CITY COUNCIL

A. Roll Call

B. Invocation – Councilwoman Delcioppo

C. Pledge of Allegiance

D. Presentations and Recognitions
   1. Recognition of the 2020 Mayor Pro Tem
   2. Appointment of the 2021 Mayor Pro Tem *(To be distributed under separate cover)*
   3. City Council Committee Appointments *(To be distributed under separate cover)*
   4. Presentation of the South Carolina Chapter of American Planning Association’s Great Places in South Carolina Award to the Ashley River Bridge District *(Requested by Councilmember Ross Appel)*

E. Public Hearings

*(City Council may give second reading, order to third reading, give third reading, and order engrossed for ratification any bill listed on the agenda as a second reading.)*

Please use one of the following methods to request to speak at the meeting or provide comments for City Council. Requests to speak at the meeting and comments must be received by 12:00 p.m., Tuesday, January 12th:

1. Request to speak (via Zoom or telephone) or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at [http://innovate.charleston-sc.gov/comments/](http://innovate.charleston-sc.gov/comments/).

3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

1. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by changing Part 4 (Accessory Uses) of Article 2 (Land Use Regulations) to add a new Sec. 54-215 (Outdoor Dining Services) to authorize the use of new or additional space for outdoor dining services *(AS AMENDED). (SECOND READING)*
F. Act on Public Hearing Matters

G. Approval of City Council Minutes:
   1. December 1, 2020
   2. December 15, 2020

H. Citizens Participation Period

   Please use one of the following methods to request to speak at the meeting or provide comments for City Council. If requesting to speak, you must join by telephone using the conference call number listed at the top of the agenda. Requests to speak at the meeting and comments must be received by 12:00 p.m., Tuesday, January 12th:

   1. Request to speak or leave a comment via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

   2. Sign-up to speak or leave comments for City Council by completing the form at http://innovate.charleston-sc.gov/comments/ by Tuesday, January 12th at 12:00 p.m.

   3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

I. Petitions and Communications:

   1. Approval of Planning Commission Appointment:
      - Loquita Bryant-Jenkins – Peninsula (New Appointment)

   2. Appointment of Jennifer Cook as Clerk of Council

   3. Request approval of a proposed settlement agreement between the City and SM, LLC, arising out of Case No. 2020-CP-08-2380; proposed settlement to resolve the appeal of conditions related to approval from the Board of Zoning Appeals of appellant’s tree variance request. (Memorandum of Settlement and Exhibits attached.)

   4. Update on Code of Conduct

   5. Update on the City’s response to COVID-19 - Mayor John J. Tecklenburg, Shannon Scaff, Emergency Management Director, and Tracy McKee, Chief Innovation Officer

   6. Executive Order Continuing the Declaration of State of Emergency in response to COVID-19 Virus Outbreak

   7. Emergency Ordinance extending certain emergency ordinances related to COVID-19

J. Council Communications:
1. Resolution condemning white nationalism, white supremacy, neo-nazism, and any other
groups and individuals who seek to divide our community and incite hatred (Requested
by Councilmember Robert Mitchell)

K. Council Committee Reports:

1. Committee on Public Safety: (Meeting was held Monday, January 11, 2020 at 2:30 p.m.)
   a. Update on CPD After Action Report
   b. Update on CFD Station #11

2. Committee on Public Works and Utilities: (Meeting was held Monday, January 11, 2020 at 4:30 p.m.)
   a. Public Service Department Update:
      Approval to establish a contract for Waste Collection Services on Johns Island and
      Outer West Ashley (outside I-526) with Trident Waste and Recycling LLC. The cost
      is $10.75 per house per month. Funding is budgeted in the 2021 Budget. (Executive Session in accordance with Section 30-4-70 (a)(2) of the South Carolina Code to receive legal advice if necessary)
   b. Stormwater Management Department Update:
      (i) Project Updates
   c. An Ordinance amending Chapter 27 of the Code of the City of Charleston, by
      amending Flood Hazard Prevention and Control Requirements in Section
      27-117, to provide clarification on the one-foot freeboard requirement for
      substantial improvement of residential structures.

   Give first reading to the following bill from Public Works and Utilities:

   An Ordinance amending Chapter 27 of the Code of the City of Charleston, by amending
   Flood Hazard Prevention and Control Requirements in Section 27-117, to provide clarification on the one-foot freeboard requirement for substantial improvement of residential structures.

3. Committee on Traffic and Transportation: (Meeting was held Tuesday, January 12, 2020 at 2:00 p.m.)
   a. Golf Cart Discussion (information only)
   b. Morrison Drive Sidewalk Project (information only)
   c. Director’s Update
4. Committee on Ways and Means:

(Bids and Purchases
(Parks-Capital Projects: Approval of the 2021 Parks and Recreation Development (PARD) Grant Application for Johns Island Park Playground Phase II for an expansion of playground equipment including new play structures, safety surfacing, and site work for installation. The funding requested is $33,511.63 with a 20% City Match of $6,702.33.
(Parks-Capital Projects: Approval of a Construction Contract with Mashburn Construction Company, Inc. in the amount of $1,967,532 for the construction of a multi-purpose building, restrooms, open air pavilion, decking, pervious path, playground and parking at Carr-Richardson Park, formerly known as Bender Street Park. With the approval of the project budget, Staff is authorized to award and/or amend contracts less than $40,000, to the extent contingency funds exist in the Council approved budget. The Construction Contract will obligate $1,967,532 of the $2,795,052 project budget. The funding sources for this project are: Land Sales ($350,025) and Hospitality Funds ($2,445,000).
(A Resolution authorizing the Mayor to execute on behalf of the City of Charleston a release and all documents necessary to release a use restriction and possibility of reverter applicable to that certain real property designated as Charleston County TMS No. 502-00-00-021, located in the City of North Charleston, and more particularly shown and described as “Tract A 10.07 acres new area,” on that certain plat entitled “plat of the subdivision of Tract A (12.84 ac.) To create new tract a (10.07 ac.) and rail parcel (2.77 ac.),” recorded on November 16, 2020 in plat book l20 at page 0430 in the ROD Office for Charleston County, South Carolina, in consideration for $350,000.00.
(Discussion and action regarding alternative location of Dominion Energy utility switch gear boxes on 179 Nassau St. (Property owned by the City of Charleston: TMS No. 459-05-03-001).
(Update and action on the sale of 431 Meeting Street (Charleston School of Law property)
An ordinance authorizing the Mayor to execute on behalf of the City a Quit Claim Deed and elimination of possibility of reverter, such possibility of reverter contained in Deed recorded in Book J-543, at page 031 for the property located at the corner of Meeting and Wolfe Streets bearing TMS # 459-09-01-049 in the City and County of Charleston, State of South Carolina and to ratify and adopt any and all modifications or amendments to Ordinance # 2004-150.
(Request authority for the Mayor to execute a rental agreement in the amount of $6,808 with St. Andrews Parish Parks and Playgrounds for pool space at St. Andrews Family Fitness Plus, 1642 Sam Rittenburg Blvd., Charleston, SC, from January 4, 2021 to March 25, 2021. Lease is for four lanes and cost of hiring lifeguards as set forth in the attached agreement. ($6,808)
(Request authorization for the Mayor to execute a Resolution approving the submission of an application for greenbelt funds for the purchase of the property commonly known as the Howle Avenue tract on James Island, South Carolina, bearing TMS No. 343-07-00-055. (Exhibit to be provided under separate cover by the Parks Department)
An ordinance authorizing the Mayor to execute on behalf of the City of Charleston ("City") a Real Property Exchange Agreement and other documents necessary to convey to America Street Ventures, LLC, or its assigns, the City’s property designated as a portion of TMS No. 459-05-04-209 and TMS No. 459-05-04-220, subject to affordable housing restrictions, in exchange for the conveyance to the City of property designated as TMS Nos. 459-05-04-001, 459-05-04-002, 459-05-04-048, 459-05-04-114, and 459-05-04-115, as shown on the attached map. (AS AMENDED) (See also City Council Agenda Item #L-4) (To be provided under separate cover by the Legal and Housing and Community Development Departments)

(Consider the following annexation:
(i) 1946 Boeing Avenue (0.25 acre) (TMS# 350-13-00-028), 0.25 acre, West Ashley, (District 5). The property is owned by James Fitzgerald and Amanda L. Rhoden.

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

An ordinance authorizing the Mayor to execute on behalf of the City a Quit Claim Deed and elimination of possibility of reverter, such possibility of reverter contained in Deed recorded in Book J-543, at page 031 for the property located at the corner of Meeting and Wolfe Streets bearing TMS # 459-09-01-049 in the City and County of Charleston, State of South Carolina and to ratify and adopt any and all modifications or amendments to Ordinance # 2004-150.

An ordinance to provide for the annexation of property known as 1946 Boeing Avenue (0.25 acre) (TMS# 350-13-00-028), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 5. The property is owned by James Fitzgerald and Amanda L. Rhoden.

L. Bills up for Second Reading:

(City Council may give second reading, order to third reading, give third reading, and order engrossed for ratification any bill listed on the agenda as a second reading.)

1. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending a portion of the Essex Farms Village Center Planned Unit Development Master Plan and Development Guidelines to amend sections related to land use and permitted uses and to rezone TMS# 309-00-00-002 (zoned General Office) so as to be included in the Planned Unit Development (PUD). (Essex Farms Village Center PUD – West Ashley) (approx. 13.66 acres) (TMS# 309-00-00-262 & 002).

2. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 363 Lynwood Drive (West Ashley) (approximately 0.20 acre) (TMS #310-12-00-061) (Council District 11), annexed into the City of Charleston November 24, 2020 (#2020-165), be zoned Single-Family Residential (SR-1) classification. The property is owned by Shaun Hogan.

