PUBLIC SAFETY COMMITTEE

Conference Call #: 1-929-205-6099
Access Code: 92103951294

June 14, 2021
1:00 p.m.

Mayor John J. Tecklenburg
Councilmember Peter Shahid, Chair
Councilmember Michael Seekings, Vice Chair
Councilmember Robert Mitchell
Councilmember Kevin Shealy

AGENDA

1. Moment of Silence

2. Minutes –

May 21, 2021

3. Notice of submission of a Letter of Support for MUSC’s application to the OJJDP FY21 Comprehensive Youth Violence Prevention and Reduction Program to provide hospital based violence intervention services as well as community level street outreach mentorship services through Youth Advocate Programs. *(To be sent under separate cover by the Police Department)*

4. Presentation of proposal by Lens Foundation. Lens Foundation is a non-profit that will provide funds to community members and organizations in need that are identified by CPD to strengthen CPD’s relationship with community.

5. Amended Street Vendor Ordinance

6. An ordinance to amend the Code of City of Charleston, South Carolina, Chapter 3, Article II: Wine and Beer, Section 3-16: hours of sale restricted to add alcoholic liquors and alcohol-infused products and update list of commercial establishments.

7. Adjournment

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.
AN ORDINANCE

TO AMEND THE CODE OF CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 17, ARTICLE V, DIVISION 8-VENDING, SECTION 17-121 TO ADD A NEW SECTION 17-121 (B), RULES AND REGULATIONS FOR MOBILE STREET VENDOR VEHICLES OPERATING ON PRIVATE PROPERTY IN THE CENTRAL BUSINESS DISTRICT (AS AMENDED).

WHEREAS, in light of recent events of social upheaval in the late hours of the evening within the Central Business District in the City of Charleston;

WHEREAS, additional efforts are necessary to control the Central Business District in the late hours to protect the lives of residents, visitors, patrons and employees of restaurants and bars, and City staff and officers working within the District and to promote public safety overall on the peninsula;

WHEREAS, as a part of those efforts to manage crowd control after 1 a.m., the City needs authority to control the operational hours of mobile food vendors operating on private property within the Central Business District after bars and restaurants close;

WHEREAS, the City is authorized and desires to adopt amendments to its Ordinances to promote these goals; and

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

Section 1. Chapter 17, Section 17-121 of the Code of the City of Charleston is hereby amended by adding to the existing Section 17-121 a subsection titled "A. Vending of Food, Drink or Reading Material within Public Rights-of-Way" as follows:

"Sec. 17-121. - Vending of food, drink or reading material.

A. Vending of Food, Drink or Reading Material within Public Rights-of-Way.

(1) It shall be unlawful for any person to engage in the business of selling food or drink with any alcohol contained therein and reading material from a stationary cart or any other stationary vehicle or device that is placed, parked or stopped in or upon any city street or in any public parking space, public right-of-way or sidewalk next to any city street or on any other public
property in the Old and Historic District of the City of Charleston except in such area as shall be designated and marked by the department of traffic and transportation for such purpose and as is approved by city council.

(2) The director of traffic and transportation shall survey the Old and Historic District and report to city Council, on at least an annual basis, those areas in the nonresidential portions of the Old and Historic District which are appropriate for accommodating the location of stationary vendors selling food or drink with any alcohol contained therein and reading material, taking into consideration factors such as vehicular and pedestrian circulation, access, availability of parking, street and/or sidewalk width and such other factors as he may deem necessary to protect the public health, welfare and safety; provided, however, that under no circumstances shall a vendor space designated for the sale of food or drink with any alcohol contained therein and reading material be located within one hundred (100) feet of the entrance to a church or within one hundred (100) feet of a residentially designated district; and provided further that when the director of traffic and transportation annually surveys the nonresidential portions of the Old and Historic District to determine the appropriate location of any vendor space, he shall seek to avoid locating stationary street vendors who sell food or drink with any alcohol contained therein and reading material unreasonably close to existing restaurants or to other designated vendor spaces.

(3) Vendor spaces designated for the sale of food or drink with any alcohol contained therein and reading material from stationary carts or other vehicles or devices shall be available to interested vendors on a daily basis, 7:00 a.m. to 7:00 p.m., on a first come, first serve basis unless such spaces are franchised or unless designated by city council as not being available to interested vendors on a daily basis, 7:00 a.m. to 7:00 p.m. on a first come, first serve basis if not franchised in accordance with this section.

