CITY COUNCIL

A. Roll Call

B. Invocation – Councilmember Gregorie

C. Pledge of Allegiance

D. Presentations and Recognitions

1. Resolution in remembrance of former Councilmember Brenda Scott
   *(To be distributed under separate cover)*

2. Recognition of City of Charleston Southern Marlins Swim Team

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.)*

1. Request to close and abandon a portion of Floyd Drive described as “PORTION OF FLOYD DRIVE HEREBY ABANDONED 0.22 ACRES (TO PARCEL A-2)” on that certain plat entitled “FINAL PLAT OF THE SUBDIVISION AND ADJUSTMENT OF PROPERTY LINES BETWEEN PARCEL A-2 (10.65 Ac.) & FLOYD DRIVE TO CREATE PARCEL A-2 (10.11 AC.), FLOYD DRIVE, A NEW CPW PUMP STATION & NEW CPW UTILITY EASEMENT”

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 569-571 King Street (Peninsula) (approximately 0.12 acre) (TMS #460-12-02-070) (Council District 4), be rezoned from General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification. The property is owned by Jasega, LLC.

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 properties on Maybank Highway (Johns Island) (approximately 37.29 acres) (TMS #279-00-00-056 and 057) (Council District 5), be rezoned from Single-Family Residential (SR-1 and SR-4) classifications to Diverse Residential (DR-6) classification. The properties are owned by St Johns Center LLC and 4 S Maybank 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 3486 Maybank Highway (Johns Island) (approximately 9.62 acres) (TMS #279-00-00-055) (Council District 5), pending annexation into the City of
Charleston, be zoned Diverse Residential (DR-6) classification. The property is owned by St. John’s Center, LLC and Charles P. Youmans, Jr.

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 portions of subject properties on St. Philip Street, Line Street, King Street and Ackermans Court (Peninsula) (approximately 0.32 acre) (portion of TMS #460-08-02-015, 109, 110, 111 and 112) (Council District 4), be rezoned from 2.5-3 Story Old City Height District Classification to 3.5 Story Old City Height District Classification. The properties are owned by Evening Post Industries.

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 portions of subject properties on St. Philip Street, Line Street, King Street and Ackermans Court (Peninsula) (approximately 1.5 acre) (TMS #460-08-02-010 through 013, 015, 109, 110, 112, 113 and 117) (Council District 4), be rezoned from 6 Story Old City Height District Classification to 7 Story Old City Height District Classification. The properties are owned by Evening Post Industries.

7. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Article 2, Part 3, Table of Permitted Uses to add Utility-Scale Battery Storage Facilities as a principal use category and make this use a permitted use within the Light Industrial and Heavy Industrial Zoning Districts.

8. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2181 Wappoo Hall Road (James Island) (approximately 0.37 acre) (TMS #343-01-00-032) (Council District 11), annexed into the City of Charleston February 23, 2021 (#2021-019), be zoned Single-Family Residential (SR-1) classification. The property is owned by Hurley Living Trust.

9. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2182 Parkway Drive (James Island) (approximately 0.20 acre) (TMS #343-01-00-144) (Council District 11), annexed into the City of Charleston February 23, 2021 (#2021-022), be zoned Single-Family Residential (SR-2) classification. The property is owned by Peter Deen Wey and Leigh Mendelsohn Wey.

10. An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that 2138 Golfview Drive (James Island) (approximately 0.22 acre) (TMS #343-06-00-013) (Council District 11), pending annexation into the City of Charleston, be zoned Single-family Residential (SR-1) classification. The property is owned by Greg White.

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 114 Magnolia Road (West Ashley) (approximately 0.20 acre) (TMS #418-13-00-166) (Council District 3), pending annexation into the City of Charleston, be zoned Single-Family Residential (SR-2) classification. The property is owned by Matt Prendergast. *(DEFERRED)*

**F. Act on Public Hearing Matters**

**G. Approval of City Council Minutes:**

1. March 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, March 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, March 23rd at 12:00 p.m.

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

I. Petitions and Communications:

1. Commission on Women Appointments:

   Carol Jackson – Reappointment  
   Jennet Robsinon Alterman – Reappointment  
   Lydia Cotton – Reappointment  
   Monique Hill – Reappointment  
   Julia Moore – New Appointment  
   Hilda Gadsden – New Appointment

2. Bicycle and Pedestrian Advisory Committee Appointments:

   Jeff Adkins – New Appointment

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

4. Stormwater Management Project Highlight Presentation [US17 Septima P. Clark Drainage Project (Spring/Fishburne)] – 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

020 to 026, 457-08-02-032 to 038, 457-08-02-135, 457-08-02-159 to 161, 457-08-04-003, 457-08-04-015 to 017, 457-08-04-019, 457-08-04-0191, 457-08-04-020 to 032, 457-08-04-035 to 040, 457-08-04-042, 457-08-04-088, 457-08-04-091, 457-08-04-131, 457-08-04-133 to 134, 457-08-04-137 to 143, 457-08-04-148 to 149, 457-08-04-154 to 156, 457-08-04-184 to 188, 457-12-02-009 to 010, 457-12-02-041, 457-12-02-046 to 049 and 457-12-04-015 be included within the Special Parking District Overlay Zone.

J. Council Communications:

1. Discussion re: Federal stimulus and its relationship to the 2021 City Budgets (Requested by Councilmember Harry J. Griffin)

K. Council Committee Reports:

1. Committee on Community Development: (Meeting was held Thursday, March 11, 2021 at 4:30 p.m.)

   a. New Business:

      (i). Request for approval of the 2021-2022 Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME) and Housing Opportunities for Persons with Aids (HOPWA) budget
      (ii). "Draft" Plan of Action for Equity in the Lowcountry Lowline (Information Only)
      (iii). Consider a Resolution certifying property located at 221 Saint Philip Street (Charleston County TMS No. 460-08-02-095) as an abandoned building site under section 12-67-160 of the South Carolina Code. (Memorandum and Draft Resolution attached).
      (iv). Consider a Resolution certifying property located at 223 Saint Philip Street (Charleston Count TMS No. 460-08-02-094) as an abandoned building site under section 12-67-160 of the South Carolina Code. (Memorandum and Draft Resolution attached).

   b. Old Business:

      (i). Cooper River Bridge Redevelopment Area- Tax Increment Finance Allocations (To be discussed at the joint meeting of the Committee on Public Works and Utilities and Committee on Community Development -- March 25, 2021)

2. Committee on Public Works and Utilities: (Meeting was held Monday, March 22, 2021 at 4:00 p.m.)

   a. Acceptances and Dedication of Right-of-Way:

      (i). William E. Murray Boulevard (Portion): Dedication and acceptance of that certain right-of-way designated as a portion of William E. Murray Boulevard and the City of Charleston drainage easements shown on that certain plat including a portion of William E. Murray Boulevard recorded in Plat Book L17 at Page 0472 in the ROD Office for Charleston County, South Carolina. All infrastructure has been constructed or bonded.
         -- Title to Real Estate;
         -- Exclusive Storm Water Drainage Easements; and
(ii). Approval to notify SCDOT that the City will accept maintenance responsibility for approximately 290 LF of granite curb in conjunction with the project at 89 Hanover Street (S-488)

b. Stormwater Management Department Updates:

(i) Medical District Drainage Tunnel Extension at Ehrhardt – Acceptance of easements from MUSC.

(ii) Barberry Woods Drainage Improvements – Approval of Fee Amendment #2 with W.K. Dickson & Co., Inc. in the amount of $29,080.00 for support services in potential property acquisition on the project. Funding is available in the Drainage Fund.

(iii) Forest Acres Drainage Improvements – Recommendation to proceed with easement acquisitions on Phase 2 of the project.

(iv) Small Projects Allocation - Discussion of Potential Funding Scenarios

c. An ordinance to amend Article VIII of Chapter 30 of the Code of the City of Charleston to establish a new procedure for creating Non-Standard Service Districts within the City of Charleston and to amend the Electrical Franchise Agreement with Dominion Energy South Carolina, Inc., formerly known as South Carolina Electric & Gas Company, to provide for an additional method for funding non-standard services.

3. Committee on Ways and Means:

(Bids and Purchases

(Resiliency and Sustainability: Approval to submit the 2022 SC DHEC Solid Waste Reduction and Recycling grant application in the amount of $15,000 to support a pilot program for food waste composting and associated outreach and education. The grant application is due on April 2, 2021. No City match is required.

(Fire Department: Approval to submit the 2021 State Homeland Security grant in the amount of $90,000 for Charleston FD Collapse Search and Rescue Team. There is no financial impact with this grant in the FY21 or 22 Budget. No City match is required.

(Police Department: Approval of an application for personnel, equipment, and data analysis software to establish a regional Gang Task Force. This project requires a 10% City match of $62,333. This application is due on March 26, 2021.

(Police Department: Approval or an application for an Elder Advocate and Resource Specialist for the CPD Victim Services Unit under the Victims of Crime Act Grant Program. This project requires a 43% City match of $51,442.45. This application is due on April 1, 2021.

(Housing and Community Development: Approval to submit the Application for Federal Assistance (SF 424 Forms) and the corresponding documents to the Department of Housing and Urban Development (HUD) for the 2021-2022 program years.
Attached is the 424 Forms, HUD certification forms and the budget. This request has been coordinated with the Community Development Advisory Committee and the Community Development (CD) Committee of City Council. The CD Committee gave final approval to the HOPWA, HOME and CDBG budgets Thursday, March 11, 2021. Approval is also requested for the execution of contracts for each organization based on the approved budgets/awards. The contracts will be reviewed and vetted by City of Charleston Corporation Counsel prior to the dissemination of the contracts to the nonprofit agencies. Contract templates are also attached for your information.

(Housing and Community Development: Approval of a contract between S&ME Inc., and the City of Charleston and for environmental, soil removal and disposal services related to the Voluntary Cleanup Contract for the City of Charleston’s housing parcel, near the Lowcountry Lowline. The contract amount is $85,390 and will be borne by the Fee-in-Lieu or the 2019 Community Development Block Grant Acquisition account.

(Legal Department: Approval or Agreement between the City of Charleston and Gotcha Mobile Holdings, LLC amending the current agreement regarding the operation of a Bike Share Program to allow for a new contractor which purchased substantially all of the assets of the Gotcha Group to fulfill duties and obligations of the current agreement.

(Office of Cultural Affairs: Approval to apply for a grant in the amount of $35,000 from the Coastal Community Foundation to support temporary public art as an extension of the MOJA Arts Festival in 2021 and 2022. There is no City match.

(Stormwater Management: Approval of Barberry Woods Fee Amendment #2 with W.K. Dickson & Co., Inc., in the amount of $29,080 for project administration, plat map production, property acquisition negotiation, and testimony effort services. Approval of Fee Amendment #2 will add 30 days to the contract. Approval of Fee Amendment #2 will increase the professional services contract by $29,080 (from $690,815 to $719,895). Funding for this project is the Drainage Fund.

(An ordinance to amend Article VIII of Chapter 30 of the Code of the City of Charleston to establish a new procedure for creating non-standard service districts within the City of Charleston and to amend the Electrical Franchise Agreement with Dominion Energy South Carolina, Inc., formerly known as South Carolina Electric & Gas Company, to provide for an additional method for funding non-standard services. *(Also to be considered by the Committee on Public Works and Utilities)*

(Request that the City Council authorize the Mayor to execute the necessary documents for the re-purchase of 52 Kennedy Street from Martay, LLC, a South Carolina Limited Liability Company, for $100,000. The property will be utilized for its original purpose-affordable homeownership opportunities for persons whose income does not exceed 120 percent of the Area Median Income. The property is owned by Martay, LLC. TMS NO. 460-07-04-106.

(A Resolution authorizing the City of Charleston to accept a permanent drainage easement, temporary construction easements, and subsurface tunnel easements encumbering properties owned and controlled by the Medical University of South Carolina, designated as Charleston County TMS Nos. 4601104027, 4601501017, and 4601501027 upon approval of the final form of the easement by the City’s
Director of Stormwater Management and Corporation Counsel.

(Authorization for the Mayor to accept an easement on behalf of the City of Charleston for the purpose of a future multi-use path to be constructed by Charleston County TMS No. 318-00-00-098, more specifically described by the attached plat. (2901 Maybank Highway, Johns Island)

(Consider the following annexations:
- 738 Saint Andrews Blvd. (0.26 acre) (TMS No. 418-15-00-081), West Ashley, Charleston County (District 3). The property is owned by Robert A. Limehouse, IV.
- 1908 2nd Drive (0.20 acre) (TMS No. 350-05-00-006), West Ashley, Charleston County (District 7). The property is owned by John H. and John J. Tecklenburg.

(Executive Session in accordance with Section 30-4-70(a)(2) of the South Carolina Code to discuss the City’s acquisition of temporary construction easements and permanent drainage easements necessary for the completion of Phase 2 of the Forest Acres drainage improvement project through Charleston County TMS Nos. 3500400002, 3500400032, 3500400035, and 4180100328, by negotiation and/or eminent domain. After returning from executive session, the committee may or may not take action recommending the City be authorized to acquire temporary construction easements and/or permanent drainage easements through TMS Nos. 3500400002, 3500400032, 3500400035, and/or 4180100328 by negotiation and/or eminent domain.

(Executive Session in accordance with Section 30-4-70(a)(2) of the South Carolina Code to receive legal advice about pending contractual negotiations with respect to the proposed ordinance authorizing the Mayor to execute, on behalf of the City of Charleston, a memorandum of agreement with Palmetto Railways, the South Carolina Department of Commerce, and the South Carolina State Ports Authority regarding the Navy Base Intermodal Facility (NBIF) project in Charleston County, South Carolina, under which the City will accept $11.5 million for (1) the City’s conveyance of certain real property, being a portion of Charleston County TMS No. 464-02-00-051, commonly known as the WR Grace site, through separate purchase agreement; and (2) mitigation of existing and future impacts related to the construction and operation of the NBIF, including but not limited to freight rail movement in the vicinity of the southern access component of the NBIF. Upon returning from executive session, the Committee may vote on whether or not to recommend that City Council give final reading to the ordinance.

(Executive Session in accordance with 30-4-70(a)(2) of the South Carolina Code, to receive legal advice regarding the Charleston School of Law transaction. (Deferred for discussion at City Council)

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

An ordinance to amend Article VIII of Chapter 30 of the Code of the City of Charleston to establish a new procedure for creating non-standard service districts within the City of Charleston and to amend the Electrical Franchise Agreement with Dominion Energy South Carolina, Inc., formerly known as South Carolina Electric & Gas Company, to provide for an additional method for funding non-standard services.
A Resolution authorizing the City of Charleston to accept a permanent drainage easement, temporary construction easements, and subsurface tunnel easements encumbering properties owned and controlled by the Medical University of South Carolina, designated as Charleston County TMS Nos. 4601104027, 4601501017, and 4601501027 upon approval of the final form of the easement by the City’s Director of Stormwater Management and Corporation Counsel.