3. An ordinance to provide for the annexation of property known as 333 Fleming Road, Units C1-C4 and D1-D4 (0.29 acre) (TMS# 343-07-00-113 through 343-07-00-120 and a portion of 343-07-00-193), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 6. The property is owned by AV ZG Southcourt, LLC.
4. An ordinance authorizing the Mayor to execute on behalf of the City of Charleston ("City") a Real Property Exchange Agreement and other documents necessary to convey to America Street Ventures, LLC, or its assigns, the City’s property designated as a portion of TMS No. 459-05-04-209 and TMS No. 459-05-04-220, subject to affordable housing restrictions, in exchange for the conveyance to the City of property designated as TMS Nos. 459-05-04-001, 459-05-04-002, 459-05-04-048, 459-05-04-114, and 459-05-04-115, as shown on the attached map. (AS AMENDED) (To be provided under separate cover by the Legal and Housing and Community Development Departments)

5. An ordinance to provide for the annexation of property on Ashley River Road and Wallace Lane (1.25 acre) (TMS# 351-02-00-021), 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 C Level Investments, LLC. (TO BE WITHDRAWN AT THE REQUEST OF THE APPLICANT)

6. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Ashley River Road and Wallace Lane (West Ashley) (approximately 1.25 acres) (TMS #351-02-00-021) (Council District 2), be zoned Diverse Residential (DR-12) classification. The property is owned by C Level Investments LLC. (TO BE WITHDRAWN AT THE REQUEST OF THE APPLICANT)

7. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by changing Part 16 (Cluster Development) of Article 2 (Land Use Regulations) to add a new Sec. 54-299.16, providing that cluster developments will no longer be permitted for new developments. (DEFERRED FOR PUBLIC HEARING)

8. An ordinance to provide for the annexation of property known as 772 Yaupon Drive (approx. 2.3 acre) (TMS# 263-00-04-038), Cainhoy, Berkeley County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 1. The property is owned by Beverley D. and James P. Rardin. (DEFERRED AT THE REQUEST OF THE APPLICANT)

9. An ordinance to provide for the annexation of property known as 3338 Maybank Highway (approx. 1.1 acre) (TMS# 279-00-00-035), 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 Consultants, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

10. An ordinance to provide for the annexation of property known as 3328 Maybank Highway (approx. 4.588 acre) (TMS# 279-00-00-031), 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 Kulick Properties, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

11. An ordinance to provide for the annexation of property known as 3320 Maybank Highway (approx. 2.278 acre) (TMS# 279-00-00-029), 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 1108 St Gregory St, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)
12. An ordinance to provide for the annexation of property known as 1720 Pinecrest Road (0.22 acre) (TMS# 351-12-00-038), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 9. The property is owned by Elizabeth White. (DEFERRED)

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

14. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending applicable sections related to Planning Commission composition to establish commission member alternates and to update other applicable sections related to Planning Commission Rules and Procedures. (DEFERRED FOR PUBLIC HEARING)

15. An ordinance to amend Chapter 27, Stormwater Management and Flood Control, of the Code of the City of Charleston, to add a new Article IV to provide fill requirements for all new construction, developments, and redevelopments within the City. (DEFERRED)

16. An ordinance to amend Chapter 29, Article V1, Sec. 29-240 of the Code of the City of Charleston pertaining to the procedure of accident reporting. (DEFERRED)

17. An ordinance to amend Article III (Stormwater Management Utility) of Chapter 27 (Stormwater Management and Flood Control) of the Code of the City of Charleston, South Carolina, by eliminating the “Homestead Exemption” in Sec. 27-140(a), applicable to the payment of Stormwater Utility Fees; by deleting Sec. 27-132(j), (k), and (l), which contain certain findings associated with the adoption of the “Homestead Exemption” with respect to Stormwater Utility Fees; and to provide that the elimination of the “Homestead Exemption” in Sec. 27-140(a) shall not apply until January 1, 2020. (DEFERRED FOR PUBLIC HEARING)

M. Bills up for First Reading

1. An ordinance to amend Sec. 2-23(b) of the Code of the City of Charleston to provide for keeping summary minutes and video recordings of its proceedings.

N. Miscellaneous Business:

1. The next regular meeting of City Council will be Tuesday, January 26, 2021 at 5:00 p.m.

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.
PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, January 12, 2021 beginning at 5:00 p.m., via Conference Call # 1-829-205-6099, Access Code 912 096 416, on the request that the Zoning Ordinance of the City of Charleston be changed in the below respects. The public may participate using one of the following options:

Requests to speak at the meeting and comments must be received by 12:00 p.m., Tuesday, January 12:

1. Request to speak (via Zoom or telephone) or leave a comment for City Council via voice mail at 843-579-6313. If requesting to speak, please provide your name and telephone number;

2. Request to speak (via Zoom or telephone) or leave a comment for City Council by completing the form at http://innovate.charleston-sc.gov/comments/

3. Mail comments to: Clerk of Council, 80 Broad Street, Charleston, SC 29401

ORDINANCE AMENDMENT

1. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by changing Part 4 (Accessory Uses) of Article 2 (Land Use Regulations) to add a new Sec. 54-214 (Outdoor Dining Services) to authorize the use of new or additional space for outdoor dining services.

JENNIFER COOK
Interim Clerk of Council

In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email schumacherj@charleston-sc.gov three business days prior to the meeting.

Please insert as a Display Ad in the Post Courier on Sunday, December 27, 2021.

Please insert as a Display Ad in the Charleston Chronicle on Wednesday, January 6, 2021. Please provide an affidavit of publication for all public hearings.
CITY OF CHARLESTON
PLANNING COMMISSION

MEETING OF DECEMBER 16, 2020

REZONINGS

1. 14 F St (Westside - Peninsula) TMS # 4631603041 — approx. 0.10 ac. Request rezoning from Diverse Residential (DR-1) to Diverse Residential (DR-2F).

Motion: APPROVAL

1st: LEMPESI 2nd: LESESNE

Jimmy Bailey  FAVOR  Charlie Karesh  FAVOR
Erika V. Harrison  FAVOR  Sunday Lempesis  FAVOR
Donna Jacobs  FAVOR  Harry Lesesne  FAVOR
Angie Johnson  FAVOR  Chaun Pflug  FAVOR

2. 578 Meeting St (East Side - Peninsula) TMS # 4590103031 — approx. 2.13 ac. Request rezoning from General Business (GB) and Light Industrial (LI) to Mixed-Use Workforce Housing (MU-1/WH) and to rezone a portion of TMS # 4590103031 (approx. 1.25 ac.) from Old City Height District 2.5-3 classification to Old City Height District 3.5 classification.

Motion: APPROVAL

1st: JACOBS 2nd: BAILEY

Jimmy Bailey  FAVOR  Charlie Karesh  FAVOR
Erika V. Harrison  FAVOR  Sunday Lempesis  FAVOR
Donna Jacobs  FAVOR  Harry Lesesne  FAVOR
Angie Johnson  FAVOR  Chaun Pflug  FAVOR

ORDINANCE AMENDMENTS

1. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Subsection 15. Of Section 54-306 – Old City Height Districts and the footnotes to the Old City Height District chart in Section 54-306.x.

Motion: APPROVAL

1st: BAILEY 2nd: JACOBS

Jimmy Bailey  FAVOR  Charlie Karesh  FAVOR
Erika V. Harrison  FAVOR  Sunday Lempesis  FAVOR
Donna Jacobs  FAVOR  Harry Lesesne  FAVOR
Angie Johnson  FAVOR  Chaun Pflug  FAVOR
2. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by changing Part 4 (Accessory Uses) of Article 2 (Land Use Regulations) to add a new Sec. 54-214 (Outdoor Dining Services) to authorize the use of new or additional space for outdoor dining services.

Motion: APPROVAL  
1st: LEMPEIS  2nd: JOHNSON  (8-0)

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3. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by changing Part 16 (Cluster Development) of Article 2 (Land Use Regulations) to add a new Sec. 54-299.16, providing that Cluster Developments will no longer be permitted for new developments.

Motion: DISAPPROVAL  
1st: LEMPEIS  2nd: Lesesne  (8-0)

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**SUBDIVISION**


**ZONING**

1. 2891 Doncaster Dr (Hickory Hill - West Ashley) TMS # 3581000087 – 0.31 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Motion: APPROVAL  
1st: Lesesne  2nd: Johnson  (8-0)

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2. 333 Fleming Rd, units C1-C4 and D1-D4 (Cross Creek - James Island) TMS # 3430700113-120 and a portion of 3430700193 — approx. 0.29 ac. Request zoning of Diverse Residential (DR-1F). Zoned Single-Family Residential (R-4) in Charleston County.

Motion: APPROVAL

1st: LESESNE
2nd: BAILEY

FAVOR

Jimmy Bailey
Erika V. Harrison
Donna Jacobs
Angie Johnson

FAVOR

Charlie Karesh
Sunday Lempesis
Harry Lesesne
Chaun Pflug

FAVOR
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY CHANGING PART 4 (ACCESSORY USES) OF ARTICLE 2 (LAND USE REGULATIONS) TO ADD A NEW SEC. 54-24-215 (OUTDOOR DINING SERVICES) TO AUTHORIZE THE USE OF NEW OR ADDITIONAL SPACE FOR OUTDOOR DINING SERVICES (AS AMENDED).

INCIDENT TO THE ADOPTION OF THIS ORDINANCE, CITY COUNCIL MAKES THE FOLLOWING FINDINGS OF FACT:

1. The food and beverage industry has played a vital role in the growth of Charleston, economically and in other respects. The food and beverage industry within the City has substantially contributed to the City becoming the number one tourist destination in the world.