(4) No person shall engage in the sale of food or drink with any alcohol contained therein and reading material from a stationary cart or other vehicle or device from a vendor space unless:

(a) He has secured a business license, a peddler's permit for himself and any employee who shall operate his stationary cart or other vehicle or device approved by the police department and issued by the business license division, and a decal from the business license division displayed as follows:

i. The decal shall be prominently displayed on the stationary cart or other vehicle or device from which food or drink with any alcohol contained therein and reading material is dispensed; and

ii. The peddler's permit issued to the vendor or his employee operating the stationary cart or other vehicle or device and the vendor's business license shall either be prominently displayed on the vendor's stationary cart or other vehicle or device or available from the vendor or his employee operating the stationary cart or other vehicle or device on demand; and

(b) He can and does confine all operations incident to the sale of food or drink with any alcohol contained therein and reading material within the perimeter of the vendor space; and

(c) He has paid such fees as may be set by city council for the privilege of utilizing such vendor space(s); and
(d) He has filed with the director of traffic and transportation a duly executed indemnification/hold harmless agreement with the city concerning the use of the designated vendor space.

(5) Nothing herein shall be construed to prevent the director of traffic and transportation, at the direction of city council, from designating vendor spaces on a temporary basis as and when city council may deem appropriate.

(6) Authority of the director of traffic and transportation regarding bidding and franchising procedures for all vendor spaces designated for the sale of food or drink with any alcohol contained therein and reading material is delineated as follows:

(a) The director of traffic and transportation shall have the authority to recommend to the committee on traffic and transportation that any or all vendor spaces designated for the sale of food or drink with any alcohol contained therein and reading material be made available only pursuant to a competitive bidding process and the execution of a franchise agreement with the successful bidder. The city may reject any or all bids.

(b) In determining whether such a recommendation is warranted, the director of traffic and transportation shall consider whether the demand for any vendor space from competing vendors is, or could be, disruptive to the public order or has resulted, or could result, in undue burden on enforcement officials.

(c) Upon the committee on traffic and transportation approving the franchising of certain vendor spaces, the director of traffic and transportation, with input from corporation counsel, shall draft bid specifications, which shall include, at a minimum:

(i) The location of the vendor space proposed to be franchised;

(ii) A requirement of such minimum bid as shall be approved by the ways and means committee;

(iii) A provision to allow for the payment of the franchise fee on at least a semianual basis;

(iv) A limitation on the term of the franchise agreement to no more than one year;

(v) A requirement for the acquisition of public liability insurance in such amounts as shall be recommended by corporation counsel;

(vi) A prohibition against the assigning or subletting of any vendor space or franchise agreement;

(vii) A requirement that the successful bidder acquires and maintains a current City of Charleston business license;

(viii) A provision requiring the successful bidder to comply and maintain compliance with applicable rules and regulations as may be promulgated by the South Carolina Health Department; Except as prohibited by subsection 17-121(3) a limitation on the hours of operation from 7:00 a.m. to 7:00 p.m., with a provision allowing for the franchised vendor space to be available to other licensed vendors for any day during the term of the franchise agreement that the successful bidder is not open for business in the franchised vendor space by 11:00 a.m., or if he thereafter vacates the franchised vendor space during the day;

(ix) A requirement that the successful bidder remove all vending apparatus from the vendor space at the end of each day and to otherwise maintain the area in and around the vendor space in a clean condition, free of trash and rubbish;

(x) A requirement forbidding meter feeding or encroaching on any property outside the vendor space;

(xi) Provisions for the suspension or cancellation of the franchise agreement;
(xii) A provision requiring the use of recyclable or biodegradable containers; and
(xiii) A provision allowing the city to reject any or all bids not deemed by it to be in the best interest of the city.

(d) No bid specifications shall be put out for bid until they have first been approved by the committee on ways and means.

(7) Authority of the department of traffic and transportation regarding the lawful and/or appropriate placement of stationary carts for the sale of food or drink with any alcohol contained therein and reading material in areas outside of the Old and Historic District is delineated as follows:

(a) In areas outside the Old and Historic District, the sale of food or drink with any alcohol contained therein and reading material from stationary carts or other stationary vehicles that are placed, parked or stopped in or upon any other public property shall be unlawful, except in such areas as may be designated and marked by the department of traffic and transportation for such purposes.

(b) In determining whether a location outside the Old and Historic District is appropriate to accommodate a stationary cart or stationary vehicle selling food or drink with any alcohol contained therein and reading material, the director of traffic and transportation shall consider the vehicular and pedestrian circulation around the proposed space, the availability of parking, street and/or sidewalk width, access and such other factors as he may deem necessary to protect the public health, safety and welfare; provided however, that the director of traffic and transportation shall not designate a space for the sale of food or drink with any alcohol contained therein and reading material within one hundred (100) feet of the entrance to a church or within one hundred (100) feet of a residentially designated district; and provided further, the director of traffic and transportation shall seek to avoid having stationary street Vendors selling food or drink with any alcohol contained therein and reading material unreasonably close to existing restaurants or other designated street vending spaces.

