March 8, 2022
5:00 p.m.
City Hall
80 Broad Street
Conference Call: 1-929-205-6099
Access Code: 912096416

CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Seekings

C. Pledge of Allegiance

D. Presentations and Recognitions
   1. Resolution supporting the citizens and government of Ukraine (To be distributed under separate cover)
   2. Proclamation recognizing Women’s History Month (Requested by Councilmember Caroline Parker)

E. Public Hearings

F. Act on Public Hearing Matters

G. Approval of City Council Minutes:
   1. February 9, 2022
   2. February 15, 2022 (City Council Workshop)

H. Citizens Participation Period

PLEASE NOTE THAT THE CITIZENS’ PARTICIPATION PERIOD IS 30 MINUTES AND WILL BE LIMITED TO THE FIRST 30 SPEAKERS. SPEAKERS RESIDING IN OR MAINTAINING A BUSINESS LICENSE WITH THE CITY OF CHARLESTON SHALL SPEAK FIRST.

Any person who speaks at a City Council meeting shall conduct himself or herself in a manner appropriate to the decorum of the meeting and is asked to observe Section 2-28 (a) of the Code of the City of Charleston, Rules of Decorum. Violation of the Rules of Decorum may result in losing the opportunity to speak before Council and/or removal from the meeting.

Citizens may sign-up to speak in person at the Council meeting until 5:00 p.m. at the meeting location.
If participating virtually, citizens may 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., Monday, March 7th:

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 Monday, March 7th at 12:00 p.m.

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

I. Petitions and Communications:

1. Appointments:

   a. **Board of Architectural Review – Large (BAR-L):**
      - Seaton Brown (Layperson seat) – New Appointment

   b. **Board of Architectural Review – Small (BAR-S):**
      - Laura Altman (Alternate) – New Appointment

   c. **Design Review Board:**
      - J. Lucas Boyd – Alternate seat
      - Jeff Johnston – Alternate seat

   d. **Planning Commission:**
      - McKenna Joyce (Attorney seat) – New appointment
      - Charles Karesh (Citizen seat) – Reappointment
      - Donna Jacobs (Citizen seat) – Reappointment
      - Sunday Lempees (Development seat) – Reappointment
      - Jimmy Bailey (Citizen seat) – Reappointment
      - Erika Harrison (Citizen seat) – Reappointment
      - Angie Johnson (Real Estate seat) – Reappointment

   e. **Board of Zoning Appeals – Zoning:**
      - William Goodwin (New appointment)
      - Jeff Tibbals (New appointment)
      - Robben Richards (Reappointment)
      - Howell Morrison (Reappointment)

   f. **Board of Zoning Appeals – Site Design:**
      - Joel Adrian (Citizen seat) - Reappointment
      - Amanda Barton (Landscape Architect seat) – Reappointment

2. Report from the Commission on Women – Jennet Robinson Alterman, Chair, Commission on Women

3. Report from the Resiliency and Sustainability Advisory Committee – Katie McKain, Director of Sustainability
4. Update on the City’s response to COVID-19 - Mayor John J. Tecklenburg, Tracy McKee, Chief Innovation Officer, and Mary Cummings, RN, Wellness Program Manager

J. Council Communications:

1. Update and discussion regarding COVID-19 employee vaccine and mask mandate and testing procedures (Requested by Councilmember Caroline Parker)

2. Request to receive South Carolina Attorney General Opinion regarding COVID-19 employee mandates (Requested by Councilmember Caroline Parker)

K. Council Committee Reports:

1. Committee on Recreation: (Meeting was held Monday, March 7, 2022 at 2:00 p.m.)
   
   a. Municipal Golf Course - Friends of The Muni (Presentation)
   
   b. Charleston Tennis Center and Maybank Tennis Center (Presentation)
   
   c. Pickleball Courts
   
   d. Parks and Recreation Master Plan / Enterprise Manager
   
   e. Updates:
      
      (i) Stoney Field
      
      (ii) Carr Richardson Park
      
      (iii) Fort Pemberton
      
      (iv) WPAL Park
      
      (v) Other Park updates
   
   f. Additional Business

2. Committee on Public Works and Utilities: (Meeting was held Monday, March 7, 2022 at 4:30 p.m.)

   a. Stormwater Management Department Update:
      
      (i) Low Battery Seawall Project Phase 3 – Recommend approval of a construction contract with Gulf Stream Construction Company, Inc. in the amount of $21,496,256.00 for the restoration of the Low Battery Seawall from Limehouse to King Street. With the approval of the project budget staff is authorized to award and/or amend contracts less than $40,000 to the extent contingency funds exist in the Council Approved Budget. Approval of this item will institute a $51,303,289.39 project budget from Hospitality Funds, Municipal Accommodations Tax Funds, Charleston County Accommodations Tax Fees, CWS Contributions and a future Hospitality Revenue Bond. (Agreement included in the Committee on Ways and Means Agenda)

      (ii) Low Battery Seawall Project Phase 3 – Recommend approval of an amendment to the professional services contract with Johnson, Mirmiran, and Thompson, Inc. to
provide construction management and inspection services for Phase 3 in the amount of $842,381.31 for the restoration of the Low Battery Seawall from Limehouse to King Street. (Agreement included in the Committee on Ways and Means Agenda)

(iii) Update on Calhoun West Project (Requested by Councilmember Mike Seekings)

(iv) Update on Orleans Woods area and Dupont Wappoo Project (Requested by Councilmember Keith Waring)

(v) Update on Cooper/Jackson (Upper East Side) Project

(vi) Discussion and potential action on Lake Dotterer Outfall Project (Requested by Councilmember Shealy)

b. Miscellaneous Business:

(i) An ordinance to accept non-exclusive stormwater drainage easements, marked in the attached plats and incorporated herein as Exhibit A, for the purposes of periodic inspection and maintenance by the City in the Ashley Harbor neighborhood, in a form approved by legal counsel.

(ii) Executive session pursuant to S.C. Code Sec. 30-4-70(a)(2), to receive legal advice, if needed. The committee may or may not take action after coming out of executive session.

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

An ordinance to accept non-exclusive stormwater drainage easements, marked in the attached plats and incorporated herein as Exhibit A, for the purposes of periodic inspection and maintenance by the City in the Ashley Harbor neighborhood, in a form approved by legal counsel.

3. Committee on Special Facilities: (Meeting was held Tuesday, March 8, 2022 at 3:30 p.m.)

a. Approval of a Memorandum of Understanding between the City of Charleston and the Coastal Community Foundation regarding the construction of a grave memorial on the Gaillard Center grounds along George Street. The cost of the memorial will not exceed $250,000. Funding has been included in the 2022 Hospitality Fund budget.

b. Update on City Facilities

4. Committee on Ways and Means:

(Bids and Purchases
(Budget, Finance, and Revenue Collections: Approval of the 2022 Master Lease Purchase Financing Agreement with TD Equipment Finance in the amount of
$7,183,453. 40 Calhoun St., Charleston, SC. Solicitation Number 22-B001C.
[Ordinance]

(Budget, Finance, and Revenue Collections: Approval of Workers Compensation Excess
Insurance renewal with Safety National in the amount of $423,090. Renewal of excess
insurance and the 22/23 policy runs April 1, 2022 to April 1, 2023.