2. The COVID-19 pandemic has had a devastating impact on the food and beverage industry in the City. Owners and employees of restaurants and similar establishments in the City were the first to close their doors—many voluntarily—at the beginning of the pandemic. Even after closing their doors to public gatherings, many food and beverage establishments have continued to serve the City and its residents by remaining open for take-out orders or setting up delivery services. The City recognizes the tremendous moral obligation owed to such owners and their employees, many of whom also reside in the City, for their significant sacrifice during these very difficult times.

3. Notwithstanding the unmistakably positive economic impact that the City’s food and beverage industry has had on the City, such establishments also have a significant positive impact on the health and welfare of the City’s residents. In fact, this time of unprecedented isolation emphasizes the important role of the City’s food and beverage establishments in bringing people together, helping people celebrate life’s blessings; sympathize in life’s difficulties; reinforce relationships with existing friends and family; reacquaint with old friends; and meet new ones. The City’s food and beverage establishments create and solidify the social, business, political, religious, civic, and familial relationships reflected in the City’s unique culture.

4. A full recovery of the City’s food and beverage industry after the demise of the current pandemic is critical to the full recovery of the health, welfare, culture, and economy of the City and its residents.
5. The City should maximize outdoor dining opportunities by food and beverage establishments, while minimizing adverse impacts from, among other things, overcrowding, noise, and traffic on residential areas and on the public rights-of-way within the City.

6. Such a policy serves a compelling government interest by substantially increasing the ability of the City’s food and beverage establishments to remain open during the current pandemic and to fully recover after the pandemic subsides, preserving the important positive impact of such establishments on the health, welfare, culture, and economy of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That Part 4 (Accessory Uses) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding the following new Sec. 54-214-215 (Outdoor Dining Services) thereto:

Sec. 54-214-215. - Outdoor Dining Services. The following provisions apply to new or additional areas sought to be utilized for outdoor dining services:

A. Definitions.

1) Expiration Date. “Expiration Date” means January 10, 2022 at 11:59:59 p.m.

2) Outdoor Dining Services. “Outdoor dining services” means services covered by a temporary outdoor dining approval and/or a temporary sidewalk dining permit.

3) Residential Area. “Residential Area” means any property within a residential zoning district and any lot containing one or more single-family detached, single-family attached, or two-family dwellings.

4) Restaurant. “Restaurant” means an operation that prepares, processes, packages, serves, or otherwise provides food for human consumption, either on or off the premises, regardless of whether there is a charge for the food; provided, however, the term “restaurant” shall not include grocery stores, pharmacies, convenience stores, gas stations, school cafeterias, independent living food service operations, licensed healthcare facilities, retail meat markets, fish/seafood markets, retail ice merchants, or mobile food establishments.

5) Sidewalk Dining. “Sidewalk dining” means a portion of an immobile restaurant located on a designated public right-of-way immediately adjacent to the restaurant.

6) Sidewalk Dining Elements. “Sidewalk dining elements” means any and all tables, chairs, tents, umbrellas, planters, heaters, and other objects associated with sidewalk dining.

7) Temporary Outdoor Dining Approval. A temporary outdoor dining approval authorizes a restaurant to temporarily utilize new or expanded outdoor dining areas on private property.
(8) **Temporary Sidewalk Dining Permit.** A temporary sidewalk dining permit authorizes a restaurant to engage in sidewalk dining within a designated area on a public right-of-way.

B. **Temporary Suspension of Regulations Governing Outdoor Dining Areas and Sidewalk Dining.** The following regulations temporarily shall supersede and replace any conflicting provisions of the City’s zoning ordinances or regulations governing outdoor dining services; provided, however, nothing herein supersedes or replaces conflicting provisions of the City’s zoning ordinances or regulations with respect to new development, redevelopment, construction, or improvement of property.

C. **Applications.** Any restaurant desiring to offer outdoor dining services shall first apply to the Zoning Division on forms created for that purpose. All information required to show compliance with the standards for outdoor dining services under this Section shall be included with the application. The Zoning Administrator is hereby authorized and directed to generate standard application forms and adopt internal procedures for such purpose.

D. **Special Exception.** The location of outdoor dining services within 150 feet of a residential area is generally disfavored and shall not be granted except upon a special exception approved by the Board of Zoning Appeals-Zoning ("BZA-Z"). The BZA-Z may approve, approve with modifications, approve with conditions, or disapprove an application for outdoor dining services within 150 feet of a residential area after considering the application, the relevant supporting materials, any staff recommendation, and the evidence presented at the hearing. Prior to granting a special exception under this Section, the BZA-Z shall find as follows:

1) **Compliance with Standards.** The proposed special exception complies with the specific standards applicable to the request set forth in this Sec. 54-244215.

2) **Compatibility.** The proposed special exception is appropriate for its location and compatible with the character of surrounding lands and the uses permitted in the zoning districts of surrounding lands, and will not reduce property values of surrounding lands.

3) **Design does not have substantial adverse impact.** The design of the proposed special exception minimizes adverse effects, including visual impacts of the proposed use on adjacent lands; furthermore, the proposed special exception does not impose significant adverse impact on surrounding lands regarding traffic, service delivery, parking and loading, odors, noise, glare, vibration, and does not create a nuisance.

E. **Conditional Use Permit.** A conditional use permit issued by the Zoning Administrator shall be required for outdoor dining services which are not located within 150 feet of a residential area. The Zoning Administrator shall approve the application if the proposed outdoor dining services comply with the specific standards applicable to the request set forth in this Sec. 54-244215.

F. **Standards for Temporary Outdoor Dining Approval.** Restaurants desiring temporary outdoor dining approval shall comply with the following standards:
1. The restaurant shall be properly licensed by appropriate state and local agencies to perform any activities, sales, and services.

2. The restaurant shall comply with all applicable laws relating to litter, noise, and other livability matters.

3. No amplified music shall be permitted in outdoor dining areas approved under this Sec. 64-24-215. Nothing herein shall prohibit amplified music in outdoor dining areas approved for use prior to effective date of this ordinance, to the extent amplified music was previously permitted in such areas.

4. Unless authorized as part of a sidewalk dining permit or sidewalk café, outdoor dining areas shall not encroach within any public rights-of-way.

5. Outdoor dining areas shall not encroach into or interfere with required handicapped parking spaces.

6. Outdoor dining areas shall not interfere with safe pedestrian and vehicular access or access required to be maintained under the Americans with Disabilities Act.

7. Outdoor dining areas shall not encroach within or interfere with fire and other emergency access.

8. Any sales and/or consumption of food and/or alcoholic beverages shall be in compliance with the provisions of any federal, state, and/or local laws and regulations governing same.

9. Outdoor dining areas shall comply with all applicable occupancy requirements and other provisions of the fire code.

G. **Temporary Sidewalk Dining Permit.** The following procedures shall apply to temporary sidewalk dining permits:

1. **Layout.** A layout sketch or site plan and a minimum of two (2) photographs showing all sidewalk dining elements, utilities, sidewalks, and appropriate measurements shall be included with an application for a temporary sidewalk dining permit.

2. **Effect.** The following terms and conditions shall apply to any temporary sidewalk dining permit issued by the City under this Ordinance:

   a. The permit is for a permissive use only and the issuing of the permit shall not operate to create or vest any property rights in the permittee.

   b. The City shall have free and complete access to the public right-of-way (the “ROW”) in which sidewalk dining has been permitted for maintenance and repair of the ROW, and the permittee shall hold harmless the City for any damage that may be done by the City during maintenance and repair of the ROW.
c. The permittee shall maintain the sidewalk easement area in a good and safe condition as long as the temporary sidewalk dining permit remains in effect. Permittee understands and acknowledges that, should the permittee, its agents, employees, vendors, or patrons, damage and/or disturb the ROW and/or the sidewalk dining area, the permittee shall be solely responsible for repairing the destroyed/disturbed ROW and the sidewalk dining area to the City’s satisfaction.

d. Permittee shall maintain a general liability insurance policy with combined single liability limits for personal injury or death and property damage in the amount of the liability limits set forth in the South Carolina Tort Claims Act, naming the City as an additional insured. The permittee agrees to provide proof of such policy to the City upon request.

e. If alcoholic beverages will be served within the sidewalk dining area, the permittee shall maintain liquor liability insurance for the area under the same terms and conditions as those applying to general liability insurance.

f. Permittee shall indemnify, defend, and hold harmless the City against any and all claims or suits for damages or injury arising from permittee’s or the permittee’s agents’, employees’, vendors’, and/or patrons’ use of the ROW or the sidewalk dining area or from any activity, work, or act done, permitted, or suffered by permittee in or about the sidewalk dining area, and shall further indemnify, defend, and hold harmless the City against and from any and all claims or suits arising from any breach or default of any performance of any obligation of permittee under this Section or the sidewalk dining permit, and against and from all costs, attorneys’ fees, expenses, and liabilities related to any claim or any action or proceeding brought within the scope of this indemnification.

g. Permittee shall not assign the sidewalk dining permit without the prior approval of the City.

h. Any unlawful encroachments existing in the ROW shall be subject to removal and the permittee shall be responsible for labor and costs associated with such removal. Any encroachments existing in the public ROW shall be removed upon twenty-four (24) hours’ notice given by the department of public service when such removal is necessary to repair or improve the ROW. If it is necessary to remove any encroachments, including but not limited to sidewalk dining elements, the permittee shall be responsible for labor and costs associated with removal and reinstallation.

i. In the event that the City police, fire, public service or traffic and transportation departments determine that the location of an encroachment, including but not limited to sidewalk dining elements, constitutes an immediate physical danger to life, safety or health, the encroachment may be removed immediately without prior notice. If the City removes an encroachment, a notice of removal shall be sent to the permittee as soon as practicable under the circumstances. Any abandoned encroachment shall be subject to removal. For purposes hereof, ‘abandoned’ shall mean the vacating of the premises by the permittee for a period of seven (7) consecutive days or more. Any costs incurred to the City in restoring the public ROW to the condition that existed prior to the use of the sidewalk dining area shall be the responsibility of the permittee.