An ordinance to provide for the annexation of property known as 738 Saint Andrews Boulevard (0.26 acre) (TMS# 418-15-00-081), 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 3. The property is owned by Robert A. Limehouse, IV.

An ordinance to provide for the annexation of property known as 1908 2nd Drive (0.20 acre) (TMS # 350-05-00-006), West Ashley, Charleston County, to the City of Charleston, shown within the area annexed upon a map attached hereto and make it part of District 7. The property is owned by John H. and John J. Tecklenburg.

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 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, 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.

2. 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 ease purchase agreements; and to provide for other matters related thereto.

3. An ordinance amending Ordinance No. 2021-020, adopted by City Council on February 23, 2021, and 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.

4. An ordinance authorizing the Mayor to execute, on behalf of the City of Charleston, a Memorandum of Agreement with Palmetto Railways; the South Carolina Department of Commerce; and the South Carolina State Ports Authority regarding the Navy Base Intermodal Facility (NBIF) project in Charleston County, South Carolina, under which the City will accept $11.5 million for (1) the City’s conveyance of certain real property, being a portion of Charleston County TMS No. 464-02-00-051, commonly known as the W.R. Grace
Site, through separate Purchase Agreement; and (2) mitigation of existing and future impacts related to the construction and operation of the NBIF, including but not limited to freight rail movement in the vicinity of the southern access component of the NBIF.

5. An ordinance authorizing the Mayor to execute a Third Amendment to the Memorandum of Understanding between the City of Charleston and the Episcopal Diocese of South Carolina Community Housing Development Organization (“EDCHDO”), a copy of which is attached hereto as Exhibit 1, under which (a) EDCHDO will convey back to the City certain real property located at 83 Hanover Street (TMS No. 459-05-04-124); (b) the City will execute a Quitclaim Deed and release of possibility of reverter as to all properties previously conveyed to EDCHDO and sold as affordable housing; and (c) the City will authorize EDCHDO to utilize any remaining funds provided by the City to EDCHDO to develop and sell affordable housing units on EDCHDO’s properties designated as Charleston County TMS No. 4600801215 (24 Humphrey Court) and 4600801216 (28 Humphrey Court).

6. An ordinance to provide for the annexation of property known as 2138 Golfview Drive (0.22 acre) (TMS# 343-06-00-013), 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 Greg White.

7. An ordinance to provide for the annexation of property known as 114 Magnolia Road (0.20 acre) (TMS# 418-13-00-166), 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 3. The property is owned by Matt Prendergast. (DEFERRED)

8. 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. (AS AMENDED) (DEFERRED)

9. An ordinance to amend Part 15 (Workforce Housing Districts and Opportunity Zones) of Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston, South Carolina (Zoning Ordinance), to provide for an increased fee in lieu of developing required Workforce Housing units onsite. (DEFERRED FOR PUBLIC HEARING)

10. An ordinance to amend Article 2 (Land Use Regulations) of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by adding thereto a new Part 19 (Conservation Development) and by adding relevant definitions to Sec. 54-120 of the Zoning Ordinance. (DEFERRED FOR PUBLIC HEARING)

11. 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)

12. 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)

13. 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
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of District 5. The property is owned by Consultants, LLC. (DEFERRED AT THE REQUEST OF THE APPLICANT)

14. 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)

15. 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)

16. 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)

17. 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)

18. 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:

N. Miscellaneous Business:

1. Executive Session in accordance with Section 30-4-70(a)(2) of the South Carolina Code to receive legal advice regarding the Charleston School of Law transaction.

2. The next regular meeting of City Council will be Tuesday, April 13, 2021 at 5:00 p.m.

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

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, March 23, 2021 beginning at 5:00 p.m., via Conference Call # 1-929-205-6099, Access Code 812 096 418, on the closing and abandonment below. 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, March 23rd:

1. Request to speak (via Zoom or telephone) or leave a comment for City Council via voice mail at 843-576-6313. 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

The City of Charleston has received a request to close and abandon a portion of Floyd Drive described as “PORTION OF FLOYD DRIVE HEREBY ABANDONED 0.22 ACRES (TO PARCEL A-2)” on that certain plat entitled “FINAL PLAT OF THE SUBDIVISION AND ADJUSTMENT OF PROPERTY LINES BETWEEN PARCEL A-2 (10.65 AC.), & FLOYD DRIVE TO CREATE PARCEL A-2 (10.11 AC.), FLOYD DRIVE, A NEW CPW PUMP STATION & NEW CPW UTILITY EASEMENT” as shown on a plat available for review in the Engineering Office of the Department of Public Service, 2 George Street.

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) 577-1389 or email schumacherj@charleston-sc.gov three business days prior to the meeting.
PUBLIC HEARING

The public is hereby advised that the City Council of Charleston will hold a public hearing Tuesday, March 23, 2021 beginning at 5:00 p.m., via Conference Call # 1-929-205-6099, Access Code 912 086 416, 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, March 23rd.

1. Request to speak (via Zoom or telephone) or leave a comment for City Council via voice mail at 843-501-5313. 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 500-571 King Street (Cannonborough-Elliottborough – Peninsula) (Approx. 0.12 acre) (TMS # 469-02-070) from General Business (GB) classification to Mixed-Use/Workforce Housing (MJ-2WH) classification.
2. To rezone a portion of the subject properties on St. Philip Street, Line Street, King Street and Ackermans Court (Cannonborough-Elliottborough – Peninsula) (Approx. 0.32 acre) (a portion of TMS # 469-000-2015, 109, 110, 111 and 112) from Height District Classification 2.0-3.5 to Height District Classification 3.5.
3. To rezone a portion of the subject properties on St. Philip Street, Line Street, King Street and Ackermans Court (Cannonborough-Elliottborough – Peninsula) (Approx. 1.5 acres) (a portion of TMS # 460-08-02-001 through 013, 015, 109, 110, 112, 113 and 117) from Height District Classification 6 to Height District Classification 7.
4. To rezone property located on Maybank Highway (Johns Island) (Approx. 37.29 acres) TMS # 279-00-03-056 & 057 from Single-Family Residential (SR-1) classification and (SR-4) to Diverse Residential (SR-4) classification.

ORDINANCE AMENDMENT

1. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Article 2, Part 3, Table of Permitted Uses to add utility-scale battery storage facilities as a principal use category and make this use a permitted use within the Light Industrial and Heavy Industrial zoning district.

REZONINGS

1. 2181 Wappoo Hall Road (Wappoo Hall – James Island) (Approx. 0.37 acre) (TMS # 343-01-00-C32) Single-family Residential (SR-1)
2. 2192 Parkway Drive (Wappoo Hall – James Island) (Approx. 0.20 acre) (TMS # 343-01-00-144) Single-family Residential (SR-1)
3. 114 Magnolia Road (Carolina Terrace – West Ashley) (Approx. 0.20 acre) (TMS # 415-13-00-168) Single-family Residential (SR-2)
4. 2138 Golfview Drive (Riverland Golfview – James Island) (Approx. 0.22 acre) (TMS # 343-06-00-013) Single-family Residential (SR-1)
5. 3480 Maybank Highway (Johns Island) (Approx. 9.62 acres) (TMS # 279-00-00-059) Diverse Residential (SR-4)

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) 577-1399 or email: schumacher@charleston-sc.gov three business days prior to the meeting.
# City of Charleston Planning Commission

**Meeting of February 17, 2021**

## Rezonings

1. A portion of 214 & 216 Spring St (Westside - Peninsula) TMS # 4601101017 – approx. 0.025 acre. 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.

   **Motion APPROVAL (7-0)**

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2. 569-571 King St (Cannonborough-Elliotborough - Peninsula) TMS # 4601202070 – approx. 0.12 acre. Request rezoning of the subject property from General Business (GB) to Mixed-Use/Workforce Housing (MU-2/WH).

   **Motion APPROVAL (7-0)**

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3. Properties on St. Philip St, Line St, King St and Ackermans Ct (Cannonborough-Elliottborough – Peninsula) TMS# 4600802111, 114, 118 through 121 and a portion of TMS# 4600802015, 109, 110, 112, 117 and 122 – approx. 0.83 acre. Request rezoning of the subject properties from General Business (GB) to Mixed-Use/Workforce Housing (MU-1/WH) and to rezone a portion of TMS# 4600802015, 109, 110, 111 and 112 from Height District Classification 2.5-3 to Height District Classification 3.5 [AS AMENDED].

4. Properties on St. Philip St, Line St, King St and Ackermans Ct (Cannonborough-Elliottborough – Peninsula) TMS# 4600802011 through 013, 113 and a portion of TMS# 4600802010, 015, 109, 110, 112 and 117 – approx. 1.9 acre. Request rezoning of the subject properties from General Business (GB) to Mixed-Use/Workforce Housing (MU-2/WH) and to rezone a portion of TMS# 4600802010 through 013, 109, 110, 111, 112, 113 and 117 from Height District Classification 6 to Height District Classification 7 [AS AMENDED].

Motion

DEFER ACTION ON REQUEST TO REZONE SUBJECT PROPERTIES IN REZONINGS #3 AND #4 FROM GB TO MU-1/WH AND MU-2/WH RESPECTIVELY AND REQUEST PRESENTATION FROM HOUSING STAFF REGARDING AFFORDABLE HOUSING COMMITMENT PRIOR TO TAKING ACTION (7-0)

1st: JACOBS  2nd: BRYANT-JENKINS

Jimmy Bailey  RECUSED
Loquita Bryant-Jenkins  IN FAVOR
Erika V. Harrison  IN FAVOR
Donna Jacobs  IN FAVOR
Angie Johnson  IN FAVOR
Charlie Karesh  IN FAVOR
Sunday Lempesis  IN FAVOR
Harry Lesesne  IN FAVOR
Chaun Pflug  ABSENT

Motion

APPROVAL OF REQUESTS TO REZONE SUBJECT PROPERTIES IN REZONINGS #3 AND #4 FROM HEIGHT DISTRICTS 2.5-3 AND 6 STORY TO 3.5 AND 7 STORY OLD CITY HEIGHT DISTRICTS RESPECTIVELY (7-0)

1st: LESESNE  2nd: JOHNSON

Jimmy Bailey  RECUSED
Loquita Bryant-Jenkins  IN FAVOR
Erika V. Harrison  IN FAVOR
Donna Jacobs  IN FAVOR
Angie Johnson  IN FAVOR
Charlie Karesh  IN FAVOR
Sunday Lempesis  IN FAVOR
Harry Lesesne  IN FAVOR
Chaun Pflug  ABSENT
5. Properties on Maybank Hwy (Johns Island) TMS # 2790000056 & 057 – approx. 37.29 acres. Request rezoning of the subject properties from Single-family Residential (SR-1) and (SR-4) to Diverse Residential (DR-6).

Motion APPROVAL OF REZONING 5 AND ZONING 3 (8-0)  

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1st: JACOBS  
2nd: HARRISON

ORDINANCE AMENDMENT

1. To amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Article 2, Part 3, Table of Permitted Uses to add utility-scale battery storage facilities as a principal use category and make this use a permitted use within the light industrial and heavy industrial zoning district.

Motion APPROVAL (8-0)

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1st: JOHNSON  
2nd: LESESNE

SUBDIVISION


Motion APPROVAL (8-0)

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1st: LESESNE  
2nd: JOHNSON
ZONINGS


Motion APPROVAL OF ZONINGS 1 AND 2 (8-0) 1st: LESESNE 2nd: BAILEY

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2. 2182 Parkway Dr (Wappoo Hall – James Island) TMS # 3430100144 – approx. 0.20 ac. Request zoning of Single-Family Residential (SR-2). Zoned Single-Family Residential (R-4) in Charleston County.

SEE ZONING 1


SEE REZONING 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 559-571 KING STREET (PENINSULA) (APPROXIMATELY 0.12 ACRE) (TMS #460-12-02-070) (COUNCIL DISTRICT 4), BE REZONED FROM GENERAL BUSINESS (GB) CLASSIFICATION TO MIXED-USE/WORKFORCE HOUSING (MU-2/WH) CLASSIFICATION. THE PROPERTY IS OWNED BY JASEGA, 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 General Business (GB) classification to Mixed-Use/Workforce Housing (MU-2/WH) classification.

Section 2. The property to be rezoned is described as follows:
559-571 King Street (Peninsula) (approximately 0.12 acre) (TMS #460-12-02-070)

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

569-571 King St
(Cannonborough-Elliottborough – Peninsula)

TMS # 4601202070

approx. 0.12 acre

Request rezoning of the subject property from General Business (GB) to Mixed-Use/Workforce Housing (MU-2/WH).

Owner: JASEGA, LLC
Applicant: Elaine Jenkins
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 MAYBANK HIGHWAY (JOHNS ISLAND) (APPROXIMATELY 37.29 ACRES) (TMS #279-00-00-056 AND 057) (COUNCIL DISTRICT 5), BE REZONED FROM SINGLE-FAMILY RESIDENTIAL (SR-1 AND SR-4) CLASSIFICATIONS TO DIVERSE RESIDENTIAL (DR-6) CLASSIFICATION. THE PROPERTIES ARE OWNED BY ST JOHNS CENTER LLC AND 4 S MAYBANK 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 properties described in Section 2 hereof by changing the zoning designation from Single-Family Residential (SR-1 and SR-4) classifications to Diverse Residential (DR-6) classification.

Section 2. The properties to be rezoned are described as follows:

properties on Maybank Highway (Johns Island) (approximately 37.29 acres) (TMS #279-00-00-056 and 057)

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 5

properties on Maybank Hwy (Johns Island)
TMS # 2790000056 & 057

approx. 37.29 acres

Request rezoning of the subject properties from Single-family Residential (SR-1) and (SR-4) to Diverse Residential (DR-6).

Owner: St Johns Center LLC and 4 S Maybank LLC
Applicant: Dangerfield Engineering & Surveying, LLC
John Dangerfield, II
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 3486 MAYBANK HIGHWAY (JOHNS ISLAND) (APPROXIMATELY 9.62 ACRES) (TMS #279-00-00-055) (COUNCIL DISTRICT 5), PENDING ANNEXATION INTO THE CITY OF CHARLESTON, BE ZONED DIVERSE RESIDENTIAL (DR-6) CLASSIFICATION. THE PROPERTY IS OWNED BY ST. JOHNS CENTER, LLC AND CHARLES P YOUUMANS, JR.

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:

3486 Maybank Highway (Johns Island) (approximately 9.62 acres) (TMS #279-00-00-055)

Section 2. That the said parcel of land described above shall be zoned Diverse Residential (DR-6) 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 3

3486 Maybank Hwy (Johns Island)
TMS # 2790000055

approx. 9.62 acre

Request zoning of Diverse Residential DR-6.
Zoned Maybank Highway Corridor Overlay
District (OH-MHC) in Charleston County.