(Budget, Finance, and Revenue Collections: Approval of an Agreement with GFOA to
assist the City of Charleston in selection of a new Enterprise Resource Planning (ERP)
Advisory Services system in the amount of $229,500.

(Fire Department: Approval to submit the 2021 Fire Prevention and Safety Grant (FEMA)
after the fact in the amount of $86,525 for smoke alarms, a fire extinguisher training prop., and creating a fire prevention vehicle. There is a 5% match ($4,120.24) in the
FY2022-23 budgets. Depending upon timing of the grant award, funding will need to be
found in the 2022 budget or budgeted in 2023.

(Fire Department: Approval to submit the 2022 State Homeland Security grant in the
amount of $101,500 for Charleston FD Collapse Search and Rescue Team. There is no
financial impact with this grant in the FY22 or 23 Budget. There is no City match
required.

(Mayor’s Office for Children, Youth and Families: Approval to accept the AmeriCorps
VISTA Grant Award, providing up to 19 AmeriCorps Members and 16 Summer
Associates to serve in the Charleston Community with nonprofits and organizations
focused on eradicating poverty. There is no fiscal impact. The cost share will be
provided through site fees received from the participating organizations.

(Stormwater Management: Approval of Low Battery Seawall Repairs – Phase III
Construction Contract with Gulf Stream Construction Company, Inc., in the amount of
$21,496,256 for the restoration of the Low Battery Seawall from Limehouse to King
Street including $2,729,883.61 of work to be funded by CWS. With the approval of the
project budget, Staff is authorized to award and or amend contracts less than $40,000,
to the extent contingency fund exist in the Council approved budget. Approval of this will
institute a $51,303,289.39 project budget, of which the $21,496,256 Construction
Contract will be funded. The funding sources for this project are: Hospitality Funds
($17,077,901.53), Municipal Accommodations Tax Funds ($15,651,479.68), Charleston
County Accommodations Tax Fees ($400,000), CWS Contributions ($4,876,746) and a
future Hospitality Revenue Bond to cover the rest of the project.

(Stormwater Management: Approval of Low Battery Seawall Restoration – Phase III Fee
Amendment #10 in the amount of $842,381.31 with Johnson, Mirmiran and Thompson,
Inc., for construction management and inspection services related to Phase III of the
Low Battery Seawall Restoration project from Limehouse St. to King St. Approval of this
fee amendment adds 548 days to the contract time. Approval of Fee Amendment #10
will increase the professional service contract by $842,381.31 (from $2,863,471.05 to
$3,705,852.36). The funding sources for this project are Hospitality Funds
($17,077,901.53), Municipal Accommodations Tax Funds ($15,651,479.68), Charleston
County Accommodations Tax Fees ($400,000), CWS Contributions ($4,874,746) and a
future Hospitality Revenue Bond to cover the rest of the project.

(Police Department: Approval of agreement renewal between the University of South
Carolina and the City of Charleston Police Department to work in collaboration of Racial
Bias Audit Plan. Total cost for the renewal is $37,000. The cost is budgeted for in the
FY22 budget.
(Police Department: Approval of an application for an Elder Advocate and Resource Specialist for the CPD Victim Services Unit under the Victims of Crime Act Grant Program (continuation) in the amount of $54,975. The application is due on April 27, 2022. The project requires a 57% City match of $72,872.

(Police Department: After-the-fact approval to submit two Project Proposal Worksheets for the 2022 Homeland Security Grant administered through SLED in the amount of $207,000 for a Modular Vehicle Barrier System and $472,000 for a Total Containment Vessel, total of $679,000. The Worksheet was due February 25, 2022. There is no City match required.

(Legal Department: Approval of a Memorandum of Understanding between the City of Charleston and the Coastal Community Foundation regarding the construction of a grave memorial on the Gaillard Center grounds along George Street. The cost of the memorial will not exceed $250,000. Funding has been included in the 2022 Hospitality Fund budget.

(An ordinance to authorize the Mayor to execute a deed and any other necessary documents, approved as to form by the Office of Corporation Counsel, Quit-claiming to Children’s Museum of Charleston the City of Charleston’s right, title and interest, if any, to that certain portion of property bearing TMS No. 460-16-02-010, and subject to certain exceptions and other matters to be approved by the Office of Corporation Counsel.

(Request approval of an ordinance authorizing the Mayor to execute on behalf of the City the Lease Agreement between the City of Charleston and Lucier Enterprises, LLC. The monthly base rent is $3,816 ($36 per square foot), with a 3% annual increase. The tenant will also reimburse the City for property taxes, insurance, and CAM. The property is owned by the City of Charleston (401-B King St.) (Suite B in the Francis Marion parking garage retail complex) (TMS No. 460-16-04-008).

Give first reading to the following resolution and bills from Way and Means:

An ordinance to authorize the execution and delivery of Lease Purchase Agreements with TD Equipment Finance, Inc. in order to provide for the acquisition of various vehicles and associated collateral, various maintenance equipment and associated collateral, Information Technology equipment to include computer, laptop and tablet replacement, and mobile data terminals for Police; to provide the terms and conditions of such Lease Purchase Agreements; to provide for the granting of a security interest to secure all obligations of lessee under the Lease Purchase Agreements; to authorize the execution and delivery of all documents, including one or more Escrow Agreements, necessary or appropriate to the consummation of such Lease Purchase Agreements; and to provide for other matters related thereto.

An ordinance authorizing the Mayor to execute a Deed and any other necessary documents, approved as to form by the Office of Corporation Counsel, Quit-Claiming to Children’s Museum of Charleston the City of Charleston’s right, title and interest, if any, to that certain portion of property bearing Tax Map Number: 460-16-02-010, and subject to certain exceptions and other matters to be approved by the Office of Corporation Counsel.

An ordinance authorizing the Mayor to execute on behalf of the City a Lease Agreement between the City of Charleston and Lucier Enterprises, LLC.

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 the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 3351, 3357 and 3363 Maybank Highway (Johns Island) (approximately 6.9 acres) (TMS #279-00-00-189, 184, 185 and 307) (Council District 5), be rezoned from General Office (GO) classification to Business Park (BP) classification. The property is owned by Hoyt+Berenyi, 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 2221 S Dallerton Circle (West Ashley) (approximately 0.5 acre) (TMS #310-07-00-059) (Council District 11), annexed into the City of Charleston January 11, 2022 (#2022-007), be zoned Single-Family Residential (SR-1) classification. The property is owned by Zachary Carnevale.

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 2216 S Dallerton Circle (West Ashley) (approximately 0.26 acre) (TMS #310-07-00-044) (Council District 11), annexed into the City of Charleston January 25, 2022 (#2022-012), be zoned Single-Family Residential (SR-1) classification. The property is owned by Danielle D Cerasi.

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 1506 N Edgewater Drive (West Ashley) (approximately 1.59 acres) (TMS #349-09-00-026) (Council District 11), annexed into the City of Charleston January 25, 2022 (#2022-013), be zoned Rural Residential (RR-1) classification. The property is owned by Ellison C and Jeanne R Livingston.

