CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Mitchell

C. Pledge of Allegiance

D. Presentations and Recognitions

1. Proclamation recognizing Myalgic Encephalomyelitis/Chronic Fatigue Syndrome Awareness (Requested by Councilwoman Marie Delcioppo)

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, February 23rd:

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/.

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

1. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that a portion of Lot 1A Theresa Dr (James Island) (approximately 0.40 acre) (TMS# 424-10-00-081) (Council District 6), be rezoned from Single- and Two-Family Residential (STR) classification to Diverse Residential (DR-1) classification. The property is owned by Theresa Drive Development, LLC.

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 1508 Evergreen St (West Ashley) (approximately 0.21 acre) (TMS# 350-07-00-054) (Council District 7), be rezoned from Single-Family Residential (SR-2) classification to Diverse Residential (DR-1F) classification. The property is owned by Justin Westbrook.
3. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that a portion of 214 & 216 Spring St (Peninsula) (approximately 0.33 acre) (TMS #460-11-01-017) (Council District 3), be rezoned from 5 Story Old City Height District classification to 6 Story Old City Height District classification. The property is owned by 214-216 Spring St Development, LLC.

4. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that a portion of 214 & 216 Spring St (Peninsula) (approximately 0.025 acre) (TMS #460-11-01-017) (Council District 3), be rezoned from 2.5 Story Old City Height District Classification to 3 Story Old City Height District classification. The property is owned by 214-216 Spring St Development, LLC.

5. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 1946 Boeing Avenue (West Ashley) (approximately 0.25 acre) (TMS #350-13-00-028) (Council District 3), annexed into the City of Charleston January 26, 2021 (#2021-009), be zoned Single-Family Residential (SR-1) classification. The property is owned by James Fitzgerald and Amanda L Rhoden.

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:

1. January 26, 2021
2. February 9, 2021

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, February 23rd:

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, February 23rd at 12:00 p.m.

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

I. Petitions and Communications:

1. Appointment of Robert Summerfield as the Director of Planning, Preservation and Sustainability

2. Appointments and Reappointments for Boards and Commissions:

   (i) Bicycle and Pedestrian Advisory Committee:
Katie Zimmerman – Reappointment

Fatima Sakarya – Reappointment

(ii) Church Creek Stormwater Drainage Basin Authority:

Nick Murray – Experienced Public Relations Delegate – Appointment

3. Request approval of a proposed settlement agreement between the City and 96 President St., LLC, arising out of Case No. 2020-CP-10-00044; proposed settlement to resolve the appeal of approval of conceptual plan without sixth floor by the City’s Board of Architectural Review-Large.

4. Stormwater Management Project Highlight Presentation (Low Battery) – Matt Fountain, Director of Stormwater Management

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

J. Council Communications:

(i) Discussion regarding unified development ordinance (Requested by Councilmember Karl Brady)

(ii) Discussion regarding designation of Cooper River TIF funds as it relates to drainage, affordable housing, and the Lowcountry LowLine (Requested by Councilmember Keith Waring)

(iii) Discussion of outside counsel in Charleston School of Law transaction (Requested by Councilmember Keith Waring)

K. Council Committee Reports:

1. Committee on Traffic and Transportation: (Meeting was held Monday, February 22, 2021 at 2:00 p.m.)

   a. Application for Original Certificate of Public Convenience and Necessity for Approval - Red Carpet Limousine Services, LLC (Limo)

   b. Folly & Formosa Financial Agreement

   c. Hwy 61 Traffic Response System Activation (Information Only)

   d. Traffic Calming Update and Approvals

   d. Director’s Update

2. Committee on Public Works and Utilities: (Meeting was held Monday, February 22, 2021 at 3:30 p.m.)
a. Request to set a public hearing:

A Resolution to set a public hearing to close and abandon a portion of Floyd Drive, as shown on the attached survey.

b. Stormwater Management Department Updates:

(i) 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 Johns Island and Church Creek Water Systems within the City of Charleston Corporate Limits (Requested by Councilmember Harry Griffin)

(ii) Discussion of process for Council Update on Stormwater Design Standards Manual

(iii) Review of Current Drainage Project Funding Allocations (Requested by Councilmember Keith Waring)

(iv) 2021 Small Project Allocations

c. Update on proposed revisions to Underground District Ordinance from Undergrounding Advisory Committee

3. Committee on Public Safety: (Meeting was held Tuesday, February 23, 2021 at 1:30 p.m.)

- Presentation of After Action Report

4. Committee on Ways and Means:

(Bids and Purchases

(Parks-Capital Projects: Approval of International African American Museum Professional Services Contract Fee Amendment #8 with Moody Nolan, Inc. in the amount of $212,340 for additional design services requested by the IAAM that affect the base building design and exhibitory changes. Funding for this item will be coming from the IAAM. Approval of Fee Amendment #8 will increase the professional services contract by $212,340 (from $11,237,677 to $11,450,017). Funding sources for this project are: Accommodations Tax ($13,200,000), Charleston County Accommodations Tax ($12,500,000), State Funding ($14,000,000), IAAM Contributions ($53,000,000).

(Parks-Capital Projects: Approval of International African American Museum GMP Change Order #7 with Turner Construction Company in the amount of $103,721 for the Exhibitory Track Light Fixture Reconciliation. The track head lighting was removed from the GMP during value engineering and the IAAM has requested they be added back into the GMP. This will be funded from the Master Project Contingency. Approval of Change Order #7 will increase the Guarantee Maximum Price (GMP) Contract by $103,721 (from $58,892,872 to $59,225,743). Funding sources for this project are: Accommodations Tax ($13,200,000), Charleston...
County Accommodations Tax ($12,500,000), State Funding ($14,000,000), IAAM Contributions ($53,000,000).

(Parks-Capital Projects: Approval of International African American Museum GMP Change Order #8 with Turner Construction Company in the amount of $247,815 for the cost of installing new electrical conduit and conductors from the new transformer to the Concord St. Pump Station. This will be funded from Master Project Contingency. Approval to Change Order #8 will increase the Guarantee Maximum Price (GMP) Contract by $247,815 (from $59,225,743 to $59,473,558). Funding sources for this project are: Accommodations Tax ($13,200,000), Charleston County Accommodations Tax ($12,500,000), State Funding ($14,000,000), IAAM Contributions ($53,000,000).

(Traffic and Transportation: Approval of a Financial Participation Agreement between the South Carolina Department of Transportation (SCDOT) and the City of Charleston for the intersection project/systems upgrade at SC 171 (Folly Road) and S-931 (Yeamans Road) and Formosa Drive in the amount of $150,681.