Owner: St. Johns Center, LLC and Charles P Youmans, Jr

Department of Planning, Preservation & Sustainability
www.charleston-sc.gov  2 George St, Charleston, SC 29401  843.724.3765
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 SUBJECT PROPERTIES ON ST. PHILIP STREET, LINE STREET, KING STREET AND ACKERMANS COURT (PENINSULA) (APPROXIMATELY 0.32 ACRE) (PORTION OF TMS #460-08-02-015, 109, 110, 111 AND 112) (COUNCIL DISTRICT 4), BE REZONED FROM 2.5-3 STORY OLD CITY HEIGHT DISTRICT CLASSIFICATION TO 3.5 STORY OLD CITY HEIGHT DISTRICT CLASSIFICATION. THE PROPERTIES ARE OWNED BY EVENING POST INDUSTRIES.

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 properties described in Section 2 hereof by changing the zoning designation from 2.5-3 Story Old City Height District classification to 3.5 Story Old City Height District classification.

Section 2. The properties to be rezoned are described as follows:
portions of subject properties on St. Philip Street, Line Street, King Street and Ackermans Court (Peninsula) (approximately 0.32 acre) (TMS #460-08-02-015, 109, 110, 111 and 112)

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

properties on St. Philip St, Line St, King St and Ackermans Ct
(Cannonborough-Elliotborough – Peninsula)

a portion of TMS# 4600802015, 109, 110, 111 and 112

approx. 0.32 acre

Request rezoning of the subject properties from Height District Classification 2.5-3 to Height District Classification 3.5.

Owner: Evening Post Industries
Applicant: LS3P

Location

Height District Overlay
- rezone to 3.5 story

Department of Planning, Preservation & Sustainability
www.charleston-sc.gov 2 George St, Charleston, SC 29401 843.724.3765
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 SUBJECT PROPERTIES ON ST. PHILIP STREET, LINE STREET, KING STREET AND ACKERMANS COURT (PENINSULA) (APPROXIMATELY 1.5 ACRE) (TMS #460-08-02-010 THROUGH 013, 015, 109, 110, 112, 113 AND 117) (COUNCIL DISTRICT 4), BE REZONED FROM 6 STORY OLD CITY HEIGHT DISTRICT CLASSIFICATION TO 7 STORY OLD CITY HEIGHT DISTRICT CLASSIFICATION. THE PROPERTIES ARE OWNED BY EVENING POST INDUSTRIES.

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 properties described in Section 2 hereof by changing the zoning designation from 6 Story Old City Height District classification to 7 Story Old City Height District classification.

Section 2. The properties to be rezoned are described as follows:
portions of properties on St. Philip Street, Line Street, King Street and Ackermans Court (Peninsula) (approximately 1.5 acre) (TMS #460-08-02-010 through 013, 015, 109, 110, 112, 113 and 117)

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

properties on St. Philip St, Line St, King St and Ackermans Ct
(Cannonborough-Elliottborough – Peninsula)

a portion of TMS# 4600802113, 010 through 013, 015, 109, 110, 112 and 117

approx. 1.5 acre

Request rezoning of a portion of the subject properties from Height District Classification 6 to Height District Classification 7.

Owner: Evening Post Industries
Applicant: LS3P

Location

Department of Planning, Preservation & Sustainability
www.charleston-sc.gov 2 George St, Charleston, SC 29401 843.724.3765
AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING ARTICLE 2, PART 3, TABLE OF PERMITTED USES TO ADD UTILITY-SCALE BATTERY STORAGE FACILITIES AS A PRINCIPAL USE CATEGORY AND MAKE THIS USE A PERMITTED USE WITHIN THE LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL ZONING DISTRICTS

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

Section 1. Article 2, Part 3, Table of Permitted Uses of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by inserting “4911. Utility-scale battery storage facility.” in the Principal Uses column, after “491. Electric substations and gas regulator station.” and inserting “*” within the zoning district columns for “LI”, and “HI”, thereby making utility-scale battery storage facilities a permitted use within the Light Industrial and Heavy Industrial districts.

Section 2. This Ordinance shall become effective upon ratification.

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

________________________________________
John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

________________________________________
Jennifer Cook
Clerk of Council
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2181 WAPPOO HALL ROAD (JAMES ISLAND) (APPROXIMATELY 0.37 ACRE) (TMS #343-01-00-032) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON FEBRUARY 23, 2021 (#2021-019), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY HURLEY LIVING TRUST.

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:

2181 Wappoo Hall Road (James Island) (approximately 0.37 acre) (TMS #343-01-00-032)

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

2181 Wappoo Hall Rd
(Wappoo Hall – James Island)

TMS # 3430100032

approx. 0.37 acre

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

Owner: Hurley Living Trust
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2182 PARKWAY DRIVE (JAMES ISLAND) (APPROXIMATELY 0.20 ACRE) (TMS #343-01-00-144) (COUNCIL DISTRICT 11), ANNEXED INTO THE CITY OF CHARLESTON FEBRUARY 23, 2021 (#2021-022), BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION. THE PROPERTY IS OWNED BY PETER DEEN WEY AND LEIGH MENDELSOHN WEY.

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:

2182 Parkway Drive (James Island) (approximately 0.20 acre) (TMS #343-01-00-144)

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

2182 Parkway Dr (Wappoo Hall – James Island)
TMS # 3430100144 – approx. 0.20 acre

Request zoning of Single-Family Residential (SR-2).
Zoned Single-Family Residential (R-4) in Charleston County.

Owner: Peter Deen Wey and Leigh Mendelsohn Wey
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 2138 GOLDFIELD DRIVE (JAMES ISLAND) (APPROXIMATELY 0.22 ACRE) (TMS #343-06-00-013) (COUNCIL DISTRICT 11), PENDING ANNEXATION INTO THE CITY OF CHARLESTON, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-1) CLASSIFICATION. THE PROPERTY IS OWNED BY GREG WHITE.

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:

2138 Golfview Drive (James Island) (approximately 0.22 acre) (TMS #343-06-00-013)

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

2138 Golfview Dr (Riverland Golfview – James Island)

TMS # 3430600013

approx. 0.22 ac

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

Owner: Greg White
AN ORDINANCE

TO AMEND THE ZONING ORDINANCE OF THE CITY OF CHARLESTON BY CHANGING THE ZONE MAP, WHICH IS A PART THEREOF, SO THAT 114 MAGNOLIA ROAD (WEST ASHLEY) (APPROXIMATELY 0.20 ACRE) (TMS #418-13-00-166) (COUNCIL DISTRICT 3), PENDING ANNEXATION INTO THE CITY OF CHARLESTON, BE ZONED SINGLE-FAMILY RESIDENTIAL (SR-2) CLASSIFICATION. THE PROPERTY IS OWNED BY MATT PRENDERGAST.

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:

114 Magnolia Road (West Ashley) (approximately 0.20 acre) (TMS #418-13-00-166)

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

114 Magnolia Rd (Carolina Terrace – West Ashley)

TMS # 4181300166 – approx. 0.20 ac.


Owner: Matt Prendergast
City of Charleston

JOHN J. TECKLENBURG
MAYOR

MEMORANDUM

TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor

DATE: March 23, 2021

RE: Commission on Women

The Commission on Women shall be comprised of fifteen (15) members. Individuals from the following groups shall be appointed to the commission; any one member of the commission may be a representative of more than one group: (1) Homemakers; (2) Indignant women; (3) Civic workers; (4) Non-professional working women; (5) women with legal experience; (6) Young Women; (7) Social Service workers; (8) Senior Citizens; (9) Educators. The commission shall include a member city council, appointed but the mayor with the approval of city council.

- Carol Jackson – Reappointment – term expires 2/29/2024
- Lydia Cotton – Reappointment – term expires 2/29/2024
- Monique Hill – Reappointment – term expires 2/29/2024
- Julie Moore – New Appointment – term expires 2/29/2024
TO: City Councilmembers

FROM: John J. Tecklenburg, Mayor

DATE: March 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:

- Jeff Adkins – New Appointment – term expires 2/28/2023
City of Charleston Commission on Women

The purpose of the City of Charleston Commission on Women is to work to eliminate barriers and reduce gender based inequalities to assure the full opportunity of economic, educational, social, health, legal and political equality for the women of Charleston.

The City of Charleston Commission on Women shall have the following roles and responsibilities:

(a) Assess and evaluate the needs and issues of women in the city in order to inform and advise the mayor, city council, city departments, and other community agencies and organizations of those needs and issues.
(b) Recommend programs or ordinances to the mayor and city council to promote and ensure equal rights and opportunities to and for women in the city.
(c) Promote education on issues regarding matters involving the needs of women and to prepare and disseminate such information.
(d) Provide outreach information and education that empowers women to achieve self-sufficiency and self-esteem.
(e) Maintain an active liaison with groups, organizations, agencies, and individuals in regard to issues related to women.
(f) Perform other duties as may be assigned to it by the mayor or city council.

(Ord. No. 1976-41, § 2, 12-14-76; Ord. No. 2018-050, § 3, 4-10-18.)

The City of Charleston Commission on Women is the only municipal commission of its kind in SC. The State has a Commission on Women which has not been active for over a decade.

The Commission has embraced an approach that would define our mission as addressing issues that take care or take charge.

The first official act was one of taking charge by unanimously recommending to City Council a Resolution to support the UN Commission to Eliminate Discrimination against Women. Council adopted the Resolution unanimously. Subsequently, the Mayor sent letters to the other municipalities in Charleston County with the suggestion that they also consider adopting the CEDAW Resolution.

The Commission went on to review the City benefits for employees. They discovered that there was no paid maternity leave per se other than taking accumulated leave and after that, leave without pay. Also, when an employee needed to have leave for an extended illness, their only recourse was again to take accumulated leave followed by leave without
pay. Short term disability insurance was optional for City employees at their expense. Working closely with Human Resources Director Kay Cross and her staff, the Commission recommended that City Council approve a line item in the annual budget that covered short term disability insurance for all city employees. As of October 1, 2018, all City employees received this coverage at the City’s expense.

The Commission also made additional recommendations to City Council in a Resolution on Feb. 12, 2020 to provide 12 weeks of paid family leave and to eliminate the salary history question from the City job application. Council unanimously approved the Resolution requesting a rollout plan by July 2020.

In July 2020 the Commission asked the City Human Resources Committee to include these provisions in the City budget, as well as made recommendations to improve security for City employees working remotely. The line item was not funded for FY2021 due to the revenue shortfall from the COVID virus.

The Commission also fully endorsed the effort of State legislators to introduce and pass the ratification of the Equal Rights Amendment in 2019. At the November 2019 meeting, we voted unanimously to support the passage of a Resolution of support for the ERA by City Council. On February 12, 2020 Charleston City Council adopted a Resolution supporting efforts in the SC Legislature to ratify the ERA. The Resolution came as a recommendation from the City Commission. It was adopted unanimously by City Council.

The Commission is working closely with Wendy Stiver, Director of Research and Procedural Justice, Charleston Police Department to explore a collaborative structure in support of broadening the prevention/intervention services involving CPD in response to mental health and domestic violence, etc. Serving as an advisory and networking group to better connect CPD goals and strategies to other organizations and programs to enhance City's crisis response best practices in support of women and families.

The Commission also heard presentations from several City Department heads including: Kay Cross, Director of Human Resources, on City personnel policies.

Officer Terry Cherry, Charleston Police Dept. Diversity Director, on their new recruiting policies.

Patricia Williams Lessane, Director of the College of Charleston Avery Center, on recommendations resulting from the Charleston County Racial Diversity report.

Tracy McKee, City Chief Innovation Officer, on the City employee survey.

Ruth Jordan, City Minority and Women Owned Business Director, and Jamee Haley, Lowcountry Local First, about scope of women owned businesses in the City.
Police Chief Reynolds and Deputy Chief Broughton on the status of rape kit processing and the procedure for handling domestic violence and sexual assault calls.

Amber Johnson, City Diversity and Tolerance Manager, on the City’s efforts around increased diversity.

Police Capt. Dustin Thompson on the training he received from the Houston Police Department on sex trafficking. He attended this training at the recommendation of Commission member Monique Hill.

Other issues we are exploring to potentially involve the Commission in a catalytic role, e.g., racial disparities that clearly burden African American women, domestic violence, areas of vulnerability among senior women, human trafficking awareness education.

The Commission is going to seek an HR audit that provides a lens for gender and race with regard to pay and position among City staff.

The Commission would also like to support the efforts of the new Diversity Office as it addresses racial disparities.

Members:
Jennet Robinson Alterman, Chair, Women’s Rights Advocate
Carol Jackson, Vice Chair, Retired Nonprofit Executive and City Council member
Amanda Bunting Comen, Owner, Social ABCs
Jennifer Brown, MS, Employment and Education Director, Palmetto Community Action Partnership
Lydia Cotton, Board Chair, Art Pot
Denise Fugo, Professor, College of Charleston
Claire Gibbons, Charleston Regional Development Alliance
Monique Hill, Health Communications Professional/Entrepreneur
Trischia Khouri, Founder, the Khouri Group
Carolyn Wright Porcher, Community Advocate
Janet Segal, Community Advocate
Tina Singleton, Program Director, YWCA
Kendra Snipe, OD by design and Maggie and Me
Patrice Witherspoon, National Women’s Law Center
Brittany Pinckney, Scheduling Assistant to the Mayor, Commission Staff
AN EMERGENCY ORDINANCE


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

1. In December 2019, an outbreak respiratory illness due to a novel coronavirus (COVID-19), was first identified and, subsequently, has spread across the world, including the United States.

2. It is well recognized that COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance.
3. On January 23, 2020, the Center for Disease Control ("CDC") activated its Emergency Response System to provide ongoing support for the response to COVID-19.

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

5. Between March 16, 2020 and the present, City Council has enacted and extended a series of temporary emergency ordinances intended to combat the public health and adverse economic impact from COVID-19.

6. For example, on May 12, 2020, City Council ratified a temporary emergency ordinance (Ordinance No. 2020-060) to authorize the use of new or additional space for outdoor dining.

7. On July 28, 2020, the Mayor issued a declaration continuing the local state of emergency in the City of Charleston until August 20, 2020, based on the continuing threat to our community from the risk of exposure to COVID-19, and City Council passed an emergency ordinance extending certain ordinances related to COVID-19 to August 20, 2020 (Ordinance No. 2020-90), and amending the face covering ordinance (Ordinance No. 2020-91).

8. On September 22, 2020, in response to the continuing public health emergency, the Mayor issued a declaration continuing the local state of emergency in the City, and City Council approved amendments to the City’s Emergency Ordinance No. 2020-100 to prohibit amplified music in bars and restaurants after 11 pm and also extended certain emergency ordinances related to addressing COVID-19 and its impacts on the community (Ordinance Nos. 2020-129 and 2020-130).