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 30, 32 and 34 Wedgepark Road, 43 and 49 Lolandra Avenue (West Ashley) (approximately 0.99 acre) (TMS #418-13-00-254, 255, 256, 260 and 262) (Council District 3), annexed into the City of Charleston January 25, 2022 (#2022-014), be zoned Single-Family Residential, (SR-1) classification for Lolandra Avenue parcels and (SR-2) classification for Wedgepark Road parcels. The properties are owned by Glory Holdings, LLC.

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 2319 Lazy River Drive (West Ashley) (approximately 0.62 acre) (TMS #310-14-00-014) (Council District 11), annexed into the City of Charleston January 25, 2022 (#2022-015), be zoned Rural Residential (RR-1) classification. The property is owned by Carl E Seel, Sr and Jean B Seel.

7. An ordinance amending Chapter 19, Article XVI, of the Code of the City of Charleston, Pedicabs, to amend the operating decal application process and the requirements for issuance of decals to the successful bidder.

8. An ordinance providing for the issuance and sale of a not exceeding $14,600,000 Special Obligation Redevelopment Bond (Charleston Neck Redevelopment Project Area), Series 2022, of the City of Charleston, South Carolina, and other matters relating thereto. (AS AMENDED)

9. An ordinance authorizing the Mayor to execute on behalf of the City a lease between City of Charleston and Marina Variety Store.
10. An ordinance to provide for the annexation of property known as 1939 Piper Drive (0.25 acre) (TMS# 350-09-00-067), 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 Susan J Vigen.

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 properties on Cumberland Street, Church Street and Linguard Street (Peninsula) (approximately 0.68 acre) (TMS #458-05-03-089, 090, 091, 093 and 087) (Council District 1), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by Cumberland, LLC.

12. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that properties on Cumberland Street, Church Street and Linguard Street (Peninsula) (approximately 0.68 acre) (TMS #458-05-03-089, 090, 091, 093 and 087) (Council District 1), be removed from the Accommodations Overlay Zone. The property is owned by Cumberland, LLC.

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 portions of 518 E Bay Street and 81 Washington Street (Peninsula) (approximately 0.67 acre) (portions of TMS #459-13-02-011 and 459-13-02-010) (Council District 4), be rezoned from Light Industrial (LI) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification and from 5 Story and WP Old City Height District classifications to 6 Story Old City Height District classification. The properties are owned by Morris Sokol LLC and 530 E Bay LP. (DEFERRED AT THE REQUEST OF THE APPLICANT) (Expires December 21, 2022)

14. An ordinance to provide for the annexation of property known as 1851 Old Folly Beach Road (0.702 acre) (TMS# 334-05-00-055), 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 12. The property is owned by Battery Island Community LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

15. An ordinance requiring face coverings in certain circumstances in City of Charleston to reduce risk of exposure to COVID-19 during the public health emergency and recovery. (AS AMENDED)(TO BE WITHDRAWN)

16. An ordinance to provide for the annexation of property known as 3255 Maybank Highway (1.64 acre) (TMS# 279-00-00-206), 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 GANB LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

17. 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)

18. 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)

M. Bills up for First Reading:
1. An ordinance to amend Article II (City Council), Division 1 (Generally) of Chapter 2 of the Code of the City of Charleston (Administration).

2. An ordinance to amend Part 4 (Accessory Uses) of Article 2 (Land Use Regulations) of the Zoning Ordinance of the City of Charleston, by modifying Sec. 54-214 (Accessory Dwelling Unit) thereof to add a thirty (30) year affordability period for Accessory Dwelling Units and to clarify the existing procedures and requirements for approval of Accessory Dwelling Units. (Expires December 21, 2022) (DEFERRED)

N. Miscellaneous Business:

1. The next regular meeting of City Council will be Tuesday, March 22, 2022 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.
PROCLAMATION

WHEREAS, throughout American history, women of all ages, classes, and ethnic backgrounds have made countless invaluable contributions to the growth and strength of our state and nation, both chronicled and unrecorded; and

WHEREAS, comprising a significant part of the labor force working inside and outside of the home, women continue to play critical economic, social and cultural roles in every segment of American life; and

WHEREAS, American women played a valuable role in the establishment of early charitable, philanthropic and cultural institutions, and make up the majority of the volunteer labor force in this country; and

WHEREAS, recognizing critical weaknesses in the fabric of the nation, women have acted as catalysts for change and served at the forefront of major progressive social movements, including abolition, emancipation, civil rights, and women’s rights to vote and gain equal opportunity; and

WHEREAS, the City of Charleston would also like to acknowledge the City’s Commission on Women, as well as employees and Commission/Board members.

NOW, THEREFORE, I, John J. Tecklenburg, Mayor of the City of Charleston, do hereby proclaim March 2022 as:

WOMEN’S HISTORY MONTH

IN WITNESS WHEREOF, I do hereby set my hand, and cause the seal of Charleston to be affixed, this 8th day of March in the year of 2022.

John J. Tecklenburg, Mayor
TO: City Councilmembers  
FROM: John J. Tecklenburg, Mayor  
DATE: March 1, 2022  
RE: Boards, Commissions, and Committees Appointments

Attached are the appointments for the Board of Architectural Review—Large, Board of Architectural Review—Small, Design Review Board, Planning Commission, Board of Zoning Appeals—Zoning and Board of Zoning Appeals—Site Design for your review. The memorandum in this packet is for your review only. This will be added to the agenda of the next City Council meeting on March 8, 2022.

If you would like any additional information pertaining to the commissions or committees, please contact Brittany Pinckney, administrative assistant to the Mayor, at 843-724-3737 (office), 843-214-0865 (cell), or via e-mail at pinckneyb@charleston-sc.gov. To see a more detailed overview of the boards, commissions, and committees—as well as a list of all applicants, please log into the Accela website at: https://charlestonsc.iqm2.com/m2suite/login.html.

If you have any appointment recommendations for the above committee, please forward them. Please let me know if you have any comments or questions, or if you require additional information.

JJT:bmp
The Board of Architectural Review – Large (BAR-L) shall consist of five (5) members and two (2) alternates who do not hold any other public office or position in the City of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, or non-citizen owners or principals of businesses located in the City. Each Board shall include two (2) registered architects, an attorney, a licensed professional involved in construction or engineering and a layperson. The members and alternates shall have demonstrated experience in historic design or preservation and at least one of the following fields: fine arts, architecture, structural engineering, landscape architecture, civil engineering, urban design, city planning, preservation, construction, real estate, law or associated disciplines. Three (3) year terms with a maximum of two (2) successive terms. [Zoning Ord 54-233]

I am recommending Mr. Seaton Brown who is the Director of Graduate Admissions for the School of Business at the College of Charleston. He resides on the Peninsula and has a background in hospitality through preservation.