(Request approval for the Mayor to execute the attached Easement between the City of Charleston and Dominion Energy South Carolina, Inc., whereby the City grants to Dominion a right of way as shown on the attached drawing in order to relocate overhead electric lines to underground lines. The property is owned by the City of Charleston. [Stoney Field (Fishburne St. and Hagood Ave.) TMS: 460-00-00-007]

(Ordinance)

(An ordinance authorizing the Mayor to execute on behalf of the City a Quit Claim Deed and any other necessary documents, approved as to form by the Office of Corporation Counsel, toQuit Claim a portion of Floyd Drive, as shown on the attached survey to the record owner(s) of Charleston County TMS # 301-00-00-795, subject to any and all easements and utilities and further subject to the conditions set forth herein.

(Consideration of Memorandum of Understanding and Limited License Agreement between Medical University Hospital Authority and City of Charleston for use of a portion of 180 Lockwood Drive building to accommodate a COVID-19 vaccination site (To be sent under separate cover by the Legal Department)

(Executive Session in accordance with Section 30-4-70(a)(2) to receive legal advice regarding the Charleston School of Law transaction. (Discussion will be deferred to the Ways and Means Committee.)

(Legal Department: Executive Session in accordance with Section 30-4-70(a)(2) to receive legal advice regarding the Charleston School of Law transaction.

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

An ordinance authorizing the Mayor to execute on behalf of the City an Electrical Easement, approved as to form by the Office of Corporation Counsel, to Dominion Energy South Carolina, Inc., encumbering a portion of the City’s real property designated as Charleston County TMS No. 460-00-00-007, within the right of way shown on drawing C-83916, to permit installation of transformer, related undergrounding and maintenance upon such property.

An ordinance authorizing the Mayor to execute on behalf of the City a Quit Claim Deed and any other necessary documents, approved as to form by the Office of Corporation Counsel.
Counsel, to Quit Claim a portion of Floyd Drive, as shown on the attached survey to the record owner(s) of Charleston County TMS # 301-00-00-795, subject to any and all easements and utilities and further subject to the conditions set forth herein.

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 provide for the annexation of property known as 2181 Wappoo Hall Road (0.37 acre) (TMS# 343-01-00-032), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Hurley Living Trust. (Received first reading on January 26, 2021)

2. An ordinance authorizing the Mayor to execute, on behalf of the City of Charleston ("City") that certain governmental real estate lease to Medical University of South Carolina ("Tenant"), for 1,143 parking spaces and a covered bus shelter located at the southwest corner of Fishburne Street and Hagood Avenue, known as the Fishburne Ballpark Parking Lot.

3. An ordinance authorizing the Mayor to execute, on behalf of the City of Charleston ("City") that certain Option to Lease to Lowline Housing, LP, Inc. ("Tenant") the City’s real property, containing 0.708 acres, more or less, and designated as Charleston County TMS No. 460-04-04-118, under which the Tenant will develop a minimum of 55 affordable residential rental units.

4. An ordinance to provide for the annexation of property known as 2182 Parkway Drive (0.20 acre) (TMS# 343-01-00-144), James Island, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 11. The property is owned by Peter Deen and Leigh Mendelsohn Wey.

5. An ordinance to amend Chapter 2, Article IV, Boards and Commissions to create a new Division Twelve (12) to be titled as “City of Charleston's Army Corps of Engineers 3x3 Flood Protection Study Citizen and Business Advisory Committee” and known as the Army Corps 3x3 Advisory Committee. (AS AMENDED)

6. An ordinance to provide for the annexation of property known as 3486 Maybank Highway (9.62 acre) (TMS# 279-00-00-055), 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 St. Johns Center, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

7. 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. (DEFERRED)

8. 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)
9. 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)

10. 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)

11. 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) (Expires March 24, 2021)

12. 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)

13. 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 Division 1 of Article II (City Council) of Chapter 2 (Administration) of the Code of the City of Charleston by adding a new Sec. 2-29 (Code of Conduct), applicable to members of City Council. (Recommendation to send to City Council by the Code of Conduct Ad Hoc Committee which met on Wednesday, February 17, 2021)

N. Miscellaneous Business:

1. The next regular meeting of City Council will be Tuesday, March 9, 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.
WHEREAS; Myalgic Encephalomyelitis (ME), also known as Chronic Fatigue Syndrome (CFS), is a severe neuroimmune disease characterized by overwhelming exhaustion, cognitive problems, pain, post-exertional malaise, immune disorders, headaches, cardiac symptoms, orthostatic intolerance, dizziness and balance problems, which leave one-quarter of ME/CFS patients housebound or bedridden for years or a lifetime, and as many as three-quarters unable to work or attend school; and

WHEREAS; because more attention in medical research and clinical institutions and additional funding is needed, ME/CFS patients often struggle to access appropriate medical care and rarely recover due to delayed diagnosis and lack of treatments, resulting in loss of hope and stigmatization, as well as higher rates of suicide; and

WHEREAS; ME/CFS, which afflicts 17 to 20 million worldwide of all ages, races and socioeconomic groups, is four times more likely to occur in women than men, and incurs an estimated annual cost to our country of $18-24 billion per year in lost productivity and medical costs; and

WHEREAS; the virus that causes COVID–19 has infected more than 25 million Americans and caused more than 400,000 deaths. Subsets of COVID–19 patients have developed chronic symptoms strikingly similar to ME/CFS, including brain inflammation, and experts expect a significant increase in ME/CFS cases in the next two years following the COVID–19 pandemic; and

WHEREAS; ME/CFS Awareness Day was established to raise awareness about the disease, the need for research, appropriate medical care and funding, and to support individuals and their families living with ME; and

WHEREAS; increased awareness of ME/CFS should also help to facilitate better and more timely care, more accurate diagnosis and appropriate treatments, and alleviation of the stigma associated with the disease.

NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, do hereby proclaim May 2021 as:

ME/CFS AWARENESS MONTH

and May 12, 2021 as:

ME/CFS AWARENESS DAY

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 23rd day of February in the year of 2021.

John J. Tecklenburg, Mayor
PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, February 23, 2021 beginning at 5:00 p.m., via Conference Call # 1-928-205-6099, 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, February 23rd:

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

REZONINGS

1. To rezone a portion of lot 1A Theresa Drive (Bel Air - James Island) (Approx. 0.40 acre) (TMS # 484-10-06-031) from Single- and Two-Family Residential (SR-1) to Single-Family Residential (SR-1).

2. To rezone 1908 Evergreen Street (Arlincro/Sherwood Forest - West Ashley) (Approx. 0.21 acre) (TMS # 350-07-00-001) from Single-Family Residential (SR-2) to Townhouse Residential (SR-1).

3. To rezone the portion of 214 & 216 Spring Street (Westside - Peninsula) (Approx. 0.33 acre) (TMS # 490-11-01-017) zoned Mixed-Use/Workforce Housing (MU-2/W) from Old City Height District 5 classification to Old City Height District 6 classification.

4. To rezone the portion of 214 & 216 Spring Street (Westside - Peninsula) (Approx. 0.25 acre) (TMS # 490-11-01-017) zoned Mixed-Use/Workforce Housing (MU-2/W) from Old City Height District 5 classification to Old City Height District 6 classification.