(c) The director of traffic and transportation shall have the authority to recommend to the committee on traffic and transportation that any of the spaces designated for the sale of food or drink with any alcohol contained therein and reading material pursuant to the provisions of this section be made available only pursuant to a competitive bidding process and the execution of a franchise agreement with the successful bidder. The city may reject any or all bids. In determining whether such a recommendation is warranted, the director of traffic and transportation shall consider whether the demand for the space or spaces is, or could be, disruptive to the public order or has resulted, or could result, in undue burden on enforcement officials. If such a recommendation is made, and thereafter approved by the committee on traffic and transportation, the director of traffic and transportation, with input from corporation counsel, shall prepare bid specifications incorporating the provisions of this section.

(d) No bid specifications shall be put out for bid until they have first been approved by the committee on ways and means.

Any spaces not franchised shall be available to licensed vendors pursuant to the criteria set forth in this section except as prohibited by subsection 17-121(3).

Sec. 17-121. - Vending of food, drink or reading material.
A. Vending of Food, Drink or Reading Material within Public Rights-of-Way.

(1) It shall be unlawful for any person to engage in the business of selling food or drink with any alcohol contained therein and reading material from a stationary cart or any other stationary vehicle or device that is placed, parked or stopped in or upon any city street or in any public parking space, public right-of-way or sidewalk next to any city street or on any other public property in the Old and Historic District of the City of Charleston except in such area as shall be designated and marked by the department of traffic and transportation for such purpose and as is approved by city council.

(2) The director of traffic and transportation shall survey the Old and Historic District and report to city Council, on at least an annual basis, those areas in the nonresidential portions of the Old and Historic District which are appropriate for accommodating the location of stationary vendors selling food or drink with any alcohol contained therein and reading material, taking into consideration factors such as vehicular and pedestrian circulation, access, availability of parking, street and/or sidewalk width and such other factors as he may deem necessary to protect the public health, welfare and safety; provided, however, that under no circumstances shall a vendor space designated for the sale of food or drink with any alcohol contained therein and reading material be located within one hundred (100) feet of the entrance to a church or within one hundred (100) feet of a residentially designated district; and provided further that when the director of traffic and transportation annually surveys the nonresidential portions of the Old and Historic District to determine the appropriate location of any vendor space, he shall seek to avoid locating stationary street vendors who sell food or drink with any alcohol contained therein and reading material unreasonably close to existing restaurants or to other designated vendor spaces.

(3) Vendor spaces designated for the sale of food or drink with any alcohol contained therein and reading material from stationary carts or other vehicles or devices shall be available to interested vendors on a daily basis, 7:00 a.m. to 7:00 p.m., on a first come, first serve basis unless such spaces are franchised or unless designated by city council as not being available to interested vendors on a daily basis, 7:00 a.m. to 7:00 p.m. on a first come, first serve basis if not franchised in accordance with this section.

(4) No person shall engage in the sale of food or drink with any alcohol contained therein and reading material from a stationary cart or other vehicle or device from a vendor space unless:

(a) He has secured a business license, a peddler's permit for himself and any employee who shall operate his stationary cart or other vehicle or device approved by the police department and issued by the business license division, and a decal from the business license division displayed as follows:

1. The decal shall be prominently displayed on the stationary cart or other vehicle or device from which food or drink with any alcohol contained therein and reading material is dispensed; and

2. The peddler's permit issued to the vendor or his employee operating the stationary cart or other vehicle or device and the vendor's business license shall either be prominently displayed on the
vendor's stationary cart or other vehicle or device or available from the vendor or his employee operating the stationary cart or other vehicle or device on demand; and

(b) He can and does confine all operations incident to the sale of food or drink with any alcohol contained therein and reading material within the perimeter of the vendor space; and

(c) He has paid such fees as may be set by city council for the privilege of utilizing such vendor space(s); and

(d) He has filed with the director of traffic and transportation a duly executed indemnification/hold harmless agreement with the city concerning the use of the designated vendor space.

(5) Nothing herein shall be construed to prevent the director of traffic and transportation, at the direction of city council, from designating vendor spaces on a temporary basis as and when city council may deem appropriate.