3) Inspection. The Zoning Administrator shall perform or cause to be performed a site inspection of the area to be utilized for sidewalk dining to verify compliance with the requirements
set forth herein prior to issuing a temporary sidewalk dining permit. The City of Charleston’s Fire Department, Fire Marshal, Police Department, Building Inspections Division, Livability Code Enforcement Officers, and zoning officers shall be authorized to inspect and determine whether applicants and permittees comply with and continue to comply with the rules and regulations governing sidewalk dining set forth herein, as may be amended.

4) **Decision.** The Zoning Administrator is hereby authorized, after any necessary consultation with other City departments, to issue a temporary sidewalk dining permit if the application meets all standards set forth in Sec. 54-214-215.

5) **Posting.** The temporary sidewalk dining permit shall be posted on the premises so as to be visible from the public right-of-way during all times that sidewalk dining is being conducted within the public right-of-way.

H. **Design and Layout.** The following standards shall govern the design and layout for sidewalk dining:

1) The width of the sidewalk dining area shall not exceed the width of the frontage of the restaurant’s property.

2) Permittees shall maintain a clear pedestrian path of at least six feet (6') at all times; provided, however, in areas of higher pedestrian traffic or activity, or in conditions that suggest the need for additional clearance, the Zoning Administrator may require a clear pedestrian path greater than six feet (6'). Any such clearance area must be free of all obstructions such as trees, parking meters, utility poles, fire hydrants, and similar encroachments in order to allow for adequate pedestrian movement. All services and patron activity provided within the designated public right-of-way shall occur within the designated area and shall not encroach within the minimum clearances for pedestrian passage at any time.

3) Sidewalk dining and sidewalk dining elements shall not interfere with any utilities or other facilities such as utility poles, fire hydrants, signs, parking meters, mailboxes, and/or benches within the sidewalk or within the public right-of-way.

4) Sidewalk dining and sidewalk dining elements shall not interfere with or obstruct any required clearance for maneuvering around entrances or exits.

5) Sidewalk dining and sidewalk dining elements shall not interfere with or obstruct any areas required for accessibility for disabled persons, whether patrons or employees.

6) Sidewalk dining and sidewalk dining elements shall not interfere with or obstruct required ingress and/or egress for adjacent buildings set forth in the building code or otherwise.

7) Sidewalk dining and sidewalk dining elements may not violate the vision clearance requirements set forth in Sec. 54-351. Vision clearance will also be required when sidewalk dining or sidewalk dining elements are located adjacent to an alley or driveway; provided, however, the
Zoning Administrator is authorized to impose additional requirements when unusual circumstances exist or when public safety may be jeopardized.

(9) Signs advertising the sale of food, beverages, goods, or services within sidewalk dining areas shall be prohibited. This prohibition includes but is not limited to sandwich boards, banners, pamphlets, podiums, or any other advertisements. Nothing herein shall prohibit the posting of any signage required by the City.

(10) No amplified music, whether live or recorded, shall be permitted within sidewalk dining areas. No speakers, microphones, televisions or other audio or video devices shall be permitted within sidewalk dining areas.

(11) No vending machines, carts, or objects for the sale of goods shall be permitted within sidewalk dining areas.

Standards for Sidewalk Dining. Restaurants obtaining a temporary sidewalk dining permit shall comply with the following operational standards:

(1) The standards for temporary outdoor dining approval in Section 54-244-215.F.

(2) Sidewalk dining is prohibited between 12:00 a.m. and 7:00 a.m., unless the permitted hours are more restrictive under the existing zoning applicable to the property, use, or activity, in which case the more restrictive hours shall control.

(3) Any and all sidewalk dining elements shall be removed from the public right-of-way except during the restaurant’s daily operations. The storage of sidewalk dining elements within the public right-of-way at any time is prohibited. The leaving of sidewalk dining elements in public rights-of-way at any time before or during daily operations is also prohibited.

(4) If alcoholic beverages are served within the designated public right-of-way, the permittee must have a valid license under all applicable laws for such sales. Alcoholic beverages supplied by the customer or by any person other than the permittee shall not be allowed within the designated public right-of-way. No alcoholic beverages may be stored or mixed within the designated public right-of-way.

(5) The permittee must require patrons dining within the designated public-right-of-way to wear shoes and shirts at all times.

(6) All employees must comply with applicable requirements and standards for a retail food establishment.

(7) The permittee must comply with all federal, state, and local laws, rules, and regulations applicable to the operation of sidewalk dining within the City.

Administrative Suspension. Any temporary outdoor dining approval and/or sidewalk dining permit is subject to suspension, modification, or amendment at any time based on a determination.
that additional conditions or limitations shall be required to protect against adverse impacts to the public health, safety, or welfare associated with new or expanded area.

X. **Modification.** City Council may suspend, modify, or amend the provisions governing outdoor dining services at any time, in which case all restaurants shall comply with any such modifications or amendments, whether or not they previously received an approval or permit hereunder. In this respect, an approval for outdoor dining services is considered an activity, not a case. All approvals and permits governed by this Section shall automatically expire on the Expiration Date, unless such approval or permit is otherwise suspended, modified, amended, or extended in accordance with this Section or a subsequent ordinance adopted by City Council.

L. **Appeal.** Any decision of the Zoning Administrator under this Ordinance may be appealed to the BZA-Z, in accordance with the standards governing appeals from administrative officers under state law and the City’s Zoning Ordinance.

M. **Compliance.** Permittees are responsible for ensuring that the procedures and standards set forth in this Section are followed or otherwise cease services. Pursuant to section 45-3-30 of the South Carolina Code, the City may deny or revoke any license granted to conduct any such business when, in the judgment of the City, the business is not complying with this Ordinance and shall be subject to the penalties set forth in Section 1-16 of the City Code. Pursuant to section 45-3-20 of the South Carolina Code, the City of Charleston Fire Department, Office of the Fire Marshal, Police Department, Building Inspections Division, and their designees, Livability Code Enforcement Officers, and Zoning Officers are hereby authorized to inspect and determine whether businesses are in compliance with this Section. Any person who shall refuse to allow such inspection or who shall obstruct any officer whose duty it is to make such inspection shall be subject to the penalties set forth in section 45-3-20.

N. **Previously Approved Outdoor Dining Services.** Outdoor dining services permitted or approved under an emergency ordinance may continue in effect until the Expiration Date, subject to the following terms and conditions: (1) the outdoor dining service was permitted or approved prior to December 1, 2020; (2) the permit or approval for the outdoor dining service remains in effect, under its terms or through an extension thereof, on January 12, 2021; (3) any physical expansion of an outdoor dining service shall follow the procedures set forth in this Section with respect to such expanded area only; and (4) the permit or approval may be suspended, modified, amended, or extended in accordance with this Section or a subsequent ordinance adopted by City Council. The Zoning Administrator is hereby authorized to provide written confirmation of the continued effectiveness of any such permit or approval complying with the above-referenced terms and conditions. No additional conditional use permit or special exception permit shall be required under these circumstances.
Section 2. This Ordinance shall become effective upon enactment and shall expire on January 10, 2022 at 11:59:59 p.m., unless otherwise modified, amended, extended, or rescinded by a subsequent Ordinance adopted by City Council.

Ratified in City Council this _____ day of _____ in the Year of Our Lord, 2021, and in the 245th Year of the Independence of the United States of America.

By:

________________________
John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

________________________
Jennifer Cook
Interim Clerk of Council
City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: January 12, 2021
RE: Planning Commission Appointment

With the recent resignation of Eddie Irions from the City’s Planning Commission, I am pleased to recommend Loquita Bryant-Jenkins to fill the vacant seat. Loquita is a peninsula resident and an active leader in the North Central neighborhood and local education system. She has served the community in several capacities most recently as a trustee on the District 20 Constituent School Board. She also brings a wealth of professional experience from her position as a Grand Jury Coordinator for the U.S. Attorney’s Office in the Department of Justice.

New Appointment:
Loquita Bryant-Jenkins – Peninsula – New Appointment – Expires 2/28/2023

Current Planning Commission Members:
Jimmy Bailey – Peninsula – Existing member – Expires 2/28/2022
Erika Harrison – Peninsula – Existing member – Expires 2/28/2022
Donna Jacobs – West Ashley – Existing member – Expires 2/28/2021
Angie Johnson – Daniel Island – Real Estate seat – Expires 2/28/2022
Charles Karesh – West Ashley – Existing member – Expires 2/28/2021
Sunday Lempesis – West Ashley – Development seat – Expires 02/28/2021
Harry Lesesne – James Island – Existing member – Expires 2/28/2023
Chaun Pflug – Johns Island – Attorney seat – Expires 2/28/2023
Memorandum

To: Mayor Tecklenburg and City Council Members
From: Legal Department
Re: SM, LLC v. City of Charleston Settlement Proposal
Date: January 5, 2021

Stanley Martin Homes is proceeding through the TRC process for a major subdivision plan on Daniel Island located at Fairbanks Oaks Allee. As part of the process, Stanley Martin requested a variance from Sec. 54-327 to allow the removal of eight grand trees. BZA approved the variance in October with the following conditions:

(1) Must provide HOA lots that are to remain at natural grade between the grand trees and the marsh (as shown in slide 30);
(2) Must use a LID stormwater management technique (shallow bio-swatch) in the large tree save area; no pond excavation and no fill (slide 31); all perimeter road and lot grading (fill) must be outside the TPZ’s; and
(3) Must save Tree #8.

Stanley Martin timely appealed the above conditions in November and requested pre-litigation mediation.