ZONING

1. 1946 Boeing Avenue (Air Harbor - West Ashley) (Approx. 0.25 acre) (TMS # 350-10-00-028) from Single-Family Residential (SR-1).

JENNIFER COOK
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) 577-1369 or email schumacherj@charleston-sc.gov three business days prior to the meeting.

C20-1921762-1
# City of Charleston Planning Commission

## Meeting of January 20, 2021

### Rezonings

1. A portion of lot 1A Theresa Dr (Bel Air – James Island) TMS # 4241000081 – approx. 0.40 ac. Request rezoning from Single- and Two-Family Residential (STR) to Diverse Residential (DR-1).

   **Motion: APPROVAL (9-0)**

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2. 1508 Evergreen St (Ardmore/Sherwood Forest – West Ashley) TMS # 3500700054 – approx. 0.21 ac. Request rezoning from Single-Family Residential (SR-2) to Diverse Residential (DR-1F).

   **Motion: APPROVAL (9-0)**

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3. A portion of 214 & 216 Spring St (Westside – Peninsula) TMS # 4601101016 – approx. 0.33 acre. Request rezoning of the portion of subject property zoned Mixed-Use/Workforce Housing (MU-2/WH) from Old City Height District 5 classification to Old City Height District 6 classification.

   **Motion: APPROVAL (9-0)**

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SUBDIVISION


ZONING

1. 1946 Boeing Ave (Air Harbor - West Ashley) TMS # 3501300028 - approx. 0.25 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Motion: APPROVAL (9-0)  

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ELECTION OF CHAIR AND VICE-CHAIR

Commission selection of a chairperson and vice-chairperson to serve until January 2022.

Motion: RE-ELECT CHARLES KARISH AS CHAIRPERSON AND HARRY LESESNE AS VICE-CHAIRPERSON

1st: LEMPESEIS  2nd: JACOBS

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Meeting Voting Record Page 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 A PORTION OF LOT 1A THERESA DR (JAMES ISLAND) (APPROXIMATELY 0.40 ACRE) (TMS #424-10-00-081) (COUNCIL DISTRICT 6), BE REZONED FROM SINGLE- AND TWO-FAMILY RESIDENTIAL (STR) CLASSIFICATION TO DIVERSE RESIDENTIAL (DR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY THERESA DRIVE DEVELOPMENT, LLC.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from Single- and Two-Family Residential (STR) classification to Diverse Residential (DR-1) classification.

Section 2. The property to be rezoned is described as follows:

a portion of lot 1A Theresa Dr (James Island) (approximately 0.40 acre) (TMS #424-10-00-081)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of __________, in the Year of Our Lord __________, in the __________ Year of Independence of the United States of America.

By: John J. Tecklenburg
Mayor, City of Charleston

Attest: Jennifer Cook
Clerk of Council
REZONING 1

a portion of lot 1A Theresa Dr (James Island)

TMS # 4241000081 (a portion)

approx. 0.40 ac.

Request rezoning from Single- and Two-Family Residential (STR) to Diverse Residential (DR-1).

Owner: Theresa Drive Development, LLC
Applicant: SGA Narmour Wright Design
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1508 EVERGREEN ST (WEST ASHLEY) (APPROXIMATELY 0.21 ACRE) (TMS #350-07-00-054) (COUNCIL DISTRICT 7), BE REZONED FROM SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION TO DIVERSE RESIDENTIAL (DR-1F) CLASSIFICATION. THE PROPERTY IS OWNED BY JUSTIN WESTBROOK.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from Single-Family Residential (SR-2) classification to Diverse Residential (DR-1F) classification.

Section 2. The property to be rezoned is described as follows:
1508 Evergreen St (West Ashley) (approximately 0.21 acre) (TMS #350-07-00-054)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____day of
________________________ in the Year of Our Lord
________________________, in the________________ Year of Independence
of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council
REZONING 2
1508 Evergreen St (West Ashley)
TMS # 3500700054
approx. 0.21 ac.
Request rezoning from Single-Family Residential (SR-2) to Diverse Residential (DR-1F).
Owner: Justin Westbrook
Applicant: Benjamin Stein
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A PORTION OF 214 & 216 SPRING ST (PENINSULA) (APPROXIMATELY 0.33 ACRE) (TMS #460-11-01-017) (COUNCIL DISTRICT 3), BE REZONED FROM 5 STORY OLD CITY HEIGHT DISTRICT CLASSIFICATION TO 6 STORY OLD CITY HEIGHT DISTRICT CLASSIFICATION. THE PROPERTY IS OWNED BY 214-216 SPRING ST DEVELOPMENT, LLC.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from 5 Story Old City Height District classification to 6 Story Old City Height District classification.

Section 2. The property to be rezoned is described as follows:
a portion of 214 & 216 Spring St (Peninsula) (approximately 0.33 acre) (TMS #460-11-01-017)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _______ day of
________________, in the _______ Year of Our Lord
________________, in the _______ Year of Independence
of the United States of America.

By:

__________________________
John J. Tecklenburg
Mayor, City of Charleston

Attest:

__________________________
Jennifer Cook
Clerk of Council
REZONING 3

a portion of 214 & 216 Spring St (Peninsula)

TMS # 4601101017

approx. 0.33 ac.

Request rezoning of the portion of subject property zoned Mixed-Use/Workforce Housing (MU-2/WH) from Old City Height District 5 classification to Old City Height District 6 classification.

Owner & Applicant: 214-216 Spring St Development, LLC
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT A PORTION OF 214 & 216 SPRING ST (PENINSULA) (APPROXIMATELY 0.025 ACRE) (TMS #460-11-01-017) (COUNCIL DISTRICT 3), BE REZONED FROM 2.5 STORY OLD CITY HEIGHT DISTRICT CLASSIFICATION TO 3 STORY OLD CITY HEIGHT DISTRICT CLASSIFICATION. THE PROPERTY IS OWNED BY 214-216 SPRING ST DEVELOPMENT, LLC.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so as to rezone the property described in Section 2 hereof by changing the zoning designation from 2.5 Story Old City Height District classification to 3 Story Old City Height District classification.

Section 2. The property to be rezoned is described as follows:

a portion of 214 & 216 Spring St (Peninsula) (approximately 0.025 acre) (TMS #460-11-01-017)

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of
______________________, in the Year of Our Lord
______________________, in the _____ Year of Independence
of the United States of America.

By:

John J. Tecklenburg
Mayor, City of Charleston

Attest:

Jennifer Cook
Clerk of Council
REZONING 4

a portion of 214 & 216 Spring St (Peninsula)

TMS # 4601101017

approx. 0.025 ac.

Request rezoning of the portion of subject property zoned Mixed-Use/Workforce Housing (MU-2/WH) from Old City Height District 2.5 classification to Old City Height District 3 classification.