(6) Authority of the director of traffic and transportation regarding bidding and franchising procedures for all vendor spaces designated for the sale of food or drink with any alcohol contained therein and reading material is delineated as follows:

(a) The director of traffic and transportation shall have the authority to recommend to the committee on traffic and transportation that any or all vendor spaces designated for the sale of food or drink with any alcohol contained therein and reading material be made available only pursuant to a competitive bidding process and the execution of a franchise agreement with the successful bidder. The city may reject any or all bids.

(b) In determining whether such a recommendation is warranted, the director of traffic and transportation shall consider whether the demand for any vendor space from competing vendors is, or could be, disruptive to the public order or has resulted, or could result, in undue burden on enforcement officials.

(c) Upon the committee on traffic and transportation approving the franchising of certain vendor spaces, the director of traffic and transportation, with input from corporation counsel, shall draft bid specifications, which shall include, at a minimum:

1. The location of the vendor space proposed to be franchised;

2. A requirement of such minimum bid as shall be approved by the ways and means committee;

3. A provision to allow for the payment of the franchise fee on at least a semiannual basis;

4. A limitation on the term of the franchise agreement to no more than one year;

5. A requirement for the acquisition of public liability insurance in such amounts as shall be recommended by corporation counsel;
6. A prohibition against the assigning or subletting of any vendor space or franchise agreement;

7. A requirement that the successful bidder acquires and maintains a current City of Charleston business license;

8. A provision requiring the successful bidder to comply and maintain compliance with applicable rules and regulations as may be promulgated by the South Carolina Health Department; Except as prohibited by subsection 17-121(3) a limitation on the hours of operation from 7:00 a.m. to 7:00 p.m., with a provision allowing for the franchised vendor space to be available to other licensed vendors for any day during the term of the franchise agreement that the successful bidder is not open for business in the franchised vendor space by 11:00 a.m., or if he thereafter vacates the franchised vendor space during the day;

9. A requirement that the successful bidder remove all vending apparatus from the vendor space at the end of each day and to otherwise maintain the area in and around the vendor space in a clean condition, free of trash and rubbish;

10. A requirement forbidding meter feeding or encroaching on any property outside the vendor space;

11. Provisions for the suspension or cancellation of the franchise agreement;

12. A provision requiring the use of recyclable or biodegradable containers; and

13. A provision allowing the city to reject any or all bids not deemed by it to be in the best interest of the city.

(d) No bid specifications shall be put out for bid until they have first been approved by the committee on ways and means.

(7) Authority of the department of traffic and transportation regarding the lawful and/or appropriate placement of stationary carts for the sale of food or drink with any alcohol contained therein and reading material in areas outside of the Old and Historic District is delineated as follows:

(a) In areas outside the Old and Historic District, the sale of food or drink with any alcohol contained therein and reading material from stationary carts or other stationary vehicles that are placed, parked or stopped in or upon any other public property shall be unlawful, except in such areas as may be designated and marked by the department of traffic and transportation for such purposes.

(b) In determining whether a location outside the Old and Historic District is appropriate to accommodate a stationary cart or stationary vehicle selling food or drink with any alcohol contained therein and reading material, the director of traffic and transportation shall consider the vehicular and pedestrian circulation around the proposed space, the availability of parking, street and/or sidewalk width, access and such other factors as he may deem necessary to protect
the public health, safety and welfare; provided however, that the director of traffic and transportation shall not designate a space for the sale of food or drink with any alcohol contained therein and reading material within one hundred (100) feet of the entrance to a church or within one hundred (100) feet of a residentially designated district; and provided further, the director of traffic and transportation shall seek to avoid having stationary street Vendors selling food or drink with any alcohol contained therein and reading material unreasonably close to existing restaurants or other designated street vending spaces.

(c) The director of traffic and transportation shall have the authority to recommend to the committee on traffic and transportation that any of the spaces designated for the sale of food or drink with any alcohol contained therein and reading material pursuant to the provisions of this section be made available only pursuant to a competitive bidding process and the execution of a franchise agreement with the successful bidder. The city may reject any or all bids. In determining whether such a recommendation is warranted, the director of traffic and transportation shall consider whether the demand for the space or spaces is, or could be, disruptive to the public order or has resulted, or could result, in undue burden on enforcement officials. If such a recommendation is made, and thereafter approved by the committee on traffic and transportation, the director of traffic and transportation, with input from corporation counsel, shall prepare bid specifications incorporating the provisions of this section.

(d) No bid specifications shall be put out for bid until they have first been approved by the committee on ways and means.

(e) Any spaces not franchised shall be available to licensed vendors pursuant to the criteria set forth in this section except as prohibited by subsection 17-121(3).