I am recommending the following new appointment to the BAR-L to fill the unexpired term of Leon Scott (Layperson seat), who resigned in late 2021:

- Seaton Brown (Layperson seat) – New Appointment – term to expire 1/10/2023
MEMORANDUM

TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor

DATE: March 8, 2022

RE: Board of Architectural Review–Small Appointments

The Board of Architectural Review – Small (BAR-S) consists of five (5) members and two (2) alternates who do not hold any other public office or position in the City of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, or non-citizen owners or principals of businesses located in the City. The BAR-S shall include two (2) registered architects, an attorney, a licensed professional involved in construction or engineering and a lay person.

I am recommending Ms. Laura Altman, who is a registered architect with LFA Architecture, LLC, a residential design firm with extensive experience working with historic homes and new construction within the city’s historic district. She resides in West Ashley.

I am recommending the following new appointment to the BAR-S to fill the unexpired term of Hunter Kennedy (Alternate seat), who resigned in late 2021:

• Laura Altman (Alternate) – **New Appointment** – term expires 1/10/2023
The Design Review Board (DRB) consists of seven members who do not hold any other public office or position in the City of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, with the exception of the professions required by this ordinance who may be non-citizen owners or principals of a business within the City of Charleston. These members shall have a demonstrated interest in, and a competence and knowledge of architecture, landscape architecture and urban design, and shall include four (4) design professionals including at least one (1) registered architect, one (1) registered landscape architect, one (1) professional engineer, and one (1) realtor/development professional. [Zoning Ord 54-269]

I'm recommending Mr. J. Lucas Boyd who is a registered architect and principal with Boyd Architects located on the Peninsula. Mr. Boyd has worked on projects of all scales in several different cities.

I'm also recommending Mr. Jeff Johnson who is a registered architect and Principal with SMHa, formerly Stubbs Muldrow Herin Architects, a firm with vast experience in commercial design within the Charleston area. He resides on the Peninsula and previously served in the Architect seat on the DRB from 2013 to 2021.

I am recommending two alternate appointments to the Design Review Board (DRB):

- J. Lucas Boyd – Alternate seat – term to expire 2/28/2026
- Jeff Johnston – Alternate seat – term to expire 2/28/2026
City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: March 8, 2022
RE: Planning Commission Appointments

With the recent resignation of Chaun Pflug from the City’s Planning Commission, I am pleased to recommend McKenna Joyce to fill the vacant seat. I am also recommending the reappointment of six current members whose terms have expired. I appreciate the service of all commissioners and welcome their continued excellent work on planning related issues in the City.

Ms. Joyce is a peninsula resident and attorney specializing in real property, land use and zoning issues. A graduate of the College of Charleston and University of South Carolina School of Law, she currently practices with McCullough Khan, LLC. McKenna’s commission membership will fill the requirement for an attorney to sit on the Planning Commission and I believe her experience with land use law will serve the board well in this capacity.

New Appointment:

McKenna Joyce – Attorney seat (replacing Chaun Pflug) - Peninsula - term to expire 2/28/2023

Reappointments:

Charles Karesh – Citizen seat/Current Chairman – West Ashley - term to expire 2/28/2024
Donna Jacobs – Citizen seat – West Ashley - term to expire 2/28/2024
Sunday Lempesis - Development seat – West Ashley - term to expire 02/28/2024
Jimmy Bailey – Citizen seat – Peninsula - term to expire 2/28/2025
Erika Harrison – Citizen seat – Peninsula - term to expire 2/28/2025
Angie Johnson – Real Estate seat – Daniel Island - term to expire 2/28/2025

Current Planning Commission Members:

Harry Lesesne – Citizen seat – James Island – term to expire 2/28/2023
Loquita Bryant-Jenkins – Citizen seat – Peninsula – term to expire 2/28/2023
TO: City Councilmembers
FROM: John J. Tecklenburg, Mayor
DATE: March 8, 2022
RE: Board of Zoning Appeals—Zoning Appointment

The Board of Zoning Appeals—Zoning comprises seven (7) citizens of the City of Charleston who do not hold any other public office or position in the City of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, with the exception of the professions required by this ordinance whom may be non-citizen owners or principals of a business within the City of Charleston. Of the members appointed, one (1) shall be in real estate, one (1) an attorney, one (1) a merchant, and one (1) an engineer.

I am recommending Mr. William Goodwin, he holds SC licenses as a real estate salesperson and a real estate appraiser and owns the Goodwin Group, Inc. Real Estate Services, a company based in West Ashley specializing in real estate appraisals, sales and consulting. He replaces Michael Robinson, who is retiring from the Board after many years of devoted service on the Board.

I am recommending Mr. Jeff Tibbals, who is an attorney and managing member with Bybee and Tibbals, LLC and resides on the peninsula. He replaces Geiza Vargas-Vargas who resigned from the Board to join a law firm in Miami. Ms. Vargas-Vargas was first appointed to the Board in 2020.

I am recommending the reappointment of Robben Richards and Howell Morrison. Ms. Richards owns Worthwhile and resides on the peninsula. She was appointed to the Board in 2019. Mr. Morrison is an attorney with Haynsworth Sinkler Boyd and resides in West Ashley. He was appointed to the Board in 2020.

I am recommending two new appointments and two reappointments to the Board of Zoning Appeals—Zoning (BZA-Z) as noted below:

- Jeff Tibbals – New Appointment – to fill unexpired term – term to expire 2/28/2023
- Robben Richards – Reappointment – term expires 2/28/2025
TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor

DATE: March 8, 2022

RE: Board of Zoning Appeals—Site Design

The Board of Zoning Appeals—Site Design shall consist of seven (7) citizens of the city of Charleston who do not hold any other public office or position in the city of Charleston and are appointed by City Council. Board members shall be citizens of the City of Charleston, with the exception of the professions required by this ordinance whom may be non-citizen owners or principals of a business within the City of Charleston. Of the members appointed, one (1) shall be in real estate, one (1) an attorney, one (1) an engineer, one (1) a landscape architect and one (1) a horticulturist, forester or arborist.

I am recommending the reappointment of Amanda Barton. Ms. Barton is a registered landscape architect and resides on James Island. She was appointed to the Board in 2009.

I am recommending the reappointment Joel Adrian. Mr. Adrian is an architectural design professional and resides on the peninsula. He was appointed to the Board in 2007.

I am recommending two reappointments to the Board of Zoning Appeals—Site Design (BZA-SD) as noted below:

- **Joel Adrian** – Citizen seat – term to expire 2/28/2025
- **Amanda Barton** – Landscape Architect seat – term to expire 2/28/2025
AN ORDINANCE

AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE ON BEHALF OF THE CITY A NON-EXCLUSIVE STORMWATER DRAINAGE EASEMENT AGREEMENT WITH ASHLEY HARBOR HOMEOWNERS ASSOCIATION.

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

Section 1. That the Mayor, or his designee, is hereby authorized to execute on behalf of the City a non-exclusive stormwater drainage easement agreement, approved as to form by the Office of Corporation Counsel, with Ashley Harbor Homeowner's Association to facilitate inspection and maintenance of the neighborhood drainage, as depicted in the plats attached herein as Exhibit A.

Section 2. That this Ordinance shall become effective upon ratification.

Ratified in City Council this ___ day of _____ in the year of Our Lord, 2022, in the 246th Year of the Independence of the United States of America.