Owner & Applicant: 214-216 Spring St Development, LLC
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 1946 BOEING AVENUE (WEST ASHLEY) (APPROXIMATELY 0.25 ACRE) (TMS #350-13-00-028) (COUNCIL DISTRICT 3), ANNEXED INTO THE CITY OF CHARLESTON JANUARY 26, 2021 (#2021-009), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY JAMES FITZGERALD AND AMANDA L RHODEN.

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

Section 1. That the Zoning Ordinance of the City of Charleston be, and the same hereby is amended, by changing the zone map thereof so that the below described property shall become a part thereof:

1946 Boeing Avenue (West Ashley) (approximately 0.25 acre) (TMS #350-13-00-028)

Section 2. That the said parcel of land described above shall be zoned Single-Family Residential (SR-1) classification.

Section 3. This ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of ____________ in the Year of Our Lord ____________, in the _______ Year of Independence of the United States of America.

By:

______________________________
John J. Tecklenburg
Mayor, City of Charleston

Attest:

______________________________
Jennifer Cook
Clerk of Council
ZONING 1

1946 Boeing Ave (West Ashley)

TMS # 3501300028

approx. 0.25 ac.

Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.

Owner: James Fitzgerald and Amanda L Rhoden
TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: February 23, 2021
RE: Director of Planning, Preservation, and Sustainability

I am sending to you for your consideration my nomination of Robert Summerfield to be the Director of Planning, Preservation and Sustainability for the City of Charleston. I have included his resume for your consideration.

We had a number of exceptional candidates from throughout the country for this important position. I asked both the planning department staff and several department directors to review candidates and share their thoughts with me. After personally interviewing 5 candidates who were the consensus top 5 candidates from this initial review, I have determined that Mr. Summerfield is the best candidate for our City at this time. I was especially impressed by the homework Mr. Summerfield has done already on our City, as he has followed the important issues facing our city and was already familiar with the work being conducted on our comprehensive plan. He has over 15 years of professional experience in City Planning, rising through the planning department ranks in the City of Las Vegas to become its current Director. He has hands on experience in every aspect of municipal planning, and he will bring invaluable skills as a leader of our City’s planning efforts.

Sincerely,
JT

JJT: bmp
ROBERT SUMMERFIELD
Las Vegas, NV 89129 | (702) 912-7160 | fsplaner@gmail.com

Professional Summary

Successful municipal executive offering 15 years of professional experience in City Planning by reviewing, developing and planning various development projects according to resident needs and regulations. Precise in conducting surveys, gathering information and devising plans. Collaborative in communicating with internal and external leaders to attain consensus and support by delivering detailed and engaging presentations outlining proposed projects. Multi-talented team player consistently rewarded for success in community planning and operational improvements. Experience in policy development and staff management procedures positively impacting overall morale and productivity. Enthusiastic leader eager to contribute to team success through hard work, attention to detail and excellent organizational skills. Motivated to continue to learn, grow and excel in the planning field and as an organizational leader.

Skills

- Urban Design management
- Field survey skills
- GIS applications
- Communications
- Project organization
- Problem resolution
- Budgets
- Land utilization
- Feasibility review
- Supervision
- Business operations
- Team building
- Process improvement
- Team management

Work History

Director of Planning
City Of Las Vegas - Las Vegas, NV

02/2018 to Current

- Oversee the development and maintenance of city planning, zoning, business licensing and regulatory documentation, utilizing modern approaches to address the city's current and future needs.
- Provide guidance in the creation of comprehensive plans and design guidelines for land use, zoning, historic preservation of buildings, deployment of utility infrastructure and transportation across city.
- Speak publicly to discuss planning projects, garner interest and build support for council initiatives, historic preservation activities and community plans.
- Resolve conflict and negotiate mutually beneficial agreements between both internal and external parties.
- Coordinate assigned activities with other city departments and outside agencies.
- Provide highly responsible and complex administrative support to the Executive Director of Community Development, Deputy City Manager and members of City Council.
Planning Section Manager  
04/2015 to 02/2018

City Of Las Vegas - Las Vegas, NV
- Led Long Range Planning, Office of Sustainability, and Historic Preservation teams in delivery of new Downtown Master Plan project, resulting in new approaches to preservation and reuse of historic assets, vision for redevelopment of urban core of the community and reemergence of community identity within downtown neighborhoods.
- Managed various public board meetings and agenda and the city's comprehensive planning functions.
- Exercised direct supervision over professional, technical and clerical staff.

Senior Planner  
08/2013 to 04/2015

City Of Las Vegas - Las Vegas, NV
- Evaluated permits for zoning changes and building projects by closely checking information against approval requirements.
- Showcased results obtained by site planning studies using detailed reports and polished visual representations.
- Smoothly supported team activities to efficiently accomplish project milestones and achieve alignment with goals and objectives of the department and organization.
- Outlined data about population, land usage and zoning data with charts, graphs and PowerPoint presentations.
- Conducted site assessments to verify plan accuracy and feasibility of proposed developments.
- Collaborated cross-functionally with economic development, building and safety and other teams to cement partnerships and achieve mutual goals.

Planner I/II  
07/2005 to 08/2013

City Of Las Vegas - Las Vegas, NV
- Maintained city planning, zoning and regulatory documentation.
- Evaluated permits for zoning changes and building projects by closely checking information against approval requirements.
- Input data into various city computer systems to maintain searchable planning database of information such as development activities, population numbers and land use statistics.
- Conducted site assessments to verify plan accuracy and feasibility of proposed developments.
- Increased customer satisfaction by resolving zoning and code compliance issues.

Operations Coordinator  
08/1999 to 07/2005

The Ohio State University - Columbus, OH
- Set, enforced and optimized internal policies to maintain efficiency and responsiveness to demands.
- Developed and implemented daily operations plans such as transit route adjustments, employee assignments and customer support protocols.
- Collaborated with university departments and offices to evaluate needs and optimize the Transportation Departments operational plans.
- Evaluated upcoming program plans to forecast expected resource needs.
• Provided direction and guidance to internal teams in order to achieve targets.

Education

Masters: City and Regional Planning
The Ohio State University - College of Engineering - Columbus, OH
06/2005

Bachelor of Science: Sustainable Resource Management
The Ohio State University - College of Agriculture - Columbus, OH
06/1999

Certifications

American Institute of Certified Planners (AICP) since 2007
MEMORANDUM

TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: February 23, 2021
RE: Bicycle and Pedestrian Advisory Committee Appointments

Bicycle and Pedestrian Advisory Committee shall comprise twelve (12) members. These members shall include: citizens at large concerned with bicycle and pedestrian issues; members with specialized knowledge and experience regarding the transportation needs of persons with physical and/or sensory disabilities; neighborhood advocates concerned with traffic and safety issues; representatives of bicycling, running, or walking advocacy or membership organizations, representatives of organizations concerned with non-motorized and public transportation issues; representatives from the bicycle or recreation dealership industry. Members who are neighborhood advocates or citizens at large shall be residents in the city throughout the terms of their positions.