The parties participated in a two-day mediation using outside counsel, Jim Hinchey, and with the assistance of Eric Schultz and Kinsey Holton. The proposed settlement is attached. Staff and legal support approval. With regard to Number 5 of the proposed settlement, granting an opportunity to be heard within 17 days of a completed application is standard and the item will be placed at the end of a regularly scheduled meeting to ensure it is the only item to be discussed as promised.

If this settlement is approved, the project will continue through the TRC process and remains subject to the 2013 Stormwater manual.

Thank you for your consideration of this matter and please contact Mr. Schultz or me if you have any questions.

Julia Copeland
Attachments
Settlement Agreement

This Settlement ("Agreement") is entered into the date shown below in resolution of that matter, filed with the Clerk of Court for Berkeley County as Case No. 2020-CP-08-02380 filed on November 3, 2020, styled SM Charleston, LLC v. City of Charleston Board of Zoning Appeals, wherein SM Charleston, LLC ("Applicant") initiated an appeal of a decision of the City of Charleston Board of Zoning Appeals (the "City") resulting from a meeting of the Charleston Board of Zoning Appeals ("BZA"). This Agreement serves as the parties’ agreement as to resolution of the pending appeal, pursuant to Applicant’s request for pre-litigation mediation.

The Parties agree as follows:

1. The City will present this Settlement Agreement to City Council in executive session at the next regularly scheduled City Council Meeting.

2. The Applicant agrees that tree number 8 will remain in place.

3. The City will withdraw the condition requiring HOA lots must remain at natural grade between the grand trees and the marsh (Slide #30 attached as exhibit A to the Appeal).

4. The City will withdraw the condition requiring a LID stormwater management technique (shallow bio-swale) in the large tree save area and all perimeter road and lot grading (fill) to be outside the tree protection zones, and the prohibition against pond excavation (Slide #31 attached as Exhibit B to the Appeal). As to tree preservation at the subject location, the design as reflected on Exhibit A, which Exhibit consists of two pages, shall be adopted. As to Stormwater management, the elements of the complete submittal and design must meet the minimum standards of the Stormwater Design Standards Manual dated March 15, 2013.

5. The City will set a special TRC meeting within seventeen (17) calendar days following the receipt of the Applicant’s complete submission for Road Plan Construction Documents and Preliminary Plat Approval. This shall be the only item on the special meeting agenda, with all TRC members present, and such meeting shall continue to the extent reasonably practicable. Both parties agree to exercise good faith efforts at the special meeting.

This agreement is contingent on approval of City Council as described in item number 1.

City of Charleston

Stanley Martin Companies, LLC
(f/k/a as SM Charleston, LLC)

By: James J. Hinche Jr.
Attorney for the City of Charleston

By: Mark Lipsmeyer

Date December 12, 2020
EXECUTIVE ORDER
CONTINUING THE DECLARATION OF STATE OF EMERGENCY
IN RESPONSE TO THE COVID-19 VIRUS OUTBREAK

WHEREAS, in December 2019, an outbreak respiratory illness due to a novel coronavirus (COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, across the world, including the United States; and,

WHEREAS, it is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and,

WHEREAS, on January 23, 2020, the Center for Disease Control ("CDC") activated its Emergency Response System to provide ongoing support for the response to COVID-19; and,

WHEREAS, on March 13, 2020, President Donald Trump declared a national emergency to assist with combating the coronavirus; and,

WHEREAS, on March 13, 2020, Governor Henry McMaster (the "Governor") declared a state of emergency in South Carolina, Executive Order 2020-10, based on a determination that "COVID-19 poses an actual or imminent public health emergency"; and,

WHEREAS, on March 16, 2020, Mayor John J. Tecklenburg declared a local state of emergency in the City of Charleston; and,

WHEREAS, on March 16, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-038) to prohibit consumer price gouging on all commodities in the City of Charleston with limited exceptions; and,

WHEREAS, on March 16, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-040) suspending the requirements of Section 2-23(f) of the Code of the City of Charleston requiring the physical presence of Councilmembers at City Council meetings and committee meetings to permit participation by video conferencing or other virtual means to slow the spread of COVID-19; and,

1
WHEREAS, on March 17, 2020, the Governor issued Executive Order 2020-10, ordering and directing that any and all restaurants or other food-service establishments to suspend on-premises or dine-in consumption; and,

WHEREAS, on March 20, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-041) to temporarily suspend the accrual of the City’s business license penalties, to suspend enforcement of the City’s plastic bag ban, and to suspend the City’s chauffeur’s license requirements; and,

WHEREAS, on March 21, 2020, the Governor issued Executive Order 2020-13, authorizing and directing law enforcement officers to prohibit or disburse any congregation or gathering of people, unless authorized or in their homes, in groups of three (3) or more people, if any such law enforcement official determines, in his or her discretion, that any such congregation or gathering of people poses, or could pose, a threat to public health; and,

WHEREAS, on March 24, 2020, City Council passed a temporary emergency ordinance, “Stay at Home Ordinance” (Ordinance No. 2020-042) which required individuals to stay in their homes and not travel or congregate in the streets of Charleston except for purposes of working at or conducting business with an essential business or engaging in individual outdoor recreational activities; and,

WHEREAS, on March 27, 2020, the Governor issued Executive Order 2020-14, directing that individuals who enter the State of South Carolina from an area with a substantial community spread of COVID-19 be required isolate or self-quarantine; and,

WHEREAS, on March 28, 2020, the Governor issued Executive Order 2020-15, declaring a separate and distinct state of emergency “due to the evolving nature and scope of the public health threat or other risks posed by COVID-19 and the actual, ongoing, and anticipated impacts associated with the same” and extending certain previous Executive Orders for the duration of the state of emergency; and,

WHEREAS, on March 30, 2020, the Governor issued Executive Order 2020-16, closing any and all public beach access points and public piers, docks, wharfs, boat ramps, and boat landings; and,

WHEREAS, on March 31, 2020, the Governor issued Executive Order 2020-17, closing or restricting access to certain non-essential businesses, venues, facilities, services, and activities; and,

WHEREAS, on April 1, 2020, City Council passed a second Stay at Home Ordinance (Ordinance No. 2020-048) which includes provisions contained in Governor McMaster’s Executive Orders regarding dispersing of crowds (2020-13); quarantining of individuals from New York, New Jersey, and Connecticut (2020-14); closing of beaches and boat landings (2020-16); and closing of non-essential businesses (2020-17); and,

WHEREAS, on April 3, 2020, Governor Henry McMaster issued an Executive Order (2020-18) closing additional non-essential businesses; and,
WHEREAS, on April 6, 2020, Governor Henry McMaster, recognizing that public health officials had reported over 2,000 cases of COVID-19 in South Carolina, issued a Work or Home Executive Order (2020-21) which limited individuals from moving outside their homes except to engage in Essential Businesses; Essential Activities, and Critical Infrastructure Operations as defined in the Order; and,

WHEREAS, on April 6, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-042) to provide for temporary procedures for public hearings; and,

WHEREAS, on April 12, 2020, the Governor issued Executive Order 2020-23, recognizing that public health officials had reported over 3,319 confirmed cases of COVID-19 throughout South Carolina, and stating that “the extraordinary circumstances and conditions that necessitated” the Governor’s “prior emergency declarations have not subsided and have, in fact, evolved and expanded to present different and additional risks and dangers,” and explaining that the State “has transitioned from the investigation, reporting, and initiation phases of the COVID-19 pandemic to the acceleration phase”; and,

WHEREAS, in Executive Order 2020-23, the Governor declared a separate and distinct state of emergency based on a determination “that the accelerated spread of COVID-19 throughout the State poses an actual, ongoing, and evolving public health threat to the State of South Carolina, which now represents a new and distinct emergency and requires additional proactive action by the [State] and the implementation and enforcement of further extraordinary measures to slow the spread of COVID-19, minimize the strain on healthcare providers, and otherwise respond to and mitigate the expanding public health threat imposed by [the] emergency”; and,

WHEREAS, on April 16, 2020, the Governor issued Executive Order 2020-25, determining that “the ongoing, evolving, and accelerating public health threat imposed by COVID-19 requires additional proactive action by the [State] and the implementation, extension, or modification of additional extraordinary measures to cope with the existing or anticipated situation, to include mitigating the significant economic and other impacts and burdens on individuals, families and businesses,” while generally reopening public boat ramps or boat landings, as well as adjacent or associated public parking lots, for the purpose of launching and retrieving boats; and,

WHEREAS, on April 16, 2020, President Donald Trump issued guidelines entitled “Opening Up America Again,” describing criteria that state and local officials should satisfy before proceeding to a phased opening of the economy; and,

WHEREAS, on April 20, 2020, Governor McMaster issued an Executive Order (2020-28), reopening retail businesses previously determined to be non-essential including department stores, furniture stores, luggage stores, flower shops, book, craft and music shops subject to certain emergency rules and restrictions, including but not limited to an emergency maximum occupancy rate, social distancing practices, and compliance with certain sanitation guidelines and further ordered any local ordinance that conflicts with the Order is superseded; and,

WHEREAS, on April 22, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-052) to decrease the potential likelihood of exposure to COVID-19 in retail establishments opened by Governor McMaster’s Executive Order 2020-28; and,
WHEREAS, on April 27, 2020, Governor McMaster issued an Executive Order (2020-29) declaring a fourth (4th) State of Emergency in order to prepare for and respond to the ongoing and evolving public health threat posed by the COVID-19 pandemic, to mitigate the significant impacts associated with the same, and to extend certain Executive Orders related to the pandemic; and,

WHEREAS, on April 30, 2020, City Council passed a temporary emergency ordinance (Ordinance No. 2020-56) to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending the Design Review District Section 54-268.c to allow affordable housing developments to be approved by the Administrative Officer; and,