By: ____________________________
John J. Tecklenburg, Mayor

ATTEST: By: ____________________________
Jennifer Cook
Clerk of Council
STATE OF SOUTH CAROLINA   )  NON-EXCLUSIVE STORMWATER
                                  )  DRAINAGE EASEMENT AGREEMENT
COUNTY OF CHARLESTON   )  (CITY OF CHARLESTON)

This Non-Exclusive Stormwater Drainage Easement Agreement (this "Agreement") is made and entered into this ________________ day of ___________________ 2022, by and between ASHLEY HARBOR PROPERTY OWNERS ASSOCIATION, INC. ("Grantor") and the CITY OF CHARLESTON, a South Carolina municipality (the "City" or "Grantee").

RECAPITULATIONS

WHEREAS, by virtue of those certain instruments entitled Amended and Restated Declaration of Covenants, Conditions and Restrictions of Ashley Harbor Subdivision dated February 15, 2016 and recorded February 16, 2016, in Book 0535, Page 105, RMC Office for Charleston County, certain covenants, easements and restrictions were placed against that certain real property comprised of individual Lots located in Ashley Harbor subdivision as more particularly described in the attached Exhibit A, incorporated herein by reference (the "Declaration").

WHEREAS, by virtue of these Covenants, the control of the property is vested in the Ashley Harbor Homeowners' Association (the "Association") as the successor to the original Developer.

WHEREAS, Article X. Easements, Section 10.1(b) of said Declaration reserves to the Association, and any of its designees, which may include any governmental utility, including the City, perpetual non-exclusive easements, upon, across, over, and under all of the Properties to the extent reasonably necessary for the purpose of repairing or maintaining its stormwater drainage systems.

WHEREAS, Grantor desires the City to assist in the maintenance of its current drainage system, as noted in the attached plat(s), prepared by __________________, dated ________________ and recorded with the Charleston County Register of Deeds on ________________, in Book _____, Page _____ (the "Easement Areas"), attached herein as Exhibit B.

WHEREAS, Grantor desires to cooperate with the City and to grant unto the City a permanent and non-exclusive stormwater drainage easement in and to the Easement Area necessary to periodically maintain the stormwater Facilities.

NOW, THEREFORE, in consideration of the foregoing and the benefits to be derived by the drainage improvements to the Property, the receipt and sufficiency of which are hereby acknowledged, Grantor has granted, bargained, sold, released and conveyed, and by these presents
does grant, bargain, sell, release and convey unto Grantee, its successors and assigns, a permanent, non-exclusive stormwater drainage easement (the “Easement”) upon, over, under and across the Easement Area, for the purpose of maintaining, inspecting, and/or repairing the Stormwater Facilities through the Property for the benefit of the Property and other properties in the area, said Easement being subject to the following terms and conditions:

1. The recitals and exhibits are incorporated into this Agreement by reference, as if fully restated verbatim.

2. The City shall at all times have the right of ingress and egress to the Easement Area for purposes of periodic inspection, maintenance, and repair of the Stormwater Facilities. The Easement shall be commercial in nature and shall run with title to the Property.

3. The City has no obligation to repair, replace, relocate or compensate Grantor for any structures, trees, plants, grass, shrubs, or other elements damaged or destroyed within the confines of the Easement Area during the conduct of the City’s allowable activities as described in this Easement.

4. Subject to Section 3 of this Agreement, any existing encroachments within the Easement Area, as shown on the Plat, shall be considered as permissible encroachments. Future encroachments into the Easement Area, including but not limited to any expansion or enlargement of existing encroachments into the Easement Area, shall require an encroachment permit from the City in accordance with the City’s standard rules and procedures governing encroachments.

5. Grantor’s signature to this Agreement shall not constitute an irrevocable offer to dedicate the Easement to the City. This Agreement shall not bind the City unless and until the Easement is accepted by the City Council of Charleston.

6. Pursuant to Sec. 27-18 of the Code of Ordinances of the City of Charleston, the City’s Director of Stormwater Management is authorized to execute this Agreement, provided, however, the Director’s consent and execution of this Agreement shall not bind the City unless and until the Easement is accepted by the City Council of Charleston.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the Grantee, its successors and assigns, against Grantor and Grantor’s heirs and assigns, and all persons whomsoever lawfully claiming or to claim the same or any part thereof.

[REMAINDER OF PAGE INTENTIONALLY BLANK]
IN WITNESS WHEREOF, Grantor has set its hand and seal this ___ day of
____________________, 2022.

WITNESSES:                        ASHLEY HARBOR HOMEOWNERS’
                                   OWNERS ASSOCIATION, INC.

Witness #1                        By: ________________________________
Print Name: ______________________
                                   Print Name: ______________________
                                   Its: President

Witness #2
Print Name: ______________________

STATE OF SOUTH CAROLINA
                        ) ACKNOWLEDGEMENT
COUNTY OF CHARLESTON
                        )

THE FOREGOING instrument was acknowledged before me this____ day of
____________________, 2022, by Ashley Harbor Home Owners Association, Inc., a South
Carolina nonprofit corporation, by____________________, its President.

Signature: ________________________________
Notary Public for South Carolina
Print Name of Notary: ________________________________
My Commission Expires: ________________________________

(SEAL OF NOTARY)

[REMAINDER OF PAGE INTENTIONALLY BLANK]
IN WITNESS WHEREOF, the City of Charleston has set its Hand and Seal this____day of __________________, 2022.

WITNESSES:

Witness #1
Print Name: __________________________

Witness #2
Print Name: __________________________

CITY OF CHARLESTON

By: Matthew Fountain
Its: Director of Stormwater Management

STATE OF SOUTH CAROLINA  )
) ACKNOWLEDGEMENT
COUNTY OF CHARLESTON  )

The foregoing instrument was acknowledged before me (the undersigned notary) by the City of Charleston, by Matthew Fountain, its Director of Stormwater Management on this _______ day of___________________, 2022.

Signature: ________________________________
Notary Public for South Carolina
Print Name of Notary: ______________________
My Commission Expires: ______________________
(SEAL OF NOTARY)

[REMAINDER OF PAGE INTENTIONALLY BLANK]
EXHIBIT A

[AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF ASHLEY HARBOR SUBDIVISION]
EXHIBIT B

[DEPICTION OF EASEMENT AREA]
STATE OF SOUTH CAROLINA  
COUNTY OF CHARLESTON  

MEMORANDUM OF UNDERSTANDING

THIS Memorandum of Understanding is entered this ___ day of February 2020 by and between the City of Charleston (the “City”), and the Coastal Community Foundation (the “CCF”), (collectively the “Parties”).

WHEREAS, the Parties intend to construct a memorial along the George Street side of the Gaillard Center to commemorate the thirty-six African Americans whose remains were discovered during the renovation of the building; and

WHEREAS, the estimated cost of the memorial will exceed two hundred fifty thousand and no/100 ($250,000.00) dollars; and

NOW THEREFORE, for and in consideration of the sum of One and 00/100 ($1.00) Dollars and other valuable consideration, the receipt and sufficiency of which are herein acknowledged, the Parties agree as follows:

1. All recitals set forth above are incorporated by reference herein.

2. The City shall pay an amount not to exceed Two Hundred Fifty Thousand and no/100 ($250,000.00) Dollars toward the construction efforts of the memorial.