An ordinance was passed that set the commencement date for terms of boards and commissions to March 1st and to establish staggered terms. Staggered terms are beneficial as they provide for a degree of continuity as members are replaced by new appointments.

The following are my recommendations for the Bicycle and Pedestrian Advisory Committee:

- Katie Zimmerman – Reappointment – term expires 2/28/2023
- Fatima Sakarya – Reappointment – term expires 2/28/2023
MEMORANDUM

TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor

DATE: February 23, 2021

RE: Church Creek Stormwater Drainage Basin Authority

The members of the authority shall be appointed by the Mayor subject to the approval of City Council and shall consist of eleven (11) members. The Authority membership shall include the Mayor, two (2) City Council members appointed by the Mayor, and a representative from each of the following: The Charleston County Council Member currently representing the district that includes the Church Creek basin, a local utility representative, local expert on drainage and flooding, expert on water retention measures and flood control, experienced public relations delegate, faith-based community advocate in the Basin, commercial property owner in the Basin, and neighborhood residential property owner in the Basin.

The following are my recommendations for the Church Creek Stormwater Drainage Basin Authority

- Nick Murray – Experienced Public Relations Delegate – term expires 2/28/2023
MEMORANDUM

To: Mayor Tecklenburg and Council
From: Legal, Julia P. Copeland
Date: February 11, 2021
Re: 96 President Street, LLC v. City of Charleston BAR-L/Settlement Proposal from Pre-Litigation Mediation

I. Introduction

Appellant requested conceptual approval for new construction of a six-story mixed-use development with residential and commercial uses, requesting one additional story based on architectural merit and context. This project is in the Cannon-Elliottborough/Old City District and is listed as 102 President Street on the application and presentation. This site is on the corner of Cannon and President Street.

You can watch the meeting at hour 1:58:00 on the following link: https://www.youtube.com/watch?v=8pNJ2TaMec&list=PL3c0l014U04rRE5huJ4NC5CAw1pzcUSrA&index=12

Following discussion, the Board moved to approve the conceptual plan, with Board and Staff comments, but denied the sixth story. Pursuant to section 6-29-900(B)(2) and 6-29-915 of the South Carolina Code, Appellant timely filed its notice of appeal in Federal Court and requested pre-litigation mediation, which by statute is automatically granted.

II. Legal Challenges and City Response:

Appellant has raised the “void for vagueness” and “arbitrary and capricious” standards as a basis for reversal. To that the City refers to the following:

- "A municipal ordinance is a legislative enactment and is presumed to be constitutional." Scranton v. Willoughby, 306 S.C. 421, 422, 412 S.E.2d 424, 425 (1991). "The exercise of police power under a municipal ordinance is subject to judicial correction only if the action is arbitrary and has no reasonable relation to a lawful purpose." Id. "The burden of proving the invalidity of a zoning ordinance is on the party attacking it, and it is incumbent on [appellant] to show the arbitrary and capricious character of the ordinance through clear and convincing evidence." Id.

- As in many jurisdictions, the City’s BAR consists of members with specialized knowledge and expertise. The BAR includes two (2) registered architects, an attorney, a licensed professional involved in construction or engineering, and a lay person. CZO § 54-233.b. Further, all members must have “demonstrated experience in historic design or preservation” and at least one of several fields relating to planning, preservation, and/or real property. CZO § 54-233.b.
• See City of Beaufort v. Baker, 315 S.C. 146, 152, 432 S.E.2d 470, 473 (1993) (refusing to invalidate an ordinance prohibiting “loud and unseemly” noise as unconstitutionally vague); Marathon Oil Co. v. Plymouth, 181 N.W.2d 668, 670 (Mich. 1970) (upholding planning commission’s discretionary authority to grant permit if service station “is so arranged or maintained so as not to affect adversely the normal development or use of neighboring property in the same district or in an adjoining district”).

• See Peterson Outdoor Advert. v. City of Myrtle Beach, 327 S.C. 230, 234-35, 489 S.E.2d 630, 632 (1997), (refusing to invalidate a zoning ordinance on grounds of vagueness: “[A] municipality may delegate the administration of its ordinances to a board provided the board’s discretion is sufficiently limited by clear rules and standards.”).

III. Conclusion

The City participated in mediation on February 2nd, wherein the staff architects, Lawrence Courtney and Tory Parish, along with a licensed member of the BAR-L, Jay White participated in a collaborative discussion with the architects for the project. Ms. Herring also participated. The mediation began with the appellants’ architects submitting a revised plan to reflect the comments provided at the prior meeting. City suggested 7 additional revisions, and all were accepted and incorporated into the design presented tonight for approval. Staff recommends approval of this design, including the 6th story. If approved, the applicant’s next step will be preliminary plat review by the BAR-L.
In accordance with the negotiations between the parties at the mediation session conducted on February 2, 2021, under the procedures set forth in S.C. Code Ann. §§ 6-29-900(B)(2) and 6-29-915, the parties to this appeal agree that:

1. The parties have reached the terms of a settlement that consists of Appellant revising its plans for 102 President Street, prepared by Goff D’Antonio Associates, and including a 6th floor.

2. Appellants agreed to make the following changes to the six (6) floor building plans provided by Appellants and utilized during the mediation:
   a. Clad the 5th story in brick and raise the cornice to that height throughout perimeter where the building is brick;
   b. It is not necessary to recess the 5th floor;
   c. Add detail and relief to spandrel panels;
   d. The cornice at top of the 5th floor needs to be larger and more detailed;
   e. Columns on the first floor need to be enlarged and more proportionate to
the pilasters for symmetry;

f. No changes to the 6th-floor footprint and material; and

g. Spandrels below the storefronts should be limestone.

3. Upon completion of the above changes, the mutually agreeable plans shall be attached to this settlement agreement as Exhibit A and incorporated herein by reference, hereinafter the “Revised Plans”.

4. Pursuant to S.C. Code Ann. § 6-29-915(D), before the terms of this settlement may take effect, it must be approved by both City Council in public session and by the Circuit Court as provide in S.C. Code Ann. § 6-29-915(G).

5. City Council will place the approval of this settlement on the agenda for the next available Council meeting after the Revised Plans have been completed and approved by all participants of the mediation pursuant to Paragraph 3, above.

6. If Council approves the settlement, the parties will file a joint motion for approval of this settlement by the circuit court and submit a proposed consent order approving the settlement.

7. If this settlement is not approved by Council, then the Appellant may continue its appeal pursuant to S.C. Code Ann. § 6-29-915(F).

8. The mediator shall provide the parties with a signed copy of this mediation agreement pursuant to S.C. Code Ann. § 6-29-915(C).