WHEREAS, on May 1, 2020, by Executive Order No. 2020-30, the Governor rescinded Executive Order Nos. 2020-14 and 2020-19 which had imposed mandatory self-quarantine and lodging and travel restrictions for individuals entering South Carolina from high-risk areas; and,

WHEREAS, on May 3, 2020, Governor McMaster issued an Executive Order (2020-31) modifying his home or work order to urge any and all residents and visitors of the State of South Carolina to limit social interaction, practice “social distancing” in accordance with CDC guidance, and take every possible precaution to avoid potential exposure to, and to slow the spread of, COVID-19, and further encourage residents and visitors of the State of South Carolina to limit their movements outside of their home, place of residence, or current place of abode; and to authorize restaurants to provide outdoor customer dining services in addition to previously authorized services for off-premises consumption; and,

WHEREAS, as of May 8, 2020, the total number of persons infected with COVID-19 in South Carolina was 7,367, with 320 deaths; including 481 cases in Charleston County with 9 deaths and 191 cases in Berkeley County with 14 deaths; and,

WHEREAS, on May 8, 2020, Governor McMaster issued an Executive Order (2020-34) which modified prior orders to authorize restaurants to provide services for limited indoor, on-premises customer dining, effective May 11, 2020, in addition to previously authorized services for off-premises consumption and outdoor customer dining; and,

WHEREAS, on May 12, 2020, Governor McMaster issued an Executive Order (2020-35) declaring an additional fifth (5th) State of Emergency in order to prepare for and respond to the ongoing and evolving public health threat posed by the COVID-19 pandemic, to mitigate the significant impacts associated with the same, and to extend certain Executive Orders related to the pandemic; and,

WHEREAS, on May 12, 2020, Mayor John J. Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until May 31, 2020; and,

WHEREAS, on May 12, 2020, City Council passed three temporary emergency ordinances that extended certain temporary emergency ordinances and repealed certain temporary emergency ordinances (Ordinance No. 2020-059); authorized outdoor dining on new and additional areas (Ordinance No. 2020-060); and urged citizens and tourists to stay at home (Ordinance No. 2020-061); and,
WHEREAS, on May 15, 2020, Governor McMaster issued an Executive Order (2020-36) authorizing certain businesses, venues, facilities, services, and activities, including fitness centers, barber shops, and hair salons, previously deemed “non-essential” and previously directed to close, to re-open for access and use by the public, effective May 18, 2020; and,

WHEREAS, on May 21, 2020, Governor McMaster issued an Executive Order (2020-37) allowing additional businesses, venues, facilities, services, and activities, including tourist attractions, indoor children’s play areas, and recreational and athletic facilities and activities, previously deemed “non-essential” and previously directed to close, to re-open for access and use by the public, effective May 22, 2020; and,

WHEREAS, on May 27, Governor McMaster issued an Executive Order (2020-38) declaring an additional sixth (6th) State of Emergency, extending the State of Emergency to control the spread of COVID-19 and lessen its impacts on portions of the State’s population; and,

WHEREAS, on May 28, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until June 30, 2020; and,

WHEREAS, on May 28, 2020, City Council passed an emergency ordinance extending certain emergency ordinances until June 30, 2020 (Ordinance No. 2020-068); and also amending the emergency ordinance on decreasing the risk of exposure to COVID-19 in retail businesses (Ordinance No. 2020-069) and replacing the stay at home ordinance with a new stay at home ordinance (Ordinance No. 2020-070); and,

WHEREAS, on June 11, 2020, Governor McMaster issued an Executive Order (2020-40) declaring an additional seventh (7th) state of emergency, extending the State of Emergency to authorize the continued use of extraordinary measure to meet the threat of COVID-19 and “the evolving nature and scope of this public health emergency....”; and further modifying prior orders relating to organized events or public gatherings on state or local government property and to retail stores required to follow certain emergency rules and restrictions; and further permitting previously deemed “non-essential” businesses operating as bowling alleys to re-open for access and use by the public; and,

WHEREAS, since the first state of emergency declared in our City on March 16, 2020, our citizens have made many sacrifices in their daily lives and it appears those efforts may have helped to flatten the curve in our city; and further, the emergency ordinances adopted by City Council in response to COVID-19 are aggressive steps that have significantly enhanced our efforts to mitigate the threat of exposure to COVID-19; and,

WHEREAS, despite these actions, new cases and deaths due to COVID-19 are continuing to occur in South Carolina, and medical and scientific information predicts that this public health crisis is expected to continue for some time; and,
WHEREAS, as of June 17, 2020, the total number of cases infected with COVID-19 in South Carolina is 19,990 with 607 deaths, including 1,230 cases in Charleston County with 16 deaths and 427 cases in Berkeley County with 19 deaths; and,

WHEREAS, on June 17, 2020, Governor McMaster issued an Executive Order (2020-40) declaring an additional seventh (7th) state of emergency; and,

WHEREAS, on June 25, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until July 15, 2020; and,

WHEREAS, on June 25, 2020, City Council passed an emergency ordinance (Ordinance No. 2020-083), temporarily suspending the accrual of the City’s business license late fees; an emergency ordinance (Ordinance No. 2020-084), requiring persons to wear face coverings in certain circumstances in the city of Charleston to reduce the risk of exposure to COVID-19 during the public health emergency and recovery; and an emergency ordinance (Ordinance No. 2020-082) extending certain emergency ordinances related to COVID-19, all of which will expire July 15, 2020; and,

WHEREAS, on June 26, 2020, Governor McMaster issued an Executive Order (2020-42) declaring a new state of emergency, which was the eighth (8th) state of emergency in our state; and,

WHEREAS, the number of cases of persons infected with COVID-19 in South Carolina continues to climb at a dramatic rate; the number of cases in South Carolina as of July 7, 2020 is 47,352 with 846 deaths, including 6,073 cases in Charleston County with 41 deaths and 1,703 cases in Berkeley County with 24 deaths; and,

WHEREAS, on July 11, 2020, the Governor issued Executive Order (2020-44) declaring the ninth (9th) state of emergency in South Carolina; and,

WHEREAS, on July 14, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until July 31, 2020 based on the continuing threat to our community from the risk of exposure to COVID-19; and,

WHEREAS, acting in response to the continuing threat to public health and safety from COVID-19, City Council passed an emergency ordinance (Ordinance No. 2020-085) extending certain ordinances related to COVID-19 to July 31, 2020, and further amending the previously passed emergency ordinance on face coverings by clarifying the scope of the face covering requirements, limiting indoor occupancy for bars and restaurants, and prohibiting amplified music in bars and restaurants after 9:00 p.m. (Ordinance No. 2020-086); and,

WHEREAS, as of July 21, 2020, the number of cases of persons infected with COVID-19 in South Carolina continues to climb at a staggering rate; with 73,337 cases reported in the state with 1,221 deaths, including 9,785 cases in Charleston County with 103 deaths and 3,092 cases in Berkeley County with 37 deaths; and,
WHEREAS, on July 28, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until August 20, 2020 based on the continuing threat to our community from the risk of exposure to COVID-19; and,

WHEREAS, on August 10, 2020, the Governor issued Executive Order (2020-53) declaring the eleventh (11th) state of emergency in South Carolina; and,

WHEREAS, as of August 11, 2020, DHEC identified at least 101,000 confirmed cases of COVID-19 in South Carolina, including 2,049 deaths due to COVID-19; this includes 12,377 confirmed cases in Charleston County with 196 deaths and 4,186 confirmed cases in Berkeley County with 67 deaths; and,

WHEREAS, as of August 18, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until September 25, 2020 based on the continuing threat of COVID-19 to the community and City Council took steps to continue various emergency ordinances in response to COVID-19 (Ordinance No. 2020-099 and 2020-100); and,

WHEREAS, on August 25, 2020 and September 9, 2020, the Governor issued Executive Orders 2020-56 and 2020-59, respectively, declaring the 12th and 13th state of emergency in South Carolina; and,

WHEREAS, as of September 14, 2020, DHEC identified at least 132,680 confirmed cases of COVID-19 in South Carolina, including 3,077 deaths; this includes 15,167 confirmed cases in Charleston County with 253 deaths and 5,203 confirmed cases in Berkeley County with 87 deaths; and,

WHEREAS, as of November 15, 2020, DHEC reported that there were at least 184,360 confirmed cases of COVID-19 in South Carolina, including 3,846 deaths and the positivity rate is 15.4% of individual test results; this includes 18,571 confirmed cases in Charleston County with 288 deaths and 6,693 confirmed cases in Berkeley County with 98 deaths; and,

WHEREAS, as of January 2, 2021, DHEC reported that there were at least 325,472 confirmed and probable cases of COVID-19 in South Carolina, including 5,484 deaths and the positivity rate is 15.9% of individual test results; this includes 25,041 confirmed and probable cases in Charleston County with 323 deaths and 9,533 confirmed and probable cases in Berkeley County with 113 deaths; and,

WHEREAS, until the threats posed by COVID-19 to persons, to businesses, and to the public health, safety and welfare of this city are neutralized, emergency conditions exist which require our taking steps to continue to minimize the risk of exposure in public, limit the spread of infection in the community, and limit the burdens on the health care delivery system; and,

WHEREAS, the City is authorized to undertake and coordinate all necessary and reasonable activities for this emergency response, to take all appropriate actions required to alleviate the effects of the coronavirus disaster emergency, including action following the
guidelines of the CDC and the DHEC, to and in the aid of essential public services, and to take any other lawful emergency response or action deemed necessary to protect the public health, safety, and welfare of the City of Charleston; and,

WHEREAS, City Council continues to take steps to address the continuing threat to our community from the risk of exposure to COVID-19 by ratifying various emergency ordinances.

NOW, THEREFORE, I John J. Tecklenburg, Mayor and Chief Executive Officer of the City of Charleston, South Carolina in consultation with and the agreement of the City Council of Charleston, in furtherance of the public health, safety and welfare and based on evolving medical and scientific information do hereby declare effective immediately that the local state of emergency shall continue until March 12, 2021. I further state that I will evaluate the continuing need for this declaration prior to its expiration.