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

10. As of January 2, 2021, DHEC reported that there were at least 325,472 confirmed and probable cases of COVID-19 in South Carolina, including 5,484 deaths and the positivity rate was 15.9% of individual test results, such report also showing 25,041 confirmed and probable cases in Charleston County with 323 deaths and 9,533 confirmed and probable cases in Berkeley County with 113 deaths.

11. Section 45-3-10 of the South Carolina Code authorizes the City to provide by ordinance such rules and regulations regarding the conduct and operation of hotels, restaurants, cafes, and lunch counters within the City as to provide for the public health, comfort and
convenience.

12. To stimulate the recovery of businesses in the City and to support local businesses, City Council has determined that certain provisions of the City's ordinances requiring off-street parking for existing buildings within a specific area along King Street should be temporarily suspended.

13. Due to concerns over adverse impacts, it is necessary to limit the boundaries of the area in which off-street parking requirements will be suspended and to make the suspension temporary.

14. Based on the parking facilities available in the designated area and the uses contained therein, City Council finds the area designated herein as appropriate for the suspension of off-street parking requirements.

15. The businesses within the specified area have played a vital role in the growth of Charleston, economically and in other respects. Such businesses have substantially contributed to the City becoming the number one tourist destination in the world.

16. The COVID-19 pandemic has had a devastating impact on the businesses, owners, and tenants of the properties located in the specified area.

17. Notwithstanding the unmistakably positive economic impact that the designated area has had on the City, such area also has a significant positive impact on the health and welfare of the City's residents.

18. A full economic recovery within the City after the demise of the current pandemic is critical to the recovery of the health, welfare, culture, and economy of the City and its residents.

19. The City should maximize the use of existing spaces within buildings in the specified area, while minimizing adverse impacts from, among other things, traffic on residential areas and on the public rights-of-way within the City.

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


22. City Council desires to extend the operation of Emergency Ordinance No. 2021-007 in light of the continued impact of the pandemic on local business, including businesses within the area specified herein.
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That Emergency Ordinance No. 2021-007, a copy of which is attached hereto and incorporated herein by reference, shall continue in full force and effect through May 23, 2021, unless otherwise modified, amended, extended, or rescinded by a subsequent City Ordinance to protect the health, safety, and welfare of the City of Charleston.

Section 2. That this Ordinance shall become effective upon enactment and shall expire on May 23, 2021, unless otherwise modified, amended, extended, or rescinded by a subsequent City Ordinance to protect the health, safety, and welfare of the City of Charleston.

Enacted in City Council this 23rd day of March, 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:

Jennifer Cook
Clerk of Council
### 2021-2022 Community Development Block Grant (CDBG) Funding Requests - $860,327

<table>
<thead>
<tr>
<th>NO.</th>
<th>Organization</th>
<th>Project Name</th>
<th>Project Description</th>
<th>Location Services Area</th>
<th>Prior Yr. Funding</th>
<th>2021-2022 CDBG Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>City of Charleston</td>
<td>CDBG Program Administration</td>
<td>Funds will be utilized to administer the City of Charleston's CDBG Program.</td>
<td>City of Charleston</td>
<td>$75,000</td>
<td>$75,000</td>
</tr>
<tr>
<td>2</td>
<td>City of Charleston</td>
<td>Property Maintenance</td>
<td>Funds will be utilized to maintain homes or lots acquired by the City of Charleston.</td>
<td>City of Charleston</td>
<td>$20,000</td>
<td>$20,000</td>
</tr>
<tr>
<td>3</td>
<td>City of Charleston</td>
<td>RPC Substantial Rehabilitation Program</td>
<td>Funds will be utilized to support the administration of the City’s loan and deferred loan programs.</td>
<td>City of Charleston</td>
<td>$155,000</td>
<td>$155,000</td>
</tr>
<tr>
<td>4</td>
<td>City of Charleston</td>
<td>RPC Substantial Rehabilitation Program</td>
<td>Funds will be utilized to support the City’s loan and deferred loan program that provides the substantial rehabilitation of low-to moderate income owner-occupied housing.</td>
<td>City of Charleston</td>
<td>$100,000</td>
<td>$100,000</td>
</tr>
<tr>
<td>5</td>
<td>City of Charleston</td>
<td>RPC Roof Replacement Program</td>
<td>Funds will be utilized to support the City’s Roof Program which provides new roofs to eligible homeowners.</td>
<td>City of Charleston</td>
<td>$150,000</td>
<td>$150,000</td>
</tr>
<tr>
<td>6</td>
<td>City of Charleston</td>
<td>Property Acquisition</td>
<td>Funds will be utilized to acquire infill lots.</td>
<td>City of Charleston</td>
<td>$70,000</td>
<td>$70,000</td>
</tr>
<tr>
<td>7</td>
<td>City of Charleston</td>
<td>Employer Assisted Housing</td>
<td>Funds will be utilized to assist City employees with downpayment assistance to purchase a home in the City of Charleston.</td>
<td>City of Charleston</td>
<td>$20,000</td>
<td>$20,000</td>
</tr>
<tr>
<td>8</td>
<td>Charleston Pro Bono Legal Services (PS)</td>
<td>Charleston Pro Bono Home Stabilization Initiative</td>
<td>Funds will be utilized for attorney and paralegal time while assisting City residents with legal issues affecting home stability.</td>
<td>City of Charleston</td>
<td>$15,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>NO.</td>
<td>Organization</td>
<td>Project Name</td>
<td>Project Description</td>
<td>Location Services Area</td>
<td>Prior Yr. Funding</td>
<td>2021-2022 CDBG Request</td>
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<tr>
<td>9</td>
<td>Charleston Promise Neighborhood (PS)</td>
<td>CPN Strategic Programming</td>
<td>Funds will be utilized to support school programming, administrative and operational costs for the organization.</td>
<td>City of Charleston</td>
<td>$25,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>10</td>
<td>Charleston Trident Urban League (PS)</td>
<td>House and Home</td>
<td>Funds will be utilized for administrative purposes while administering the House and Home Program.</td>
<td>City of Charleston</td>
<td>$40,000</td>
<td>$45,000</td>
</tr>
<tr>
<td>11</td>
<td>Charleston Trident Urban League</td>
<td>CTUL Fair Housing Program</td>
<td>Funds will be utilized for administrative costs while operating the Fair Housing Hotline Program.</td>
<td>City of Charleston</td>
<td>$40,000</td>
<td>$45,000</td>
</tr>
<tr>
<td>12</td>
<td>Closing the Gap in Health Care, Inc.(PS)</td>
<td>Health Literacy Media Program</td>
<td>Funds will be used to develop and broadcast radio and TV health tips and administer a health summit for low to moderate income residents in the tri-county area.</td>
<td>City of Charleston</td>
<td>$10,000</td>
<td>$35,000</td>
</tr>
<tr>
<td>13</td>
<td>Humanities Foundation</td>
<td>Shelter Net</td>
<td>100% of the funds will go directly to qualified applicants for emergency financial assistance up to $500/ household.</td>
<td>City of Charleston</td>
<td>$20,000</td>
<td>$25,000</td>
</tr>
<tr>
<td>NO.</td>
<td>Organization</td>
<td>Project Name</td>
<td>Project Description</td>
<td>Location Services Area</td>
<td>Prior Yr. Funding</td>
<td>2021-2022 CDBG Request</td>
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</tr>
<tr>
<td>14</td>
<td>One80 Place(PS)</td>
<td>Shelter Operations</td>
<td>Funds will be used to offset the cost of utilities necessary for the daily operation of One80 Place's emergency shelters and facilities.</td>
<td>35 Walnut St.</td>
<td>$40,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>15</td>
<td>Operation Home</td>
<td>The Critical Home Repair Program</td>
<td>Funds will be utilized to complete repairs for low-income (less than 50% AMI) homeowners.</td>
<td>City of Charleston</td>
<td>$15,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>16</td>
<td>Military Community Connection of SC</td>
<td>The Navigation Center</td>
<td>Funds will be utilized for direct services.</td>
<td>529 Meeting Street</td>
<td>$25,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>17</td>
<td>Trident Literacy Association(PS)</td>
<td>Workforce Development for Low-Income Adults</td>
<td>Funds will be utilized to support GED acquisition and workforce development for low-to-moderate income adults in Charleston.</td>
<td>City of Charleston</td>
<td>$10,000</td>
<td>$25,000</td>
</tr>
</tbody>
</table>

Total Recommended (w/ City programs)
<table>
<thead>
<tr>
<th>No.</th>
<th>Organization</th>
<th>Project Name</th>
<th>Project Description</th>
<th>Location of Service Area</th>
<th>Prior Yr. Funding</th>
<th>2021-2022 HOME Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>City of Charleston</td>
<td>HOME Program Administration</td>
<td>Funds will be utilized to administer the City of Charleston's HOME Program.</td>
<td>Citywide</td>
<td>$53,600</td>
<td>$54,567</td>
</tr>
<tr>
<td>2</td>
<td>City of Charleston</td>
<td>RPC Substantial Rehabilitation Program</td>
<td>Funds will be utilized to support the City's substantial rehabilitation program for low-to moderate income homeowners.</td>
<td>Citywide</td>
<td>$72,107</td>
<td>$80,206</td>
</tr>
<tr>
<td>3</td>
<td>City of Charleston</td>
<td>RPC Rental Rehab</td>
<td>Funds will be utilized to support the City's rental rehabilitation program.</td>
<td>Citywide</td>
<td>$50,000</td>
<td>$75,893</td>
</tr>
<tr>
<td>4</td>
<td>City of Charleston</td>
<td>Property Acqisition</td>
<td>Funds will be used to acquire properties for affordable housing development.</td>
<td>Citywide</td>
<td>$0</td>
<td>$100,000</td>
</tr>
<tr>
<td>5</td>
<td>Palmetto Community Action Partnerships (PCAP)</td>
<td>TBD upon property acquisition</td>
<td>Funds will be utilized to construct new affordable rental units in the City of Charleston.</td>
<td>TBD</td>
<td>$50,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>6</td>
<td>P.A.S.T.O.R.S., Inc.</td>
<td>CHDO Operations Funds</td>
<td>Funds will be utilized for salaries ($31,849.90) and accounting/audit costs ($18,151)</td>
<td>1 1/2 Addicson St.</td>
<td>$50,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>7</td>
<td>P.A.S.T.O.R.S., Inc.</td>
<td>Romney Street Extension Pre-Construction Activity</td>
<td>Their funds will be used for direct construction costs.</td>
<td>Vacant Parcel Identified as Charleston County TMS 4631902052</td>
<td>$235,000</td>
<td>$35,000</td>
</tr>
<tr>
<td>8</td>
<td>Charleston Redevelopment Corporation</td>
<td>CHDO Operation &amp; Administration of Homeownership Activities</td>
<td>The CRC has several CHDO eligible Homeownership activities in process and under consideration.</td>
<td>2319 Birdie Garrett St. Charleston, SC</td>
<td>$50,000</td>
<td>$50,000</td>
</tr>
<tr>
<td>9</td>
<td>Charleston Redevelopment Corporation</td>
<td>Phase Two Birdie Garrett Land trust Homeownership</td>
<td>The CRC will acquire and construct a single family home for sale to a qualifying buyer.</td>
<td>2319 Birdie Garrett St. Charleston, SC</td>
<td>$50,000</td>
<td>$50,000</td>
</tr>
</tbody>
</table>

Total Recommended (with City Programs): $235,000

Total Funding Requested (only Non profits): $235,000
2021-2022 Housing Opportunities for Persons with Aids (HOPWA)
Funding Requests $917,267

<table>
<thead>
<tr>
<th>#</th>
<th>Organization</th>
<th>Project Name</th>
<th>Project Description</th>
<th>Location of Service Area</th>
<th>Prior Yr. Funding</th>
<th>2021–2022 HOPWA Request</th>
<th>CD Advisory Committee Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lowcountry Aids Services</td>
<td>HOPWA Program</td>
<td>Funds will be utilized for administrative and housing costs related to the provision of housing and related services for persons with HIV or AIDS.</td>
<td>Berkeley, Charleston, Dorchester Counties or the Metropolitan Statistical Area (MSA)</td>
<td>$432,800</td>
<td>$445,625</td>
<td>$445,625</td>
</tr>
<tr>
<td>2</td>
<td>Roper St. Francis Healthcare (Ryan White Wellness Center)</td>
<td>HOPWA Program</td>
<td>Funds will be utilized for administrative and housing costs related to the provision of housing and related services for persons with HIV or AIDS.</td>
<td>Berkeley, Charleston, Dorchester Counties or the Metropolitan Statistical Area (MSA)</td>
<td>$230,000</td>
<td>$220,000</td>
<td>$220,000</td>
</tr>
<tr>
<td>3</td>
<td>City of Charleston</td>
<td>HOPWA Housing Development</td>
<td>Funds will be used to develop housing for persons Living with HIV/AIDS</td>
<td>Berkeley, Charleston, Dorchester Counties or the Metropolitan Statistical Area (MSA)</td>
<td>$129,618</td>
<td>$224,124</td>
<td>$224,124</td>
</tr>
<tr>
<td>4</td>
<td>City of Charleston</td>
<td>HOPWA Program Administration</td>
<td>Funds will be utilized for administrative expenses for the City of Charleston's oversight of the HOPWA program.</td>
<td>City of Charleston</td>
<td>$24,507</td>
<td>$27,518</td>
<td>$27,518</td>
</tr>
</tbody>
</table>

Total Recommended with City Programs): $917,267
Total Funding Requested(only Non profits) $665,625
Equitable Lowcountry Lowline

Updated Draft - March 8, 2020

Background

The future Lowcountry Lowline offers local residents added park space, a new route to safely walk and bike, and a solution to help address local flooding. The Lowline must also be an inclusive space that will add to the richness of the lives of those who live near the park and will serve as a place to build community.

While the City is excited about the potential benefits of the Lowline, it is also aware that adding a new amenity like the Lowline can make neighborhoods more desirable and lead to residents being displaced. Examples from cities around the country have demonstrated these potential pitfalls.

The route of the planned Lowline bisects eight neighborhoods that have historically been populated by African American residents. Unfortunately, these neighborhoods have experienced change in recent years, including rising gentrification and displacement. It is critical that the needs of these communities are at the forefront as planning for the Lowline moves forward.

Our goal is to enhance equity for the communities surrounding the Lowline, ensure the communities are informing the future of the Lowline, and mitigate any additional gentrification and displacement.

Partnership

The City of Charleston has partnered with Friends of the Lowcountry Lowline (FLL) to advance the Lowline project and each entity looks forward to a future Lowline that meets the needs of local residents.