3. The CCF will collect through private fundraising any additional funds in excess of the City’s commitment toward allocation of the construction.

4. CCF shall exercise control and management of the memorial, maintain separate records of receipts and expenditures of funds related to this Agreement and make books and records available to the City at reasonable times upon the City’s request.

5. The term of this Agreement shall commence on the effective date of this Agreement and shall terminate on February 1, 2023 or whenever all activities related to the construction of the memorial, whichever is sooner.

6. Each party to this Agreement shall be responsible for its own actions.

7. The Parties shall not in any way or for any purpose be deemed to be or become partners, joint venturers, agents, employees or employers with respect to each other by this Memorandum of Understanding or for purposes hereof. No party shall be responsible for or otherwise required to police or regulate any
activities or conduct of the other(s) or any of their employees, officers, agents or contractors.

8. This Memorandum of Understanding shall be governed by the laws of the State of South Carolina.

9. All communications related to this Memorandum of Understanding shall be in writing directed to a party at its address as set forth below.

To the City:

John J. Tecklenburg, Mayor
City of Charleston
80 Broad Street
Charleston, SC 29401

With a copy to:

Corporation Counsel
City of Charleston
50 Broad Street
Charleston, SC 29401

To the CCF:

Melissa Levesque
Vice President of Development and Stewardship
CCF
1691 Turnbull St.
N. Charleston, SC 29405

10. This Memorandum of Understanding constitutes the entire agreement between the Parties pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements and understandings of the parties in connection herewith. No interpretation, modification, termination or waiver of any provision of or default pursuant to this Memorandum of Understanding shall be binding upon a party unless in writing and signed by the party against whom enforcement is sought.

11. No failure or delay in exercising any right, power or remedy hereunder shall constitute a waiver, forfeiture or other impairment of such right, power or remedy.

12. The invalidity, illegality or unenforceability of any provision hereof shall not render invalid, illegal or unenforceable any other provision hereof.
13. This Memorandum of Understanding shall inure to the benefit of, and be binding upon, the Parties hereto, and their heirs, successors and permitted assigns.

IN WITNESS WHEREOF, We, the undersigned, have read and agree with all sections of the Memorandum of Understanding.

WITNESS: ........................................

CITY OF CHARLESTON

By: ........................................

Its: ........................................

WITNESS: ........................................

COASTAL COMMUNITY FOUNDATION

By: ........................................

Its: ........................................
Fountain bowl will be a earth casting about 3ft tall. Some of the areas in the bowl will have holes to allow water to fall back to ground from the fountains spouts.
36 hands holding object, in reference to the objects the people were buried with. Each hand will be casted in bronze, and will have its own water spouting from it.
36 hands holding object, in reference to the objects the people were buried with. Each hand will be cast in bronze, and will have its own water spouting from it.
AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF A NOT EXCEEDING $14,600,000 SPECIAL OBLIGATION REDEVELOPMENT BOND (CHARLESTON NECK REDEVELOPMENT PROJECT AREA), SERIES 2022, OF THE CITY OF CHARLESTON, SOUTH CAROLINA, AND OTHER MATTERS RELATING THERETO (AS AMENDED)

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

ARTICLE I

FINDINGS OF FACT

Section 1 Recitals.

In connection with the adoption of this Ordinance, the City Council ("City Council") of the City of Charleston, South Carolina (the "City") finds and determines as follows:

Pursuant to the "Tax Increment Financing Law," codified at Title 31, Chapter 6, Code of Laws of South Carolina 1976, as amended (the "TIF Act"), the City is authorized to establish redevelopment project areas, issue obligations to carry out a redevelopment project and pay redevelopment project costs, each as defined in the TIF Act. City Council by ordinance (the "TIF Ordinance") adopted December 21, 2004, as amended, established the Charleston Neck Redevelopment Project Area, the boundaries of which are shown at Exhibit B of the TIF Ordinance (the "TIF District"). The Public Infrastructure Improvements Agreement dated September 1, 2015, between the City and Ashley River Investors, LLC (subsequently assigned to HR Charleston, LLC, a subsidiary of Highland Resources, Inc.) (the "Developer") describes the expectation that certain public improvements (the "Improvements") will be financed by borrowings secured by a pledge of revenues generated by the TIF District, including all amounts to be deposited in the special tax allocation fund ("TIF Revenues").

The TIF District was established by City Council so that the Improvements may be financed by the City through the issuance of bonds, secured by taxes deposited to a special tax allocation fund so as to provide funds to pay the costs of acquiring, equipping, and constructing the Improvements, interest coming due on the bonds during the construction period of the Improvements, funding debt service reserves for the bonds, and paying the costs incurred in connection with the authorization, issuance, and sale of the bonds. The TIF Ordinance has been and may be amended in the future.
By Ordinance adopted March 22, 2011, City Council authorized a $13,600,000 Tax Increment Bond (Charleston Neck Redevelopment Project Area), Series 2011, dated April 15, 2011 (the “Series 2011 Bond”) which was sold to Bank of America, N.A. to mature on July 15, 2013, the proceeds of which were used to refinance, together with TIF Revenues available for such purpose, the tax increment bond issued by the City in 2009.

By Ordinance adopted April 23, 2013, City Council authorized a $12,100,000 Special Obligation Redevelopment Bond (Charleston Neck Redevelopment Project Area), Series 2013, dated July 15, 2013 (the “Series 2013 Bond”) which was sold to Bank of America, N.A. to mature on September 1, 2026, the proceeds of which were used to refinance, together with TIF Revenues available for such purpose, the Series 2011 Bond.

By Ordinance adopted July 15, 2014, City Council extended the maximum term of obligations to be issued under the Improvement Plan from December 21, 2029 to December 21, 2039 and extended the duration of the Improvement Plan from 2029 to 2039.

By Ordinance adopted November 27, 2018, City Council authorized a $18,000,000 Special Obligation Redevelopment Bond (Charleston Neck Redevelopment Project Area), Series 2018, dated December 3, 2018 (the “Series 2018 Bond”) which was sold to Bank of America, N.A. to mature on September 1, 2033, the proceeds of which were used to finance further improvements in the TIF District.

By Ordinance adopted May 14, 2019, City Council removed several parcels from the TIF District in order that they be included in the Morrison Drive Redevelopment Project Area.

By Ordinance adopted February 25, 2020, City Council authorized a $7,900,000 Special Obligation Redevelopment Bond (Charleston Neck Redevelopment Project Area), Series 2020, dated February 27, 2020 (the “Series 2020 Bond”) which was sold to Bank of America, N.A. to mature on September 1, 2035, the proceeds of which were used to finance further improvements in the TIF District.