ACKNOWLEDGED AND AGREED:

[The remainder this page left blank intentionally. Counterpart signature pages to follow.]
APPELLANTS
COUNSEL:

Hellman Yates & Tisdale, PA
Brian A. Hellman, Esq.
Counsel for Appellants
RESPONDENTS
COUNSEL:

[Signature]

John P. Childs, Esq.
Counsel for Respondents
Exhibit A

Revised Plans

See attached.
Financial Participation Agreement & Contract
Between
South Carolina Department of Transportation
And the
City of Charleston

This Agreement executed on this ___ day of __________, 20__, covers the financial responsibilities of the South Carolina Department of Transportation (hereinafter “SCDOT”), and City of Charleston, (hereinafter “PARTICIPANT”) (collectively “the Parties”) for the below described Project:

WITNESSETH THAT:

WHEREAS, SCDOT is an agency of the State of South Carolina with the authority to enter into contracts necessary for the proper discharge of its functions and duties; and

WHEREAS, PARTICIPANT is a body politic with all the rights and privileges of such including the power to contract as a necessary and incidental power to carry out PARTICIPANT’s functions covered under this Agreement;

NOW THEREFORE, in consideration of the several promises to be faithfully performed by the Parties hereto as set forth herein, SCDOT and PARTICIPANT do hereby agree as follows:

I. PROJECT DESCRIPTION:

The City of Charleston Intersection Project/Systems Upgrade which is the subject of this Agreement is generally described as follows: The project includes the installation of a mast arm signal in lieu of standard SCDOT equipment at the following intersection: SC 171 (Folly Road) and S-931 (Yeamans Road) and Formosa Drive (Off-System), Charleston County, South Carolina.

Exhibit A (attached hereto and specifically made a part of this Agreement) represents additional project details and a map depicting the project area.

The project as described above shall be referred hereinafter as "the Project."

II. SCDOT RESPONSIBILITIES:

SCDOT will bid and let the PROJECT.
SCDOT will provide a 332 base-mounted 170 cabinet assembly (including the conflict monitor) and 2070 controller.

SCDOT will be responsible for construction management and inspection services of all signal installation work items (including concrete/foundation construction).

III. PARTICIPANT RESPONSIBILITIES:

PARTICIPANT will perform integration on the 2070 controller/cabinet.

PARTICIPANT will provide ongoing maintenance of the traffic signal.

PARTICIPANT will provide signal design and signal plans with special provisions detailing type and color of mast arm pole.

PARTICIPANT will be responsible for all signal costs associated with the installation of mast arm(s) rather than steel strain poles, including mast arm and foundation designs, additional conduits, boring, and/or trenching.

PARTICIPANT will be responsible for any payments for open cuts required for installation of conduit.

PARTICIPANT will provide ongoing maintenance of the Mast Arm as outlined in Section VII, Item (d) of this agreement.

IV. MISCELLANEOUS:

Foundation design will be included in the construction project.

Mast Arms to be powder coated semi-gloss black over galvanized.

Mast Arms must meet SCDOT Mast Arm Specifications and City of Charleston Mast Arm Specifications.

V. FUNDING:

a. The estimated total cost of the PROJECT is $460,468.00. The total cost shall also include costs for oversight and administration, including but not limited to, attending public hearing(s), project location, design, other engineering services, and inspection and testing performed by SCDOT in accordance with state and federal requirements.

b. SCDOT's maximum funding amount for the PROJECT will be $309,787.00 from Preventative Maintenance & Operation Signal funds. This amount represents the cost of installation using standard SCDOT equipment at this project location.
c. The PARTICIPANT is responsible for 100% of the total cost of the PROJECT excluding SCDOT's maximum funding as identified above. SCDOT will not participate in any cost overruns.

d. Funding Summary

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<th>Fund Source</th>
<th>Total Amount</th>
<th>Federal Share</th>
<th>Federal Amount (Maximum)</th>
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<th>State Amount</th>
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<td>$ 150,681.00</td>
<td>$ -</td>
<td>$ 150,681.00</td>
<td>City of Charleston</td>
</tr>
</tbody>
</table>

**Total PROJECT Cost**: $ 460,468.00

||| $ 309,787.00 | $ 150,681.00 |

VI. **INVOICING/PAYMENT SCHEDULE:**

a. The PARTICIPANT's share of funding for the Project is estimated at $150,681.00. SCDOT will invoice PARTICIPANT based on this Agreement approximately 30 days after execution of this Agreement.

b. PARTICIPANT shall remit payment to SCDOT within 30 days of receipt of invoice. No work on the Project shall begin until payment is received.

VII. **GENERAL TERMS:**

a. **PERIODIC REPORTS.** SCDOT's Project Manager will periodically update PARTICIPANT concerning the status of the Project.

b. **COST UNDERRUNS.** In the event that the total cost of the PROJECT is less than originally estimated, SCDOT will determine and refund any excess amount paid to SCDOT by PARTICIPANT. The refund will be made within 30 days of the final completion and closure of the PROJECT within SCDOT's accounting office. Refunds will not be unreasonably withheld, denied, or delayed. SCDOT shall retain any remaining PROJECT funds from SCDOT's maximum funding amount. No additional work shall be added to the PROJECT even if there are cost underruns or PROJECT award underruns. At PARTICIPANT's request SCDOT may consider an exception to this requirement on a case by case basis.

c. **COST OVERRUNS.** If it becomes apparent that the cost of the PROJECT will exceed the funding available, SCDOT will provide PARTICIPANT notice prior to total expenditure of funding available and provide the estimate of funds needed to complete the PROJECT. PARTICIPANT shall remit to SCDOT within 30 days of receipt of the notice the additional funds needed to complete the PROJECT. No work will be completed beyond that covered by the available funds. If PARTICIPANT does not have the additional funding needed to complete the PROJECT, SCDOT and PARTICIPANT will mutually agree in writing on a revision to the PROJECT scope and termini that is in accordance with the available budget. SCDOT will not participate in the cost of overruns.
d. **MAINTENANCE RESPONSIBILITY.** PARTICIPANT shall be responsible for maintenance, repairs, and replacement of mast arms, all associated hardware in or on the mast arm, all conduit maintenance and replacements throughout the use of the mast arms at the signal location. Maintenance will follow the SCDOT’s “Engineering Directive Memorandum (EDM) Number 33”, SCDOT’s “Mast Arm Specifications” and any modifications or amendments to this Directive, incorporated herein by reference. This memorandum is located at: http://info2.scdot.org/ED/ED/ED-33.pdf and is incorporated herein by reference. Once the Mast Arms are designed, installed, operational, and released from the contractor’s responsibilities, SCDOT will maintain the traffic signal while PARTICIPANT will continue to maintain the mast arms in accordance with EDM 33. PARTICIPANT shall complete the mast arm information form found on page 3 of EDM 33 and submit this form to the District Six SCDOT office.