B. Vending of Food or Drink or Reading Material within the Central Business District.

(1) Any sale of food, drink or alcoholic beverages from a mobile food vendor from a mobile food vendor vehicle that is placed, parked or stopped on private property in the Central Business District of the City of Charleston shall be subject to the following regulations in their operation:

(a) No mobile food vendor shall operate within 100 feet from the door of a lawfully established eating establishment that is actively open for business serving customers, unless the mobile food vendor provides documentation, which is signed by the restaurant owner, that the restaurant owner interposes no objection to a closer proximity. If a restaurant opens within the 100 foot zone after the mobile food vendor has their annual permit, the mobile food vendor may remain in that location until the following annual permit is due at which time they would have to obtain a written permission from the new restaurant owner. Exceptions may be granted for activities that have obtained a Special Event Permit.

(a) No person shall engage in a mobile food vendor operation unless they have obtained a valid business license, a peddler’s permit for himself and any employee operating at the location, and a current Mobile Food Vendor Operational Permit from the Fire Marshal Division. Required documentation will be readily displayed and made available upon request, including written permission from landowner.
(e) A mobile food vendor operating under this division shall submit to the city an application that must include:

(i) The written permission from the private property owner for each location, and lease agreement, if any.
(ii) A list of all request sites to include the property owner and physical address.

(b) No mobile food vendor may operate outside the hours of 8:00 a.m. to 1:00 a.m. At the end of each business day’s operation, the vendor shall remove from the parcel the mobile food vendor vehicle operation and all materials associated with the business.

(c) No mobile food vendor shall sound any device or play music which produces an offensive or loud noise to attract customers, and vendors shall not use any public address system on the vehicle to broadcast or advertise products. All mobile food vendors to which this section applies shall also comply with the noise restrictions in the late night entertainment establishment operational regulations listed in Section 17-126.

(d) It shall be the responsibility of the mobile food vendor to position their operation, vehicle, and equipment, in such a manner to reduce or eliminate interruptions of the public way. Operations shall not block or obstruct the public way, generate patron lines that obstruct sidewalks, streets, or public ways, or similar. The vendor shall locate at least 10’ from the public way, or further, to reduce the potential for obstructions.

(c) for purposes of this section, mobile food vendor may include a truck, cart, trailer, vehicle or similar temporary configurations to provide food or beverage service.

Section 2. This ordinance shall become effective immediately upon ratification.

Ratified in City Council this ___ day of _____ in the Year of Our Lord, 2021 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
AN ORDINANCE

TO AMEND THE CODE OF CITY OF CHARLESTON, SOUTH CAROLINA, CHAPTER 3, ARTICLE II: WINE AND BEER, SECTION 3-16: HOURS OF SALE RESTRICTED TO ADD ALCOHOLIC LIQUORS AND ALCOHOL-INFUSED PRODUCTS AND UPDATE LIST OF COMMERCIAL ESTABLISHMENTS.

WHEREAS, in light of recent events of social upheaval in the late hours of the evening within the Central Business District in the City of Charleston;

WHEREAS, additional efforts are necessary to control the Central Business District in the late hours to protect the lives of residents, visitors, patrons and employees of restaurants and bars, and City staff and officers working within the District and to promote public safety overall on the peninsula;

WHEREAS, as a part of those efforts to manage crowd control after 1 a.m., the City needs authority to control the hours of sale of alcoholic beverages within the Central Business District;

WHEREAS, the City is authorized and desires to adopt amendments to its Ordinances to promote these goals; and

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

Section 1. Chapter 3, Article II, Section 3-16 of the Code of the City of Charleston is hereby amended as follows:

ARTICLE II. WINE, BEER, ALCOHOLIC LIQUORS AND ALCOHOL-INFUSED PRODUCTS

Sec. 3-16. Hours of sale restricted.
It shall be unlawful within the city for the owner or person in charge of any store, beer parlor, bar, restaurant, or other place of business or commercial establishment to sell, give away or, in any manner, dispense or permit the consumption of any wine, beer, alcoholic liquors, or alcohol-infused products or malt liquors in such store, beer parlor, bar, restaurant, or other place of business or commercial establishment between the hours of 1:30 a.m. and 7:00 a.m.; provided, however, that, any establishment licensed pursuant to S.C. Code 1976, section 61-5-10 et seq., shall be authorized to sell such products during those hours in which the sale of alcoholic beverages in containers of two (2) ounces or less is lawful.
Section 2. This ordinance shall become effective immediately upon ratification.

Ratified in City Council this ___ day of _____ in the Year of Our Lord, 2021 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