In order to finance further Improvements in the TIF District, the City’s Budget, Finance and Revenue Collections Department solicited and received proposals from multiple banks and received the lowest interest rate from Bank of America, N.A. (the “Purchaser”, which term shall include any affiliate thereof or of Bank of America Corporation), for the sale of a not exceeding $14,600,000 Special Obligation Redevelopment Bond (Charleston Neck Redevelopment Project Area), Series 2022, in order, together with TIF Revenues, to accomplish such financing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLESTON, SOUTH CAROLINA, THAT:

ARTICLE II

ISSUANCE OF BOND

Section 1. Authorization; Purpose; Application of Proceeds.

(a) Pursuant to the authority of the TIF Act, there shall be and there is hereby authorized and directed the execution, issuance, sale and delivery of a “City of Charleston, South Carolina, Special Obligation Redevelopment Bond (Charleston Neck Redevelopment Project Area), Series 2022” (the “Series 2022 Bond”) or such other designation as shall be determined by the Mayor and the Chief Financial Officer of the City, in the principal amount of $14,600,000 or such lesser amount if determined by the Mayor. The Series 2022 Bond shall be dated its date of delivery, shall have a final maturity no later than
September 1, 2036, and shall bear interest at the rate of 2.09%, with interest payments payable on March 1 and September 1, beginning September 1, 2022, or such other dates as the Mayor shall determine, and principal being payable on September 1, 2022 through 2036, or such other dates as the Mayor shall determine. The Series 2022 Bond shall be in substantially the form attached hereto as Exhibit A with such changes as shall be determined by the Mayor, his execution to be conclusive evidence of such approval.

(b) City Council hereby delegates to the Mayor and the Chief Financial Officer the authority (i) to determine the principal amounts to be made annually, which principal amounts may be part of an annual amortized payment of principal and interest; (ii) to set the redemption provisions whether extraordinary, optional or mandatory, and (iii) to take such further action as may be necessary in connection with the issuance of the Series 2022 Bond.

Section 2. Sale.

The Series 2022 Bond will be sold to the Purchaser upon the terms and conditions entered into between it and the City as shall be determined by the Mayor and the Chief Financial Officer, within the limitations set forth herein.

Section 3. Authorization of Officers of the City.

The Mayor, the Chief Financial Officer and the City Clerk of the City are hereby severally authorized and directed to execute and deliver any and all other documents, instruments and closing certificates, including without limitation a financing agreement between the City and the Purchaser, and to do and to cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by this Ordinance.

Section 4. Severability.

The provisions of this Ordinance are severable, and if any one or more of the provisions, sentences, clauses, sections or parts hereof shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because of conflict with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatsoever. It is hereby declared that this Ordinance would have been enacted if such inoperative or unenforceable or invalid provision, sentence, clause, section or part had not been included herein and such inoperative or unenforceable or invalid provisions, sentences, clauses or sections or parts (i) shall be deemed severable from the remaining covenants and agreements and portions thereof provided in this Ordinance, and (ii) shall in no way affect the validity of the other provisions of this Ordinance or of the Series 2022 Bond; however, the holder of the Series 2022 Bond shall retain all the rights and benefits accorded to them hereunder and under any applicable provisions of law.

Section 5. South Carolina Tax Exemption.

Both the principal and interest on the Series 2022 Bond shall be exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate or transfer taxes.

For the punctual payment of the principal and interest of the Series 2022 Bond, the City irrevocably pledges the TIF Revenues generated from the TIF District. Such pledge of TIF Revenues is on a parity with the pledge of TIF Revenues securing the Series 2013 Bond, the Series 2018 Bond and the Series 2020 Bond. No pledge of the TIF Revenues shall be senior to the pledge of TIF Revenues for the Series 2013 Bond, the Series 2018 Bond, the Series 2020 Bond and the Series 2022 Bond. It is specifically recognized that any amendments to this Ordinance or the TIF Ordinance must be approved in writing by the Purchaser.

Section 7. Information.

The City will provide audited financial statements, including operating statistics, on an annual basis to the Purchaser or will file the audited financial statements on EMMA in either case within 270 days after the end of the fiscal year and will further provide additional information relating to the Series 2022 Bond as the Purchaser shall reasonably expect.

Section 8. No Consent.

No consent or waiver, express or implied, to or of any breach or default in the performance of any obligation under this Ordinance, the Series 2022 Bond or any other document executed in connection herewith will constitute a consent or waiver to or of any other breach or default in the performance of the same or any other obligation.

THIS ORDINANCE SHALL BE EFFECTIVE IMMEDIATELY UPON FINAL READING.

DONE IN MEETING DULY ASSEMBLED, this 8th day of March, 2022.

CITY OF CHARLESTON, SOUTH CAROLINA

By ________________________________
Mayor

Attest:

_______________________________
City Clerk

First Reading: February 22, 2022
Second and Third Readings: March 8, 2022
EXHIBIT A

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
CITY OF CHARLESTON
SPECIAL OBLIGATION REDEVELOPMENT BOND
(CHARLESTON NECK REDEVELOPMENT PROJECT AREA),
SERIES 2022

THE CITY OF CHARLESTON, SOUTH CAROLINA (the “City”) hereby acknowledges itself indebted, and, for value received, promises to pay to ____________, its successors and assigns (the "Registered Holder") the principal sum of $_______ together with interest thereon. Interest on the outstanding principal amount of this Bond shall accrue at the rate of _____% per annum, subject to adjustment as provided herein, and shall be payable on March 1 and September 1, commencing September 1, 2022. Principal shall be payable on September 1 of each year as follows:

<table>
<thead>
<tr>
<th>Due September 1</th>
<th>Principal Amount</th>
</tr>
</thead>
</table>

Both the principal and interest on this Bond are payable in any coin or currency of the United States of America, which is, at the time of payment, legal tender for the payment of public and private debts. Interest shall be calculated on the basis of a 360-day year of twelve 30-day months.

[On and after the date on which an “Event of Taxability” has occurred (the “Taxable Date”), interest on the outstanding principal amount of this Bond shall accrue at the rate of ____% per annum. Each of the following shall be an Event of Taxability with respect to this Bond:

(a) the taking of an action by the City or the failure by the City to take any action, or the making by the City of any misrepresentation herein or in any certificate required to be given in connection with the issuance, sale or delivery of this Bond which has the effect of causing interest paid or payable on this Bond to become includable, in whole or in part, in the gross income of a holder or any former holder of this Bond for federal income tax purposes; or

(b) the entry of any decree or judgment by a court of competent jurisdiction, or the taking of any official action by the Internal Revenue Service or the Department of the Treasury, which decree, judgment or action shall be final under applicable procedural law, in either case, which has the effect of causing interest paid or payable on this Bond to become includable, in whole or in part, in the gross income of such holder or such former holder of this Bond for federal income tax purposes; provided, such entry or taking
of official action under this clause (b) was based on and was as a result of an action or failure to act by the City.

Interest on any past due payment of principal or interest on this Bond shall accrue (i) prior to the Taxable Date, at the rate of ____% per annum, and (ii) on and after the Taxable Date, at the rate of ____% per annum (the “Default Rate”). If the past due remains outstanding 90 days after its due date, the entire principal amount of this Bond shall accrue interest at the Default Rate until such past due payment and all accrued interest thereon shall have been paid.