e. **CONFORMITY TO LAWS.** The Parties hereto agree to conform to all applicable SCDOT policies, all State, Federal, and local laws, rules, regulations, and ordinances governing agreements or contracts relative to the acquisition, design, construction, maintenance, and repair of roads and bridges, and other services covered under this Agreement.

f. **AMENDMENTS.** PARTICIPANT, or its authorized agent, shall agree to hold consultations with SCDOT as may be necessary with regard to the execution of supplements to this Agreement during the course of this Project for the purpose of resolving any items that may have been unintentionally omitted from this Agreement. Such supplemental agreements shall be subject to the approval and proper execution of the Parties hereto. No amendment to this Agreement shall be effective or binding on any Party hereto unless such amendment has been agreed to in writing by all Parties hereto.

g. **REVIEWS/APPROVALS.** Any and all reviews and approvals required of the Parties herein shall not be unreasonably denied or withheld.

h. **TERMINATION.** This Agreement may be terminated by either Party upon written notice in the event of substantial failure by the other Party to perform, through no fault of the terminating party in accordance with the terms herein. The Party so notified shall immediately stop work on the Project. This Agreement may also be terminated for convenience. If the services covered under this Agreement are not performed, this Agreement is then terminated. In the event of termination for convenience or for any reason each party to this Agreement is obligated on a quantum meruit basis.

i. **DISPUTES.** All claims or disputes shall be filed with SCDOT’s Project Manager and the Parties will meet to attempt to resolve the dispute or claim. If unable to resolve the dispute with the Project Manager, PARTICIPANT may appeal the claim or dispute to SCDOT’s Deputy Secretary for Engineering. The decision of the SCDOT’s Deputy Secretary for Engineering in the matter shall be final and conclusive for both Parties.
j. FUTURE CONSTRUCTION PROJECTS. PARTICIPANT acknowledges SCDOT’s resurfacing program and other construction programs do not account for the cost of protecting and/or replacement of enhancements. This cost is the sole responsibility of PARTICIPANT. SCDOT will notify PARTICIPANT prior to resurfacing or construction and provide a time period for PARTICIPANT to provide the additional funding for one of the following:

1. The additional cost to protect the enhancement; or
2. The cost for SCDOT to replace the enhancement.

Failure of PARTICIPANT to provide the additional funding within the time period specified by SCDOT will result in SCDOT’s milling and resurfacing the enhancement. PARTICIPANT may replace the enhancement at PARTICIPANT’s expense after resurfacing by encroachment permit.

VIII. CONSENT OF MUNICIPALITY. Pursuant to the South Carolina Code of Laws Section 57-5-820, if applicable, PARTICIPANT does hereby consent to the construction of the PROJECT within its corporate limits. The foregoing consent shall be the sole approval necessary for SCDOT to complete the PROJECT as described in this Agreement, and constitutes a waiver of any and all other requirements with regard to the construction within PARTICIPANT’s corporate limits. If PARTICIPANT is not a municipality and the PROJECT is within the corporate limits of a municipality, PARTICIPANT will obtain the required consent of the municipality.

IX. SUCCESSORS AND ASSIGNS: SCDOT and PARTICIPANT each bind themselves and their respective successors, executors, administrators, and assigns to the other Party with respect to these requirements, and also agrees that neither Party shall assign, sublet, or transfer its interest in the Agreement without the written consent of the other.

X. EXECUTION IN COUNTERPARTS. This Agreement may be executed and delivered in counterparts, and if so executed, shall become effective when a counterpart has been executed and delivered by both Parties hereto. All counterparts taken together shall constitute one and the same Agreement and shall be fully enforceable as such. Delivery of counterparts via facsimile transmission or via email with scanned attachment shall be effective as if originals thereof were delivered.

XI. ENTIRE AGREEMENT: This Agreement with attached Exhibits and Certification constitutes the entire Agreement between the Parties. The Agreement is to be interpreted under the laws of the State of South Carolina.

[Signature blocks on next page]
IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed on their behalf.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF

CITY OF CHARLESTON

By: ________________________________
   (Signature)

Title: ______________________________

SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION

By: ________________________________
   Deputy Secretary for Finance & Administration or Designee

RECOMMENDED BY:

[Signature]
Deputy Secretary for Engineering or Designee

REVIEWED BY:

[Signature]
Title: Director of Traffic Engineering
EXHIBIT A
PROJECT DETAILS AND PROJECT AREA MAP
A RESOLUTION

TO SET A PUBLIC HEARING TO CLOSE AND ABANDON A PORTION OF FLOYD DRIVE, AS SHOWN ON THE ATTACHED SURVEY.

BE IT RESOLVED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That a public hearing be set to close and abandon a portion of Floyd Drive, as shown on Exhibit 1, attached hereto and incorporated herein by reference.

Section 2. This resolution shall become effective upon adoption.

Adopted in City Council this 23rd day of February in the year of Our Lord, 2021, in the 245th Year of the Independence of the United States of America.

By: ____________________________

John J. Tecklenburg, Mayor

ATTEST: By: ____________________________

Jennifer Cook,
Clerk of Council
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 JOHNS ISLAND AND CHURCH CREEK WATER SYSTEMS WITHIN THE CITY OF CHARLESTON CORPORATE LIMITS.

WHEREAS, the residents and business owners of the City of Charleston have experienced worsening flooding events in recent years; and

WHEREAS, historical and recent flooding events indicate that the City will continue to be impacted by severe flooding in the foreseeable future; and

WHEREAS, the Mayor and City Council desire to reduce flood losses, protect investments made by citizens and business owners in real property within the City, and reduce the danger to human life; and

WHEREAS, the Mayor and City Council have resolved to make the City more resilient to flooding events in the future; and

WHEREAS, the City has recently engaged in a series of public meetings, focus groups and consulting sessions with civic leaders, stakeholders, and flooding experts, known as the Dutch Dialogues Charleston, to research, explore, design and propose integrated ways to mitigate and adapt to flood conditions affecting the City; and

WHEREAS, the Dutch Dialogues Charleston session included significant discussion and study on Johns Island and Church Creek and the negative impacts of fill in these areas. The overall recommendation in the Dutch Dialogues Charleston’s final report is for the City to adopt measures to reduce the negative impacts of fill; and

WHEREAS, the Mayor and City Council find that adopting an ordinance to reduce the negative impacts of fill on properties within the City will serve the interests of public health, safety, and welfare of the residents and business owners of the City.