There are also numerous neighborhood associations, community organizations, and additional stakeholders who are critical in ensuring the project moves forward with the interests of the community at the forefront of any decisions made regarding the design, construction, programming, maintenance and operation of the Lowline.

Housing around the Lowline

As shown on the map on the following page, there currently exists:

- 6,412 residential dwellings within ¼ mile of the Lowline;
- Of these, there are 993 affordable homes within ¼ mile of the Lowline;
- 429 of these are Charleston Housing Authority apartments or homes;
- These totals represent a mix of rental and for-sale homes.
There are also approximately 300 units of affordable housing planned for the area within ¼ mile of the Lowline. This includes a City-sponsored 55-unit apartment site that sits directly off the Lowline.

**Strategy**

City staff has collaborated with FLL to develop strategies to enhance equity for the communities surrounding the Lowcountry Lowline and to mitigate potential gentrification and displacement caused by its introduction.

It focuses on actions to advance in three main areas: 1) *Community Building and Outreach*, 2) *Policy and Zoning*, and 3) *Affordable Housing Development and Preservation*.

This is a working document that will seek to take advantage of new opportunities identified and to address new challenges as the Lowline project moves forward. Critically, additional engagement will need to occur on a continual basis with community stakeholders to ensure that the City and FLL are responsive to the needs of the community.

### Community Building and Outreach

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<tr>
<th>Item</th>
<th>Description</th>
<th>Progress</th>
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<tbody>
<tr>
<td></td>
<td>The FLL Board of Directors has guided the Lowline project forward, aiding in acquisition of the site, planning, and community engagement. While the community who will use the Lowline is diverse, the FLL Board is largely white and male.</td>
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<td></td>
<td>The Board should reflect the racial, gender, and age diversity of the communities who will use the Lowline. It should include a Board seat for a person under the age of 35 and Board seat(s) for representatives of the surrounding Neighborhood Councils.</td>
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<td></td>
<td>The FLL Board strives to attain greater diversity within the representation of its Board. FLL has engaged a consultant to help guide the Board in its efforts to become more diverse.</td>
<td>In Progress</td>
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<tr>
<td>Creation of a Community Advisory Council</td>
<td>In Progress</td>
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<tr>
<td>While community involvement on the Board of Directors is critical, an engaged Community Advisory Council should also help to ensure that community needs and input are at the forefront of each stage of the Lowline. A Council would meet on a monthly basis to advise on issues related to the Lowline, bring forward concerns, and have questions answered. The Council would have representation from all the surrounding neighborhoods, community and user groups, and local elected officials. Representation on the Council should be determined jointly by FLL and the City, with a City designated staff person supporting efforts to grow the Council. FLL has begun the process of forming a Community Advisory Council and held an initial meeting with community stakeholders on March 8.</td>
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<tr>
<th>Improved outreach to Black community</th>
<th>In Progress</th>
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<tr>
<td>Community outreach for the design of the Lowline has been led by FLL. FLL had planned an in-person community engagement strategy to collect input for the design of the Lowline but was postponed due to COVID-19. In the interim, community input was gathered online via survey. Attempts to connect with local residents were also been made by going door to door. Thus far, responses have predominately come from white individuals. As of early October, only 15 of 535 respondents had identified as Black. FLL must prioritize ensuring a robust, diverse community engagement and input into each phase of the project must be representative of the people who live near the Lowline, including the Black community. FLL should prioritize meeting with leaders in the Black community to help guide their community engagement efforts and to ensure engagement is occurring in the community. FLL will be hiring community engagement consultants to ensure engagement is equitable and inclusive in every facet of the Lowline project.</td>
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<tr>
<th>Comprehensive community engagement plan</th>
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<tr>
<td>FLL is requesting significant City resources in order to commence design and construction of the Lowline. The City needs to be certain that the community is at the table and informing decision-making on design and construction, and later, maintenance, programming, and operations. FLL should prepare and present a community engagement plan to show how the community will be able to inform the future of the</td>
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<tr>
<td>Ensure local hiring for Lowline construction jobs</td>
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<td>------------------------------------------------</td>
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<td>Lowline. It should detail who, when, where, and how engagement will occur.</td>
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<td>In the near term, the community engagement plan should show how residents input will be incorporated into the design of the future Lowline. A comprehensive list of stakeholders who will be engaged should be included as part of the community engagement plan.</td>
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<tr>
<td>In addition, a quarterly report should be provided to detail engagement efforts. The City should designate a staff contact person to monitor community and stakeholder engagement on an ongoing basis.</td>
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<th>Increase access to health care, healthy food, recreation, etc.</th>
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<tr>
<td>One of the major pitches of the Lowline has been its potential economic impact and its ability to provide jobs during a period of economic recession. The Lowcountry Lowline is also a major capital project that would occur in communities that are facing gentrification and displacement.</td>
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<td>The project provides an opportunity to support members of the community in a variety of ways, including the creation of jobs.</td>
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<td>The City should explore the creation of a “First Source” ordinance that would require local hiring for major capital projects, such as the Lowline.</td>
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<td>The City should also explore the creation of a program to expand opportunities for historically underutilized small businesses. Under the program, utilized by cities like Minneapolis and Chicago and known as a “Target Market Program”, small businesses have the ability to respond alongside other similarly situated small businesses instead of competing against larger, more established companies.</td>
</tr>
<tr>
<td>In addition, the City should make funding available for design and construction contingent on achieving an enhanced MBE/WBE threshold that exceeds the City’s MBE/WBE program goals and meets City procurement guidelines.</td>
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<td>Not Started</td>
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| While it is critical that we seek to mitigate displacement, it is also important that community members have access to important services that support daily well-being. These include health care, healthy food, recreation opportunities, and other services. |
| Once the Community Advisory Council is created, the City should engage with its representatives to identify specific needs and develop a strategy towards increasing access to services and addressing identified needs. |
FLL plans to promote healthy lifestyle resources as part of their programming and outreach events. They have already identified non-profit partnerships with entities including One80 Place, MAD PARK Fitness, GreenHeartProject, Charleston Moves, and MUSC in support of this effort.

The City has the opportunity to increase education about housing within the communities along the Lowline. The City regularly partners with nonprofits, such as the Charleston Trident Urban League, to meet with communities about fair housing, housing rights, etc. The City should work with the Urban League to provide a meeting to the Lowline neighborhoods.

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<tr>
<td>Enhance housing education in the community</td>
<td>The current Mixed Use/ Workforce Housing (MU/WH) zoning program requires developers to either build 20% Workforce Housing with an affordability period of 25 years or pay a Fee-In-Lieu of $5.10/GSF. Staff has analyzed the program thus far and found that developers almost unanimously decline to build workforce housing units themselves. This has resulted in a fraction of the units developed using Fee-in-Lieu income as opposed to the developers building the units themselves. As additional development occurs in the area surrounding the Lowline, it is important that affordable homes are included in new developments and are located in the community. The Fee in Lieu is currently too low and as a result, it is safe to assume developers would not choose to build affordable units in their developments near the Lowline. A proposal to create a new, tiered fee structure is before City Council. It would increase the fee in lieu to encourage the inclusion of affordable homes in nearby developments and would index the fee to account for inflation.</td>
<td>In Progress</td>
</tr>
<tr>
<td>Increase Fee In Lieu to support creation of new affordable housing</td>
<td>Inclusionary Zoning is a policy tool used around the country to increase the amount of affordable housing in communities when new development occurs. However, the State of South Carolina does not allow for mandatory inclusionary zoning. Since 2017, the City of Charleston has advocated for enabling legislation at the State level that would allow jurisdictions to enact inclusionary zoning. The City will continue to advocate for enabling legislation with state legislators.</td>
<td>In Progress</td>
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<tr>
<td><strong>Utilize an equity lens for Cooper River Bridge Area TIF Allocations</strong></td>
<td>The Cooper River Bridge Redevelopment Area TIF has supported a range of projects to support community needs in the area, including affordable housing, stormwater infrastructure, transportation, parks, etc. An additional round of TIF funding could be available to continue to support these needs. Staff has reviewed potential projects in each of these areas in order to create a proposed priority list of projects. With finite resources available, Council should allocate funding from the TIF using an equity lens to ensure resources are meeting the needs of the community.</td>
<td>In Progress</td>
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<td><strong>Explore creation of a Stay Put Fund</strong></td>
<td>Previously enacted to support neighbors of the future Magnolia development, the Stay Put Fund aimed to ensure that any low or moderate income homeowner would not have to move due to an increase in property values. The Fund, funded by the private developer, created a pool of money to cover all increases in property taxes above their current level that result from reassessment. A similar fund could be created to ensure low and moderate income homeowners who live within ¼ mile of the Lowline would have any increases in property values paid for from the Stay Put Fund. The Fund could be funded by developers building along the Lowline and/or FLL.</td>
<td>Not Started</td>
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<tr>
<td><strong>Prioritize equity in the Upper Peninsula Mobility Fund</strong></td>
<td>The Upper Peninsula Mobility Fund will provide mobility funding for projects in areas zoned Upper Peninsula, which includes some areas near the Lowline. Within the next six months to a year, the fund will likely be setup with a committee, criteria, and timelines on how the funds will be administered. The City should work to ensure that equity is one of the key criteria used for any funding decisions. Additionally, a committee will be created to determine funding allocations and the City has the opportunity to designate a community individual(s) to ensure community needs are met.</td>
<td>Not Started</td>
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<tr>
<td><strong>Promote safe mobility throughout community</strong></td>
<td>The Lowline presents an opportunity to promote alternative modes of transportation, such as cycling. However, it is important that the City works to ensure safe cycling opportunities throughout the neighborhoods surrounding the future Lowline. The City should seek to ensure there is appropriate infrastructure in the neighborhoods surrounding the Lowline.</td>
<td>In Progress</td>
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</table>
In addition, City ordinance does not allow cycling on sidewalks. The ordinance is also not being enforced.

In order to promote safe accessibility in areas surrounding the Lowline and making connection to the Lowline, the City should consider eliminating this ordinance.

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<th>Enabling legislation for Real Estate Transfer Fee</th>
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The introduction of the Lowline has and will continue to create increased interest for development in the areas surrounding the future park. Developers have already begun to market proximity to the Lowline as a selling point to future tenants.

Additional development is expected to occur within the area surrounding the Lowline that could lead to displacement of existing residents. To support efforts to build new affordable housing in the community, a Real Estate Transfer Fee could be introduced on any real estate transactions on purchases at or above a defined dollar amount in the surrounding area.

However, a Real Estate Transfer fee is prohibited per S.C. Code § 6-1-70. The City could pursue state legislation that allows the use of the fee for this specific project.

### Development and Preservation

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<th>Item</th>
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<tr>
<td>Ensure successful delivery of 55 affordable rental homes at “Lowline Housing” site</td>
<td>The City recently selected a development team to deliver a 55 apartment, multi-family affordable rental housing community that sits directly off the Lowline. Closing is expected by the end of 2021 with construction scheduled to start in 2022. This project is an important component of the City’s efforts to add additional affordable rental homes in the area immediately surrounding the Lowline. In addition, the City will engage with the development team to ensure that equity is prioritized as part of its hiring practices and in selection of subcontractors.</td>
<td>In progress</td>
</tr>
<tr>
<td>Market rehabilitation programs to community</td>
<td>The City has housing rehabilitation programs that foster the preservation of existing affordable housing. The substantial rehabilitation, rental rehabilitation, and roof replacement programs each provide local homeowners financial support to remain in their homes, or for renters to find affordable places to live.</td>
<td>In Progress</td>
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<td>Action</td>
<td>Status</td>
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<tr>
<td>Acquire additional properties in area for affordable housing development</td>
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<td>The City regularly seeks opportunities to acquire land for the development of affordable housing. Due to scarcity and rising prices, this has been a challenge on the Peninsula and has been in the area surrounding the Lowline. However, there are some infill development opportunities and a number of vacant parcels in the surrounding area that can be explored. By using TIF funds or other funding sources, the City can seek to acquire properties in the proximity of the Lowline. Staff is currently monitoring availability of properties in the vicinity of the Lowline and will continue to focus on this area for potential acquisition opportunities.</td>
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<td>Advocate for increased density on Rental Assistance Demonstration sites</td>
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<td>The Rental Assistance Demonstration (RAD) is a voluntary program of HUD that seeks to preserve public housing and will provide Charleston Housing Authority (CHA) with access to more stable funding to make needed improvements to properties. The program will provide for higher quality apartments without displacing current residents. CHA manages a number of properties near the Lowline. They recently commenced the RAD program which will provide renovation upgrades or “reposition” properties with the potential for additional affordable rental homes on the sites. As part of the upgrades and repositioning, there is the opportunity to increase density on the site, potentially allowing for increased numbers of affordable homes. Over previous months, the City has worked with CHA on its RAD plans, and has advocated for increased density on the sites. The City plans to continue to work with CHA on this important issue in the coming months.</td>
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<td>Explore Opportunity Funds as a vehicle to support</td>
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<td>The neighborhoods surrounding the Lowline fall in an Opportunity Zone, a geographic area eligible for investment under the Opportunity Zones legislation passed by Congress. While there are many concerns with the Opportunity Zones policy, it could create opportunities to benefit this strategy. The City</td>
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<td>additional affordable housing</td>
<td>recently submitted an application for $20M to support affordable housing efforts surrounding the Lowline. It has been engaged with the Opportunity Fund around the potential structure of a deal and has engaged other community partners to gauge interest in providing required matching funds. The City will continue to engage on this application and explore other opportunities that would help to create new affordable housing near the Lowline.</td>
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<tr>
<td>Identify City-owned sites for affordable housing development</td>
<td>Identifying and acquiring land for affordable housing development is a challenge on the Peninsula. However, the City owns property that may be underutilized and could be a potential development site. The former Coca-Cola Building utilized by the Parks Department is one example of such opportunities. City staff should analyze any surplus City-owned property in the area surrounding the Lowline to determine if there are any feasible affordable housing development sites.</td>
<td>In Progress</td>
</tr>
</tbody>
</table>
MEMORANDUM

DATE: March 3, 2021

TO: Councilmember Mitchell and Members of the Committee on Community Development

FROM: Chip McQueeney, Assistant Corporation Counsel

RE: Certification of Abandoned Building Site at 221 Saint Philip Street

On February 3, 2021, Revival St., LLC (the “Taxpayer”) filed a notice of intent to rehabilitate the existing abandoned buildings located at 221 Saint Philip Street, designated as Charleston County TMS No. 460-08-02-095 (the “Property”), under the South Carolina Abandoned Buildings Revitalization Act (the “Act”). A copy of the Taxpayer’s application for the credit is attached hereto as Exhibit A. The Taxpayer owns the Property, the location of which is shown on Exhibit B. The Property lies within Council District 3.