Ratified in City Council this _____ day of _____________ in the Year of Our Lord, 2021, and in the ____th Year of the Independence of the United States of America.

By: ____________________________
    John J. Tecklenburg
    Mayor, City of Charleston

ATTEST: __________________________
    Jennifer Cook
    Clerk of Council
EMERGENCY ORDINANCE
EXTENDING CERTAIN EMERGENCY ORDINANCES
RELATED TO COVID-19

Section 1. Findings. City Council does hereby make the following findings:

WHEREAS, on March 16, 2020, Mayor John J. Tecklenburg declared a local state of
emergency in the City of Charleston based on a determination that in furtherance of public health
and safety that the City take all necessary steps to protect the citizens from increased risk of
exposure to COVID-19; and,

WHEREAS, on March 16, 2020, City Council ratified a temporary emergency ordinance
(Ordinance No. 2020-038) to prohibit consumer price gouging on all commodities in the City of
Charleston with limited exceptions; and,

WHEREAS, on March 16, 2020, City Council ratified a temporary emergency ordinance
(Ordinance No. 2020-039) to prohibit gatherings of 50 people or more; amend on March 19, 2020,
by temporary emergency ordinance, Ordinance No. 2020-39(a), reducing the size of public
gatherings to less than 10 people; and,

WHEREAS, on March 16, 2020, City Council ratified a temporary emergency ordinance
(Ordinance No. 2020-040) suspending the requirements of Section 2-23(f) of the Code of the City
of Charleston requiring the physical presence of Councilmembers at City Council meetings and
committee meetings to permit participation by video conferencing or other virtual means to slow
the spread of COVID-19; and,

WHEREAS, on March 20, 2020, City Council ratified a temporary emergency ordinance
(Ordinance No. 2020-041) to temporarily suspend the accrual of the City’s business license
penalties for sixty days, to suspend enforcement of the City’s plastic bag ban for sixty days, and
to suspend the City’s chauffeur’s license renewal requirements issued between March 18, 2019 and
April 1, 2019 for an additional sixty days; and,

WHEREAS, on March 24, 2020, City Council ratified a temporary emergency ordinance,
“Stay at Home Ordinance” (Ordinance No. 2020-042) requiring individuals to stay in their homes
and not travel or congregate in the streets of Charleston except for purposes of working at or
conducting business with an essential business or engaging in individual outdoor recreational
activities; and,
WHEREAS, on March 26, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-046), amending the Consolidated Plan for reallocation of CDBG funds to provide funding for public services and temporary living quarters to persons who are homeless or vulnerable due to COVID-19; and,

WHEREAS, on March 27, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-047), extending the due date for filing and remittance of hospitality taxes for February and March to May 13, 2020; and,

WHEREAS, on April 1, 2020, City Council repealed Stay at Home Ordinance No. 2020-042 and ratified a second Stay at Home Ordinance (Ordinance No. 2020-048) which included provisions contained in Governor McMaster’s Executive Orders regarding dispersing of crowds (Ex. Order 2020-13); quarantining of individuals from New York, New Jersey, and Connecticut (Ex. Order 2020-14); closing of beaches and boat landings (Ex. Order 2020-16); and closing of non-essential businesses (Ex. Order 2020-17); and,

WHEREAS, on April 6, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-049) to provide for temporary procedures for public hearings; and,

WHEREAS, on April 16, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-051) to prohibit open burning; and,

WHEREAS, on April 22, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-052) on decreasing the risk of exposure to COVID-19 in retail businesses; and,

WHEREAS, on April 30, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-056) to amend Chapter 54 of the Code of the City of Charleston (zoning ordinance) by amending design review district section 54-268.c to allow affordable housing developments to be approved by the administrative officer; and,

WHEREAS, on May 12, 2020, City Council readopted five of the temporary emergency ordinances, such ordinances which are now set to expire on May 31, 2020 (Ordinance No. 2020-59); and,

WHEREAS, on May 12, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-060) to authorize the use of new or additional space for outdoor dining, and a temporary emergency ordinance (Ordinance No. 2020-061) urging, among other matters, for residents and visitors to stay in their homes, such ordinance to expire on May 31, 2020; and,

WHEREAS, on May 27, Governor McMaster issued an Executive Order (2020-38) declaring an additional sixth (6th) State of Emergency, extending the State of Emergency to control the spread of COVID-19 and lessen its impacts on portions of the State’s population; and,
WHEREAS, on May 28, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until June 30, 2020; and,

WHEREAS, on May 28, 2020, City Council passed an emergency ordinance extending certain emergency ordinances until June 30, 2020 (Ordinance No. 2020-068); and also amending the emergency ordinance on decreasing the risk of exposure to COVID-19 in retail businesses (Ordinance No. 2020-069) and replacing the stay at home ordinance with a new stay at home ordinance (Ordinance No. 2020-070); and,

WHEREAS, on June 11, 2020, Governor McMaster issued an Executive Order (2020-40) declaring an additional seventh (7th) state of emergency, extending the State of Emergency to authorize the continued use of extraordinary measure to meet the threat of COVID-19 and “the evolving nature and scope of this public health emergency….”; and further modifying prior orders relating to organized events or public gatherings on state or local government property and to retail stores required to follow certain emergency rules and restrictions; and further permitting previously deemed “non-essential” businesses operating as bowling alleys to re-open for access and use by the public; and,

WHEREAS, as of June 17, 2020, the total number of cases infected with COVID-19 in South Carolina was 19,990 with 607 deaths, including 1,230 cases in Charleston County with 16 deaths and 427 cases in Berkeley County with 19 deaths; and,

WHEREAS, on June 25, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until July 15, 2020; and,

WHEREAS, on June 25, 2020, City Council passed an emergency ordinance (Ordinance No. 2020-083), temporarily suspending the accrual of the City’s business license late fees; an emergency ordinance (Ordinance No. 2020-084), requiring persons to wear face coverings in certain circumstances in the city of Charleston to reduce the risk of exposure to COVID-19 during the public health emergency and recovery; and, an emergency ordinance (Ordinance No. 2020-086) extending certain emergency ordinances related to COVID-19; and,

WHEREAS, on June 26, 2020, Governor McMaster issued an Executive Order (2020-42) declaring a new state of emergency, which was the eighth (8th) state of emergency in our state; and,

WHEREAS, the number of cases of persons infected with COVID-19 in South Carolina continues to climb at a dramatic rate; the number of cases in South Carolina as of July 7, 2020 is 47,214 with 838 deaths, including 6,072 cases in Charleston County with 41 deaths and 1,703 cases in Berkeley County with 24 deaths; and,

WHEREAS, on July 11, 2020, the Governor issued Executive Order (2020-44) declaring the ninth (9th) state of emergency in South Carolina; and,
WHEREAS, on July 14, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until July 31, 2020 based on the continuing threat to our community from the risk of exposure to COVID-19; and,

WHEREAS, acting in response to the continuing threat to public health and safety from COVID-19, City Council passed an emergency ordinance (Ordinance No. 2020-085) extending certain ordinances related to COVID-19 to July 31, 2020, and further amending the previously passed emergency ordinance on face coverings by clarifying the scope of the face covering requirements, limiting indoor occupancy for bars and restaurants, and prohibiting amplified music in bars and restaurants after 9:00 p.m. (Ordinance No. 2020-086); and,

WHEREAS, as of July 21, 2020, the number of cases of persons infected with COVID-19 in South Carolina continues to climb at a staggering rate; with 73,337 cases reported in the state with 1,221 deaths, including 9,785 cases in Charleston County with 103 deaths and 3,092 cases in Berkeley County with 37 deaths; and,

WHEREAS, acting in response to the continuing threat to public health and safety from COVID-19, City Council passed an emergency ordinance (Ordinance No. 2020-085) extending certain ordinances related to COVID-19 to July 31, 2020, and further amending the previously passed emergency ordinance on face coverings by clarifying the scope of the face covering requirements, limiting indoor occupancy for bars and restaurants, and prohibiting amplified music in bars and restaurants after 9:00 p.m. (Ordinance No. 2020-086); and,

WHEREAS, as of July 21, 2020, the number of cases of persons infected with COVID-19 in South Carolina continues to climb at a staggering rate; with 73,337 cases reported in the state with 1,221 deaths, including 9,785 cases in Charleston County with 103 deaths and 3,092 cases in Berkeley County with 37 deaths; and,

WHEREAS, on July 28, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until August 20, 2020 based on the continuing threat to our community from the risk of exposure to COVID-19 and City Council passed an emergency ordinance extending certain ordinances related to COVID-19 to August 20, 2020 (Ordinance No. 2020-090), and amending the face covering ordinance (Ordinance No. 2020-91); and,

WHEREAS, on August 10, 2020, the Governor issued Executive Order (2020-53) declaring the eleventh (11th) state of emergency in South Carolina; and,

WHEREAS, as of August 11, 2020, DHEC identified at least 101,000 confirmed cases of COVID-19 in South Carolina, including 2,049 deaths due to COVID-19; this includes 12,377 confirmed cases in Charleston County with 196 deaths and 4,186 confirmed cases in Berkeley County with 67 deaths; and,

WHEREAS, as of August 18, 2020, Mayor Tecklenburg issued a declaration continuing the local state of emergency in the City of Charleston until September 25, 2020 based on the continuing threat of COVID-19 to the community and City Council took steps to continue
various emergency ordinances in response to COVID-19 (Ordinance Nos. 2020-099 and 2020-100); and,

WHEREAS, on August 25, 2020 and September 9, 2020, the Governor issued Executive Orders 2020-56 and 2020-59, respectively, declaring the 12th and 13th state of emergency in South Carolina; and,