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

Section 1. Chapter 27 of the Code of the City of Charleston, is hereby amended by adding a new Article IV to state as follows:

"ARTICLE IV. FILL REQUIREMENTS

Sec. 27-150. – Zero Fill in "Wet Zone" and limited fill in "Ecological Zone" as defined by Dutch Dialogues Charleston.

a) On all new construction, developments, or redevelopments in the Johns Island and Church Creek Water Systems, as defined by the Dutch Dialogues Charleston report, required by the Standard Building Code to conform to requirements for new buildings, there should be NO FILL on properties in the "Wet Zone" which is zero to six feet above
MSL. In the "Ecological Zone", which exists from six to ten feet above MSL, fill should only be used for roadways.

b) Any such exceptions to the above shall be brought to the Public Works Committee of City Council for consideration.

c) The requirements contained in this section shall apply to all property located within the corporate limits of the City on Johns Island and the Church Creek Basin, as they may be adjusted from time to time. To the extent of any inconsistency between the requirements of this section and the Stormwater Design Standards Manual, as amended from time to time, or any other law, regulation, article or ordinance, the more restrictive provision shall prevail.”

Section 2. This ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of __________ in the Year of Our Lord __________, in the ___ Year of Independence of the United States of America.

________________________
John J. Tecklenburg,
Mayor

________________________
Jennifer Cook,
Clerk of Council
AN ORDINANCE

AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE IV, BOARDS AND COMMISSIONS TO CREATE A NEW DIVISION TWELVE (12) TO BE TITLED AS "CITY OF CHARLESTON’S ARMY CORPS OF ENGINEERS 3X3 FLOOD PROTECTION STUDY CITIZEN AND BUSINESS ADVISORY COMMITTEE" AND KNOWN AS THE ARMY CORPS 3X3 ADVISORY COMMITTEE. (AS AMENDED)

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 2 of the Code of the City of Charleston is hereby amended by adding thereto a new Division to be titled as "City of Charleston’s Army Corps of Engineers 3x3 Flood Protection Study Citizen and Business Advisory Committee" and referred as the Army Corps 3x3 Advisory Committee.

Section 2. Chapter 2 of the Code of the City of Charleston is hereby amended by adding thereto a new Section 2-212 which shall read as follows:

"Sec. 2-212. Army Corps 3x3 Advisory Committee.

A. Establishment.

There is hereby established a “City of Charleston’s Army Corps of Engineers 3x3 Flood Protection Study Citizen and Business Advisory Committee which shall be referred to as the Army Corps 3x3 Advisory Committee.

B. Purpose.

The Army Corps 3x3 Advisory Committee shall have the following roles and responsibilities:
a. Review the Army Corps of Engineers 3x3 Flood Protection Study, make recommendations related to the study, and advise the Mayor, City Council, Committee members, and staff on the findings of the Committee by:

i. Provide a recommendation to Council regarding the study’s recommendations as potential solutions for flood protection from storm surge on the Peninsula;

ii. Recommend strategies for City participation in Preliminary Engineering and Design (PED) phases as directed by the Mayor and City Council;

iii. Research other cities that have funded similar infrastructure projects and report on potential funding models for the City of Charleston to meet its cost share of the project; and,

b. The primary focus of the Committee shall be the Charleston peninsula and the protection of life and property thereon and how the proposed study for the Charleston peninsula meets those objectives.

c. Review, study, and provide comment on storm surge studies projects in other cities and how they may help inform the City of Charleston’s next steps related to the study and proposed project.

d. Report on any impacts to other areas of the city as a result of the proposed storm surge barrier being constructed on the Peninsula.

e. Identify, discuss, and promote peninsula strategies for addressing storm surge protection and flooding from all causes.

f. Identify and expand communication opportunities between peninsula residents, the community, strategic partners, and the City.

C. Composition.

The organization of the Army Corps 3x3 Advisory Committee:

a. Membership. The Committee shall be comprised of fourteen (14) members. The members of the Committee shall be appointed by the Mayor after consultation with the members of City Council.

b. Member Appointments.

i. Two members of City Council
   1. One from the Peninsula
2. One member at large not from the Peninsula
   i. Two business community leaders
   ii. Two neighborhood leaders
   iii. One flooding advocacy group leader
   iv. A member from the historic preservation community
   v. A South Carolina Aquarium representative
   vi. A member of the conservation community
   vii. A South Carolina Ports Authority Representative
   viii. A member from the medical profession whose employment is primarily located on the Charleston Peninsula
   ix. A member from the environmental justice community
   x. An engineer

D. **Organization and Operation.**

   a. The senior policy advisor to the Mayor for resilience or designee shall serve as the coordinator between the Committee and the City.

   b. The Mayor shall annually appoint one of the Committee members to be chairperson.

   c. The terms of the Committee member shall be two (2) years. No member shall serve more than two (2) consecutive terms. Members of the Committee filling a vacancy shall serve for the balance of the unexpired term.
d. The Committee shall hold biweekly meetings for the first six months and then meet monthly thereafter. The Committee shall establish a regular time and place for its meetings."

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
AN ORDINANCE

TO AMEND DIVISION 1 OF ARTICLE II (CITY COUNCIL) OF CHAPTER 2 (ADMINISTRATION) OF THE CODE OF THE CITY OF CHARLESTON BY ADDING A NEW SEC. 2-29 (CODE OF CONDUCT), APPLICABLE TO MEMBERS CITY COUNCIL.

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

Section 1. That Division 1 of Article II (City Council) of Chapter 2 of the Code of the City of Charleston (Administration) is hereby amended by adding the following new Sec. 2-29 (Code of Conduct) thereto:

Sec. 2-29. — Code of Conduct.

A. Code of Conduct. A member shall act at all times in accordance with the member’s oath of office when representing the City.

B. Member. As used herein, the term “member” includes the mayor and individual members of council.

C. Other Rules. This Section 2.29 applies in addition to the other substantive and procedural rules applicable to members contained in the City Code, and under state and federal laws, including, without limitation, state ethics laws.

D. Compliance and Enforcement. Other members should point out to the offending member infractions of this Section 2.29. The matter should be referred to the mayor in private. If the mayor is the individual whose actions are being challenged, then the matter should be referred to the mayor pro-tem in private. It is the responsibility of the mayor (or mayor pro-tem) to initiate action if a member’s behavior may warrant sanction. The mayor (or mayor pro-tem) may take appropriate action, including without limitation the following: (a) discussing and counseling the individual on the violations; (b) recommending sanction to council to consider in a public meeting; or (c) forming an ad-hoc committee of council to review the allegations, make an investigation, and present a recommendation to council. If no action is taken by the mayor (or mayor pro-tem), three (3) councilmembers may raise the issue to council in a public hearing. After a hearing, by a vote of three-fourths (3/4) of members present and voting, council may reprimand, formally censure, or remove an offending member’s seniority/committee status when the offending member (a)
intentionally and repeatedly violates this Section 2.29; or (b) commits a serious infraction of this Section 2.29.

E. **Effect of Violation.** A violation of this Section 2.29 shall not be considered a basis for challenging the validity of a council or committee decision, nor shall this Section 2.29 create additional rights in third parties or members of the public.

Section 2. This Ordinance shall take effect upon ratification.

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  
Clerk of Council