In 2013, the General Assembly passed the Act to create an incentive for the rehabilitation, renovation, and redevelopment of abandoned buildings located in South Carolina. Subject to the terms and conditions of the Act, a taxpayer who rehabilitates an abandoned building is eligible either for (1) a credit against income taxes, corporate license fees, taxes on associations, or insurance premium taxes; or (2) a credit against real property taxes. In this case, the Taxpayer seeks a credit against income taxes, not property taxes. The amount of the credit is based on the amount of rehabilitation expenses incurred for the project.

In seeking the credit against income and other taxes, the Act permits a taxpayer to apply for certification of the abandoned building site made by ordinance or binding resolution of City Council. The certification must include findings that (1) the building is an “abandoned building” under the Act; and (2) the geographic area of the abandoned building site is consistent with the definition of an “abandoned building site” in the Act. If City Council passes such a resolution, then the taxpayer may conclusively rely upon the certification in determining the credit allowed.

To qualify as an “abandoned building,” at least 66% of the space within the building must have been “closed continuously to business or otherwise nonoperational for income producing purposes” for a period of at least 5 years prior to the taxpayer filing a notice of intent to rehabilitate.

In the present case, the Taxpayer submitted the affidavit of Anton J. Sedalik, III, the owner of the property located at 79 Line Street, lying within the block immediately north of the Property. Mr. Sedalik’s affidavit, which is attached hereto as Exhibit C, avers that the Property has been “at least 66% vacant for more than five years.” Moreover, the Taxpayer’s application for the credit indicates that the property served as the former Gadsden Funeral Home, which closed in 2005. See Ex. A, ¶ f. According to the Taxpayer, the most recent occupant since that time was a yoga studio that closed in December 2015. See Ex. A, ¶ f.
A “building site” includes the abandoned building, the parcel of land upon which the abandoned building is located, and other improvements located on the parcel. To show the building site, the Taxpayer submitted an ALTA-NSPS survey attached hereto as Exhibit B. The Taxpayer also submitted information indicating that the rehabilitation of the building site will include three (3) dwelling units in lieu of the two (2) existing units.

Although a property owner may also seek a credit against real property taxes under the Act, such an application would require additional findings by City Council. For instance, City Council would need evidence as to whether the application meets the purposes of the Act and whether the rehabilitation expenses are eligible for a credit under the Act.

Here, the Taxpayer seeks a credit against income and other taxes. Under these circumstances, the South Carolina Department of Revenue will be required to address these issues. As a result, section 2 of the resolution submitted to City Council emphasizes that it “provides no tax relief whatsoever, and the City expresses no opinion regarding the availability of tax relief to the Taxpayer beyond the certification contained herein.”

To the extent the Taxpayer later seeks a property tax credit, the Taxpayer would need to submit additional evidence addressing these issues before City Council would consider whether to grant the application.

Thank you for your consideration. Please let me know if you have any questions or concerns.

Daniel S. (“Chip”) McQueeney, Jr.
EXHIBIT A

SCDOR,
PO Box 125, Columbia, SC 29214-0825
taxtech@dor.sc.gov.

Abandoned Building Credit Notice
Research and Forms Development
South Carolina Department of Revenue
Columbia, SC 29214-0019

a. A statement of the taxpayer’s intent to rehabilitate the building site, unit or parcel;
Revival St, LLC intends to rehabilitate 221 St. Philip St., Charleston, SC 29403

b. The building site, unit, or parcel location;
Charleston County Parcel No. 460-08-02-095

c. Whether new construction is to be involved;
The project will involve new construction of 1,666 square feet

d. The amount of acreage in the building site;
0.118 acres

e. The square footage of existing buildings involved in the building site;
3,941 square feet

f. The building(s) or unit(s) the taxpayer intends to renovate; and
The abandon buildings are part of the Geidsden Funeral Home which was located at 221 and 223 St. Philip St. The home was founded in 1902. It was operated and passed down through the family until it closed in 2005. 221 St. Philip St has largely been vacant since that time, only being used by a few new businesses. The most recent occupant was a yoga studio that closed in December of 2015.

g. The estimated expenses to be incurred in connection with the rehabilitation of the building site, unit, or parcel.
$1,530,534

Code Section 12-67-120(7).
EXHIBIT C

AFFIDAVIT

As a neighboring property owner of 79 Line St. since 2015 and as owner of 221 and 223 St. Philip St., I hereby affirm that to the best of my knowledge, the property located at 221 St. Philip Street has been at least 66% vacant for more than 5 years.

[Signature]
Anton J. Sedalik III

Subscribed and sworn to before me this 12th day of February, 2021, by Anton J. Sedalik III.

[Signature]
Rachel K. Brint Isaac

[Signature]
Notary Public
My commission expires: 06-13-2021
RESOLUTION NO. 2021-__

A RESOLUTION CERTIFYING PROPERTY LOCATED AT 221 SAINT PHILIP STREET (CHARLESTON COUNTY TMS NO. 460-08-02-095) AS AN ABANDONED BUILDING SITE UNDER SECTION 12-67-160 OF THE SOUTH CAROLINA CODE

WHEREAS, the South Carolina Abandoned Buildings Revitalization Act, codified at sections 12-67-100 to -160 of the South Carolina Code, (the “Act”) creates an incentive for the rehabilitation, renovation, and redevelopment of abandoned buildings located in South Carolina;

WHEREAS, section 12-67-140(A)(1) of the South Carolina Code sets forth certain conditions under which a taxpayer who rehabilitates an abandoned building is eligible for a credit against certain income taxes, corporate license fees, and insurance premium taxes, or a combination thereof;

WHEREAS, section 12-67-160(A) of the South Carolina Code provides that a taxpayer may apply to the municipality in which an abandoned building is located for a certification of the abandoned building site made by ordinance or binding resolution of the governing body of the municipality;

WHEREAS, Revival St., LLC, a South Carolina limited liability company (the “Taxpayer”) owns certain real property located at 221 Saint Philip Street, being designated as Charleston County TMS No. 460-08-02-095, containing three (3) structures, including two (2) dwelling units and one (1) commercial unit, and more particularly described in Exhibit A, attached hereto and incorporated herein by reference (the “Building Site”);

WHEREAS, Taxpayer desires to rehabilitate the Building Site, which is located within the municipal limits of the City of Charleston (the “City”);

WHEREAS, Taxpayer intends to include three (3) dwelling units on the Building Site, increasing the total heated space from 2,835 square feet to 4,404 square feet, and increasing the building footprints from 1,702 square feet to 2,489 square feet;

WHEREAS, pursuant to section 12-67-140(A)(1) of the South Carolina Code, in January 2021, Taxpayer filed a Notice of Intent to Rehabilitate with the South Carolina Department of Revenue in order to claim certain income tax credits for Taxpayer’s rehabilitation of the Building Site; and

WHEREAS, pursuant to section 12-67-160(A) of the South Carolina Code, Taxpayer now requests that the City certify the Building Site as an abandoned building site as defined by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHARLESTON, SOUTH CAROLINA:

Section 1. Based on information supplied by Taxpayer, the City hereby certifies that (i) the buildings on the Building Site constitute abandoned buildings as defined by section 12-67-120(1) of the South Carolina Code; and (ii) the geographic area of the Building Site is consistent with section 12-67-120(2) of the South Carolina Code.

Section 2. This Resolution provides no tax relief whatsoever, and the City expresses no opinion regarding the availability of tax relief to the Taxpayer beyond the certification contained herein.
**Section 3.** This Resolution does not provide any approvals or permits for the project. The Taxpayer is required to obtain all necessary approvals and permits for the project from the City pursuant to the City’s ordinances.

**Section 4.** This Resolution shall become effective upon the date of enactment.

PASSED AND APPROVED, this ____ day of __________________, 2021.

__________________________________________
John J. Tecklenburg, Mayor
City of Charleston

**ATTEST:**

__________________________________________
Jennifer Cook
Clerk of Council
Exhibit A

LEGAL DESCRIPTION

All that certain piece, parcel or lot of land, with the buildings and improvements thereon, situate, lying and being on the west side of Saint Philip Street, in the City of Charleston, Charleston County, South Carolina, containing 0.116 acres (5,152 square feet), more or less, known as 221 Saint Philip Street, and being more particularly shown and designated as “No. 221 5,152 sq. ft. 0.116 acre,” on that certain survey entitled, “ALTA-NSPS Survey of 221 and 223 St. Philip Street, Located in City of Charleston, Charleston County, South Carolina,” prepared by James G. Penington (SCPLS No. 10291), and dated July 24, 2019, said piece, parcel or lot of land having such size, shape, dimensions, buttins and boundings as are shown on said the said survey, a copy of which is attached hereto and incorporated herein by reference as Exhibit B.

Charleston County TMS No. 460-08-02-095
MEMORANDUM

DATE: March 3, 2021

TO: Councilmember Mitchell and Members of the Committee on Community Development

FROM: Chip McQueeny, Assistant Corporation Counsel

RE: Certification of Abandoned Building Site at 223 Saint Philip Street

On February 3, 2021, Revival St., LLC (the “Taxpayer”) filed a notice of intent to rehabilitate the existing abandoned buildings located at 223 Saint Philip Street, designated as Charleston County TMS No. 460-08-02-094 (the “Property”), under the South Carolina Abandoned Buildings Revitalization Act (the “Act”). A copy of the Taxpayer’s application for the credit is attached hereto as Exhibit A. The Taxpayer owns the Property, the location of which is shown on Exhibit B. The Property lies within Council District 3.

In 2013, the General Assembly passed the Act to create an incentive for the rehabilitation, renovation, and redevelopment of abandoned buildings located in South Carolina. Subject to the terms and conditions of the Act, a taxpayer who rehabilitates an abandoned building is eligible either for (1) a credit against income taxes, corporate license fees, taxes on associations, or insurance premium taxes; or (2) a credit against real property taxes. In this case, the Taxpayer seeks a credit against income taxes, not property taxes. The amount of the credit is based on the amount of rehabilitation expenses incurred for the project.

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Although a property owner may also seek a credit against real property taxes under the Act, such an application would require additional findings by City Council. For instance, City Council would need evidence as to whether the application meets the purposes of the Act and whether the rehabilitation expenses are eligible for a credit under the Act.

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Thank you for your consideration. Please let me know if you have any questions or concerns.

Daniel S. ("Chip") McQueeney, Jr.
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PO Box 125, Columbia, SC 29214-0825
taxtech@dor.sc.gov.

Abandoned Building Credit Notice
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South Carolina Department of Revenue
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a. A statement of the taxpayer’s intent to rehabilitate the building site, unit or parcel;
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b. The building site, unit, or parcel location;
Charleston County Parcel No. 460-08-02-094

c. Whether new construction is to be involved;
The project will involve new construction of 1,569 square feet

d. The amount of acreage in the building site;
0.117 acres

e. The square footage of existing buildings involved in the building site;
2,835 square feet

f. The building(s) or unit(s) the taxpayer intends to renovate; and
The abandon buildings are part of the Gadsden Funeral Home which was located at 221 and 223 St.
Philip St. The home was founded in 1902. It was operated and passed down through the family until it
closed in 2005.
223 St. Philip St. has been vacant for more than 10 years. Other than the funeral home, the property
was also used as a printing shop.

g. The estimated expenses to be incurred in connection with the rehabilitation of the building site, unit,
or parcel.
$1,505,004.

Code Section 12-67-120(7).
EXHIBIT C

AFFIDAVIT

As a neighboring property owner of 79 Line St. since 2015 and as owner of 221 and 223 St. Philip St., I hereby affirm that to the best of my knowledge, the property located at 223 St. Philip Street has been 100% vacant for more than 5 years.

[Signature]
Anton J. Sedalik III

Subscribed and sworn to before me this 12th day of February, 2021, by Anton J. Sedalik III.

[Signature]
Rachel K. Brint Isaac

Notary Public
My commission expires: 06-13-2021
RESOLUTION NO. 2021-

A RESOLUTION CERTIFYING PROPERTY LOCATED AT 223 SAINT PHILIP STREET (CHARLESTON COUNTY TMS NO. 460-08-02-094) AS AN ABANDONED BUILDING SITE UNDER SECTION 12-67-160 OF THE SOUTH CAROLINA CODE

WHEREAS, the South Carolina Abandoned Buildings Revitalization Act, codified at sections 12-67-100 to -160 of the South Carolina Code, (the “Act”) creates an incentive for the rehabilitation, renovation, and redevelopment of abandoned buildings located in South Carolina;

WHEREAS, section 12-67-140(A)(1) of the South Carolina Code sets forth certain conditions under which a taxpayer who rehabilitates an abandoned building is eligible for a credit against certain income taxes, corporate license fees, and insurance premium taxes, or a combination thereof;

WHEREAS, section 12-67-160(A) of the South Carolina Code provides that a taxpayer may apply to the municipality in which an abandoned building is located for a certification of the abandoned building site made by ordinance or binding resolution of the governing body of the municipality;

WHEREAS, Revival St., LLC, a South Carolina limited liability company (the “Taxpayer”) owns certain real property located at 221 Saint Philip Street, being designated as Charleston County TMS No. 460-08-02-094, containing two (2) structures, including two (2) dwelling units and one (1) commercial unit, and more particularly described in Exhibit A, attached hereto and incorporated herein by reference (the “Building Site”);

WHEREAS, Taxpayer desires to rehabilitate the Building Site, which is located within the municipal limits of the City of Charleston (the “City”);

WHEREAS, Taxpayer intends to include three (3) dwelling units and one (1) commercial on the Building Site, increasing the total heated space from 3,941 square feet to 5,607 square feet, and increasing the building footprints from 2,744 square feet to 3,178 square feet;

WHEREAS, pursuant to section 12-67-140(A)(1) of the South Carolina Code, in January 2021, Taxpayer filed a Notice of Intent to Rehabilitate with the South Carolina Department of Revenue in order to claim certain income tax credits for Taxpayer’s rehabilitation of the Building Site; and

WHEREAS, pursuant to section 12-67-160(A) of the South Carolina Code, Taxpayer now requests that the City certify the Building Site as an abandoned building site as defined by the Act.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CHARLESTON, SOUTH CAROLINA:

Section 1. Based on information supplied by Taxpayer, the City hereby certifies that (i) the buildings on the Building Site constitute abandoned buildings as defined by section 12-67-120(1) of the South Carolina Code; and (ii) the geographic area of the Building Site is consistent with section 12-67-120(2) of the South Carolina Code.

Section 2. This Resolution provides no tax relief whatsoever, and the City expresses no opinion regarding the availability of tax relief to the Taxpayer beyond the certification contained herein.
Section 3. This Resolution does not provide any approvals or permits for the project. The Taxpayer is required to obtain all necessary approvals and permits for the project from the City pursuant to the City’s ordinances.

Section 4. This Resolution shall become effective upon the date of enactment.