WHEREAS, as of September 14, 2020, DHEC identified at least 132,680 confirmed cases of COVID-19 in South Carolina, including 3,077 deaths; this includes 15,167 confirmed cases in Charleston County with 253 deaths and 5,203 confirmed cases in Berkeley County with 87 deaths; and,

WHEREAS, on September 22, 2020, in response to the continuing public health emergency, Mayor W. T. Temke issued a declaration continuing the local state of emergency in the city and City Council approved amendments to the City’s Emergency Ordinance No. 2020-100 to prohibit amplified music in bars and restaurants after 11 pm and also extended certain emergency ordinances related to addressing COVID-19 and its impacts on the community (Ordinance Nos. 2020-129 and 2020-130); and,

WHEREAS, on September 24, 2020 and October 9, 2020, the Governor issued Executive Orders 2020-62 and 2020-65, respectively, declaring the 14th and 15th state of emergency in the state; and,

WHEREAS, on October 13, 2020, City Council amended Emergency Ordinance No. 2020-100 to incorporate the restrictions and conditions on bars and restaurant operations set forth in Governor McMaster’s Executive Order No. 2020-63 (Ordinance No. 2020-134) and extended Emergency Ordinance No. 2020-60 related to continuing outdoor dining areas and sidewalk dining by temporarily superseding and replacing conflicting provisions of the City’s zoning ordinances or regulations; and,

WHEREAS, as of October 19, 2020, DHEC identified at least 134,135 confirmed cases of COVID-19 in South Carolina, including 3,650 deaths; this includes 16,628 confirmed cases in Charleston County with 271 deaths and 5,815 confirmed cases in Berkeley County with 93 deaths; and,

WHEREAS, as of November 15, 2020, DHEC reported that there were at least 184,360 confirmed cases of COVID-19 in South Carolina, including 3,846 deaths and the positivity rate is 15.4% of individual test results; this includes 18,571 confirmed cases in Charleston County with 288 deaths and 6,693 confirmed cases in Berkeley County with 98 deaths; and,

WHEREAS, as of January 2, 2021, DHEC reported that there were at least 325,472 confirmed and probable cases of COVID-19 in South Carolina, including 5,484 deaths and the positivity rate is 15.9% of individual test results; this includes 25,041 confirmed and probable cases in Charleston County with 323 deaths and 9,533 confirmed and probable cases in Berkeley County with 113 deaths; and,
WHEREAS, based on the continuing nature of the pandemic and the need for City Council to respond with flexibility to the public health emergency as it evolves, it is necessary to extend certain temporary emergency ordinances, now set to expire.

Section 2. The following temporary emergency ordinances are ratified and shall expire on March 12, 2021 unless terminated or replaced by the issuance of another temporary emergency or permanent ordinance on the same matter prior to the expiration date:

2020-038 - Emergency Ordinance prohibiting consumer price gauging.
2020-040 - Emergency Ordinance suspending the requirement of physical presence of councilmembers at Council meetings/permitting telephone/virtual attendance.
2020-049 - Emergency Ordinance regarding temporary procedures for public hearings.
2020-056 - Emergency Ordinance on allowing affordable housing units to be approved by the Administrative Officer.
2020-069 - Emergency Order on Decreasing Risk of Exposure to COVID-19 in Retail Businesses.
2020-092 - Emergency Order requiring parade permit for 25 or more persons.
2020-134 - Emergency Ordinance regarding face coverings or masks in public places, restrictions and conditions on operations of restaurants and bars, and no amplified music in bars and restaurants after 11 pm.
2020-135 - Emergency Ordinance regarding expanding outdoor dining areas and sidewalk dining.

Section 3. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of __________, in the Year of Our Lord, 2021, and in the ____th Year of the Independence of the United States of America.

By: ________________________________
John J. Tecklenburg
Mayor, City of Charleston

ATTEST: ________________________________
Jennifer Cook
Clerk of Council
RESOLUTION CONDEMNING
WHITE NATIONALISM, WHITE SUPREMACY,
NEO-NAZISM, AND ANY OTHER GROUPS AND INDIVIDUALS WHO
SEEK TO DIVIDE OUR COMMUNITY AND INCITE HATRED

WHEREAS, the City of Charleston has historically struggled with challenging issues of race, equality, and prejudice because of the failure to recognize that all of our citizens have a right to equal access and opportunity; and,

WHEREAS, as a City Council, we have attempted to acknowledge and confront these issues by, among other ways, adopting a resolution apologizing for the City’s role in the institution of slavery; engaging in an independent audit examining racial practices of our police department; addressing affordable housing needs; charging a commission to commemorate the City’s 350th history while honestly examining its past; removing the John C. Calhoun statue; and authorizing a commission to review past and present City practices and to recommend structural changes correcting such actions to reverse vestiges of Jim Crow era policies; and,

WHEREAS, while there is more to be done, we are making progress toward securing social justice for all of our citizens, even as our city struggles with the challenges to our health and safety and the economy from the pandemic and the social unrest that occurred earlier this year; and,

WHEREAS, recently there has arisen in the United States a growing number of groups known as white nationalists, white supremacists, neo-nazis, and other hate groups who threaten our democracy and social justice by seeking to reignite social animosities, reverse improvements in race relations, divide our community, and incite hatred; and.

WHEREAS, City Council rejects and condemns all such hate groups and individuals whose ideologies are based on hate, violence, divisiveness, and intolerance; and.
WHEREAS, as members of City Council we took to an oath “.... to preserve the peace and carry into effect according to law, the purposes for which...” we have been elected. Our collective responsibilities include promoting the peace and prosperity of our community, exercising good judgement and promoting good will, and seeking to ensure the prosperity of all of our citizens and respect for one another’s diversity; and,

WHEREAS, we are committed to promoting a community that is unified, where people of different races, religions and ethnic backgrounds resolve together to overcome the challenges of its past and become stronger and more inclusive.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF CHARLESTON, IN CITY COUNCIL ASSEMBLED THAT white nationalists, white supremacists, neo-nazis, and any other hate groups and individuals whose ideologies are based on hate, violence, discord and intolerance are rejected and condemned, and while such groups and individuals may be present in our community, they will not interfere with City Council’s efforts to address, engage and lead the citizens of the City of Charleston on issues related to racial diversity, equity and inclusion and to promote a deeper shared understanding of our community that is more inclusive.

RESOLVED this _____ day of January 2021, in City Council Chambers.

__________________________________________________________
John J. Tecklenburg,
Mayor

ATTEST:

__________________________________________________________
Jennifer Cook,
Interim Clerk of Council
AN ORDINANCE

AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF THE CITY OF CHARLESTON, BY AMENDING FLOOD HAZARD PREVENTION AND CONTROL REQUIREMENTS IN SECTION 27-117, TO PROVIDE CLARIFICATION ON THE ONE-FOOT FREEBOARD REQUIREMENT FOR SUBSTANTIAL IMPROVEMENT OF RESIDENTIAL STRUCTURES.

BE IT ORDAINED BY THE MAYOR AND COUNCIL MEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 27-117(1) of the Code of the City of Charleston, is hereby amended by adding a new sentence as shown by the language in bold, underlined text as follows:

“(1) Residential construction. New construction shall have the lowest floor, including basement, or the applicable structural member elevated at least two (2) feet above the level of base flood elevation prescribed for that zone. Substantial improvement of any residential structure shall have the lowest floor, including basement, or the applicable structural member elevated at least one (1) foot above the level of the base flood elevation prescribed for that zone.”

Section 2. This ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of _______ in the Year of Our Lord, 20__, and in the ___ Year of the Independence of the United States of America.

______________________________
John J. Tecklenburg, Mayor

ATTEST:

______________________________
Jennifer Cook,
Interim Clerk of Council
AN ORDINANCE

TO AMEND SEC. 2-23(b) OF THE CODE OF THE CITY OF CHARLESTON TO PROVIDE FOR KEEPING SUMMARY MINUTES AND VIDEO RECORDINGS OF ITS PROCEEDINGS.

WHEREAS, Section 5-7-250 of the South Carolina Code requires municipal councils to keep minutes of its proceedings; and,

WHEREAS, state law requires minutes must contain a summary of the meeting’s proceedings and provide sufficient detail of decisions made, with information on discussions surrounding those decisions, as set forth in Section 30-4-90 of the South Carolina Code; and,

WHEREAS, state law does not require verbatim minutes be maintained of City Council proceedings; and,

WHEREAS, Section 2-23 of the Code of the City of Charleston states that Council shall provide for keeping minutes of its proceedings which shall be a public record; and,

WHEREAS, with advances in technology, the meetings of City Council are video recorded and available to the public to view in their entirety; and,

WHEREAS, maintaining summary minutes in the manner required by Section 30-4-90 of the South Carolina Code, rather than verbatim minutes, and also by video recording its proceedings, the City will be in compliance with state law, and the Office of the Clerk of Council will have the capability to redistribute its workload as it continues to provide services and fulfill its responsibilities to City Council, City Departments, and the citizens of the city.
NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON IN CITY COUNCIL ASSEMBLED:

Section 1. Sec. 2-23(b) of the Code of the City of Charleston, as hereafter set forth, is amended by the underlined language and shall read as follows:

“Sec. 2-23. Meetings; rules and procedures for meetings; freedom of information; emergency ordinances.

(b) The council shall determine its own rules and order of business and shall provide for keeping summary minutes of its proceedings in compliance with Section 30-4-90 of the South Carolina Code and for video recording its proceedings which shall be a public record.”

Section 2. This ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of ________ in the Year of Our Lord, 2021, and in the ___th Year of the Independence of the United States of America.

By: ____________________________
John J. Tecklenburg
Mayor, City of Charleston

ATTEST: ________________________
Jennifer Cook
Interim Clerk of Council