegnious.*

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

Councilmember Mitchell said, "K-1, K-2, and K-3."

Mayor Tecklenburg said, "We can take Items K-1 through K-3 together."

The Clerk said, "Mayor, for the record, Items K-1 through K-3, and also the Gaillard issue that was in Ways and Means. Councilmember Moody, Councilmember Waring, and Mayor Tecklenburg have all signed conflict of interest statements."

Mayor Tecklenburg said, "That's on Item K-3 only. Is there any discussion on Items K-1, K-2, or K-3?"

No one asked to speak.

The Clerk said, "Who made the motion?"

Councilmember Gregorie said, "Councilmember White."

Mayor Tecklenburg said, "There's a motion from Councilmember White. You got the second?"

The Clerk said, "Councilmember Riegel seconded."

Mayor Tecklenburg said, "Councilmember Riegel."

The Clerk said, "Okay."

On a motion of Councilmember White, three (3) bills (Items K-1 through K-3) received second reading. They passed second reading on motion by Councilmember Riegel and third reading on motion of Councilmember Riegel. On further motion of Councilmember Mitchell, the rules were suspended, and the bills were immediately ratified as:

- 2016-149** AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 31, SECTION 31-212 TO EXTEND THE RESTRICTIONS FOR THE "NO PICK-UP ZONES" TO INCLUDE THE HOLIDAYS OF MEMORIAL DAY, LABOR DAY, NEW YEAR'S EVE, FOURTH OF JULY, HALLOWEEN, AND SAINT PATRICK'S DAY AND DURING SPECIAL CONCERTS OR PROMOTIONS THAT TAKE PLACE WITHIN THE LATE NIGHT ENTERTAINMENT DISTRICT.
- 2016-150** AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 19, 399 (E) TO REQUIRE THAT TOWING BUSINESS THAT PERFORM NONCONSENSUAL TOWS BE REQUIRED TO RETURN VEHICLES TO THEIR OWNERS 24 HOURS A DAY.
- 2016-151** AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE ON BEHALF OF THE CITY A LEASE AGREEMENT WITH THE GAILLARD MANAGEMENT CORPORATION PERTAINING TO SUITE 2200 IN THE GAILLARD CENTER. **(AS AMENDED)**

Mayor Tecklenburg and Councilmember Waring abstained from voting on Item #K-3. Councilmember Moody had been excused from the meeting. Mayor Tecklenburg, Councilmember Waring, and Councilmember Moody completed Conflict of Interest forms which are on file in the Office of the Clerk of Council.

Mayor Tecklenburg said, "Also, in addition to our next workshop meeting being next Wednesday morning at 8:30 a.m., our next regular meeting of City Council will be right here again on December 6, 2016 at 5:00 p.m. Is there anything else before we go? Hearing none, oh, Councilmember Mitchell."

Councilmember Mitchell said, "Yes, on Item L-4 on the first reading, I know that the Planning Commission recommends disapproval on that. On Item L-4 under the first reading."

Mayor Tecklenburg said, "Yes, we did not take that up."

Councilmember Mitchell said, "We deferred that?"

Mayor Tecklenburg said, "It's deferred still."

The Clerk said, "All of the first readings are deferred."

Mayor Tecklenburg said, "We do hope to come back to you though in December on that one finally. Hearing no further business, this meeting is adjourned. Thank you."

There being no further business, the meeting was adjourned at 7:30 p.m.

Vanessa Turner Maybank  
Clerk of Council