PASSED AND APPROVED, this _____ day of ________________, 2021.

________________________
John J. Tecklenburg, Mayor
City of Charleston

ATTEST:

________________________
Jennifer Cook
Clerk of Council
Exhibit A

LEGAL DESCRIPTION

All that certain piece, parcel or lot of land, with the buildings and improvements thereon, situate, lying and being on the west side of Saint Philip Street, in the City of Charleston, Charleston County, South Carolina, containing 0.117 acres (5,086 square feet), more or less, known as 223 Saint Philip Street, and being more particularly shown and designated as “No. 223 5,086 sq. ft. 0.117 acre,” on that certain survey entitled, “ALTA-NSPS Survey of 221 and 223 St. Philip Street, Located in City of Charleston, Charleston County, South Carolina,” prepared by James G. Penington (SCPLS No. 10291), and dated July 24, 2019, said piece, parcel or lot of land having such size, shape, dimensions, buttungs and boundings as are shown on said the said survey, a copy of which is attached hereto and incorporated herein by reference as Exhibit B.

Charleston County TMS No. 460-08-02-094
STATE OF SOUTH CAROLINA  )  
COUNTY OF  CHARLESTON    )  

TITLED TO REAL ESTATE  

KNOW ALL MEN BY THESE PRESENTS, that The Whitfield Company, LLC ("Grantor") in the state aforesaid, for and in consideration of the sum of ONE AND 00/100 DOLLAR ($1.00), being the true consideration to it in hand paid at and before the sealing of these presents by the CITY OF CHARLESTON, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release unto the said CITY OF CHARLESTON ("Grantee"), its successors and assigns, forever, the following described property which is granted, bargained, sold and released for the use of the public forever:

All of the property underneath, above, and containing those certain streets, roads, drives, and cul-de-sacs situate, lying and being in the City of Charleston, County of Charleston State of South Carolina, identified as (list street names) William E. Murray BLVD,

as shown and designated on a plat entitled "Plat Showing Subdivision of Parcel 1 Tract B-2 Property of University Associates of MUSC into Parcels 1-A & 1-B and Parcel 2 Tract B-2 Property of Whitfield Construction Company into Parcels 2-A & 2-B Also Portion of Parcel 3 Tract B-2 (TMS#306-00-00-934) Property of Whitfield Construction Company Portion of William E Murray BLVD R/W St Andrews Parish City of Charleston Charleston County South Carolina." prepared by A.H. Schwacke & Associates dated Nov 17, 2013, revised April 10, 2017, and recorded on August 31, 2017 in Plat Book L17 at Page 0472 in the RMC Office for Charleston County. Said property butting and bounding, measuring and containing, and having such courses and distances as are shown on said plat. Reference being had to the aforesaid plat for a full and complete description, being all of the said dimensions, a little more or a little less.

This being a portion of the property conveyed to Grantor herein by deed of the Georgie-Pacific Investment Company dated October 23, 1984 and recorded October 23, 1984 in Book W140 at Page 659 in the RMC Office for Charleston County, South Carolina.

Grantee's Mailing Address:  
City of Charleston  
Department of Public Service  
Engineering Division  
2 George Street  
Suite 2100  
Charleston, South Carolina 29401

Portion of TMS No.:  
306-00-00-012
TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto the CITY OF CHARLESTON, its successors and assigns forever.

AND Grantor does hereby bind itself and its heirs, executors and administrators, to warrant and forever defend, all and singular, the said premises unto the said City of Charleston, heirs and assigns, against Grantor and its heirs, and all persons whomsoever lawfully claiming, or to claim the same or any part thereof.

WITNESS our Hand(s) and Seal(s) this 11th day of March 2021.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Witness Number One
Whitney Magnold
Printed Name
Linda Squires Moulder
Witness Number Two
Linda Squires Moulder
Printed Name

***********

STATE OF South Carolina
COUNTY OF Richmond

ACKNOWLEDGEMENT

This foregoing instrument was acknowledged before me (the undersigned notary) by C. David Whitfield, the Designated Agent of The Whitfield Company, a Limited Liability Company, on behalf of the Grantor on the 11th day of March 2021.

Signature of Notary: D. Padgett
Print Name of Notary: Julian Padgett
Notary Public for State of South Carolina
My Commission Expires: 10/20/2023

SEAL OF NOTARY
TRE6-2816
CITY OF CHARLESTON, SOUTH CAROLINA
Department of Public Service
Engineering Division

COVENANTS FOR PERMANENT MAINTENANCE OF STORMWATER FACILITIES

THIS MAINTENANCE COVENANT AND ACCESS EASEMENT ("Covenant Agreement") is made this 11th day of March, 2021, between The Whitfield Company, LLC ("Property Owner") and the CITY OF CHARLESTON, a municipal corporation organized under the laws of the State of South Carolina (the "City").

RECITALS

A. Property Owner is the owner of certain real property located in the City of Charleston, Charleston County, South Carolina, legally described on Exhibit A attached hereto and commonly known as William B. Murray Boulevard (the "Property").
B. The City has approved the Construction Activity Application submitted by the Property Owner for Development, Re-Development, or other Construction Activities. This Covenant Agreement applies to all Best Management Practices (BMPs) used by the Property Owner for the control of stormwater, including detention and retention ponds. This Covenant Agreement applies to all BMPs as described in the approved construction plans and any other BMPs that may hereafter be constructed on the Property.
C. To protect subsequent owners of the Property and owners of neighboring property, the City is requiring that Property Owner enter into this Covenant Agreement as a condition to the City's approval of the Construction Activity Application and approval of the final plat for the Property.
D. This Covenant Agreement is intended to protect the value and desirability of the real property described above, and shall inure to the benefit of all citizens of the City of Charleston and their successors and assigns.

COVENANT AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Property Owner agree as follows:

A. The above stated recitals are incorporated herein by reference as if fully restated verbatim.

B. Definitions.
The following words and terms when used in this Article shall have the meaning respectively ascribed to them in this Section.

"Best Management Practices (BMPs)" are any structural or non-structural measure including, but not limited to stormwater detention and retention ponds or facility used for the control of stormwater runoff, be it for quantity or quality control. BMPs also include schedules of activities, prohibitions of practices, maintenance procedures, treatment requirements, operating procedures, and other management practices to control site runoff, spillage or leaks, sludge or waste disposal, drainage from raw material storage, or measures that otherwise prevent or reduce the pollutant loading of receiving waters.

"Forebay" is a settling basin, engineered structure, or plunge pool constructed at the incoming discharge points of a stormwater BMP which helps to isolate the sediment deposition in an accessible area.

C. Covenant to Maintain and Repair.

Property Owner shall at all times maintain the BMPs in good working order, condition, and repair, clear of all debris, and in compliance with all applicable federal, state and municipal laws, rules, regulations, and guidelines (including those adopted from time to time by the City, including but not limited to, the City’s Stormwater Design Standards Manual), and in accordance with the Property Owner Responsibilities set forth in this Covenant Agreement.

D. Property Owner Responsibilities.

1. Regular Inspections: Inspections shall be performed at least twice a year or more regularly as listed below. In the event of a sale or a transfer of property, the original set of inspection records or a copy of the original inspection records shall be provided to the new property owner. BMP Inspection reports shall be generated and kept on file for five (5) years. BMP Reports shall be made available to the City of Charleston within seven (7) business days upon written request. If such reports are generated by a third party, the reports shall remain the owner’s (or owners’) responsibility to maintain.

2. Routine Maintenance: Maintenance activities needed on a routine basis are listed below. All activities listed below shall be performed at the frequency specified below or more frequently as needed.

   a. Vegetation Management: If applicable, grass shall be mowed every two (2) weeks or more frequently as needed during the growing season.

   b. Inlet and Outlet Structures: Any blockage of inlet and outlet structures shall be removed immediately. Inlet and outlet protection shall be repaired or replaced as needed.

   c. Debris and Litter: Trash and other debris that collects in stormwater detention and retention ponds shall be removed immediately. Trash and other debris that collects in other BMPs shall be removed as recommended by the manufacturer or at a frequency such that the function of the BMP is not adversely affected.

3. Sediment Removal: BMPs will trap sediments and other material over time and shall be maintained in accordance with the submitted and City-approved post-construction maintenance plan. Removal of the sediment shall occur no less frequently than once per
year for manufactured BMPs, or once every five years for stormwater detention and retention ponds, or as specified by the BMP manufacturer, whichever is more frequent. If a Forebay exists, any trash or other debris shall be completely removed as discovered through routine maintenance activities or inspections.

4. Slope Stabilization/Structural Integrity: Slope erosion, sink holes, or other slope structural deficiencies shall be repaired upon discovery through routine maintenance activities or inspections.

5. The City of Charleston reserves the right to alter the maintenance schedule and required activity(ies) as necessary to ensure the proper function of a BMP.

E. Additional Responsibilities.

Additional routine or long-term maintenance activities to be performed on the BMPs. This section may also be used to replace the list of maintenance activities listed above or to list manufacturer requirements.

See Exhibit B

F. Failure to Perform Covenant Agreement

If the City determines that Property Owner is not in compliance with the requirements contained in this Covenant Agreement, except in the case of emergency, the City or its designee shall give the Property Owner written notice to perform the maintenance and/or repair work specified in the notice. If such work is not performed to the City's satisfaction within seven (7) days after the date of such notice, Property Owner hereby grants to the City, its employees, independent contractors and designees the right to enter the Property to perform any and all work required to bring the BMPs into compliance with the requirements contained in this Covenant Agreement. The scope of work required shall be determined by the City at its sole discretion.

If the City determines that the Property Owner is not in compliance with the requirements contained in this Covenant Agreement and determines that there exists or will likely exist an emergency on or about the Property with respect to the BMPs, Property Owner hereby grants to the City, its employees, independent contractors and designees the right to enter the Property to perform any and all work required to bring the BMPs into compliance with the requirements contained in this Covenant Agreement, and in such case the City shall use reasonable efforts to notify the Property Owner prior to entering the Property.

G. Reimbursement.
If the City exercises its right to enter the Property under the authority granted to it by this Covenant Agreement (to include inspection, sampling, repairing, maintaining, and monitoring), Property Owner shall reimburse the City for all of its costs and expenses incurred in connection therewith within thirty (30) days after receipt of an invoice from the City for such work. If Property Owner fails to pay the invoiced amount within such period, such amount shall thereafter accrue interest at a per annum rate equal to the prime rate being the rate from time to time publicly announced and published daily in the Wall Street Journal plus three percent (3%). Such amount, together with interest, shall be a lien on the Property (and each of the lots contained therein) which may be foreclosed in accordance with the law, as amended from time to time. If the Property is owned by more than one person (i.e., multiple lot owners), each such owner shall be jointly and severally liable for payment of the amounts provided for under the requirements contained in this Covenant Agreement.

H. Indemnification.
Property Owner agrees to indemnify, defend, and hold harmless the City, its employees, independent contractors and designees harmless from and against any liability, losses, costs, expenses (including reasonable attorneys' fees), claims or suits arising from Property Owner's failure to perform its obligations under this Covenant Agreement or any exercise of the City, its employees, independent contractors or designees of their rights under this Covenant Agreement.

I. Access Easement.
Property Owner hereby grants the City, its employees, independent contractors and designees a nonexclusive easement for ingress and egress over, across and under the Property for the purposes described in this Covenant Agreement and from time to time at the City's sole discretion to inspect, sample, and monitor components of the BMPs and discharges there from.

PROPERTY OWNER, FOR ITSELF AND ITS SUCCESSORS AND ASSIGNS (INCLUDING ALL OWNERS OF LOTS IN THE PROPERTY), AGREES THAT THE CITY, ITS EMPLOYEES, INDEPENDENT CONTRACTORS AND/OR DESIGNEES SHALL NOT HAVE ANY OBLIGATION TO EXERCISE THEIR RIGHTS UNDER THIS COVENANT AGREEMENT OR TO PERFORM ANY MAINTENANCE OR REPAIR OF THE BMPS, AND THAT THE CITY, ITS EMPLOYEES, INDEPENDENT CONTRACTORS AND/OR DESIGNEES SHALL NOT HAVE ANY LIABILITY TO PROPERTY OWNER OR ANY OF PROPERTY OWNER'S SUCCESSORS OR ASSIGNS (INCLUDING OWNERS OF LOTS IN THE PROPERTY) IN CONNECTION WITH THE EXERCISE OR NONEXERCISE OF SUCH RIGHTS, THE MAINTENANCE OR REPAIR OF THE BMPS, OR THE FAILURE TO PERFORM THE SAME.

J. This Covenant Agreement Runs with the Land.
The parties' rights and obligations contained herein shall run with the land and inure to the benefit of, and shall be binding upon, the City and Property Owner and their respective successors and assigns including, without limitation, subsequent owners of the Property and any homeowner’s association owning common areas on the Property.

K. Assignment.
The obligations of the Property Owner (and subsequent owners of the Property) under this Covenant Agreement shall not be assigned except (a) in connection with the sale of the property owned by such person (in which case the transferee shall assume such obligations), or (b) with the prior written consent of the City.

L. Authority.
By executing this Covenant Agreement, the Property Owner represents and warrants to the City that he or she has the full power and authority to do so and that the Property Owner has full right and authority to enter into this Covenant Agreement and perform its obligations under this Covenant Agreement.

M. Entire Covenant Agreement.
This Covenant Agreement constitutes the entire Covenant Agreement between the parties, and supersedes all prior discussion, negotiations, and all agreements whatsoever whether oral or written.

N. Governing Laws.
The laws of South Carolina shall govern this Covenant Agreement. Any and all litigation arising under or as a result of said Covenant Agreement shall be litigated in the Circuit Court in the Ninth Judicial Circuit of Charleston County, South Carolina.
PROPERTY AND BMP DESCRIPTIONS

PARCEL/TMS#: 306-00-00-012

NAME & TYPE OF BMP(S):
See Exhibit B

LOCATION OF BMP(S):
See Exhibit B

PROPERTY DEED RECORDED DATE:
October 23, 1984

TITLE OF SITE PLAN:
William E. Murray Boulevard
(Shall exactly match the title given on application for a land disturbance permit)

PROJECT ENGINEERING FIRM:
Seamon/Whiteside + Associates

PROJECT CONSTRUCTION FIRM:
Gulf Stream Construction Company

NUMBER & DATE OF LAND DISTURBANCE PERMIT:
FN: 10-12-02-03; SCR10P718 - May 16, 2012

ENGINEERING DIVISION APPROVAL OF MAINTENANCE CONVENANTS

Plan Review Engineer or Public Service Department Designee

Date
PROPERTY OWNERS

NAME: Whitfield Company, LLC
ADDRESS: 6518 Dorchester Road
CITY: North Charleston STATE: SC ZIP CODE: 29418
PHONE: 8435526615 FAX: 8435525617
E-MAIL: Whitfieldcompany@Comcast.net

NAME: 
ADDRESS: 
CITY: ___________ STATE: ___________ ZIP CODE: ___________
PHONE: ___________ FAX: ___________
E-MAIL: ___________

NAME: 
ADDRESS: 
CITY: ___________ STATE: ___________ ZIP CODE: ___________
PHONE: ___________ FAX: ___________
E-MAIL: ___________
IN WITNESS WHEREOF, the Property Owner and the City have executed this Covenant Agreement on the date first written above.