Each of the following shall be an “Event of Default” with respect to this Bond:

(a) if payment of any installment of interest on this Bond is not made when it becomes due and payable; or

(b) if payment of the principal of this Bond is not made when it becomes due and payable; or

(c) if the City, for any reason, is rendered incapable of fulfilling its obligations under the TIF Ordinance or the Bond Ordinance,

and such default continues for 90 days after written notice requiring the same to be remedied shall have been given to the City, provided, however, that if such performance requires work to be done, actions to be taken, or conditions to be remedied, which by their nature cannot reasonably be done, taken or remedied, as the case may be, within such 90 day period, no Event of Default shall be deemed to have occurred or exist if, and so long as the City shall commence such performance within such 90 day period and shall diligently and continuously prosecute the same to completion.]

THIS BOND is issued by the City pursuant to the authorization of the Tax Increment Financing Act codified as Sections 31-6-10 to 31-6-120, Code of Laws of South Carolina, 1976, as amended, an ordinance adopted by the City Council of the City (“City Council”) on December 21, 2004, as amended by ordinances adopted by City Council on July 15, 2014 and May 14, 2019 (collectively, the “TIF Ordinance”) and an ordinance adopted by City Council on March 8, 2022 (the “Bond Ordinance”). For the payment of this Bond, both principal and interest, there are pledged the incremental tax revenues generated from the Charleston Neck Redevelopment Project Area Tax Increment District. Capitalized terms used but not defined in this Bond shall have the meanings assigned to such terms in the Bond Ordinance.

The full faith, credit and taxing power of the City are not pledged to the payment of this Bond. The Bond shall at all times be registered on registry books of the City to be kept at the Office of the Clerk of Council of the City of Charleston, South Carolina, and each transfer to be valid shall be made on the registration books (the “Registration Book”) and similarly noted on this Bond and the Form of Assignment attached hereto. The Registered Holder may at any time assign and transfer this Bond in the manner above noted.

The City may issue at any time one or more series of bonds (the “Additional Bonds”) for any lawful purpose which Additional Bonds shall be on a parity with the Series 2013 Bond, the Series 2018 Bond, the Series 2020 Bond and this Bond upon satisfaction of the following conditions:

1. There shall exist on the occasion of the issuance of the Additional Bonds, (i) no default in the payment of the principal of or interest on the Series 2013 Bond, the Series 2018 Bond, the Series 2020 Bond, this Bond or any Additional Bonds previously issued; (ii) no default under any covenant or agreement made by the City in connection with the Series 2013 Bond, the Series 2018 Bond, the Series 2020 Bond, this Bond or any Additional Bonds previously issued; and
2. The TIF Revenues received from the Charleston County Treasurer for the fiscal year next preceding the issuance of the proposed Additional Bonds shall have been equal to at least 130% of the maximum annual principal and interest requirements for the then current or any succeeding fiscal years for the Series 2013 Bond, the Series 2018 Bond, the Series 2020 Bond, this Bond, any Additional Bonds previously issued and the Additional Bonds proposed to be issued.

THIS BOND shall not be redeemed prior to ___________. This Bond is subject to redemption at the option of the City, in whole, but not in part, on any date on or after ________ at a redemption price of par plus accrued interest to the redemption date.

THIS BOND and the interest hereon are exempt from all State, county, municipal, school district, and all other taxes or assessments of the State of South Carolina, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except estate, transfer taxes and certain franchise taxes.

IT IS HEREBY CERTIFIED AND RECITED that all acts, conditions and things required by the Constitution and Laws of the State of South Carolina to exist, to happen, or to be performed precedent to or in the issuance of this Bond, do exist, have happened and have been performed in regular and due time, form and manner.

IN WITNESS WHEREOF, THE CITY OF CHARLESTON, pursuant to the authorization of Sections 31-6-10 to 31-6-120, inclusive, Code of Laws of South Carolina, 1976, the TIF Ordinance and the Bond Ordinance, has caused these presents to be signed in its name by its Mayor and attested by the Clerk of City Council and its Corporate Seal to be impressed hereon, and this Bond to be dated as of the _____ day of ________, 2022.

(SEAL)

THE CITY OF CHARLESTON, SOUTH CAROLINA

By __________________________________________
Mayor

Attest:

________________________
Clerk, City Council of the City of Charleston, South Carolina

CERTIFICATE OF AUTHENTICATION

This Bond delivered at Charleston, South Carolina, is the fully registered Series 2022 Bond described in the within mentioned Bond Ordinance. Interest hereon accrues from ___________, 2022.

By __________________________________________
City Clerk of the City of Charleston, Registrar

__________, 2022
FORM OF ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto the within Bond of the City of Charleston, South Carolina, and hereby irrevocably constitutes and appoints _____________ Attorney to transfer the same on books of the Registrar with full power of substitution in the premises.

Dated:

____________, 20__

Signature Guaranteed:
STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

I, the undersigned, Clerk of the City Council of the City of Charleston, South Carolina, DO HEREBY CERTIFY:

That the foregoing is a true, correct and verbatim copy of an Ordinance unanimously adopted by the said City Council, having been read at two duly called and regularly held meetings at which a quorum attended and remained throughout on each of February 22, 2022 and March 8, 2022.

That the said Ordinance is now in full force and effect and has not been modified, amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my Hand this _____ day of March, 2022.

___________________________________________
Clerk of the City Council of Charleston, South Carolina
AN ORDINANCE

TO AMEND ARTICLE II (CITY COUNCIL), DIVISION 1 (GENERALLY) OF CHAPTER 2 OF THE CODE OF THE CITY OF CHARLESTON (ADMINISTRATION)

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

Section 1. Division 1 (Generally) of Chapter 2 (Administration) of the Code of the City of Charleston is hereby amended by deleting the text shown below with a strike-through:

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

(f) Councilmembers may attend standing committee meetings virtually or by telephone. Councilmembers may attend meetings of city council or the committee on ways and means virtually or by telephone only in cases of emergency or illness and if the remaining members attending in person constitute a quorum of the governing body. When virtual or telephonic attendance is permitted in accordance with this subparagraph, the following rules and procedures shall apply:

(1) Notice of virtual or telephonic attendance shall be provided to the clerk of council's office and when possible, not less than twenty-four (24) hours before the scheduled start time for the meeting. The clerk of council shall advise the mayor or, committee chair of the request.

(2) At any meeting where a councilmember is attending virtually or by telephone, there shall be a device that allows the voice of the remotely-participating councilmember to be heard by everyone present in the meeting room. A councilmember attending virtually or by telephone shall count as part of a quorum and the vote of the member shall be valid.

(3) Any meeting where a councilmember is attending virtually or by telephone shall be conducted in accordance with the requirements of the S.C. Freedom of Information Act.

(4) Any councilmember attending a committee meeting virtually or by phone where an executive session is held will ensure that no other person is within a range that would allow matters to be discussed or considered to be heard.
Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this _____ day of
___________ in the Year of Our Lord, 2022,
and in the _____ Year of the Independence of
the United States of America

__________________________
John J. Tecklenburg, Mayor

ATTEST:

__________________________
Jennifer Cook,
Clerk of Council