PROPERTY OWNER: The Whitfield Company, LLC

BY: [Signature] ITS: Managing Member

Witness: [Signature] Printed Name Whitney Magwood

Witness: [Signature] Printed Name Linda Squires Moulder

STATE OF SOUTH CAROLINA  ) ss
County of Charleston Richland  )

This instrument was acknowledged before me on March 11, 2021, by [Signature] as Managing Member of the City of Charleston.

Notary Public for South Carolina
My Commission Expires 10/20/2020

THE CITY OF CHARLESTON, SOUTH CAROLINA

BY: [Signature] ITS:

Witness: [Signature] Printed Name

Witness: [Signature] Printed Name

STATE OF SOUTH CAROLINA  ) ss
County of Charleston  )

This instrument was acknowledged before me on , by as of the City of Charleston.

Notary Public for South Carolina
My Commission Expires
Covenants for Permanent Maintenance of Stormwater Facilities
Wildcat Boulevard Connector Road (William E Murray Blvd, Job 6092)
March 20, 2017

E. Additional Responsibilities:

- removal of invasive vegetation — semi-annual
- inspect for damage to isolation boxes — annual
- inspect sediment accumulation in the isolation boxes — annual
- remove sediment from isolation boxes if determined needed after annual inspection
- remove sediment accumulation in the wet ponds — annual
- remove sediment accumulations in the wet ponds — 5 to 10 year cycle, after 25% of the permanent pool volume is filled.
- repair embankment, side slopes, undercut or eroded areas — annual, or as needed

PROPERTY AND BMP DESCRIPTIONS

NAME & TYPE OF BMP(S):

- Two (2) new wet detention pond identified as Pond 1 and Pond 2
- Isolation boxes identified as OCS#5, OCS#6 and OCS#11B
- Reinforced matting at pipe end in SCDOT right-of-way

Location OF BMP(S):

- Detention Pond 1 located adjacent to William E Murray Blvd on SW side of right-of-way.
- Detention Pond 2 located within residual property of Whitfield Construction Company, Parcel 1-A on NE side of right-of-way and near Glenn McConnell Parkway.
- OCS#5 located in Pond 1 and adjacent to William E Murray Blvd on the SW side of the right-of-way and behind curb inlet #4.
- OCS#6 located in Pond 1 and adjacent to William E Murray Blvd on the SW side of the right-of-way, SE of OCS#5 and near junction box J8 #7.
- OCS#11B located in Pond 2 on the SW end of the pond.
- Reinforced matting is located at the outlet of Pond 2 flared pipe end #13 and within the limits of the SCDOT right-of-way for Glenn McConnell Parkway.
March 24, 2021

Mr. Michael Black, P.E.
District Maintenance Engineer
SCDOT District Six
6355 Fain Street
North Charleston, SC 29406

Subject: Maintenance of Non-Standard Construction Materials of granite curb at Nassau Street (S-119).

Dear Mr. Black,

This letter concerns the proposed installation of approximately 290 LF of granite curb to be constructed in conjunction with the project at 89 Hanover Street.

The City Council of Charleston, at its meeting held March 23, 2021, agreed to accept maintenance responsibility for granite curb within the State maintained right-of-way shown on the attached drawing and which will be constructed under a valid SCDOT Encroachment Permit. The City of Charleston agrees to maintain this granite curb in compliance with current ADA and SCDOT standards *(ADA Standards for Transportation Facilities, SC Highway Design Manual, SCDOT Standard Drawings, AASHTO Guide for Development of Pedestrian Facilities)*.

Should there be any questions, please do not hesitate to contact me at 843-724-3754 or at OBriente@charleston-sc.gov.

Sincerely,

Thomas F. O’Brien
Director of Public Service

cc: Keith Fraser, P.E., Site Development Engineering Manager
Kate Capps, Engineering Division Administrator
Brian Pokrant, GIS Analyst
Matthew Cline, P.E., Cline Engineering
AN ORDINANCE

TO AMEND ARTICLE VIII OF CHAPTER 30 OF THE CODE OF THE CITY OF CHARLESTON TO ESTABLISH A NEW PROCEDURE FOR CREATING NON-STANDARD SERVICE DISTRICTS WITHIN THE CITY OF CHARLESTON AND TO AMEND THE ELECTRICAL FRANCHISE AGREEMENT WITH DOMINION ENERGY SOUTH CAROLINA, INC., FORMERLY KNOWN AS SOUTH CAROLINA ELECTRIC & GAS COMPANY, TO PROVIDE FOR AN ADDITIONAL METHOD FOR FUNDING NON-STANDARD SERVICES.

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

Section 1. That Division 1 (Generally) of Article VIII (Underground Utility Districts) of Chapter 30 (Utilities) of the Code of the City of Charleston, South Carolina, is hereby amended to read as follows:

ARTICLE VIII. – NON-STANDARD SERVICES

DIVISION 1. – GENERALLY.

Sec. 30-171. – Designation of non-standard service districts.

City Council may from time to time by ordinance designate and extend non-standard service districts and/or provide for non-standard services within the City in accordance with the provisions of this Article.

Sec. 30-172. – Definitions.

“Company” means Dominion Energy South Carolina, Inc., formerly known as South Carolina Electric & Gas Company, as well as the successors and assigns of the Company.

“District” means (1) a specific neighborhood or project within the municipal limits of the City that has been designated by City Council as a non-standard service district according to the provisions of this Article; or (2) a specific neighborhood or project, a portion of which lies within the municipal limits of the City, that has been designated by City Council as a non-standard service district according to the provisions of this Article and for which all other local governments with jurisdiction over properties in the neighborhood or project have entered into an agreement with the
City, under which each local government will contribute its pro rata share to the non-standard service and order the disconnection of existing overhead utilities.


"Fund" means the non-standard service fund established by Section 10 of the Franchise Ordinance, under which the Company and the City each agree to contribute to the fund. The amounts so designated to the fund are to be used exclusively to cover the costs of planning, designing, engineering and constructing non-standard service projects, or otherwise providing non-standard service, within the City. The Company is obligated to undertake the planning, designing, engineering and construction of non-standard service projects only to the extent monies designated to the fund are reasonably projected to be adequate to cover the costs of the projects as they are incurred.

"Non-Standard Service" means the provision of electrical service to existing or new customers of the Company by the use of underground distribution and service lines, the cost of which exceeds the Company’s standard cost of electric distribution service, and where such costs can be recovered through the fund. "Non-Standard Service" also means the use of special equipment, facilities, special landscaping, or the screening of electrical facilities within the municipal limits of the City. "Non-Standard Service" does not include (1) the cost of installation of underground electric distribution lines in new residential subdivisions of the City under terms and conditions customarily applicable with respect to aid to construction payments; or (2) any other service which the Company agrees to provide under the Franchise Ordinance (other than in Section 10 of the Franchise Ordinance).

"Owner" means any person eighteen (18) years of age or older, or the proper legal representative for any person younger than eighteen (18) years of age, and any firm or corporation, who or which owns legal title to a present possessory interest in real estate equal to a life estate or greater (expressly excluding leaseholders, easements, equitable interests, inchoate rights, dower rights, and future interests) and who or which owns, at the date of a petition, at least an undivided one-tenth (1/10) interest in a single parcel of real estate and whose name appears on the county tax records as an owner of such single parcel of real estate.

"Priority List" means the list established and updated by City Council, as described in Sec. 30-173.

Sec. 30-173. – Priority list.

(a) Subject to Sec. 30-173(c), City Council shall, by ordinance, establish, update, and amend a priority list for non-standard service projects and non-standard services, utilizing the manual approved by the Underground Advisory Committee, as prepared and updated by the Mayor or the Mayor’s designee.

(b) Subject to Sec. 30-173(c), in furtherance of the foregoing, City Council may, by resolution, require that the Company undertake the planning, design, engineering, and cost estimating for a
specific area or areas, with the costs of such planning, design, engineering, and cost estimating to be payable from the fund. Within a reasonable time after a resolution from the City, or as soon thereafter as reasonably practicable, the Company shall undertake the planning, design, engineering and cost estimating for the specified area or areas. Notwithstanding the foregoing, the Company shall not be obligated to undertake the planning, design, engineering and cost estimating for a non-standard service project unless the monies then obligated to the fund are reasonably projected to be adequate to cover such costs as they are incurred and the Company shall not be obligated to undertake the planning, design, engineering and cost estimating for more than four (4) projects. For purposes of this definition, the four (4) project limitation shall apply to projects which have not received construction approval by City Council.

(c) The provisions of this Sec. 30-173(c) shall apply notwithstanding any other provision of this Article. The City has received initial petitions for non-standard service projects designated as (1) Ansonborough; (2) Country Club II; (3) Wappoo Heights; (4) South Battery, Tradd Street and a portion of Legare Street; (5) Old Windermere; (6) South Windermere; and (7) a section of Clifford Street (the “Existing Proposed Districts”). With respect to the Existing Proposed Districts, the provisions of Article VIII of Chapter 30 of the City Code, as they existed prior to the effective date of this ordinance, shall continue to apply. The Company shall undertake the planning, design, engineering, and cost estimating for the Existing Proposed Districts in the order in which the City received a petition in compliance with Sec. 30-172(b) of the City Code, as it existed prior to the effective date of this ordinance; provided, however, the Company shall not be obligated to undertake the planning, design, engineering, and cost estimating for more than two (2) Existing Proposed Districts at any given time. The Existing Proposed Districts shall be prioritized for construction purposes in the order in which the City receives a petition in compliance with Sec. 30-172(e) of the City Code, as it existed prior to the effective date of this ordinance. City Council may approve construction in separate, individual phases of an Existing Proposed District for which the planning, design, and engineering has been completed, with construction to proceed for an individual phase upon receipt of a petition for such phase that complies with Sec. 30-172(e) of the City Code, as it existed prior to the effective date of this ordinance.

(d) A petition for an Existing Proposed District may be withdrawn, in which case the Existing Proposed District, or any portion thereof, shall be prioritized as set forth in Sec. 30-173(a).

Sec. 30-174. – Construction.

By ordinance, City Council shall authorize the Company to commence construction of non-standard service projects according to the priority list, as amended or updated by City Council from time-to-time. The Company shall be required to commence construction of non-standard service projects within a district within twelve (12) months of City Council’s adoption of an ordinance authorizing such construction, subject to the Company’s ability to construct more than one (1) project at a time and subject to the amounts present or anticipated in the fund that are reasonably projected to be adequate to cover the costs of the non-standard service projects as they are incurred. Such projects shall be undertaken in advance of amounts being designated to the fund, if monies to be obligated to the fund over the next successive ten-year period are reasonably projected by the Company to be adequate to cover any negative balances and associated finance
and federal and state income tax charges plus a contingency of twenty-five percent (25%). Once commenced, the Company shall carry non-standard service projects to completion.

Sec. 30-175. – Removal of overhead structures or poles; limitations on new installations; adaptation of existing service facilities.

(a) When any street or portion thereof within the City is designated as a district, any person, firm, company or corporation owning or maintaining overhead wires or equipment, associated overhead structures or poles serving the same in such street or portion thereof shall remove such wires and equipment, associated structures and poles prior to or concurrently with the underground placement of non-standard service utilities in the district and shall install same underground concurrently with the underground placement of non-standard service utilities in the district, with the exception of such poles as are necessary to support street lighting, traffic signals and transmission lines above forty-three thousand (43,000) volts.

(b) It shall be unlawful for any person to erect, construct, maintain or use any pole, overhead wires or associated structure within a district, excepting such poles as are necessary to support street lighting, traffic signals, and transmission lines above forty-three thousand (43,000) volts, after the date when such utilities are required to have been removed, or after a reasonable period of time after the designation by City Council of a district or the extension of a district.

(c) All conduits, conductors and associated equipment necessary to receive utility service between service conductors or underground pipe or conduit of the supplying utility and the service facilities to the structure being served shall be provided by the person owning such property. Such required construction shall be accomplished within one hundred eighty (180) days after the installation of the utility’s facilities.

Sec. 30-176. – Notice to utility companies and owners.

Within sixty (60) days after the passage of an ordinance authorizing the Company to commence construction of a non-standard service project within a district, the Clerk of Council shall mail a notice of such action to all affected utilities and all persons owning real estate in the affected area. Such notice shall be directed to the last known address of such utility or owner, as shown on the records of the county assessor. Such notice shall advise owners that overhead wires, poles and associated structures are to be removed, and if such owners or their tenants desire to continue to receive utility service or services, such owners shall at their expense make the necessary modifications to facilities on their property in order to receive such underground service from the utilities’ specified terminal point. If no other changes are made in owner’s facilities, then only that portion being modified to receive underground service shall be upgraded to conform to the City’s electrical code.

Sec. 30-177. – Discontinuance of service to premises for noncompliance.

If the owner does not comply with Sec. 30-175(c) within the time specified therein, the Department of Public Service shall have authority to order disconnection and removal of any and all poles, overhead wires or associated overhead structures supplying utility service to such
property, and the Company shall not be required thereafter to provide service to such premises, until the owner makes the necessary changes.

Sec. 30-178. – Penalty.

Any person violating any provision of this article or failing to comply with any order issued pursuant hereto shall be subject to the penalty provided in section 1-16 of this Code.

Section 2. That Section 10 of Ordinance Number 1996-113, as previously amended, is hereby amended to include a new Section 10.I, to read as follows:

I. Pursuant to Ordinance No. 2021-___, adopted by City Council on _________________, 2021, notwithstanding Section 10.D or other provisions hereof, the City and the Company agree to provide non-standard services and/or establish new districts without assessing a non-standard service fee under the priority list procedure set forth in Ordinance No. 2021-___. In such circumstances, the City shall pay fifty percent (50%) of the costs of the non-standard services and/or the costs of the project within the district from the fund. The Company shall pay the remaining fifty percent (50%) of the costs of the non-standard services and/or the costs of the project from its accrued obligation under Section 10.B. No portion of any non-standard service fee collected by the City shall be used for such services or projects.

Section 3. This ordinance shall become effective upon ratification, with the exception of Section 2, which shall not become effective unless and until accepted, in writing, by the Company within thirty (30) days from the date on which this ordinance is ratified by City Council.

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

BY:

______________________________
John J. Tecklenburg, Mayor

ATTEST:

______________________________
Jennifer Cook
Clerk of Council